

AFRICA. No. 8 (1896).

P A P E R S

RELATING TO THE

EXECUTION OF MR. STOKES IN THE  
CONGO STATE.

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*Presented to both Houses of Parliament by Command of Her Majesty.  
August 1896.*

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Papers relating to the Execution of Mr. Stokes in the  
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No. 1.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, August 7, 1895.*

I HAVE been informed by the German Ambassador that a report has reached his Government to the effect that Mr. Stokes, a British subject, settled in German East Africa, had been arrested by the authorities in the Congo State in November last on a charge of supplying arms to the Arabs, and, after trial by court-martial, executed.

Count Hatzfeldt has further stated that, according to a report from the German Minister at Brussels, the Congo State Government are aware of the fact that Mr. Stokes was condemned to death on the charge referred to, and have promised to furnish further details.

I shall be glad if you will make inquiries, and furnish me with all the information you are able to obtain in regard to the case.

I am, &c.  
(Signed) SALISBURY.

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No. 2.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received August 9.)*

My Lord,

*Brussels, August 8, 1895.*

ON the receipt this morning of your Lordship's despatch of yesterday's date, I called at the Congo Foreign Department to inquire of M. Cuvelier, who is in charge during the absence on leave of M. van Eetvelde, as to the truth of the report which had reached your Lordship, that Mr. Stokes, a British subject, had been tried and executed in the Congo State some time last November.

M. Cuvelier admitted that something of the kind had taken place, but said he was not personally acquainted with all the details. He added that if I would address a formal request for information to the Department, he would see that a complete answer should be given me as soon as possible.

I have therefore just sent in the note copy of which is inclosed herewith, and I hope to have a reply within a very few days.

I had not heard of this event, which has, as far as I am aware, never been mentioned in any Brussels newspaper until yesterday afternoon, when the German Minister inquired whether I had not yet received instructions about it, and said that he had requested the Congo Government to furnish him with an explanation of what had really taken place.

I have, &c.  
(Signed) F. R. PLUNKETT.

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## Inclosure in No. 2.

*Sir F. Plunkett to Acting Secretary of State of Congo State.*

M. le Secrétaire d'État,

*Brussels, August 8, 1895.*

A REPORT has reached Her Britannic Majesty's Government that Mr. Stokes, a British subject settled in German East Africa, had been arrested in the Independent State of the Congo, in the month of November last, on a charge of supplying arms to the Arabs, and that, after trial by court-martial, Mr. Stokes had been executed.

In compliance with instructions received from the Marquess of Salisbury, I have the honour to request that you will inform me what foundation exists for this rumour; and, if it should be correct, I request that you will furnish me with an explanation of the circumstances which led to this execution of a British subject.

I avail, &c.

(Signed) F. R. PLUNKETT.

## No. 3.

*Sir F. Plunkett to the Marquess of Salisbury.--(Received August 12.)*

My Lord,

*Brussels, August 11, 1895.*

WITH reference to my despatch of the 5th instant, I have the honour to report that I called again yesterday morning on M. de Cuvelier, and informed him that your Lordship had received a telegram from Zanzibar which confirmed the report that the British subject, Stokes, had been hung by order of the Congo State authorities.

I impressed upon M. de Cuvelier that this might be a very serious matter, and added that Her Majesty's Government had just ground of complaint in the omission to inform either the British Vice-Consul at Boma or Her Majesty's Minister here of so grievous an occurrence. I therefore urged him to do what he could to repair as soon as possible this grave mistake, and begged he would at least let me have an answer to my note in time to forward it to your Lordship by to-day's messenger.

M. de Cuvelier said he would do his best, and begged me to believe that the Congo State Government had no desire to suppress any of the facts, but they had not wished to speak about the execution until they had received full details, and these had only just reached them.

He added that the execution of Stokes had only taken place in January, not in November, and that the post of Lindi was very far away, in the hitherto almost unknown district between Stanley Falls and Lake Albert Edward. He maintained that the Congo State had full proof of the culpability of Stokes, and he felt certain Her Majesty's Government would find there was no ground for complaint against the State authorities.

I said I would express no opinion until I had heard your Lordship's view of the justification which might be offered, and I again urged him to give me all the details as soon as ever possible.

This morning M. de Cuvelier called and handed me the explanatory Memorandum of which copy is inclosed herewith.

He said that, in the absence on leave of M. van Eetvelde, he gave me this reply in the form of an unsigned Memorandum, as time would have been lost in sending the document into the country to be signed by the Secretary of State.

I said I would at once forward this Memorandum to your Lordship, but that I expected your Lordship would require more complete information, and would probably instruct me to ask for a certified copy of the proceedings of the court-martial.

I have, &c.

(Signed) F. R. PLUNKETT.

## Inclosure in No. 3.

*Memorandum.*

LES renseignements actuellement en possession du Gouvernement de l'État du Congo le mettent à même de répondre à la demande du Gouvernement de Sa Majesté Britannique sur le point de savoir s'il est exact qu'un nommé Stokes a été arrêté dans

DSI

l'État Indépendant du Congo sous l'inculpation d'avoir fourni des armes aux Arabes et a été exécuté après avoir passé en jugement.

Le Conseil de Guerre de la Zone Arabe, siégeant au poste de la Lindi, a effectivement condamné à la peine de mort, le 14 Janvier dernier, un nommé Charles Henry Stokes.

Cette condamnation a été prononcée du chef d'excitation à la guerre civile, en raison des ventes d'armes, de poudre, et de munitions faites par le dit Stokes lui-même et sur ses ordres par les gens à sa solde aux Chefs Arabes Kilonga-longa, Saïd-ben-Abedi, et Kibonghe et à leurs bandes en guerre ouverte contre l'autorité de l'État.

L'instruction a établi à toute évidence de preuve que le prévenu avait installé en territoire de l'État, des dépôts importants d'armes et de munitions, dont il a fait de 1892 à 1894 cession aux Arabes révoltés sachant que ces approvisionnements étaient destinés à soutenir la lutte des esclavagistes contre les troupes de l'État.

*Bruxelles, le 11 Août, 1895.*

(Translation.)

THE information at present in the possession of the Government of the Congo State enables it to answer the question of Her Majesty's Government as to whether it is true that one Stokes has been arrested in the Congo Free State on the charge of having furnished arms to the Arabs, and has, after trial, been executed.

The court-martial of the Arab Zone, sitting at the station of Lindi, did, it is true, condemn to death, on the 14th January last, one Charles Henry Stokes.

This sentence was pronounced on the ground of incitement to civil war by reason of sale of arms, powder, and munitions of war made by the said Stokes both in person, and by his orders by persons in his pay, to the Arab Chiefs Kilonga-longa, Saïd-ben-Abedi, and Kibonghé, and to their men who were in open war against the authority of the State.

The inquiry furnished satisfactory proof that the accused had established large stores of arms and munitions of war in the territory of the State, with which from 1892-94 he provided the rebellious Arabs, knowing that these stores were intended to assist the struggle of the slave-traders against the troops of the Free State.

*Brussels, August 11, 1895.*

No. 4.

*Sir E. Malet to the Marquess of Salisbury.—(Received August 19.)*

(Extract.)

*Berlin, August 17, 1895.*

I HAVE the honour to report that the "Kolonialblatt" of the 1st ultimo published a notice to the following effect :—

"According to a report from Bukoba, the trader Stokes has been taken prisoner and murdered to the west of Ruanda, in the Manjema territory. He is said to have had with him 700 elephants' tusks, which must have fallen into the hands of the robbers. This news comes from English Wagandas, but not from eye-witnesses."

Herr von Schwarzkoppen, who, in Dr. Kayser's absence on leave, is Acting Head of the Colonial Department, alluding to the subject this morning, said that, even if the accusation brought against Mr. Stokes could be proved, the action of the Congo officials was none the less to be deplored, affording as it does a convincing proof to the Arab traders and native tribes that the Europeans do not always work together in Africa.

## No. 5.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, August 21, 1895.*

YOU will have seen in the telegram from Mr. Hardinge that it is reported from Uganda that Mr. Stokes was hanged at Lindi by the sentence of a Judge. This confirms the information supplied to you and forwarded in your despatch of the 11th instant.

It is necessary that Her Majesty's Government should know precisely the nature of the Tribunal, the form of trial, the charge, the evidence adduced in support of it, and the reasons which are adduced in justification of the capital sentence. I have to request you to say that Her Majesty's Government have no wish to embarrass the Congo State Government, but that it is incumbent on them to require the fullest explanation of so grave an incident.

I am, &c.

(Signed) SALISBURY.

## No. 6.

*Sir E. Malet to the Marquess of Salisbury.—(Received August 26.)*

My Lord,

*Berlin, August 23, 1895.*

WITH reference to my despatch of the 17th instant, I have the honour to report that Baron von Marschall inquired this afternoon whether anything further had been heard with regard to the condemnation by court-martial and execution of Mr. Stokes by the authorities of the Congo State.

Mr. Gosselin replied that your Lordship had instructed Her Majesty's Minister at Brussels to make inquiries, and furnish Her Majesty's Government with all the information that could be obtained with regard to the case; but that probably some time would elapse before full details of this regrettable circumstance were received at the Congo Foreign Office.

Baron von Marschall replied that it was time these high-handed proceedings of the Congo Government should be taken "au sérieux." Mr. Stokes was, as far as the German Government were aware, a most excellent man, long established in East Africa; he had always maintained very good relations with the German authorities, and some two years ago His Majesty had bestowed on him a Prussian decoration (the third or fourth class of the Kronen Order). He was known to be a most energetic and successful trader in ivory, which he was in the habit of exporting to Europe viâ the East Coast; and his Excellency was convinced that this was the reason he had been made away with, and not on account of an alleged sale of arms to Arabs, his death being, in fact, not an act of justice, but one of commercial protection, neither more nor less.

The authorities of the Independent State had long been doing all they could to divert the ivory trade from the East to the West Coast, and this act was a proof of the lengths to which they were prepared to go in carrying out this policy.

Germany would not allow this scheme to be continued; she was well content to have the Congo State as a neighbour, provided she minded her own concerns, and behaved as a neutral State was bound to do; but this had not been the Congo Government's recent line of action; only a short time back an armed force had crossed the German frontier and violated German territory, and such acts as this and Mr. Stokes' death could no longer be tolerated.

In reply to an inquiry as to where the incident complained of had occurred, Baron von Marschall replied that it was somewhere in the neighbourhood of Lake Tanganyika.

As illustrating the good relations between Mr. Stokes and the German East African Administration, and the considerable trade he had developed in East Africa, it may be mentioned that the official Memorandum on the Colony for 1893-94 states that, besides the cutter owned by Mr. Stokes on the Victoria Nyanza, he had hired two of the three sailing-boats taken over in December 1893 by the Colony from the Anti-Slavery Society with their crews, "whereby the Colonial Treasury made a net gain of 195 rupees a-month."

I have, &c.

(For Sir E. Malet),  
(Signed) MARTIN GOSSELIN.



## No. 7.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received August 26.)*

(Extract.)

*Brussels, August 24, 1895.*

I HAVE the honour to forward herewith copy of the note which I addressed to the Secretary of State of the Congo Government, on receipt of your Lordship's despatch of the 21st instant, instructing me to obtain the fullest possible details as to the execution of Mr. Stokes.

I took the note myself to the Congo Department, in order to impress verbally upon M. de Cuvelier, who, as your Lordship knows, is in temporary charge during the absence on leave of M. van Eetvelde, the gravity of the question, and the necessity of now furnishing the fullest information without further delay.

I found that M. de Cuvelier was also on leave, so I called this morning upon Major Liebrechts, the next in office.

He said he had forwarded my note already yesterday evening to M. van Eetvelde in the country, and hoped I should soon receive an explanation, which he had no doubt Her Majesty's Government would find justified the execution.

I begged he would warn M. van Eetvelde from me that this affair threatened to assume very serious proportions, and that I therefore urged the Congo Government, in their own interest, to take the matter thoroughly in hand at once, and let me have all available details at the earliest possible date.

Major Liebrechts promised to repeat to M. van Eetvelde, at once, the serious warning which I had given him.

Inclosure in No. 7.

*Sir F. Plunkett to the Congo Department.*

M. le Secrétaire d'État,

*Brussels, August 23, 1895.*

WITH reference to the note which I had the honour of addressing to your Excellency on the 8th instant, and to the Memorandum which was handed to me on the 11th instant by M. de Cuvelier respecting the execution of the British subject Stokes by the Congo State authorities. I have been instructed by the Marquess of Salisbury to state that it is necessary for Her Majesty's Government to know precisely the nature of the Tribunal, the form of trial, the charge, the evidence adduced in support of it, and the reasons which were adduced in justification of the capital sentence.

Her Britannic Majesty's Government have no desire to embarrass the Government of the Congo State, but it is incumbent on them to require the fullest explanation of so grave an incident.

I have, therefore, the honour to request that your Excellency will be so good as to furnish me with these necessary details as soon as possible.

I have, &c.  
(Signed) F. R. PLUNKETT.

No. 8.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, August 31, 1895.*

I HAVE received your despatch of the 24th instant, inclosing copy of a note addressed by you on the 23rd instant to the Government of the Congo State respecting the execution of Mr. Stokes, and reporting a conversation which took place between you and Major Liebrechts on the same subject.

The terms of the note addressed to the Congo State Government, as well as the language which you held to Major Liebrechts on the subject, are approved.

I am, &c.  
(Signed) SALISBURY.

*Sir E. Malet to the Marquess of Salisbury.—(Received September 2.)*

My Lord,

*Berlin, August 30, 1895.*

IN the course of conversation this morning Baron von Marschall spontaneously reverted to the execution of Mr. Stokes by the authorities of the Congo State, and said that the German Representative at Brussels had been instructed to address a note on the subject to the Congo Foreign Office.

To Mr. Gosselin's inquiry as to whether any answer had been received, his Excellency replied that, to the verbal communication which was made in the first instance, the Congo Minister had replied that he must, before pronouncing any opinion on the subject, await the arrival in Brussels of the full account of the incident complained of.

As Mr. Stokes' execution is reported to have taken place in January last, Baron von Marschall said that there had been ample time for the Local Administration to have furnished a detailed account of the proceeding, and the German Representative has now been instructed to address a "strongly worded" note to the Congo Foreign Office on the subject.

His Excellency again referred to the high-handed proceedings of the Congo Free State with regard to the efforts so persistently made to acquire a monopoly of the ivory trade, and to the violation of German territory mentioned in my despatch of the 23rd instant, adding that it was high time that the autocratic Government of what should be a neutral State learnt the limits within which its actions must for the future be confined.

I have, &c.  
(For Sir E. Malet),  
(Signed) MARTIN GOSSELIN.

No. 10.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 2.)*

My Lord,

*Brussels, August 31, 1895.*

I HAVE the honour to forward herewith copy of the note, with nine inclosures in original, which I have this moment received from the Congo State Government, in explanation and justification of the execution of Mr. Stokes.

This note, which is signed by M. van Eetvelde, was brought to me by M. de Cuvelier.

I said I should forward these documents to your Lordship by to-morrow's messenger, and that, meanwhile, I must reserve all comment upon them until I receive your instructions.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 10.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruelles, le 31 Août, 1895.*

J'AI l'honneur d'accuser à votre Excellence la réception de sa lettre du 23 Août dernier, par laquelle elle veut bien m'exprimer le désir du Gouvernement de Sa Majesté d'être entièrement mis au courant des circonstances qui ont amené la condamnation du sujet Anglais Stokes, de la nature du tribunal qui l'a prononcée, de la procédure suivie, de l'accusation, et de ses preuves.

Je ne pourrais mieux donner satisfaction à ce désir du Gouvernement Britannique qu'en lui communiquant par l'intermédiaire de votre Excellence, les copies des pièces d'instruction et de jugement relatives à cette poursuite criminelle et qui sont ici annexées.

Comme votre Excellence constatera à la lecture de ces documents la condamnation de Stokes a été prononcée au poste de la Lindi par le Conseil de Guerre de la Zone Arabe,

légalement institué en vertu des dispositions sur la matière, et où siégeait comme Juge M. le Commandant Lothaire.

Le Jugement (Annexe 1) rendu à la suite de la procédure ordinaire, précise les crimes dont était prévenu Stokes et constate leur pertinence. Le Conseil de Guerre a puisé les preuves de la culpabilité de Stokes dans les dépositions faites par les témoins dans l'instruction et à l'audience (Annexes 2 et 3) ainsi que dans les papiers personnels émanant du prévenu lui-même et saisis. Celui-ci a demandé à présenter sa défense par écrit et le Mémoire qu'il a adressé à ce sujet au Juge du Conseil forme l'Annexe 4.

L'accusation reprochait entre autres à Stokes d'approvisionner les Arabes révoltés d'armes et de munitions, et d'exciter par là à la guerre civile, en territoires soumis au régime militaire, crime que la loi punit de mort. Elle lui imputait, comme faits précis et établis, ceux d'avoir en Décembre 1892 vendu au Chef Arabe Kilonga-longa un dépôt d'armes et de munitions installé sur le territoire de l'État, et, en second lieu, d'avoir en Novembre et Décembre 1894, vendu lui-même ou fait vendre par des gens à sa solde, des armes et munitions aux bandes Arabes révoltées.

La première accusation n'a pas été niée par le prévenu (Annexe 4); quant à la seconde, elle a été établie non seulement par les dépositions des témoins mais aussi par les papiers écrits de la main du prévenu. Il y a été trouvé entre autres, la liste des marchandises confiées par Stokes à chacun de ses Nyamparas pour aller acheter de l'ivoire (Annexe 5). Et son journal de route mentionne (Annexe 6), à la date du 13 Septembre, 1894: "Discussion avec les Wangwana, gens d'Abedi, qui consentent à prendre toutes mes charges à raison de deux frasillahs par charge." L'Annexe 7 joint à ce journal de route indique le détail de ces charges.

Je livre avec confiance ces faits à l'appréciation du Gouvernement de la Reine, en ajoutant que les Rapports d'un officier Anglais, le Capitaine Lugard, publiés officiellement, fournissent des détails significatifs sur la valeur morale de Stokes. En signalant à votre Excellence d'une manière générale l'ensemble de ces Rapports, où il est fréquemment question de Stokes, je crois bien faire toutefois en en joignant ici des extraits (Annexe 8), qui montrent que le Capitaine Lugard eut à se plaindre des agissements de Stokes, précisément en matière d'importation dans l'Uganda d'armes et de munitions prohibées.

Il suffirait au surplus de prendre connaissance de la lettre que Stokes adressait au Commandant Lothaire en faveur de Kibonghé (Annexe 9) pour le montrer sous un jour défavorable.

Je saisis, &c.  
(Signé) E. VAN EETVELDE.

(Translation.)

Sir,

*Brussels, August 31, 1895.*

I HAVE the honour to acknowledge receipt of your letter of the 23rd August, expressing the desire of Her Majesty's Government to be placed in full possession of the circumstances which led to the condemnation of the British subject Stokes, of the nature of the Tribunal which pronounced sentence, of the procedure followed, of the charge, and of the evidence.

I cannot better satisfy this desire of the British Government than by the communication, through you, of copies of the documents in the case, and of the sentence. These copies are annexed herewith.

As you will gather from their perusal, the sentence on Stokes was pronounced at the post of Lindi by the court-martial of the Arab Zone legally instituted in accordance with the provisions of the law relating to such matter, and presided over by Commandant Lothaire as Judge.

The sentence (Annex 1) pronounced at the conclusion of the customary procedure defines the crimes of which Stokes was accused, and establishes the justice of the charges. The court-martial drew its proofs of Stokes' culpability from the depositions of the witnesses in the preliminary investigation and in Court (Annexes 2 and 3), as well as from the private papers belonging to the accused himself, which were seized. The accused claimed to make his defence in writing, and the Memorandum which he addressed on the subject to the Judge of the Court forms Annex 4.

Among other accusations Stokes was charged with supplying arms and ammunition to the rebellious Arabs, and further with inciting them to civil war in territories which were subject to martial law, a crime the law punishes with death. He was charged, as clearly

established facts, first, with having in December 1892 sold to the Arab Chief Kilonga-longa a supply of arms and ammunition stored within the territory of the State, and in the second place with having himself sold, or caused to be sold by men in his pay, in November and December 1894 arms and ammunition to the rebellious Arab bands.

The first charge was not denied by the accused (Annex 4); the second charge was proved, not only by the depositions of the witnesses, but also by the papers written by the accused himself. Among other papers was found the list of the merchandize which Stokes had intrusted to each of his Nyamparas for the purchase of ivory (Annex 5). And his diary mentions (Annex 6), under date of the 13th September, 1894: "Discussion with the Wangwana, people of Abedi, who agree to take all my loads at a price of 2 frasilahs per load." Annex 7, which is annexed to this diary, explains the character of these loads.

I bring these facts with confidence to the knowledge of Her Majesty's Government, adding that the Reports of an English officer, Captain Lugard, which have been published officially, furnish important details on Stokes moral character. In acquainting you generally with the contents of these Reports, which make frequent mention of Stokes, I think it right at the same time to inclose extracts (Annex 8) which prove that Captain Lugard complained of the action of Stokes on the very ground of importing arms and ammunition into Uganda contrary to the regulation.

Finally, the examination of the letter which Stokes addressed to Commander Lothaire in favour of Kibonghé (Annex 9) would be sufficient to show him in an unfavourable light.

I avail, &c.  
(Signed) E. VAN EETVELDE.

#### Annex 1.

AU nom de Sa Majesté Léopold II, Roi-Souverain de l'État Indépendant du Congo :

Ce jourd'hui, 14 Janvier, 1895, devant le Conseil de Guerre de la Zone Arabe, où siégeait comme Juge Lothaire, Hubert-Joseph, Commandant de la Zone Arabe, a comparu le nommé Charles Henry Stokes, sujet Anglais, s'occupant d'affaires commerciales avec indigènes et Arabes à la Côte Orientale d'Afrique, prévenu—

1. D'avoir vendu aux bandes Arabes de Kilonga-longa, Saïd-ben-Abedi, Kibonghé, de la poudre, fusils, capsules, provenant d'un dépôt établi par lui en Décembre 1892, à M'Kaubi, territoire de l'État Indépendant du Congo.

2. D'avoir fait vendre par des gens à sa solde, Unyamouesi ou autres originaires de la Colonie Allemande de Dar-es-Salam, de la poudre, fusils à capsules, capsules et fusils à cartouches aux dites bandes révoltées contre le Gouvernement de l'État Indépendant du Congo, et ce, aux mois de Novembre et Décembre 1894.

3. D'avoir vendu lui-même à Kibonghé et à ses bandes et aux bandes de Saïd-ben-Abedi révoltées contre le Gouvernement de l'État Indépendant du Congo, et ce, au mois de Novembre 1894, la poudre, les fusils et capsules que comportait sa caravane.

Où les témoins dans leurs dépositions :

Où le prévenu dans ses dires et moyens de défense :

Le Conseil de Guerre de la Zone Arabe :

Attendu qu'il est établi qu'en Décembre 1892, le Sieur Stokes a établi dans le territoire de l'État du Congo un dépôt de poudre, fusils, capsules et qu'il a vendu ce dépôt à Kilonga-longa moyennant le payement de 300 frasilahs (36 livres la frasilah) d'ivoire ;

Attendu qu'à cette époque il a fait à Kilonga-longa vente d'un fusil à deux coups système "Hamless" contre payement de deux frasilahs d'ivoire et que les munitions de ce fusil ne comportaient que des cartouches à balles ;

Attendu qu'en Novembre et Décembre 1894 il a fait vendre par des gens à sa solde de la poudre, fusils, capsules, aux bandes révoltées contre le Gouvernement de l'État du Congo ;

Attendu que lui-même se trouvant sur les lieux ne pouvait ignorer de l'état de révolte dans lequel se trouvaient ces bandes ;

Attendu que par ses promesses d'appui faites à Kibonghé, d'un passage pour la côte de Zanzibar et par la vente de poudre, capsules, et fusils que lui-même a faite à

Kibonghé, dans la personne des émissaires de celui-ci, il n'a fait qu'activer la révolte, que par l'appui moral et matériel qu'il leur donnait, il leur permettait de résister au Gouvernement.

Vu les Articles 10 du Décret du 10 Mars, 1892, et 28 du Code Pénal Militaire dont lecture a été donnée à l'audience ;

Condamne :

Le Sieur Charles Henry Stokes, sujet Anglais, à la peine de mort.  
L'exécution de la peine aura lieu par pendaison demain au poste de la Lindi.

Prononce :

Confiscation des biens et marchandises diverses apportées par le Sieur Stokes sur le territoire de l'État Indépendant.

Fait au poste de la Lindi les jour, mois, et an que dessus.

Le Juge du Conseil de Guerre de la Zone Arabe :  
(Signé)                   LOTHAIRE.

(Translation.)

IN the name of His Majesty Leopold II, Sovereign of the Independent State of the Congo :

Charles Henry Stokes, British subject, engaged in trading with natives and Arabs, was this day, the 14th day of January, 1895, brought before the court-martial of the Arab Zone, of which Hubert Joseph Lothaire, Commander of the Arab Zone, was President, and charged—

1. With having sold to the Arab bands of Kilonga-longa, Saïd-ben-Abedi, Kibonghé, powder, guns, and caps, supplied from a store established by him in December 1892 at M'Kaubi, in the territory of the Independent State of the Congo.

2. With having caused to be sold by men in his pay, Wanyamwezi or other natives of the German Colony of Dar-es-Salaam, powder, cap-guns, caps, and breech-loading guns to the said bands in revolt against the Government of the Independent State of the Congo, in the months of November and December 1894.

3. With having himself sold to Kibonghé and to his tribesmen, and to the tribesmen of Saïd-ben-Abedi, in revolt against the Government of the Independent State of the Congo, in the month of November 1894, the powder, guns, and caps brought by the caravan.

After hearing the witnesses ;

After hearing the statements and defence of the accused :

The court-martial of the Arab Zone :

Whereas it has been proved that in December 1892 Mr. Stokes established a store of powder, guns, and caps in the territory of the Congo State, and that he sold this store to Kilonga-longa in return for the payment of 300 frasillahs of ivory (36 lbs. to the frasillah) ;

Whereas at that time he sold to Kilonga-longa, for two frasillahs of ivory, a double-barrelled hammerless gun, the ammunition for which consisted solely of ball cartridges ;

Whereas in November and December 1894 he caused powder, guns, and caps to be sold to the tribes in revolt against the Government of the Congo State by men in his pay ;

Whereas he could not but know, being himself on the spot, that the tribes were in a state of revolt ;

Whereas he assisted the rebels, both by his promises to Kibonghé of support and of a safe-conduct to the Zanzibar coast, and by having himself sold to Kibonghé, through the medium of this latter's emissaries, powder, caps, and guns, and enabled the rebels to offer resistance to the Government by means of the support, both moral and material, which he lent them ;

In virtue of Articles 10 of the Decree of the 10th March, 1892, and 28 of the Penal Military Code, which have been read before the Court ;

Condemns ;

Charles Henry Stokes, British subject, to the penalty of death.  
The sentence to be carried out by hanging to-morrow at the station of Lindi.

## Decrees:

Confiscation of the various goods and merchandize introduced by Stokes into the Free State.

Done at the station of Lindi on the day, month, and year as above.

The President of the Court-martial of the Arab Zone,

(Signed)           LOTHAIRE.

## Annex 2.

*Conseil de Guerre de la Zone Arabe.—Audience du 14 Janvier, 1895.*

Déposition du témoin Muinié Amici Wadi Pasi, né à Dar-es-Salam :

*D.* Vous avez vu les marchandises envoyées par Mr. Stokes à Kilonga-longa en échange d'ivoire ?—*R.* Oui ; j'ai vu de la poudre, je ne sais pas le nombre de charges étoffes capsule (une charge). J'ai vu des fusils : je n'en connais pas le nombre.

*D.* Quand les Uniamouési, porteurs de Mr. Stokes, sont venus à Mawambi (Kilonga-longa) apportaient-ils de la poudre et des fusils (il y a environ deux mois que ce voyage s'est fait) ?—*R.* Je leur ai vu vendre de la poudre.

(Signé)           LOTHAIRE.

Déposition du témoin Saleh-ben-Ossini, né à Rufigni (Dar-es-Salam) :

*D.* Vous avez vu les marchandises envoyées à Kilonga-longa pour échange d'ivoire ?—*R.* Non ; je n'ai pas vu.

*D.* Vous avez été chez Mr. Stokes ?—*R.* Oui ; j'y ai été envoyé par Kibonghé avec Moihin Fêtet pour arranger les affaires au sujet du pillage des étoffes envoyées par Mr. Stokes à Kilonga-longa.

*D.* Que vous a dit Mr. Stokes ?—*R.* Je veux avoir 1,200 frasillahs pour mes marchandises. J'ai envoyé 90 ballots d'étoffes, 100 fusils—poudre (j'ai oublié la quantité)—300 boîtes de capsules. Mr. Stokes m'a dit : "Vous avez tué mon envoyé Djuma et pris mes marchandises ; vous me payerez pour le tout 1,200 frasillahs."

*D.* Vous avez vu les porteurs de Mr. Stokes venir chercher l'ivoire à Kilonga-longa. Que portaient-ils ?—*R.* Ils avaient de la poudre et des fusils.

*D.* Les Uniamouési arrivés à Kilonga-longa ont vendu de la poudre et des fusils ?—*R.* Oui ; je les ai vus. Un Nyampara Moina N'Goi (Msabira) a vendu à Kalindoula un fusil à deux coups et soixante cartouches.

*D.* Où avez-vous vu Mr. Stokes ?—*R.* A Kwa M'Pini près de l'Ituri, à sept ou huit jours de marche de Kilonga-longa.

(Signé)           LOTHAIRE.

Déposition du témoin Kalindoula, Bakussu :

*D.* Où avez-vous eu le fusil "Hamerless" et les cartouches que vous m'avez remises ?—*R.* Ce fusil a été envoyé par Mr. Stokes à Kilonga-longa avec 100 cartouches dont 70 à balles. Je l'ai eu à la mort de Kilonga-longa pour le remettre à Saïd-ben-Abedi ou Kibonghé. Kilonga-longa a donné en échange du fusil 2 frasillahs d'ivoire (70 livres).

*D.* Vous avez vu les marchandises envoyées à Kilonga-longa par Mr. Stokes pour achat d'ivoire ?—*R.* J'avais été envoyé à Kilonga chercher de l'ivoire pour le transporter à Kirundu. Arrivé là, j'ai appris la mort de Kilonga-longa et on m'a remis le fusil que je vous ai donné. J'ai entendu dire que Mr. Stokes avait envoyé des étoffes, poudre, fusils, capsules pour 300 frasillahs d'ivoire. J'ai vu une partie des marchandises. J'ai voulu rentrer à Kirundu, mais en route j'ai rencontré Kibonghé fugitif, chassé de Kirundu par la guerre. Je suis revenu avec lui à la Lindi où nous avons appris que les marchandises envoyées par Stokes avaient été pillées par les Bakussus.

Stokes réclamant un paiement, j'ai été envoyé par Kibonghé pour arranger les affaires avec lui. Il a réclamé 1,200 frasillahs. J'ai protesté en disant que le prix convenu était de 300. Il a dit que c'était vrai, mais comme on avait tué deux de ses gens et pillé au lieu d'acheter, il en voulait 1,200.

*D.* Vous avez acheté un fusil de chasse il y a deux mois aux porteurs de Stokes à Kilonga-longa ?—*R.* J'ai acheté un fusil à deux coups et 60 cartouches à Kinkambi,

homme de Moina Houti. J'ai acheté 14 fusils à capsules à Pini, Nyampara de Stokes. J'ai acheté 3 barils de poudre à Kitoula, Nyampara de Stokes. J'ai remis deux barils à vos soldats à leur arrivée ici.

Ces fusils avaient été donnés par Stokes à ses porteurs Uniamouési.

Le fusil à deux coups que je viens d'acheter à Moina Houti a été échangé, contre une femme avec Kinena. Celui-ci à l'arrivée de vos soldats qui devaient l'arrêter, s'est sauvé dans les bois où il est resté dix jours. Il y a perdu le fusil.

(Signé) LOTHAIRE.

Déposition du témoin Sangaliminet, Bakussa :

*D.* Vous avez vu les marchandises envoyées par Stokes à Kilonga-longa pour acheter de l'ivoire?—*R.* J'ai vu de la poudre, fusils, capsules, étoffes, envoyés par Stokes à Kilonga-longa.

J'ai vu : une charge de capsules, 20 charges de poudre, 50 fusils, beaucoup de ballots d'étoffes.

(Signé) LOTHAIRE.

Déposition du témoin Massah-ben-Adji, Chargé d'Affaires de Kibonghé, et Saïd-ben-Abedi, dans la région de l'Itouri, né aux Iles Comores :

Une lettre du Gouvernement Allemand nous a été envoyée par un Blanc établi dans la région des lacs accordant libre passage à Saïd-ben-Abedi et Kibonghé, à leur ivoire et à tous leurs gens vers Zanzibar.

Il y a près de deux ans, Stokesi (Stokes) est venu pour voir Kilonga-longa, mais celui-ci étant parti, il a laissé ses marchandises chez nous. Il fut convenu que ces marchandises valaient 300 frasillahs d'ivoire ; nous en avons payé 30 immédiatement ; il restait donc 270 frasillahs. J'ai le contrat passé à cette occasion chez moi à Mawambi (Kilonga-longa).

Kibonghé avait donné l'ordre de Kirundu d'acheter poudre, capsules et fusils à tout Blanc ou Arabe venant de l'Uniamouési ; c'est pourquoi nous avons acheté la poudre et capsules à Stokes.

*D.* Que comprenaient les marchandises vendues par Stokes?—*R.* Il y avait : 60 tonneaux poudre, 80 fusils, 300 boîtes de 250 capsules, 80 ballots d'étoffes.

J'ai la lettre attestant le marché.

*D.* Kibonghé, fuyant de Kirundu, à son arrivée à la Lindi a voulu payer Stokes et lui demander un chemin pour Zanzibar?—*R.* Stokes a déclaré : " Mes marchandises ont été prises ; deux de mes hommes sont morts ; vous me payerez 1,200 frasillahs d'ivoire après quoi nous parlerons de votre passage."

J'ai apporté cette fois de la poudre, des fusils, des capsules, des étoffes et marchandises de toutes sortes. Je vous les vends pour 600 frasillahs d'ivoire. Payez moi d'abord les 1,200 frasillahs que je vous demande pour les vieux comptes et alors je vous donne tout ce que j'ai ici.

Quand Moilim Fêtet et les émissaires de Kibonghé sont revenus de Kwa M'Pini, où se trouvait Stokes, ils m'ont dit à leur passage chez moi à Mawambi qu'ils lui avaient acheté poudre, fusils, capsules, étoffes pour 600 frasillahs, qu'il fallait rassembler de suite le paiement des 1,200 frasillahs pour entrer en possession des marchandises achetées.

A la suite de cette entrevue, 500 porteurs de Stokes sont venus prendre l'ivoire formant les 1,200 frasillahs d'ivoire appartenant en propre à Kibonghé et Saïd-ben-Abedi. Les porteurs avaient des fusils, poudre, et capsules pour acheter l'ivoire des Nyamparas. Presque tout l'ivoire appartenant aux gens de Mawambi a été vendu contre poudre, capsules, fusils, étoffes . . . . . aux gens envoyés par Mr. Stokes.

Celui-ci conservait ses 300 charges de marchandises diverses pour les remettre à Kibonghé une fois que celui-ci aurait payé les 1,200 frasillahs avec l'ivoire de l'association Kibonghé-Saïd-ben-Abedi. Tout le monde savait que la poudre, fusils, capsules, étoffes . . . . . apportés par Stokes seraient donnés aussitôt le paiement de l'ivoire demandé. Tous les Nyamparas de Kibonghé, Kitnakina, Ongalula, Kapamba, avaient reçu l'ordre d'apporter au plus tôt leur dépôt d'ivoire.

*D.* La poudre, les capsules, fusils, et marchandises apportés maintenant par Stokes étaient-ils bien vendus?—*R.* Oui ; demandez à Kalindula, Salch, . . . . et tous ceux que Kibonghé avait envoyés vers Stokes. Ces marchandises avaient été vendues pour 600 frasillahs ; elles devaient être livrées aussitôt le paiement des 1,200 frasillahs premières.

*D.* Kibonghé pouvait-il payer de suite les 1,200 frasillahs demandées?—*R.* Kibonghé avait beaucoup plus. Stokes le savait ; il suffisait de quelques jours pour rassembler le

tout ; vingt jours à un mois. Nous ne devons payer les 600 frasillahs qu'après avoir reçu les marchandises.

Les gens de Stokes venaient nous vendre poudre, fusils, contre notre ivoire particulier.

Un Bakoussu, Kalindula, est venu de la Lindi acheter un fusil de chasse ; a-t-il été vendu d'autres fusils à cartouches, je ne sais.

(Signé)           LOTHAIRE.

Déposition du témoin Hamed Bakari, né à la côte de Zanzibar :

J'accompagnais Stokes, mais je n'étais pas à son service. Je sais qu'il a vendu aux envoyés de Kibonghé les 300 charges de sa caravane comprenant poudre, fusils, étoffes, capsules, vivres . . . . pour 600 frasillahs.

Je sais que les Uniamouési à la solde de Mr. Stokes sont venus vendre poudre, capsules, fusils . . . . à Mawambi. Je les ai vus.

(Signé)           LOTHAIRE.

Déposition du témoin Souedi Wadi Mabrouki, ancien esclave de Amici Massoudi, au service de Stokes :

J'ai été envoyé par Stokési, il y a environ deux ans, pour vendre des marchandises à Kilonga-longa. Il y a vendu poudre, fusils, capsules. Après le pillage par les Bakussus, je suis resté dans le pays. J'ai par la suite accompagné les envoyés de Kibonghé chez Stokes : Moilim Fêtet, Kalin Dula, Salch.

Après avoir convenu du paiement de l'ancienne dette, Stokes a vendu à Moilim Fêtet, au nom de Kibonghé, toute sa caravane d'étoffes, perles, poudre, capsules, fusils . . . . pour 600 frasillahs d'ivoire ; la Convention a été écrite.

(Signé)           LOTHAIRE.

Déposition du témoin Kalindula, Bakussu, deuxième interrogatoire :

Quand je suis allé trouver Mr. Stokes à Kwa M'Pini au nom de Kibonghé, nous avons acheté, Moilim Fêtet et moi, pour 600 frasillahs d'ivoire, toute la caravane nouvelle de Stokes comprenant étoffes, perles, fusils, capsules, poudre. . . . . Nous devons payer l'arriéré avant d'entrer en possession des nouvelles charges ; pour obtenir de suite la poudre et les capsules, Kibonghé a envoyé de suite à ma rentrée à la Lindi des courriers dans tous les postes pour hâter l'envoi des quantités d'ivoire demandées.

(Signé)           LOTHAIRE.

Déposition du témoin Alouta, Nyampara Bakussu, le plus important du poste de la Lindi :

Kibonghé fuyant de Kirundu a cherché à son arrivée ici à nouer des relations avec Stokési pour en obtenir un drapeau, une protection contre les blancs Belgiki qui lui faisaient la guerre et lui acheter : étoffes, poudre, capsules, fusils, ainsi que son Nyampara Kilonga-longa en avait eu dans le temps.

Il a envoyé Moilim Fêtet, Kalindoula, et quelques autres pour s'entendre avec Stokési. Moilim Fêtet est mort à Mawambi avant d'avoir pu rejoindre son maître ; j'étais au barza avec Kibonghé et tous nos gens au retour des autres émissaires.

La première chose qu'ils ont dit est : " Nous aurons de la poudre et des capsules de Stokes." Ils apportaient le marché conclu par écrit des 300 charges de marchandises diverses apportées par Stokes contre 600 frasillahs.

Kibonghé se prétendait volé par le Blanc, qui réclamait 1,200 frasillahs au lieu de 300 pour le marché conclu dans le temps avec Kilonga-longa, mais comme Stokes promettait son appui et la livraison immédiate de la poudre, capsules, fusils . . . . des courriers ont été envoyés dans tous les postes pour rassembler l'ivoire du Cirkani " Kibonghé-Saïd-ben-Abédi." D'ailleurs, tous les gens que Stokes envoyait pour prendre livraison de l'ivoire à Mawambi, apportaient poudre, fusils, capsules, cartouches . . . . pour nous acheter à nous, Nyamparas, notre ivoire particulier.

Beaucoup de personnes d'ici sont allées à Mawambi acheter poudre et capsules contre ivoire ; j'y ai moi-même envoyé des gens pour avoir de la poudre ; Kalindoula, qui avait été conclure le marché avec Stokes, rapportait quatorze fusils, poudre, capsules, un fusil à deux coups et cartouches.

Une partie de ces marchandises vous a été remise à votre arrivée ici.



Un papier a été envoyé à Kibonghé de la part du Gouvernement Allemand invitant Kibonghé et Saïd-ben-Abédi à se rendre à Zanzibar, avec leurs gens, leur ivoire, et leurs biens.

(Signé)                   LOTHAIRE.

Fait au Poste de la Lindi, le 14 Janvier, 1895.

(Translation.)

*Court-martial of the Arab Zone.—Session of January 14, 1895.*

Deposition of the witness Muinié Amici Wadi Pasi, born at Dar-es-Salaam :

Q. Did you see the goods sent by Mr. Stokes to Kilonga-longa in exchange for ivory?—A. Yes; I saw powder; I do not know how many loads. I do not know the number of charges. I saw guns; I do not know how many.

Q. When the Wanyamwezi, Mr. Stokes' carriers, came to Mawambi (Kilonga-longa), were they bringing powder and guns (this journey was made some two months ago)?—A. I saw powder sold to them.

(Signed)                   LOTHAIRE.

Deposition of the witness Saleh-ben-Ossini, born at Rufigni (Dar-es-Salaam) :

Q. Did you see the goods sent to Kilonga-longa in exchange for ivory?—A. No; I did not.

Q. Did you visit Mr. Stokes?—A. Yes; I was sent by Kibonghé with Moihin Fêtet to negotiate with regard to the stuffs sent by Mr. Stokes to Kilonga-longa which had been pillaged.

Q. What did Mr. Stokes tell you?—A. "I require 1,200 frasillahs for my goods. I sent 90 bales of stuffs, 100 guns—powder (I forget how much)—300 boxes of caps." Mr. Stokes said to me: "You have killed my messenger, Djuma, and taken my goods; you will pay me 1,200 frasillahs for the whole."

Q. Did you see Mr. Stokes' porters come to fetch ivory at Kilonga-longa. What were they carrying?—A. They had powder and guns.

Q. Did the Wanyamwezi on their arrival at Kilonga-longa sell powder and guns?—A. Yes; I saw them. A Nyampara, Moina N'Goi (Msabira), sold to Kalindoula a double-barrelled gun and sixty cartridges.

Q. Where did you see Mr. Stokes?—A. At Kwa M'Pini, near the Ituri, seven or eight days' march from Kilonga-longa.

(Signed)                   LOTHAIRE.

Deposition of the witness Kalindoula, Bakussu :

Q. Where did you get the hammerless gun and cartridges which you have handed over to me?—A. This gun, with 100 cartridges, of which 70 were ball cartridges, was sent by Mr. Stokes to Kilonga-longa. I obtained possession of it at the death of Kilonga-longa in order to hand it over to Saïd-ben-Abédi or Kibonghé. Kilonga-longa gave two frasillahs of ivory (70 lbs.) in exchange for the gun.

Q. Did you see the goods sent to Kilonga-longa by Mr. Stokes to barter for ivory?—A. I had been sent to Kilonga to fetch some ivory to transport to Kirundu. On my arrival there I heard of the death of Kilonga-longa, and the gun which I gave you was handed over to me. I heard it reported that Mr. Stokes had sent stuffs, powder, guns, and caps in exchange for 300 frasillahs of ivory. I saw part of the goods. I wished to return to Kirundu, but I met Kibonghé on the way, a fugitive, driven out of Kirundu by war. I came back to Lindi with him, where we were informed that the goods sent by Stokes had been pillaged by the Bakussus. I was sent by Kibonghé to negotiate with Stokes, who claimed payment. He put in a claim for 1,200 frasillahs. I protested, saying that 300 frasillahs was the price agreed. He admitted that that was true, but claimed 1,200 frasillahs since two of his men had been killed and his goods pillaged instead of bought.

Q. Did you buy a hunting-gun two months ago from the carriers of Stokes at Kilonga-longa?—A. I bought a double-barrelled gun and 60 cartridges from Kinkambi, Stokes' Nyampara, a native of Moina Houti. I bought 14 cap-guns from Pini. I bought 3 barrels of powder from Kitoula, Stokes' Nyampara. Two barrels I handed over to your soldiers on their arrival here.

These guns had been given by Stokes to his Wanyamwezi porters.

The double-barrelled gun which I have just bought at Moina Houti was given in exchange for a woman to Kinena. The latter escaped into the woods on the arrival of your soldiers who were to arrest him, and remained there ten days. He lost the gun there.

(Signed)      LOTHAIRE.

Deposition of the witness Sangalimenet :

Q. Did you see the goods sent by Stokes to Kilonga-longa to purchase ivory ?—A. I saw powder, guns, caps, and stuffs sent by Stokes to Kilonga-longa.

I saw one load of caps, 20 loads of powder, 50 guns, several bales of stuffs.

(Signed)      LOTHAIRE.

Deposition of the witness Massah-ben-Adji, Kibonghé's agent, and Saïd-ben-Abedi, in the Itouri district, a native of the Comoro Islands :

A letter from the German Government was sent to us by a white man, a settler in the Lake district, granting a safe-conduct to Zanzibar to Saïd-ben-Abedi and Kibonghé with their ivory and all their followers.

Nearly two years ago Stokesi (Stokes) came to visit Kilonga-longa, but finding him gone, left his goods with us. It was agreed that these goods were worth 300 frasillahs of ivory ; we paid 30 frasillahs at once, so that there remained 270 frasillahs. I have in my house in Mawambi (Kilonga-longa) the contract that was made at the time.

Kibonghé sent orders from Kirundu to purchase powder, caps, and guns from every white man or Arab coming from Unyamwezi ; that is why we purchased powder and caps from Stokes.

Q. Of what did the goods sold by Stokes consist ?—A. Of 60 kegs of powder, 80 guns, 300 boxes containing each 250 caps, 80 bales of stuffs.

I have got the letter attesting the sale.

Q. When Kibonghé was a fugitive from Kirundu did he, on his arrival at Lindi, wish to pay Stokes and ask for a safe conduct to Zanzibar ?—A. Stokes said : " My goods have been seized ; two of my men are dead ; you will pay me 1,200 frasillahs of ivory before the question of your safe-conduct is considered.

" This time I have brought powder, guns, caps, stuffs, and goods of every kind. I will sell them to you for 600 frasillahs of ivory. First pay me the 1,200 frasillahs that I require on the old account, then I will give you all that I have here."

When Moilim Fêtet and Kibonghé's messengers returned from Kwa M'Pini, where Stokes was, they told me on their way to my camp at Mawambi that they had bought from him powder, guns, caps, and stuffs to the value of 600 frasillahs, and that they must at once collect the 1,200 frasillahs to enable them to enter into possession of the goods they had bought.

At the conclusion of this interview, 500 of Stokes' porters came to fetch the ivory which formed the 1,200 frasillahs that belonged properly to Kibonghé and Saïd-ben-Abedi. The porters had guns, powder, and caps with which to buy ivory from the Nyamparas. Nearly all the ivory belonging to Mawambi's men was sold to the men sent by Mr. Stokes in exchange for powder, caps, guns, and stuffs, &c.

Mr. Stokes was reserving 300 loads of various goods to hand over to Kibonghé as soon as this latter paid the 1,200 frasillahs from the ivory belonging to Kibonghé and Saïd-ben-Abedi. Every one knew that the powder, guns, caps, and stuffs brought by Stokes would be handed over immediately on receipt of the payment required. All the Nyamparas of Kibonghé, Kitnakina, Ongalula, and Kapamba had received orders to bring in their store of ivory as soon as possible.

Q. Were the powder, caps, guns, and goods which Stokes brought on this occasion really sold ?—A. Yes ; ask Kalindula, Saleh . . . , and all the men sent by Kibonghé to Stokes. These goods had been sold for 600 frasillahs ; they were to be handed over immediately on the receipt of the 1,200 frasillahs mentioned.

Q. Was Kibonghé able immediately to pay the 1,200 frasillahs required ?—A. Kibonghé had a great deal more than that. Stokes knew it ; a few days sufficed for the collection of the whole sum ; from three weeks to a month. We had to pay the 600 frasillahs only on receipt of the goods.

Stokes' men came to sell us powder and guns in exchange for our private store of ivory.

A Bakussu, Kalindula, came from Lindi to buy a hunting-gun ; I do not know whether any more breech loading-guns were sold.

(Signed)      LOTHAIRE.

Deposition of the witness Hamed Bakari, a native of the Zanzibar coast :

I was with Stokes, but not in his service. I know that he sold the 300 loads of his caravan, consisting of powder, guns, stuffs, caps, and provisions . . . . to the emissaries of Kibonghé for 600 frasillahs.

I know that the Wanyanwezi in Mr. Stokes' pay came to sell powder, caps, guns, &c., to Mawambi. I saw them.

(Signed) LOTHAIRES.

Deposition of the witness Souedi Wadi Mabrouki, a former slave of Amici Massoudi, in the service of Stokes.

I was sent by Stokes some two years ago to sell goods at Kilonga-longa. He sold there powder, guns, and caps. I remained in the country after the Bakussa raid. I next accompanied Kibonghé's messengers to Stokes: Moilim Fêtet, Kalih Dula, and Saleh.

After the question of the outstanding debt had been settled, Stokes sold the whole of the stuffs, pearls, powder, caps, guns, &c., of which his caravan consisted, to Moilim Fêtet, in Kibonghé's name, for the sum of 600 frasillahs of ivory; the agreement was in writing.

(Signed) LOTHAIRES.

Deposition of the witness Kalindoula, Bakussu, examined for the second time :

When I went, in Kibonghé's name, to find Mr. Stokes at Kwa M'Pini, I bought, together with Moilim Fêtet, the whole contents of his new caravan, comprising stuffs, pearls, guns, caps, powder, &c., for the sum of 600 frasillahs of ivory. Before entering into possession of the new loads, we were to pay off the outstanding debt, and, immediately on my return to Lindi, Kibonghé sent messengers to every post to hasten the dispatch of the ivory required, in order to become possessed at once of the powder and caps.

(Signed) LOTHAIRES.

Deposition of the witness Alouta, a Bakussu Nyampara, Headman of the post of Lindi :—

Kibonghé, when flying from Kirundu, endeavoured on his arrival here to negotiate with Stokes for the purchase of a flag, as a protection against the white Belgiki, who were making war on him, and of stuffs, powder, caps, and guns, in the same manner as his Nyampara Kilonga-longa had previously done.

He sent Moilim Fêtet, Kalindoula, and some others to concert measures with Stokes. Moilim Fêtet was unable to return to his master, as he died at Mawambi; I was present at the baraza with Kibonghé and all our men when the other messengers returned.

The first thing they said was: "We shall get powder and caps from Stokes." They brought with them the written agreement for the sale of the 300 loads of mixed goods brought by Stokes in exchange for 600 frasillahs.

Kibonghé asserted that the white man had robbed him in claiming 1,200 frasillahs instead of 300 frasillahs for the previous bargain made with Kilonga-longa, but on Stokes promising to afford him support and to hand over at once the powder, caps, and guns, &c., he dispatched messengers to every post to gather together the ivory of the "Kibonghé-Saïd-ben-Abedi Cirkani." In addition to this, all the men whom Stokes sent to take over the ivory at Mawambi brought powder, guns, caps, cartridges, &c., in order to purchase the private ivory belonging to us Nyamparas.

Many men went from here to Mawambi to buy powder and caps in exchange for ivory; I myself sent men there to get powder; Kalindoula, who had been to conclude the bargain with Stokes, was bringing back fourteen guns, powder, caps, one double-barrelled gun, and cartridges.

Part of these goods was handed over to you when you arrived here.

A document was sent by the German Government to Kibonghé, inviting him and Saïd-ben-Abedi to Zanzibar, together with their people, their ivory, and their goods.

(Signed) LOTHAIRES.

Done at the Station of Lindi, the 14th January, 1895.

## Annex 3.

Interrogatoire de Sweli, Zanzibarite au service de Stokes :

*D.* Vous avez acheté de l'ivoire pour votre maître avec des marchandises qu'il vous donnait ?—*R.* Oui, je suis allé avec mon Nyampara appelé Djuma acheter de l'ivoire dans le pays de Kilonga-longa.

*D.* Combien de fusils avez vous emportés pour faire ce commerce ?—*R.* Nous avons une centaine de fusils.

*D.* Et de la poudre et des capsules ?—*R.* Nous avons environ 100 barils de poudre et 300 boîtes de capsules.

*D.* Combien de frasillahs receviez vous en échange d'un fusil ?—*R.* Nous achetions une frasillah pour trois fusils.

*D.* Kilonga-longa vous a-t-il acheté des fusils, de la poudre, ou des capsules ?—*R.* Moyennant trente frasillahs, nous lui avons vendu quarante fusils, il nous a aussi acheté pour de l'ivoire soixante barils de poudre et des capsules.

*D.* Votre maître savait-il que l'État était en guerre avec les Arabes ?—*R.* Oui, je lui en ai donné moi-même la nouvelle. Lors du pillage du poste où il m'avait envoyé, j'ai été fait prisonnier par les Arabes qui m'ont forcé à marcher avec eux sur Kirundu pour faire la guerre aux Blancs. Arrivés un peu au delà de la Kinena, nous avons appris que Kibonghé était en fuite. J'ai pu alors retourner chez Bw Sitokési (Stokes).

Le Lieutenant,  
(Signé) HENRY.

Ce 10 Janvier, 1895.

Interrogatoire de Bw Mussah :

*D.* Pourquoi Kibonghé vous a-t-il envoyé chez Stokes ?—*R.* Pour avoir un drapeau et une lettre de paix.

*D.* Que vous a répondu Sitokési ?—*R.* Qu'il ne pouvait donner cela mais qu'il irait lui-même chez Kibonghé, Kima-Kima, Kapamba, &c.

*D.* Kibonghé pour se soustraire à la justice, n'a-t-il pas demandé un refuge à Sitokési, afin de pouvoir retourner à Zanzibar ?—*R.* Oui, Sitokési a répondu qu'il accorderait tout cela à Kibonghé si celui-ci consentait à lui donner tout son ivoire et celui de ses Nyamparas. Il a même menacé Kibonghé de lui faire la guerre s'il ne lui envoyait pas cet ivoire immédiatement.

Bw Mussah, quant à l'affaire de poudre et de fusils de Kilonga-longa, confirme les dires de Sweli, Zanzibarite de Stokes.

Le Lieutenant,  
(Signé) HENRY.

Interrogatoire de Fundi Faraï :

*D.* Sitokési et ses gens ont-ils vendu de la poudre, des fusils, et des capsules dans votre pays ?—*R.* Les Uniamuesi de Sitokési vendaient les uns de la poudre, les autres des fusils pour de l'ivoire.

*D.* En ont-ils vendus à vous-même ?—*R.* Oui, je leur ai acheté deux petits barils pour deux pointes d'ivoire.

Le Lieutenant,  
(Signé) HENRY.

Ce 10 Janvier, 1895.

(Translation.)

Examination of Sweli, a Zanzibari in Stokes' service :

*Q.* Did you buy ivory for your master with the goods he gave you ?—*A.* Yes; I went with my Nyampara called Djuma to buy ivory in Kilonga-longa's territory.

*Q.* How many guns did you take with you to trade with ?—*A.* We took about 100 guns.

*Q.* Did you take powder and caps ?—*A.* We took about 100 barrels of powder and 300 boxes of caps.

*Q.* How many frasillahs did you receive in exchange for a gun ?—*A.* We got one frasillah for three guns.

*Q.* Did Kilonga-longa purchase guns, powder, and caps from you ?—*A.* We sold

him forty guns in exchange for thirty frasillahs; he also bought from us sixty kegs of powder and caps in exchange for ivory.

Q. Was your master aware that the State was at war with the Arabs?—A. Yes; I myself gave him the information. After the sack of the station to which he had sent me I was taken prisoner by the Arabs, who compelled me to march with them upon Kirundu to make war on the white men. When we got a little way beyond the Kinena, we learnt that Kibonghé was in flight. I was then able to return to Bw Stokesi (Stokes).

(Signed) HENRY, *Lieutenant*.

*This 10th day of January, 1895.*

Cross-examination of Bw Mussah :

Q. Why did Kibonghé send you to Stokes?—A. To obtain a flag and letter of peace.

Q. What did Stokesi reply?—A. That he was unable to grant that, but that he would go in person to Kibonghé, Kima-Kima, Kapamba, &c.

Q. Did not Kibonghé seek for shelter at the hands of Stokesi to be enabled to return to Zanzibar, in order to escape punishment?—A. Yes; Stokes replied that he would grant all that to Kibonghé if he consented to hand over all his own ivory as well as that of his Nyamparas. He even threatened Kibonghé with war if he failed to send the ivory at once.

As regards the powder and guns of Kilonga-longa, Bw Mussah confirms the statements of Sweli, the Zanzibari in Stokes' service.

(Signed) HENRY, *Lieutenant*.

Cross-examination of Fundi Farraï :

Q. Did Stokesi and his men sell powder, guns, and caps in your country?—A. Some of Stokesi's Wanyamwezi sold powder, other sold guns in exchange for ivory.

Q. Did they sell any to you personally?—A. Yes; I bought of them two barrels of powder in exchange for two tusks of ivory.

(Signed) HENRY, *Lieutenant*.

*This 10th day of January, 1895.*

#### Annex 4.

##### *The Declaration of Charles Henry Stokes, under arrest at Lindi.*

To Commandant Lothaire :

I, Charles Henry Stokes, do hereby declare here, at Lindi, in the Congo Free State, in answer to the mandate of arrest served to me:—

1. That I sold guns, powder, and gun-caps to the slaves of Kilonga-longa.

2. Of having sold by Wanyamwezi, engaged by me, guns, powder, and gun-caps to the slaves of Kibongi in revolt.

My caravan now lying at Kwa Mpini on the frontier consists of eighty German quick-firing guns, some in hands of Askari with me, and two or three in hands of Askari left at camp at south end of Albert Edward Lake, one Express rifle for sporting, one double-barrelled rifle with ammunition for same, lent to me, under guarantee, by the Imperial German officer for Nyanza, not to be sold or otherwise disposed of, but returned in same good order as received.

My permit from the coast allows me thirty quick-firing guns and its ammunition under strict guarantee, all to be produced on my return, all my own property.

All the common guns are carried by my "pagazi" or porters and the Wandandu in my employ, in hand for protection and hunting. I had 600 lbs. of powder on leaving, but I reckon about 120 lbs. have been used. I am uncertain of the number of boxes of gun-caps, but they are all in one tin box together.

About 1,000 rounds of Snider cartridges, 300 to 400 rounds of shot, 12-bore cartridges for three shot-guns which have got damaged in the locks, and about 200 to 300 rounds of Martini-Henry cartridges.

I declare I have not sold any of these guns, powder, or gun-caps to the slaves of Kilonga-longa.



*Gross.*

	Loads.			Loads.	
Gross total, cloth, beads,		Wire	..	..	32½
wire	..	Beads	..	..	27½
Caps	..	Cloth	..	..	87½
		Caps..	..	..	1
	148½	Powder	..	..	5½
					154

Powder .. 5½ loads + 2 kegs, 15 lbs. Total .. 39 kegs, 5 lbs., 11 kegs, 10 lbs., 210 boxes of caps.  
 Gross total .. .. 154 loads + 10 loads of powder = 164 loads

## Annex 6.

## DIARY of Journey

1894.		
May 14	..	
September 13	..	Shawri with Wangwana Abedi's men agrees to take all loads at 2 frasilahs per load.
„	14	.. Sent ultimatum to Abedi's people to leave or to-morrow I open fire on them.

## Annex 7.

		Loads.			Loads.
Wire	..	..	..	Cloth, bales	..
Beads	..	..	..	Wire	..
Powder	..	..	..	Beads	..
Gun-caps	..	..	..	Powder	..
				Gun-caps	..
		76½			300½
Total	..	..	..	Total	..

100 guns, common; 3 repeating guns; 1 pistol.

## Annex 8.

*Extract from Captain F. D. Lugard's work "The Rise of our East African Empire." Vol. II.*

Page 10.—Mr. Stokes wished to obtain a paramount influence, so as to offer terms to any European who came to Uganda. He represented himself as the Consul's agent; promised British assistance. . . .

Page 63.—On the 5th Mr. Stokes arrived, and heralded his approach by sending me indignant letters, repudiating the accusation that he had brought arms and ammunition from the coast. We, however, became very friendly, and he promised most emphatically not to attempt to import arms or powder. This was an important matter, for though I might prevent his doing so openly, he himself pointed out that he was able to evade my efforts in many ways. As, for instance, by issuing powder to his elephant-hunters at the south of the lake and conniving at their selling it in Uganda. He said that the demand for powder here was so great now that he could make a profit of something like 250*l.* on every porter's load! Possibly, as a matter of fact, he could have made (for a small quantity only) something like half this sum. I spoke very strongly to him on the subject, saying that the import of powder at the present moment would mean civil war, and he agreed that it would be little better than murder. On the other hand, I promised to facilitate his legitimate trade, and agreed that natives sent by him with goods should come to Uganda and traffic on his behalf. I promised also to store his ivory, and, so far as I might be able, to buy his goods and promote his interests with the Company.

Later he took advantage of these offers, and a party of his men traded, under our protection, during the whole time I was in Uganda, while we stored his ivory, which otherwise (a year later) would have been lost in the war. I told him to submit proposals in writing for the sale of his goods, and he did so. They included 50 loads of

gunpowder, 4 loads of gun-caps (70 lbs. each) and 250 guns! Yet he said, when he first came, that he had no powder or arms, and resented my letter, in which I stated that it had been reported he had this stuff! The prices he asked were so enormous that I would not buy, and he then begged me to store it for him, so that he might not be tempted to sell it. This I willingly agreed to do, and I sent down for it, as I shall narrate presently. Stokes left (14th February) after giving me this promise, that he would place his powder and arms under my charge; and I told him frankly that if he behaved honourably in the matter, I, on my part, would help him in every way I could. He had not reached the south of the lake, however, before he wrote to say he had changed his mind, and would retain his arms and powder himself.

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*Captain F. D. Lugard to the Administrator-General, Imperial British East Africa Company, Mombasa.\**

(Extracts.)

*Mengo, Myanda, January 7, 1891.*

It is useless my representing this to the King, nor can I obtain the use of the Mission boat, though I have urged the necessity both of my getting up sufficient cloth to buy food, and of my letters to Mr. Stokes and Emin Pasha arriving without delay, before the powder and arms brought up by the former are sent to Uganda to fall into the hands of the Catholics. . . . .

Immediately on arriving here I wrote officially to Mr. Stokes prohibiting the import of arms into Uganda. I also wrote to Emin Pasha asking him to prevent Mr. Stokes importing.

I also warned Dr. Stuhlman, telling him I was aware Mr. Stokes intended to smuggle them. Moreover, Mr. Stokes had asked Mr. Gedge to convey some goods to Mwanga, which he (Mr. Stokes) said Mr. Mackenzie had asked him to give as presents to the King; he warned Mr. Gedge that the Pasha was on the look-out on the lake. Mr. Mackenzie never asked Mr. Stokes to convey any presents to Mwanga, nor was there any reason for his fearing the scrutiny, unless he knew the goods to be contraband. I sent this letter to Mr. Stokes by the hand of the French Bishop; I also wrote a duplicate, together with the letter to Emin Pasha, but these returned yesterday, no canoes being available, in spite of the King's promise to Dr. Stuhlman. They have now (5th January) gone, and I have sent duplicates overland. There are, therefore, three copies of this letter following Mr. Stokes. . . . .

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*Captain F. D. Lugard to the Administrator-General, Imperial British East Africa Company.*

*Fort Eward, Toru, August 13, 1891.*

† In the meantime, on the 5th February, Mr. Stokes arrived. He also heralded his arrival with a hasty and apparently angry letter, accusing me practically of calling him a "smuggler," &c. In reply I passed unnoticed these expressions, accepted as a fact his statement that he had come solely to speak to me about the goods he had of the Company's, and asked him to lunch and to discuss the matter. He was greatly appeased, and wrote again extremely politely. In conversation, of which Captain Williams was witness, he became more and more open, and stated as follows:—

He at first denied that he had arms or ammunition, and said that all the powder he had was the Company's (twenty-five loads); there is, however, none whatever mentioned in the invoice of his goods, which I have. Ultimately he acknowledged the possession of these things. I repeated my offer to buy them, but insisted on his putting his terms on paper. He wrote offering me thirty loads of powder, four of caps, and 250 guns. I have his letter. The prices asked were enormous, and I said I could not close with him. I then pointed out to him the advantage of his not quarrelling with the Company, and the villany of the act of importing powder at the present crisis. With this he was compelled to agree, for, though the outbreaks already related occurred after his departure, the country was most excited at the time he was here, and all night the cries of the men who wished for war reached his ears. He arrived on the 5th February

\* "Africa No. 4 (1892)," Papers relating to the Mombasa Railway Survey and Uganda, p. 103.

† "Africa No. 4 (1892)," p. 108.



and stayed till the 15th February, just before these outbreaks. He promised me solemnly that in no way whatever would he directly or indirectly import or connive at powder being brought to Uganda. He affected to use his influence with the King to point out to him the advantage to himself of joining cordially with me. This I believe he really did, and with good effect. He appeared to think the temptation to secure the great profit accruing from the sale of powder in Uganda would be hard to withstand, and begged me, if I would not buy the powder and arms, to store them for him in Kampala. I was delighted at the proposal, and made him promise faithfully to place them under my keeping. He promised also to send his boat up with a cargo of the cloth we so urgently needed. I further ascertained that he had already sent in his resignation of the German service, and that he was very bitter at the footing on which he stood with the German officers. He was anxious to join the Company's service, and made various proposals, which I thought of sufficient importance to transmit by his own hand on his return to the coast. These regarded his own trading operations, together with certain offers regarding the conveyance of the steamer to the lake. His own wish was to settle down on an island near Sese (in British territory), and trade with Uganda and the countries beyond, under the Company's auspices. I promised him such assistance as was in my power, and to state his case favourably to the Administrator, provided he carried out his promises. I was, however, most anxious to immediately send down some one to take over his powder, &c., as I mistrusted his steadfastness of purpose. Half-way down the lake he wrote to evade the promise of a cargo of cloth in his boat, and from Usukama he wrote that he could not place his powder, &c., under my keeping (without stating any reason), but that none of it should reach Uganda. . . . .

\* Mr. Stokes (as already reported) has artfully declined to fulfil his promise regarding his powder. . . . . I also requested Mr. Bagge, in view of Mr. Stokes' refusal, to hand over his powder and arms, to inform the German authorities confidentially of the amounts he offered me for sale, since I understood from Dr. Stuhlmann that Emin Pasha was quite unaware that Mr. Stokes had brought up any powder or arms\* . . . . .

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*Report No. 3 from Captain Lugard.*

*Kampala, Mengo, January 11, 1892.*

9. In an official letter to the Administrator by this mail I attach correspondence with Mr. Stokes. Since the submission of my last Report, Mr. Bagge, acting on my instructions, secured a very large quantity (some 5,000 lbs.) of the powder belonging to Mr. Stokes at Usukuma, which he had promised to place under my charge here, a promise he afterwards declined to carry out. He also brought up about 300 muzzle-loading guns. These were handed over by Mr. Stokes' assistant, and a receipt duly given. I am of opinion that Mr. Bagge managed this matter with great tact, and that much credit is due to him for his success in the matter. I understand that the German authorities seized the rest of his guns (some 300, I believe), and that there was no more powder† . . . . .

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Annex 9.

*Mr. Stokes to the Officer Commandant, Congo Free State Expedition, Lundi.*

Sir,

*Congo Free State, Camp Musikini, January 7, 1895.*

I beg most humbly to ask you not to hang Kibongi, as I want particularly to have an interview with you before anything should happen him.

Please, Sir, excuse this liberty I take in writing this. I will give you a bond for any amount you may ask in order to give him the full protection of a lawyer from the Congo Free State.

I beg, &c.

(Signed) CHARLES HENRY STOKES.

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\* "Africa No. 4 (1892)," p. 111.

† "Africa No. 2 (1893)," p. 15.

## No. 11.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 2.)*

(Extract.)

*Brussels, August 31, 1895.*

THE reply of the Congo State Government, inclosed in my immediately preceding despatch, does not answer precisely all the points contained, by your Lordship's instructions, in my note to M. van Eetvelde of the 23rd instant.

It gives no information as to the composition of the Tribunal which condemned Mr. Stokes, nor as to the form of the trial.

I beg to invite your Lordship's special attention to Articles 26, 27, and 28 of the Congo State Decree of the 22nd December, 1888, which distinctly state that foreigners, who are not soldiers, have always the right of appeal against sentences of a court-martial to the Court of Appeal at Boma.

Therefore, even if the trial of Mr. Stokes should be proved to have been regular, he was still, under the law of the Congo State, entitled to have had the sentence referred to the Court at Boma before it was carried into execution.

P.S.—I beg to inclose copy of Article 1 of the Congo State Decree of the 10th March, 1892.

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Inclosure 1 in No. 11.

*Extract from the "Bulletin Officiel de l'État Indépendant du Congo, No. 1, Janvier 1889."*

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*Conseils de Guerre.*

ARTICLE 26. Dans ce cas, toutes les personnes indistinctement se trouvant dans cette région deviennent justiciable du Conseil de Guerre mais celui-ci n'applique aux non-militaires que les lois pénales ordinaires.

Art. 27. Les arrêts prononcés dans ce cas par les Conseils de Guerre sont sans appel sauf pour les non-indigènes non-militaires qui peuvent toujours se pourvoir en appel devant le Tribunal répressif d'appel de Boma. La non-observation des délais de procédure ne sera pas une cause de nullité.

Art. 28. Dans les dites régions, outre les crimes et délits prévus par les lois pénales ordinaires et les Articles 20, 21, du présent Décret, l'excitation à la guerre civile ou religieuse sera punie de mort.

(Translation.)

*Courts-martial.*

ARTICLE 26. In this case, all persons whatsoever in this district become amenable to trial by court-martial; but the said Court shall, in the case of civilians, apply only the ordinary penal laws.

Art. 27. In this case the verdicts given by courts-martial shall be without appeal save for non-native civilians, who may always lodge an appeal with the Court of Criminal Appeal at Boma. The non-observance of delays in procedure shall not be held a cause of nullity.

Art. 28. In the said districts, besides the crimes and misdemeanours provided for by the ordinary penal laws and Articles 20, 21 of the present Decree, incitement to civil or religious war shall be punished with death.

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## Inclosure 2 in No. 11.

*Extract from the "Bulletin Officiel de l'État Indépendant du Congo, le 10 Mars, 1892."*

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*Armes à Feu.*

ARTICLE 1<sup>er</sup>. L'importation, le trafic, le transport, et la détention d'armes à feu quelconques, ainsi que de la poudre, des balles, et des cartouches, sont interdits sauf dans les cas et sous les conditions ci-après déterminés.

(Translation.)

*Fire-arms.*

THE importation of, traffic in, transport, or detention of all fire-arms whatsoever, and likewise of powder, bullets, and cartridges, are forbidden save in the cases and under the conditions hereafter laid down.

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No. 12.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 2.)*

(Extract.)

*Brussels, September 1, 1895.*

THE execution of Mr. Stokes continues to be freely discussed in the Belgian press, and although efforts are made in the Government papers to extenuate and explain away the apparently illegal punishment inflicted upon him, there is evidently a general feeling of regret and annoyance at what has taken place, and very grave anxiety is betrayed as to the result which Captain Lothaire's proceedings may have for the Congo State, and also, eventually, for the Belgian Government.

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No. 13.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, September 9, 1895.*

I HAVE received your despatch of the 31st ultimo, in which you transmit to me, with a covering note from M. van Eetvelde, the papers connected with the trial and execution of Mr. Stokes by Captain Lothaire at Lindi in January last.

After careful study of these documents, Her Majesty's Government are unable to come to any other conclusion than that there was no justification for the summary execution of Mr. Stokes without allowing an appeal to the Court at Boma, to which he had the right under Article 27 of the Decree of the 22nd December, 1888.

I have, accordingly, to instruct you to address a note to the Secretary of State, and to inquire whether the Congo State Government have brought Commandant Lothaire to trial, or intend to bring him to trial, for the offence of hanging a European civilian without allowing him to appeal against the sentence as provided by law.

An examination of the documents submitted by M. van Eetvelde shows further grave irregularities in the procedure adopted.

In accordance with the provisions of Articles 2 and 3 of the above-mentioned Decree, the Court before which Mr. Stokes should have been brought in the first instance was a Conseil de Guerre.

The Conseil de Guerre, the composition of which is defined in the Decree, is not a court-martial. It is a Standing Court, to which a district is assigned, composed of a Judge, who may be the Commissary of the district, an officer of the Public Ministry, and a Greffier. By Article 7, the Judge or officer of the Public Ministry must, before entering on their duties, take the oath prescribed with certain formalities by Article 10 of the Royal Decree of the 7th January, 1886. There is no evidence to show that such a Court was ever legally constituted.

By Article 14 of the Decree of 1888, the depositions of the accused and of the

witnesses must be signed by the Judge and by the Greffier of the Court. No signature, except that of Captain Lothaire, is attached to the *procès-verbal*.

The principal charge brought against Mr. Stokes appears to have been that of trading in powder and munitions of war with the Arabs to the west of Lake Albert Edward in 1892, and thereby inciting them to make war against the authorities of the State.

This charge seems to have been selected because it is an offence punishable by death if the conviction is confirmed on appeal. But it is notorious that in 1892 no Congo State authorities were established in that district; that there were no officers in its neighbourhood; that it was not till November 1892 that fighting commenced on the Lomami, some hundreds of miles distant; and that, consequently, no state of war existed with the Arabs at Kilonga-Linga, nor in any adjacent territory.

The charge of incitement to war as regards acts committed in 1892 is, consequently, unjustifiable. As regards what is said to have passed in 1894, such a charge would be frivolous.

The proceedings before the Court were conducted in French, which Mr. Stokes is said not to have understood, and his defence was made in English, with which it is believed Captain Lothaire is unacquainted.

The sentence, besides summary execution, decreed confiscation of property, for which there is no authority in the Decree of 1888.

I call your special attention to the above points as giving abundant evidence as to the arbitrary character of the proceedings, gathered from the papers furnished in justification of them. You will bring them to the notice of M. van Eetvelde, and intimate to him that, in the opinion of Her Majesty's Government, a full statement of the views of the Congo Government in respect to them is urgently required.

I am, &c.

(Signed) SALISBURY.

No. 14.

*Sir E. Malet to the Marquess of Salisbury.—(Received September 13.)*

My Lord,

*Berlin, September 10, 1895.*

WITH reference to my despatch of the 30th ultimo, I have the honour to inclose a Memorandum by Mr. Gosselin on the subject of Mr. Stokes' execution.

I have, &c.

(For Sir E. Malet),

(Signed) MARTIN GOSSELIN.

Inclosure in No. 14.

*Memorandum by Mr. Gosselin respecting Mr. Stokes' Execution.*

AT my last interview with Baron von Marschall on the 6th instant, his Excellency said that he had read with interest the telegraphic report of the statement made by Mr. Curzon in the House of Commons the previous day, to the effect that the papers communicated to the Foreign Office by the Congo Government with regard to the execution of Mr. Stokes showed that the case was of a very serious character.

On my mentioning that amongst the papers received is a copy of the *procès-verbal* of the court-martial held by Commandant Lothaire, his Excellency said that this document had not yet been communicated to the German Representative at Brussels, and that he was still awaiting an answer to the note which had been addressed to the Congo Government on the subject.

Although Baron von Marschall has on several occasions referred to this commercial aspect of the case, the German press invoke other reasons as explaining the interest which Germany takes in Mr. Stokes' execution.

It is pointed out that this is the first occasion on which a European has been executed—for all the world as if he were a native—by order of a leader of a military expedition in the interior of Africa; that Germany has a special interest in Mr. Stokes' fate, inasmuch as since 1890 he has been for some time in the employ of the Imperial German Commissary; that he accompanied Emin Pasha on his last journey from the

coast to the interior, and had a company of the German East Africa Constabulary under the command of Lieutenant Sigl at his disposal; that, up to 1893 Mr. Stokes' name was entered on the Official German Kolonial-Blatt; and, lastly, that he had done much to advance German interests, especially by concluding Treaties on behalf of Germany with various local Chieftains.

In 1893 Mr. Stokes left German East Africa, and subsequently returned there from the Independent State of the Congo with a large supply of ivory.

It is also known here that the Congo officials receive 10 per cent. on the value of the ivory forwarded by them viâ the Congo to Boma, and that their most successful competitor was Mr. Stokes, who exported all the ivory he acquired by the east coast ports, and, in view of these facts the German press express the opinion that it was clearly to the personal advantage of the Congo officials concerned to make away as quickly as possible with their enterprising rival.

(Signed) MARTIN GOSSELIN.

*Berlin, September 10, 1895.*

No. 15.

*Sir F. Plunkett to the Marquess of Salisbury.— (Received September 15.)*

My Lord,

*Brussels, September 13, 1895.*

YOUR Lordship's despatch of the 9th instant, conveying the demands to be made of the Congo State Government in regard to the illegal execution of Mr. Stokes, reached me yesterday morning, and an hour later I received a visit from M. van Eetvelde, who had called to announce his return from leave of absence.

His Excellency having at once referred to the execution of Mr. Stokes, I begged he would postpone his remarks until I had had time to study the instructions which I had only just received from your Lordship, and I confined myself then to impressing upon him that the affair was one of extreme gravity—which gravity had been greatly increased by the apparent attempt of the Congolese authorities to keep the matter secret from Her Majesty's Government.

I called by appointment at the Congo Department in the afternoon, when I handed to M. van Eetvelde the note of which copy is inclosed, embodying the substance of your Lordship's above-mentioned despatch.

His Excellency, having carefully read the note, said he would submit it to the King last night immediately on His Majesty's return from the manœuvres near Antwerp, and, as the King was to leave Brussels again to-day for Aix-les-Bains, he trusted to be in a position to give me an official reply very shortly.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure in No. 15.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, September 12, 1895.*

HER Britannic Majesty's Government have carefully studied the note which your Excellency addressed to me on the 31st ultimo, and the papers which you transmitted to me therein, connected with the trial and execution of Mr. Stokes by Captain Lothaire at Lindi in January last.

Her Majesty's Government are unable to come to any other conclusion than that there was no justification for the summary execution of Mr. Stokes without allowing an appeal to the Court at Boma, to which he had the right under Article 27 of the Decree of the 22nd December, 1888.

I have accordingly been instructed by the Marquess of Salisbury to inquire of your Excellency whether the Congo State Government have brought Captain Lothaire to trial, or intend to bring him to trial, for the offence of hanging a European civilian without allowing him to appeal against the sentence as provided by law.

Her Majesty's Government consider that examination of the documents which

your Excellency forwarded to me shows further grave irregularities in the procedure adopted.

In accordance with the provisions of Articles 2 and 3 of the above-mentioned Decree, the Court before which Mr. Stokes should have been brought in the first instance was a "Conseil de Guerre."

The "Conseil de Guerre," the composition of which is defined in the Decree, is not a court-martial. It is a standing Court, to which a district is assigned, composed of a Judge, who may be the Commissary of the district, an officer of the public Ministry, and a Greffier.

By Article 7 the Judge or officer of the public Ministry must, before entering on their duties, take the oath prescribed with certain formalities by Article 10 of the Royal Decree of the 7th January, 1886. There is no evidence to show that such a Court was ever legally constituted.

By Article 14 of the Decree of 1888 the depositions of the accused and of the witnesses must be signed by the Judge and by the Greffier of the Court. No signature except that of Captain Lothaire, is attached to the *procès-verbal*.

The principal charge brought against Mr. Stokes appears to have been that of trading in powder and munitions of war with the Arabs to the west of Lake Albert Edward in 1892, and thereby inciting them to make war against the authorities of the State.

This charge appears to have been selected because it is an offence punishable by death if the conviction is confirmed on appeal. But it is notorious that in 1892 no Congo State authorities were established in the district; that there were no officers in its neighbourhood; that it was not till November 1892 that fighting commenced on the Lomami, some hundreds of miles distant, and that, consequently, no state of war existed with the Arabs at Kilongalanga, nor in any adjacent territory.

The charge of incitement to war as regards acts committed in 1892 is consequently unjustifiable. As regards what is said to have passed in 1894 such a charge would be frivolous.

The proceedings before the Court were conducted in French, which Mr. Stokes is said not to have understood, and his defence was made in English, with which, it is believed, Captain Lothaire is unacquainted.

The sentence, besides summary execution, decreed confiscation of property, but Her Majesty's Government cannot find that the Decree of 1888 anywhere gives authority for such confiscation.

I beg to invite your Excellency's special attention to the above points, which give abundant evidence as to the arbitrary character of the proceedings, gathered from the papers which the Congo State Government have so far furnished in justification of the execution of Mr. Stokes; and I have to inform your Excellency that, in the opinion of Her Britannic Majesty's Government, a full statement of the views of the Congo State Government in respect to them is urgently required.

I avail, &c.

(Signed) F. R. PLUNKETT.

No. 16.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 16.)*

My Lord,

*Brussels, September 14, 1895.*

M. VAN EETVELDE handed to me yesterday afternoon the official reply of the Congo State Government to the note which I had addressed to him the day before in regard to the execution of Mr. Stokes.

Copy of this reply is forwarded herewith.

Your Lordship will see that the Congo Government express their deep regret that Captain Lothaire, before ordering the execution, did not allow Mr. Stokes to make the appeal to the Court at Boma to which he was entitled by Article 27 of the Decree of the 22nd December, 1888. They further consider that the absence of any Greffier from the "Conseil de Guerre" was a grave irregularity, incompatible with the terms of the Law, and that, in any case, the *procès-verbaux* ought to have been signed by the Greffier. They further consider that the Court did not possess the necessary authority for decreeing the general confiscation of Mr. Stokes' property.

On the other hand, the Congo Government have no reason for supposing that Captain Lothaire had not taken the requisite preliminary oath, as prescribed in the

Decree of 1888, nor do they believe that the proceedings were carried on exclusively in French.

The papers themselves appear to prove that Mr. Stokes knew what were the accusations made against him, and that the Judge understood what were the facts urged in his defence.

In view, however, of the nature of the case, the Congo State Government have directed the Governor-General to recall Captain Lothaire in order that he may clear up the whole business, and, if his explanations should not be considered absolutely satisfactory, they are disposed to submit his conduct for trial before the competent Tribunal.

The remainder of the note is devoted to proving that Mr. Stokes in 1892 really did help persons who were in rebellion against the Congo State.

In reply to my inquiry whether the order to the Governor-General to recall Captain Lothaire had been sent by post or by telegraph, M. van Eetvelde said that as yet the order had only gone by post; but he begged me to tell your Lordship that, if you wish it, the order would be sent at once by telegraph.

In reply to a further inquiry on my part, his Excellency also authorized me to assure your Lordship that the explanations which Captain Lothaire will be called upon to give must satisfy Her Majesty's Government as well as the Congo Government, otherwise he would be sent for trial, as promised in the note.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 16.

*M. van Eetvelde to Sir F. Plunkett.*

*État Indépendant du Congo, Bruxelles,  
le 13 Septembre, 1895.*

M. le Ministre,

J'AI pris connaissance de la communication que votre Excellence m'a adressée hier relativement à la condamnation et à l'exécution de Mr. Stokes, et, déférant à son désir, j'ai l'honneur de consigner ici les vues du Gouvernement de l'État Indépendant du Congo sur les différents points qu'elle a été chargée de signaler à ce sujet à mon attention.

Tout d'abord, le Gouvernement ne peut qu'exprimer le vif regret qu'avant de faire procéder à l'exécution de Mr. Stokes, M. Lothaire ne lui ait pas fourni l'occasion de se pourvoir en appel devant le Tribunal de Boma, ainsi que l'y autorisait l'Article 27 du Décret du 22 Décembre, 1888.

Le Gouvernement estime, en outre, que l'absence du Greffier dans la composition du Conseil de Guerre constituerait une irrégularité incompatible avec les termes de la loi et que, de toutes façons, les procès-verbaux auraient dû être signés par le Greffier. Enfin, il est d'avis que dans l'espèce, le Conseil n'avait pas la compétence nécessaire pour prononcer la confiscation générale des biens du condamné.

Relativement aux autres points dont votre Excellence a bien voulu m'entretenir, le Gouvernement n'a pas de raison de croire que le serment prévu par l'Article 7 du Décret du 22 Décembre, 1888, n'a pas été prêté par M. Lothaire avant d'entrer en fonctions. Il pense que l'instruction n'a pas été conduite exclusivement en Français, et il lui semble, en tout cas, résulter des pièces du procès, que Mr. Stokes a eu connaissance des accusations dont il était l'objet, et que le Juge s'est rendu compte des motifs allégués par le prévenu pour sa défense.

Mais les considérations développées plus haut ont paru au Gouvernement si sérieuse, qu'il a donné l'ordre au Gouverneur-Général de rappeler M. Lothaire en vue de s'expliquer sur toute l'affaire. Le Gouvernement est disposé si ces explications n'étaient pas jugées absolument satisfaisantes à déférer la conduite de M. Lothaire au Tribunal compétent.

Quant au fond de l'affaire, le Gouvernement est convaincu que Mr. Stokes s'était rendu coupable d'un crime grave en fournissant des armes et des munitions, et en prêtant, par là même, un appui matériel et moral aux Arabes en pleine révolte contre l'État, et cela dans une région qui n'avait pas cessé d'être en proie aux horreurs de la Traite, et en quelque sorte au moment où les Puissances, émues de ces horreurs, venaient de décréter un ensemble de mesures pour en assurer la disparition.

Il croit devoir rappeler que c'est au printemps du 1892 que la révolte Arabe, se propageant de l'est à l'ouest, a éclaté dans tout le Manyéma, où les autorités de l'État

étaient alors établies aux Falls, à Kirundu, à Riba Riba, à Kassongo, et au Tankanika, qu'au mois de Mai de cette année, le Sous-Lieutenant Michiels, Agent de l'État, était assassiné par les Arabes à Riba-Riba en même temps que M. Hodister, Dr. Magery, Noblesse, Pierret, Desenedf, et Goedseels, agents des Sociétés de Commerce; qu'en Octobre Emin Pacha était tué entre le Lac Albert et Kirundu, qu'au mois de Décembre M. le Résident Lippens et son adjoint M. le Lieutenant du Bruyne, trouvèrent la mort dans les circonstances les plus odieuses à Kassongo, et que c'est au milieu d'une telle guerre que Mr. Stokes avait donné son appui aux ennemis de l'État et de la civilisation.

Je saisis, &c.  
(Signé) EDMOND VAN EETVELDE.

(Translation.)

*Congo Free State, Brussels,*  
*September 13, 1895.*

M. le Ministre,

I HAVE given my attention to the communication which you addressed to me yesterday relative to the condemnation and execution of Mr. Stokes, and, in accordance with your wish, I have the honour to communicate to you the views of the Government of the Congo Free State on the various points, to which you have been instructed to call my attention in this matter.

In the first place, the Government must express their great regret that, before carrying out the execution of Mr. Stokes, M. Lothaire did not give him the opportunity of lodging an appeal with the Court at Boma, as authorized by Article 27 of the Decree of the 22nd December, 1888.

The Government, moreover, hold that the absence of a Registrar from the court-martial would constitute an irregularity incompatible with the terms of the law, and that the *procès-verbaux* should in any case have been signed by the Registrar. Finally, they are of opinion that, in the case in point, the Court were incompetent to decree the general confiscation of the goods of the condemned.

With reference to the other points of which your Excellency was good enough to inform me, the Government have no reason to believe that the oath provided for in Article 7 of the Decree of the 22nd December, 1888, was not taken by M. Lothaire before entering upon his duties. The Government believe that the examination was not conducted exclusively in French, and the documents in the case appear to them to show that Mr. Stokes was at any rate aware of the accusations of which he was the object, and that the Judge took into consideration the motives advanced by the prisoner in his defence.

But the considerations set forth above appear to the Government so serious that the Governor-General has been ordered to recall M. Lothaire in order that he may furnish an explanation of the whole matter. The Government are prepared, should these explanations not be considered entirely satisfactory, to refer the conduct of M. Lothaire to a competent Court.

With regard to the main point, the Government are convinced that Mr. Stokes had rendered himself guilty of a serious crime by furnishing arms and munitions of war, and by so affording material and moral help to the Arabs in open rebellion against the State in a district which was still a prey to the horrors of the Slave Trade, and at a moment, so to speak, when the Powers, indignant at these atrocities, had just decided to take joint measures with a view to their suppression.

The Government think it right to point out that it was in the spring of 1892 that the Arab revolt, spreading from east to west, broke out all over Manyéma, where the State authorities were then established at the Falls, at Kirundu, at Riba-Riba, at Kassongo, and on Tanganyika, that in the month of May of that year, Sub-Lieutenant Michiels, an Agent of the Free State, was murdered by Arabs at Riba-Riba, together with M. Hodister, Dr. Magery, Noblesse, Pierret, Desenedf, and Goedseels, agents of Trading Companies; that in October Emin Pasha was killed between Lake Albert and Kirundu, that in December the Resident Lippens and his assistant, Lieutenant du Bruyne, met a horrible death at Kassongo, and that it was in the midst of a war like this that Mr. Stokes lent his support to the enemies of the Free State and of civilization.

I avail, &c.  
(Signed) EDMOND VAN EETVELDE.



*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 16.)*

(Extract.)

*Brussels, September 15, 1895.*

I HAVE the honour to forward herewith an explanation published in the "Étoile Belge" of last night refuting various accounts lately given in the English and German papers of some of the circumstances attending the execution of Mr. Stokes.

This is the first notice which has appeared in the Belgian papers of the recall of Captain Lothaire, and I have not as yet seen any comment made upon it.

So far the Brussels press, with very few exceptions, has tried to maintain that the Stokes incident would not lead to any complications, and some papers still assert that the German Government have so far not addressed any complaint to that of the Congo.

Inclosure in No. 17.

*Extract from the "Étoile Belge" of September 15, 1895.*

L'AFFAIRE STOKES.—La dépêche, que l'Agence Havas nous a transmise hier résumant les informations sensationnelles prétendument adressées de Berlin à l'Agence Reuter, de Londres, relativement à l'affaire Stokes, et que nous avons publiée sous les plus expresses réserves, mérite d'être analysée. Elle contient des renseignements controuvés en même temps que des affirmations toutes gratuites et des vérités connues depuis longtemps. Il nous paraît utile de préciser les unes et les autres.

Tout d'abord, il n'y a pas de district de l'Itimbiri. La révolte, dont veut parler le correspondant Allemand [?] de l'Agence Anglaise, est probablement celle des indigènes de l'Aruwimi; nous sommes en mesure d'affirmer que cette révolte—qui, soit dit en passant, est aujourd'hui complètement apaisée, les Chefs rebelles ayant tous fait leur soumission—n'a pas un seul instant entravé le service de la navigation. Du reste, les indigènes, montés dans leurs misérables pirogues, se trouveraient dans l'impossibilité absolue de combattre un grand paquebot comme "La Ville de Bruges," naviguant sur un fleuve qui—ne l'oublions pas—mesure dans la partie comprise entre les Falls et Bumba de 5 à 6 kilom. de largeur. Quant à cette assertion que le niveau du Congo aurait baissé de façon à arrêter virtuellement la navigation, elle est trop absurde pour être relevée.

Tous les paquebots, tant à la montée qu'à la descente du fleuve, font arrêt à toutes les stations pour y prendre ou y déposer le courrier. Loin d'entraîner des retards, ces arrêts font souvent gagner du temps aux capitaines qui trouvent aux points d'atterrissement des provisions de combustibles toutes préparées, ce qui leur évite l'ennui de stopper trop souvent en cours de route pour faire du bois. Un service de signaux parfaitement établi permet, du reste, d'avertir les paquebots s'il est nécessaire ou non qu'ils abordent les stations secondaires.

Enfin, c'est une naïveté de prétendre expliquer le retard avec lequel la nouvelle de la pendaison de Stokes a été apportée à Boma en disant que le Dr. Michaux, atteint d'hématurie, a été obligé de s'arrêter à Léopoldville. M. l'Inspecteur d'État Fuchs, faisant fonctions de Gouverneur-Général, a été informé des graves événements de l'Ituri, non par le rapport verbal de M. Michaux, mais par le rapport écrit du Commandant Lothaire, contenu dans le courrier de l'Aruwimi.

Pour expliquer que la mise en jugement et l'exécution de Stokes ont été connues tardivement à Boma et, par conséquent, à Bruxelles, il n'était nécessaire d'inventer ni l'attaque du paquebot-poste ni la baisse des eaux arrêtant la navigation, ni . . . le reste; il suffisait de constater que le camp de Lindi, d'où le Commandant Lothaire a expédié son courrier, est situé à plus de 5 degrés géographiques des Stanley Falls et qu'il faut environ trois mois à une caravane pour traverser les immenses territoires, dépourvus de routes, qui séparent ces deux points.

Quant à l'affaire Stokes proprement dite, le correspondant Allemand [?] de l'Agence Anglaise reconnaît "qu'il est des plus difficiles d'obtenir des détails absolument authentiques," ce qui ne l'empêche pas d'émettre des affirmations tout au moins téméraires. C'est ainsi qu'il soutient que "le Dr. Michaux fut tellement

indigné de la pendaison de Stokes qu'il demanda et obtint l'autorisation de quitter l'expédition de suite." Or cela est radicalement faux : nous savons de bonne source que le Dr. Michaux n'a été autorisé à rejoindre les Falls qu'en raison de son état de santé ; il était atteint d'hématurie et sa guérison nécessitait sa rentrée en Europe.

Faisons remarquer au surplus qu'un médecin n'a pas à blâmer ou à approuver les actes d'un chef d'expédition, actes dont, cela va de soi, il ne saurait être rendu responsable. L'attitude prêtée au Dr. Michaux est donc aussi invraisemblable que les motifs de son retour aux Falls sont erronés.

Les autres renseignements sur les circonstances dans lesquelles Stokes aurait été arrêté, condamné, et exécuté sont la reproduction d'allégations déjà publiées qu'il est prématuré de confirmer ou d'infirmer, attendu que les faits auxquels elles se rapportent font actuellement encore l'objet de négociations entre l'État Indépendant du Congo et le Gouvernement Anglais et que les usages diplomatiques empêchent les deux Chancelleries de rien divulguer à ce sujet avant qu'elles se soient mises d'accord sur la solution que l'affaire comporte.

Mais nous croyons devoir faire remarquer que l'Agence Reuter ne s'aventure pas trop en supposant qu'avant d'avoir la preuve de la culpabilité de Stokes, le Commandant Lothaire a procédé à une enquête approfondie, que l'accusé s'est énergiquement défendu et qu'il a longuement insisté pour que l'exécution de la peine prononcée contre lui fut différée.

Nous pouvons ajouter qu'il est tout aussi incontestable que Stokes a été arrêté sur le territoire Congolais et que la province dans laquelle il opérait se trouvait placée sous le régime militaire ; il était donc justiciable du Conseil de Guerre. Le crime d'excitation à la guerre civile, dont il a été convaincu, entraînait la peine capitale. Reste la question de savoir si Stokes avait le droit d'aller en appel devant le Tribunal supérieur de Boma ; c'est, croyons-nous, le seul point qui puisse être sérieusement en litige.

*Le Rappel du Commandant Lothaire.*

Nous croyons savoir que l'État Indépendant a prescrit au Gouverneur-Général de rappeler le Commandant Lothaire afin que celui-ci fasse la lumière complète sur les événements qui l'ont amené à traduire Stokes devant le Conseil de Guerre qui a prononcé contre l'ex-missionnaire la peine capitale.

Si les explications que fournira le Commandant Lothaire au sujet de la légalité de la procédure suivie n'étaient pas suffisantes, il serait traduit devant le Tribunal compétent qui aura à se prononcer sur le rôle du Conseil de Guerre de Lindi.

En tout état de cause, il est avéré que les deux Gouvernements semblent animés du même désir de faire la lumière complète sur l'incident et que des efforts seront tentés des deux côtés dans ce but.

No. 18.

*The Marquess of Salisbury to Sir F. Plunkett.*

(Telegraphic.)

*Foreign Office, September 16, 1895.*

HER Majesty's Government would be glad that orders should be sent by telegraph to recall Lothaire.

No. 19.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 19.)*

My Lord,

*Brussels, September 18, 1895.*

WITH reference to your Lordship's telegram of the 16th instant, I have the honour to report that, as M. van Eetvelde was absent from Brussels yesterday, I was not able to see him until to-day.

I then informed his Excellency that Her Majesty's Government would wish that orders for the recall of Captain Lothaire should be sent to the Governor-General by telegraph.

M. van Eetvelde said he was 'quite prepared to do this, and at once sent off the telegram to Boma, copy of which is herewith inclosed.

There is no telegraphic communication with Boma direct. Telegrams to the Congo are sent viâ Loanda or San Thomé, according as best for catching the passing steamers. The telegram recalling Captain Lothaire has been sent viâ Loanda, as a steamer ought to leave that port for Boma on the 22nd or 23rd instant.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 19.

*M. van Eetvelde to Governor-General, Boma.*

(Télégraphique.) *Expédié par Loanda, le 18 Septembre, 1895*  
RAPPELEZ immédiatement Lothaire pour s'expliquer sur l'affaire Stokes.

(Translation.)

(Telegraphic.) *By Loanda, September 18, 1895.*  
RECALL Lothaire immediately to explain his conduct in Stokes' case.

No. 20.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 20.)*

My Lord, *Brussels, September 19, 1895.*

I CALLED this afternoon upon M. van Eetvelde to inquire what news had been brought by the steamer which arrived three days ago at Antwerp from the Congo.

His Excellency was good enough to read me extracts from the bundle of despatches lying upon his table.

The most interesting were those from Captain Lothaire, dated the 2nd July, at Stanley Falls.

Captain Lothaire, who apparently then had no idea of the importance which would be attached to the execution of Mr. Stokes, reported that Lieutenant Henry had not been able to get up with the main part of Stokes' caravan, who therefore escaped with their stores of ivory and arms.

He said the caravan consisted of over 700 men, and that each man had at least one gun and a considerable amount of ammunition. He complained at length of the great extent to which arms and ammunition were being imported from the German possessions, and recommended that representations should be made to the German Government about this.

Captain Lothaire had returned to Stanley Falls viâ the Aruwimi River, and reported the rebellion in that district as now crushed.

He had returned to Stanley Falls for provisions, and to make preparations for a fresh expedition towards the lake.

The distance from Stanley Falls to Lake Albert can be done in a little over two months since better roads have been discovered.

I have, &c.  
(Signed) F. R. PLUNKETT.

No. 21.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir, *Foreign Office, September 20, 1895.*

I HAVE received your despatches of the 14th and 15th instant respecting the case of Mr. Stokes, and I have to state that your proceedings as therein reported are approved.

Her Majesty's Government have learnt with satisfaction from the note of M. van Eetvelde, inclosed in your despatch of the 14th instant, that the illegality of Captain Lothaire's action is admitted by the Congo State Government, and

that the Governor-General has been directed to recall that officer in order that he may furnish explanations with regard to his conduct, and that if these explanations are not satisfactory he will be placed upon his trial before the proper Tribunal.

Her Majesty's Government have further received with satisfaction your despatch of the 18th instant, stating that, in accordance with their desire, these instructions have been forwarded by telegraph.

Pending the arrival of Captain Lothaire and the receipt of any explanations he may be able to give Her Majesty's Government, the question of the extent and nature of the reparation to be claimed on account of Mr. Stokes' execution may be deferred.

In the meantime, I have to instruct you to address a note to M. van Eetvelde, stating that Her Majesty's Government will claim full compensation for the confiscation of Mr. Stokes' property, which is admitted to have been illegal.

The question of the amount to be demanded must depend upon the information which Her Majesty's Government will endeavour to obtain as to the value of the confiscated property.

I am, &c.  
(Signed) SALISBURY.

No. 22.

*Mr. Jackson to the Earl of Kimberley.—(Received September 23.)*

My Lord,

*Entebbi, May 10, 1895.*

I HAVE the honour to forward herewith a copy of a letter I have received from Mr. J. P. Wilson, in Toro, reporting the execution of Mr. C. H. Stokes, the British trader, by the Belgian officials at Lindi, on a charge of selling arms and powder to the Wanyema, and of being an accomplice of Kibonge, the notorious Arab slave and ivory trader.

As Mr. Wilson does not appear to have taken any steps to obtain Lieutenant Henry's statements in writing, I have written to the Commanding Officer at Lindi to ask him to be good enough to supply me with authentic information.

I have, &c.  
(Signed) F. J. JACKSON.

Inellosure in No. 22.

*Mr. Wilson to Mr. Jackson.*

Sir,

*Kasagama's, Toro, April 12, 1895.*

I REGRET to announce the death of Mr. C. H. Stokes, trader.

At an interview with Lieutenant Henry, of the Congo Service at Mpenis, on the Semliki River, he informed me Mr. Stokes had been hung by the Belgian Judge at Lindi on a charge of selling arms and powder, &c., to the Manyema, and of being an accomplice of Kibonge, the Arab, and offering to take him with his ivory to the coast when the Congo State Government were at war with him (Kibonge). Kibonge has been killed. All Mr. Stokes' goods at Mpenis have been seized by the Congo State.

These men accompanying this letter, under Headman Hadea, were made prisoners, but escaped.

The Manyema I reported in possession of Stokes' camp were Belgian Askaris (Manyema) under Lieutenant Henry, whose presence was not at the time reported to me.

I believe Mr. Stokes made a will before leaving Mpenis, but all his papers had been forwarded to the Judge ere I arrived.

I have, &c.  
(Signed) JNO. P. WILSON.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 23.)*

My Lord,

*Brussels, September 21, 1895.*

I HAVE the honour to forward herewith the account given in last night's "Indépendance Belge" of an interview with M. van Eetvelde, respecting the action which the Congo State Government intend taking in regard to Captain Lothaire and the execution of Mr. Stokes.

Your Lordship will notice that the Secretary of State for the Congo admits publicly that Captain Lothaire has been recalled to furnish explanations, and for trial if necessary; and also declares that the proceedings of the "Conseil de Guerre" were not in conformity with the laws of the State.

His Excellency denies the story that 100 of Stokes' followers were massacred.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure in No. 23.

*Extract from the "Indépendance Belge" of September 21, 1895.*

IMPORTANTES indications sur l'affaire Stokes.

Notre correspondant de Londres nous adresse la dépêche suivante :—

"Le correspondant Berlinoise du 'Times' lui télégraphie que l'État du Congo, après avoir examiné les documents relatifs à l'affaire Stokes, a conclu à l'illégalité de sa pendaison et a décidé de livrer le Capitaine Lothaire aux Tribunaux compétents."

Dès réception de cette dépêche, nous nous sommes rendu chez M. van Eetvelde, Secrétaire d'État pour l'Intérieur du Congo, qui nous a autorisé à y répondre par les renseignements que voici :—

L'ordre a été donné au Gouverneur-Général Wahis de rappeler immédiatement M. Lothaire pour qu'il s'explique sur l'affaire Stokes. Si ses explications étaient jugées insuffisantes, sa conduite serait déférée au Tribunal compétent. Dans ce cas-là seulement, bien entendu.

Comme cette affaire est actuellement l'objet de pourparlers diplomatiques, il y a lieu de n'en pas dire davantage pour le moment.

Il convient d'ajouter, cependant, que, bien qu'il paraisse établi par des pièces portant la signature de Mr. Stokes lui-même que celui-ci a fourni des armes et des munitions aux Arabes révoltés contre l'État, M. van Eetvelde doit reconnaître, dès à présent, que la procédure poursuivie par le Conseil de Guerre qui a condamné Stokes n'a pas été conforme aux lois de l'État du Congo.

Quant au Dr. Michaux, qui déjà se trouve sans doute en Europe, revenu par un steamer Portugais, M. le Secrétaire d'État déclare qu'il est absolument inexact que cet employé de l'État aurait protesté auprès du Capitaine Lothaire contre le jugement qui a condamné Stokes.

Nos propres renseignements nous permettent d'expliquer l'erreur commise à ce sujet: entre MM. Michaux et Lothaire il y avait, depuis longtemps, des causes différentes de mauvaise entente, et ce sont ces raisons qui ont motivé le retour du docteur.

M. van Eetvelde nous a autorisé, d'autre part, à démentir de la façon la plus formelle le récent récit du "Daily Telegraph" suivant lequel 100 indigènes de l'escorte de Mr. Stokes auraient été massacrés après lui. Le fait est complètement faux.

No. 24.

*Extract from the "Times" of September 24, 1895.*

THE EXECUTION OF MR. STOKES.—I have been authorized by M. van Eetvelde, Secretary of the Congo Free State, to reiterate his declaration of the illegality of the procedure under which Mr. Stokes was executed. The only extenuating circumstance that can be pleaded in behalf of Captain Lothaire, of whom M. van Eetvelde speaks as

a capable and conscientious officer, is that he was exasperated by the evidence of the treachery of Mr. Stokes, whose complicity with the enemies of the Congo State was tantamount to delivering the Belgian officers into the hands of their Arab foes. This view of the case is confirmed by a private letter from Lieutenant Breex, the substance of which has already been published. M. van Eetvelde regards the letter as furnishing evidence that Captain Lothaire had ample proof of the culpability of the accused.

In the course of our conversation M. van Eetvelde deprecated the ready credence given to false reports that had been circulated concerning supposed encounters between the troops of the Congo State and the Mahdists in the Bahr-el-Ghazal district. No such encounters, he said, had taken place, nor were any of the forces of the State to be found in this direction, since it would be obviously against reason that the State should defend territory over which it had no jurisdiction. In the region of the Aruwini all was satisfactory. The only circumstance that might be regarded as serious, and of which the consequences could not be measured with precision, was the revolt of the native force at Luluaburg, which took place in the beginning of July. Captain Peltzer was killed, and Captain Cassart was supposed at first to have met with a similar fate. The rebels were natives of Congo Lutete, and the wisdom of transporting them to such a distance from their own district might be questioned.

Dr. Michaux, who reported himself at the Administration of the Congo State to-day, formally denies the truth of the rumours which have preceded him. He admits having twice begged Captain Lothaire to postpone the execution of Mr. Stokes in order to give the latter the benefit of a trial by the Tribunal at Boma, but this request was simply advice, and cannot be regarded in the light of a menace, or even of a protest. Furthermore, Dr. Michaux was not required to sign the death warrant, and, far from leaving the camp at the moment of Mr. Stokes' execution, he remained there a whole fortnight after the event, and only left it eventually at the summons of an officer who had been taken ill at Kilongalanga. It is also untrue that Dr. Michaux is convinced of the innocence of Mr. Stokes. He only assisted at his trial in the capacity of interpreter, and has had no access to the documents concerning the affair.

Dr. Michaux' health has evidently suffered from his sojourn in the Congo Free State, but he holds himself in readiness to give all the details required when Captain Lothaire arrives in Brussels to answer the charge brought against him.

*Brussels, September 23, 1895.*

No. 25.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 25.)*

My Lord,

*Brussels, September 24, 1895.*

I HAVE the honour to inclose an account given in the "Étoile Belge" of last night of an interview with Dr. Michaux, explaining briefly what took place between him and Captain Lothaire, and rectifying some of the rumours which have hitherto been current on the subject.

Your Lordship will notice that Dr. Michaux declines to say any more at present, and reserves his further explanations for the inquiry which is to be held on Captain Lothaire's return.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 25.

*Extract from the "Étoile Belge" of September 24, 1895.*

M. LE DR. MICHAUX dont il a été si fréquemment parlé dans ces derniers temps, à propos de l'affaire Stokes, vient d'arriver en Belgique.

Un de nos collaborateurs a eu la bonne chance de le rencontrer et d'avoir avec lui un entretien qu'il est intéressant, croyons-nous, de placer sous les yeux de nos lecteurs.

Le docteur s'est d'abord montré assez surpris des différentes déclarations qu'on lui attribue, n'ayant pas tenu le langage qu'on lui prête.

“Et maintenant que M. Lothaire est rappelé,” ajouta-t-il, “et qu’il aura à s’expliquer devant un Conseil d’Enquête, on comprendra aisément que je me réserve de m’expliquer pour cette occasion, et qu’alors seulement il conviendra que je me prononce sur les détails du procès Stokes.

“Mais en attendant, je tiens à faire, dès maintenant, quelques rectifications que je juge nécessaires de faire sur l’heure, et par la suite je compte, jusqu’au moment où le Conseil d’Enquête aura à m’entendre, conserver une réserve absolue.

“Il est vrai que j’ai demandé à deux reprises à M. Lothaire de surseoir à l’exécution du condamné, afin de permettre un supplément d’instruction et de faire juger, en dernier ressort, le prévenu à Boma. Mais ma demande avait le caractère d’un conseil et absolument pas celui d’une protestation. Je n’ai d’ailleurs d’aucune façon été appelé à signer l’ordre d’exécution et je n’ai donc pu refuser de le signer.

“Je n’ai pas davantage demandé à quitter sur l’instant la scène de l’exécution ni exprimé à un moment donné semblable désir à M. Lothaire. Je restai encore quinze jours avec ce dernier, après que la justice eût suivi son cours. Et je ne la quittai que pour aller soigner M. Brex, malade à Kilonga-Longa.

“Quant à l’innocence de Stokes, je n’ai pu la proclamer, n’ayant été qu’interprète du Tribunal dans ce retentissant procès, et n’étant pas en situation de me prononcer, puisque je n’ai pas eu l’occasion de prendre connaissance du dossier de l’affaire.”

No. 26.

*Memorandum by Major Williams.—(Received September 26.)*

16, Rutland Gate, London, September 25, 1895.

VARIOUS paragraphs have appeared in relation to the execution of Mr. Stokes, in which it has been stated that he tried to sell arms to the Waganda during the early days of our occupation of that country. Lugard and I have been discussing the matter, and he suggests I should write to the Foreign Office. I feel, moreover, that it is my duty to do so, as in 1892 I told Mr. Stokes, who was exceedingly hurt at some newspaper comments accusing him of this, that I was at any time prepared to write and say that as far as Uganda was concerned he had behaved with perfect propriety. I am the more competent to give this evidence as, with the exception of one interview between Stokes and Lugard at which I was present, all dealings with Mr. Stokes for a period of two years were carried on by me.

In February 1891, soon after our arrival in Uganda, Mr. Stokes arrived, and, after referring to the necessity of keeping out powder and guns during the then excited state of the opposing factions, offered to place a large supply of arms stored at Mwanza in German territory in our hands, to, as he said himself, “remove the temptation to sell them.” The arms in question consisted of about 350 muzzle-loading cap guns, 2,600 lbs. trade powder, and the equivalent quantity of caps. Bagge went to fetch them, and on arrival at Mwanza was informed that Stokes, before leaving for the coast, had ordered the retention of the arms in his store, at the same time forbidding their sale. Having Stokes’ original letter, Bagge brought them up. When I was at Mwanza, and while Stokes was still at the coast, I saw Stokes’ written order to his representative directing nothing to be sold, and I believe Stokes considered he was meeting Lugard’s views while keeping his powder in a good store, and considering that at that time this powder was worth 1*l.* per lb. weight, and that he had to put it in what was practically a hole in the ground, where it greatly deteriorated, I think he was right. The German officer of the neighbouring fort was well aware of Stokes’ arms, which were brought up in conformity with German Regulations. Usukuma was full of powder and guns, to which Stokes’ lot was a mere drop in the ocean, and I have always been of opinion that the bringing up of this gear, which proved the greatest “white elephant,” was a mistake.

There was another case in which Stokes had, before our arrival in Uganda, taken ivory to purchase a Winchester rifle for a Chief. He could have easily given it to him, and it would have been to his advantage to do so, but he wrote and informed me of the circumstances, and dispatched the rifle to me to do as I thought fit with.

During the period after Captain Lugard’s departure, when I was in sole command, Stokes came to see me, and asked permission to trade in Toro. He went there and I helped him as much as possible. I found him on this occasion, as on every other, perfectly amenable to any reasonable conditions. He was very impulsive and hot-headed, and

occasionally troublesome about business matters, but I am sure that, during the period from our first occupation of the country until Sir G. Portal's arrival, his conduct was perfectly correct, and such as I should not have expected from a trader in ivory.

(Signed) W. H. WILLIAMS, *Major, R.A.*

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No. 27.

*The Marquess of Salisbury to Sir E. Malet.*

Sir,

*Foreign Office, September 28, 1895.*

WITH reference to your Excellency's recent despatches respecting the execution of Mr. Stokes in the Congo State by order of Captain Lothaire, I have to state that Her Majesty's Government are anxious to obtain all the information they can both as to the execution and also as to the amount and value of the goods confiscated by the Court before which the trial took place.

It is probable that the majority, if not the whole, of the porters composing Mr. Stokes' caravan were recruited in the German Protectorate, and I should wish your Excellency to ask Baron von Marschall whether he would be so good as to communicate to Her Majesty's Government any details on the above points which the German East African authorities may be able to obtain from the porters on their return to their homes.

I am, &c.

(Signed) SALISBURY.

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No. 28.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, September 30, 1895.*

FROM a despatch received by the last mail from the Acting British Commissioner in Uganda, it appears that Mr. J. P. Wilson, an officer on the staff of that Protectorate, had had an interview with Lieutenant Henry, in the service of the Congo State, at Mpénis, on the Semliki River, on the subject of Mr. Stokes' execution; and that Mr. Wilson was informed that all Mr. Stokes' goods at Mpénis had been seized by the authorities of the Free State. Mr. Wilson also believes that Mr. Stokes made a will before leaving Mpénis, but states that before his arrival at that place all the papers in the case had been forwarded to the judicial authorities.

I should wish you to inform M. van Eetvelde that Her Majesty's Government understand that a will, made by Mr. Stokes at Mpénis, was placed in the hands of Captain Lothaire, and to ask that it may be delivered to you, together with any other papers or private property belonging to the deceased.

I am, &c.

(Signed) SALISBURY.

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No. 29.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, October 2, 1895.*

HER Majesty's Government will be glad to be informed as to the nature of the Court at Boma by which it is proposed that Captain Lothaire shall be tried.

I am, &c.

(Signed) SALISBURY.

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No. 30.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, October 5, 1895.*

WITH reference to the representations which you have made to the Government of the Congo State in connection with the execution of Mr. Stokes, I have to instruct you to point out to M. van Eetvelde that it is observed that three of the depositions annexed to the *procès-verbal* are signed by Lieutenant Henry, who, according to a letter from him which has appeared in the newspapers, was not present at the trial.

You should point out to M. van Eetvelde that another grave irregularity is thus disclosed. The evidence of these witnesses cannot have been taken at the trial, and these depositions are neither signed by the Judge nor by any official of a "Conseil de Guerre." It is necessary that the attention of the Administration of the Congo State should be called to this point in connection with the proceedings against Captain Lothaire.

I am, &c.  
(Signed) SALISBURY.

No. 31.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 7.)*

My Lord,

*Brussels, October 4, 1895.*

WITH reference to your Lordship's despatch of the 20th ultimo, I have the honour to forward herewith copy of the note which I addressed on the 2nd instant to M. van Eetvelde, conveying the observations of Her Majesty's Government on the note which his Excellency had addressed to me on the 13th ultimo respecting the execution of Mr. Stokes, and informing the Congo State Government that Her Majesty's Government will claim full compensation for the confiscation of Mr. Stokes' property, which is admitted to have been illegal.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 31.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, October 2, 1895.*

HER Britannic Majesty's Government have learnt with satisfaction, from the note which your Excellency did me the honour of addressing to me on the 13th of last month, that the illegality of Captain Lothaire's action is admitted by the Congo State Government, and that the Governor-General has been directed to recall that officer in order that he may furnish explanations with regard to his conduct, and that, if these explanations are not satisfactory, he will be placed upon his trial before the proper Tribunal.

Her Britannic Majesty's Government have further received with satisfaction the information that, in accordance with their desire, these instructions had been forwarded by telegraph.

Pending the arrival of Captain Lothaire and the receipt of any explanations which he may be able to give to Her Britannic Majesty's Government, the question of the extent and nature of the reparation to be claimed on account of Mr. Stokes' execution may be deferred.

In the meantime, however, I have the honour to state that I have been instructed to inform the Congo State Government that Her Britannic Majesty's Government will claim full compensation for the confiscation of Mr. Stokes' property, which is admitted to have been illegal.

The question of the amount to be demanded must depend upon the information which Her Britannic Majesty's Government will endeavour to obtain as to the value of the property which has been confiscated.

I avail, &c.  
(Signed) F. R. PLUNKETT.

## No. 32.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 7.)*

My Lord,

*Brussels, October 6, 1895.*

ON the receipt of your Lordship's despatch of the 2nd instant, I inquired of M. van Eetvelde what would be the nature of the Court at Boma before which Captain Lothaire would be eventually brought to trial.

At first, his Excellency declined to admit that Captain Lothaire's explanations would be so unsatisfactory as to justify his being brought to trial before any Court; therefore, the question which I was raising had not yet been carefully examined.

I said that the opinion of Her Majesty's Government as to Captain Lothaire's proceedings was quite in the other sense—the more they heard of what had taken place, the more convinced they were that he would have to be brought to trial before the proper Court. What would be that proper Court?

His Excellency admitted that he was not prepared to state what Court would have jurisdiction in a case such as the present, and therefore I have addressed to M. van Eetvelde the note, copy of which is herewith inclosed, and to which he will reply at an early date.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 32.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, October 4, 1895.*

IN compliance with instructions received from the Marquess of Salisbury, I have the honour to request that your Excellency will be so good as to inform me of the nature of the Court by which it is proposed that Captain Lothaire shall be tried at Boma.

I avail, &c.  
(Signed) F. R. PLUNKETT.

## No. 33.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 8.)*

My Lord,

*Brussels, October 7, 1895.*

ON the receipt of your Lordship's despatch of the 30th ultimo, I addressed to M. van Eetvelde the note, copy of which is herewith inclosed, requesting his Excellency to deliver to me the will which Mr. Stokes had made at M'pénis, together with any other papers or private property belonging to the deceased.

I have now the honour to forward herewith copy of the reply which I have received this morning from M. van Eetvelde inclosing two wills, one dated the 24th August, 1891, which is not signed, and has been formally cancelled by Mr. Stokes, and the other made at the camp Kena M'Pénis on the 18th September, 1894. Neither of these two wills bears the signature of any witnesses.

M. van Eetvelde states that these are the only private documents belonging to Mr. Stokes which are in possession of the Congo State Government here.

I understood from verbal explanations which his Excellency gave to me on the 4th instant that the Congo Government have other papers belonging to Mr. Stokes, but, as they refer to his business transactions, they must be detained until the inquiry, where they will be used as evidence in proof of the nature of the commerce which Mr. Stokes was carrying on with the enemies of the Congo State.

It appears that no property of any kind belonging to the deceased has yet been received here.

I have, &c.  
(Signed) F. R. PLUNKETT.

## Inclosure 1 in No. 33.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, October 4, 1895.*

I HAVE been instructed by the Marquess of Salisbury to inform your Excellency that Her Britannic Majesty's Government understand that a will made by Mr. Stokes at M'pénis was placed in the hands of Captain Lothaire, and I have further been instructed to request that this will may be delivered to me, together with any other papers or private property belonging to the deceased.

I avail, &amp;c.

(Signed) F. R. PLUNKETT.

## Inclosure 2 in No. 33.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 5 Octobre, 1895.*

EN réponse à la lettre que votre Excellence m'a fait l'honneur de m'adresser à la date du 4 de ce mois je m'empresse de lui faire parvenir sous ce pli les originaux des deux testaments délaissés par Stokes, qui constituent les seuls documents privés que nous possédions de lui.

Je saisis, &amp;c.

(Signé) EDMOND VAN EETVELDE.

(Translation.)

M. le Ministre,

*Brussels, October 5, 1895.*

IN answer to the letter which your Excellency did me the honour to address to me on the 4th instant, I hasten to send you herewith the originals of the two wills left by Stokes, which form the only private papers of his in our possession.

I avail, &amp;c.

(Signed) EDMOND VAN EETVELDE.

## No. 34.

*Memorandum communicated by Count Metternich, October 10, 1895.*

(Translation.)

THE Undersigned communicated to his Government the note of his Excellency M. van Eetvelde, Secretary of State, of the 10th instant, relative to the execution of the ivory merchant, Stokes, with its inclosures, and has the honour to reply as follows, in accordance with instructions received.

The copies of papers relative to the summary condemnation and execution of Mr. Stokes by Commander Lothaire, in January last, at the station of Lindi, have been carefully examined. The Imperial Government regret that this examination has only confirmed their view, that the summary proceedings against Stokes constitute an arbitrary and unjustifiable act, in contravention of the laws of the Congo Free State. The execution of Stokes, carried out at short notice, and in such a manner as to make an appeal against the sentence at Boma impossible, is undoubtedly an infraction of the provisions of the Ordinance of the 22nd December, 1888, relative to the application of the military jurisdiction. For, according to Article 27 of that Ordinance, the right of appealing to the Criminal Appeal Court at Boma is expressly, and in all cases, granted to civilians who are not natives, and who have been condemned by a "Conseil de Guerre," and Stokes was undoubtedly such a person. Accordingly, in cutting off from the condemned man the power of appealing, which was his legal right, and in carrying out summarily the sentence of death, Commander Lothaire was guilty of arbitrarily putting to death a European, and will have to be called to account for his action.

Apart from this, the principal point, it appears, from the papers inclosed in M. van Eetvelde's note, that grave irregularities occurred in the procedure adopted. According to Articles 2 and 3 of the above-mentioned Ordinance of the 22nd December, 1888, Stokes ought to have been tried by a regularly constituted "Conseil de Guerre."

In order that it should be regularly constituted, it was indispensable, according to the Ordinance referred to, that, in addition to the Judge (in this case the District Commissioner or Commander of the expedition), a clerk should be present. According to Article 7 of the Ordinance, the Judge and the clerk should have taken the prescribed oath of office before the proceedings commenced. There is nothing to show that the Court was regularly constituted in this manner. Further, the contents of the papers communicated show that an infraction of Article 14 of the Ordinance was committed. That Article expressly lays down that the record of proceedings, containing the statements of the accused and of the witnesses, shall be signed by the Judge *and the clerk*, whereas the records produced are signed by Commander Lothaire only. It is, to say the least of it, curious that in a case of such gravity, which laid a heavy responsibility on the Judges, Commander Lothaire should not have availed himself of the right, given him by Article 8 of the Ordinance, to appoint Assessors to assist him. So far as the Imperial Government are aware, there is not the slightest legal justification for the confiscation of the property brought by Stokes to the Congo Free State, which forms part of the sentence. This confiscation, then, must also be described as an unjustifiable and arbitrary act.

The above considerations, which are founded on the papers inclosed in M. van Eetvelde's note, show conclusively that the treatment to which the merchant Stokes was subjected by a high official of the Congo Free State was illegal, and such as to justify satisfaction being demanded. Under these circumstances, it may appear unnecessary to examine in detail the various charges brought against Stokes, more especially as, owing to the meagreness of the data available, it is hardly possible to arrive at a conclusion based upon evidence in regard to them. If Stokes has been accused of having incited the Arabs of Kilongalanga to armed resistance, or to civil war, against the authorities of the Congo Free State by selling them arms and ammunition in 1892, and of thus having committed a criminal act punishable by death, it must, on the other hand, be remembered that, as is well known, there were no authorities of the Congo Free State in the regions to the west of Lake Albert Edward in 1892; that it was only in November 1892 that fighting began on the Zomami, several hundred miles off, and that at that time there was no question of a state of war between the Congo Free State and the Arabs in the neighbourhood of Kilongalanga. The charge brought against Stokes of having committed a criminal act punishable by death thus falls to the ground. As for the statement in the sentence of the "Conseil de Guerre," that the sales of arms and ammunition, said to have been arranged by porters employed by Stokes with followers of the insurgent Arab Kibongé were arranged in Stokes' name, or by his orders, which is expressly denied by Stokes in the declaration of which a copy was communicated, the papers supplied by M. van Eetvelde contain no proof whatever of this charge. Nor can the charge brought against Stokes of having, shortly before his arrest (November and December 1894), sold arms and ammunition by negotiation with representative of Kibongé, be regarded as proved. So far as can be seen from the papers furnished by the Congo Government, there certainly was no delivery to the insurgent Arabs of the arms and ammunition said to have been sold to them, and all the circumstances of the case tend to show that, if Stokes did really promise the representative of Kibongé to let them have the arms, &c., in his possession, he only did so to induce the Arabs to pay him the arrears due to him from former transactions. Moreover, it must not be forgotten that the accusations made against Stokes proceed chiefly from persons who, being in the custody of Commander Lothaire as former followers of the Arab Kibongé, who was executed, had an interest in gaining the favour of the conqueror, and whose statements for this reason alone ought to have been received with the greatest caution. It appears, then, from an examination of the papers supplied, that the sentence passed by Commander Lothaire on Stokes, considered purely on its merits, was unjustifiable.

The Imperial Government have taken note of the fact that the Government of the Congo Free State have instructed the Governor-General at Boma to recall Commander Lothaire, in order that he may personally explain his proceedings, and to have him tried if his explanations are not satisfactory. But this does not by any means close the incident so far as the Imperial Government are concerned. On the contrary, they must, in the first place, repeat the demand which was made by the Undersigned to Secretary-General de Cavelier, in the note which he handed to him on the 5th instant, viz., that all the persons concerned in the affair, and especially Dr. Michaud, the medical man, who has since returned to Europe, be examined on oath, and that their depositions be communicated to the German Government. Further, the Imperial Government will claim complete satisfaction for the German interests injured by the arbitrary proceedings of Commander Lothaire. As regards this point, it appears probable, from official reports

received from German East Africa, that various followers of Stokes, coming from the German Protectorate, lost their lives and their property in connection with the arrest and execution of Stokes. These reports are unfortunately confirmed in recent accounts in the newspapers, according to which 100 men left by Stokes in his camp were killed by order of officers of the Congo Free State, because they refused to give up the ivory and other property belonging to Stokes which had been left in their charge, and which had been confiscated illegally, as stated above. The Imperial Government expect that the Government of the Congo Free State will take steps, with the least possible delay, to clear up these matters connected with the execution of Stokes, which cause grave injury to German interests. As stated above, the Imperial Government intend to claim satisfaction from the Government of the Congo Free State for the injury done to German interests by Commander Lothaire, and they have already taken steps to arrive at an estimate of the indemnity that should be claimed, taking into consideration the gravity of the case and the effect which it may have on the trade and communications of the German Protectorate.

A further communication on the latter point will be made by the Undersigned, who has the honour to request an answer with the least possible delay, &c.

No. 35.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 11.)*

My Lord,

*Brussels, October 10, 1895.*

WITH reference to my despatch of the 6th instant, inclosing copy of the note which, in compliance with your Lordship's instructions, I had addressed to M. van Eetvelde, inquiring what was the nature of the Court before which Captain Lothaire would be tried, I have now the honour to forward herewith copy of the reply which I received yesterday afternoon from his Excellency.

The Congo State Government propose, if occasion arises, to have Captain Lothaire tried by the Tribunal d'Appel at Boma, in compliance with Article 57 of the Decree of the 27th April, 1889. An appeal will lie to the Conseil Supérieur at Brussels, which, in virtue of Article 1 of the Decree of the 8th October, 1890, is the Court of Appeal to which such cases can be referred.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 35.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 9 Octobre, 1895.*

EN réponse à la lettre que votre Excellence m'a fait l'honneur de m'adresser le 4 de ce mois, je m'empresse de lui faire connaître que le Gouvernement se propose de déférer, le cas échéant, la conduite de M. Lothaire au Tribunal d'Appel de Boma agissant en vertu de l'Article 57 du Décret du 27 Avril, 1889 ("Bulletin Officiel," 1889, p. 102). Le Conseil Supérieur à Bruxelles statue, dans ce cas, comme Tribunal d'Appel conformément à l'Article 1 du Décret du 8 Octobre, 1890, sur l'organisation du Conseil Supérieur ("Bulletin Officiel," 1890, p. 159).

Veillez, &c.  
(Signé) EDMOND VAN EETVELDE.

(Translation.)

M. le Ministre,

*Brussels, October 9, 1895.*

IN answer to the letter which your Excellency did me the honour to address to me on the 4th instant, I hasten to inform you that the Government propose, if there be occasion, to refer the conduct of M. Lothaire to the Court of Appeal at Boma, in accordance with Article 57 of the Decree of the 27th April, 1889 ("Bulletin Officiel," 1889, p. 102). In this case the High Court at Brussels acts as Court of Appeal in accordance with Article 1 of the Decree of the 8th October, 1890, on the organization of the High Court ("Bulletin Officiel," 1890, p. 159).

I am, &c.  
(Signed) EDMOND VAN EETVELDE.

## No. 36.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 11.)*

My Lord,

Brussels, October 10, 1895.

WITH reference to my immediately preceding despatch of this date, I venture to doubt whether Article 57 of the Decree of 1889, under which the Congo Government propose, if occasion arises, to try Captain Lothaire, suffices to cover the offence of which that officer is suspected to have been guilty.

Article 57 states:—

“Les infractions commises par les Juges des Tribunaux de Première Instance, leurs suppléants et les officiers du Ministère Public près des Tribunaux, seront portées directement devant le Tribunal d’Appel.”

“Appel pourra être interjeté devant le Conseil Supérieur à Bruxelles.

“L’acte sera dressé au greffe du Tribunal d’Appel.”\*

The “Conseil Supérieur” in Brussels is a Body composed of some present, and some late, Belgian Cabinet Ministers, some Senators and Professors of Law, a Belgian Minister *en disponibilité*, M. Rivier, the Consul-General of Switzerland, and an English lawyer, Mr. Thomas Barclay, usually resident at Paris, who is, I believe, well known to Her Majesty’s Embassy there, and was a prominent member of the International Law Congress, held here the other day under the presidency of Sir Richard Webster.

Your Lordship will find the names of the members and the composition of the “Conseil Supérieur” detailed at p. 77 of the “Bulletin du Congo” of the month of March.

The question, it appears to me, arises, what jurisdiction would the “Conseil Supérieur” have over a Belgian subject once he were to get back upon Belgian soil?

I have, &c.

(Signed) F. R. PLUNKETT.

## No. 37.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 14.)*

My Lord,

Brussels, October 11, 1895.

I TOOK an opportunity yesterday of pointing out to M. van Eetvelde, as directed by your Lordship’s despatch of the 5th instant, that Her Majesty’s Government had observed that three of the depositions annexed to the *procès-verbal* of Mr. Stokes’ trial were signed by Lieutenant Henry, who, according to a letter from him, published in the “Étoile Belge” of the 26th ultimo, was not present at the trial, and they were not signed by the Judge or any other official of the Court.

M. van Eetvelde said that the absence of Lieutenant Henry was immaterial, as the Court had a right to take cognizance of written evidence, but his Excellency did not dispute that an irregularity had been committed in these three depositions not having been signed by the Judge or by any official of the “Conseil de Guerre.”

I have, &c.

(Signed) F. R. PLUNKETT.

## No. 38.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

Foreign Office, October 14, 1895.

I HAVE to acknowledge the receipt of your despatch of the 6th instant, reporting a conversation with M. van Eetvelde as to the Court before which Captain Lothaire’s trial would be held, and inclosing copy of a note you addressed to him asking for information on the point.

TRANSLATION.—“Infractions of the law committed by the Judges of the Tribunals of First Instance, their *locum tenentis* and the officers of the Public Ministry connected with the Tribunals, will be brought directly before the Tribunal of Appeal.

“An appeal will be allowed to the Superior Council at Brussels.

“The notification shall be drawn up at the office of the Tribunal of Appeal.”

I have to inform you that I approve the language held by you to M. van Eetvelde, as also the terms of the note you addressed to his Excellency on the subject.

I am, &c.

(Signed) SALISBURY.

No. 39.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, October 16, 1895.*

I HAVE received your despatch of the 10th instant, forwarding the reply of M. van Eetvelde to the inquiry which you were instructed to address to his Excellency as to the nature of the Court before which Captain Lothaire would be tried in connection with the execution of Mr. Stokes.

It is stated that Captain Lothaire would be tried, in the first instance, by the Tribunal d'Appel at Boma, in accordance with Article 57 of the Decree of the 27th April, 1889, from which an appeal would lie to the Conseil Supérieur at Brussels.

The judicial Decrees of the State have been examined. It is found that, under Article 1 of the Decree of the 27th April, 1889, a Court of Appeal is established at Boma. Under Article 3 its constitution is defined. It consists, like the Courts of First Instance, of a Judge, an officer of the Public Ministry, and a Greffier. Under Article 61 it is declared competent to take cognizance of appeals from the ordinary Courts of the State and from sentences given by the Conseils de Guerre. Under Article 57 infractions committed by Judges of the Courts of First Instance may be brought before this Court of Appeal, with further appeal to the Conseil Supérieur at Brussels, which appears to be a Cour de Cassation of the Congo Free State. Its organization is dealt with in the Decrees of the 8th October, 1890, and the 21st March, 1895.

It does not appear that these Courts are competent to deal with the case of Captain Lothaire.

Supposing that a Conseil de Guerre had been legally constituted, which has not been shown, the sentence pronounced by Captain Lothaire, as Judge of such a Court, might have been appealed against; but it was executed without an appeal being allowed. The Boma Court and the Conseil Supérieur have, therefore, no power of intervention under the Articles above quoted.

The case of infractions by a Judge, dealt with in Article 57, cannot have been intended to cover the trial of an officer for improperly putting a foreigner to death, involving the sifting of evidence and infliction of suitable penalties.

In these circumstances it seems to be clearly necessary that a special Court should be constituted, of a character which will command respect, with the requisite powers for taking evidence and for inflicting suitable punishment in case of conviction.

I have to request you to make a representation in this sense to M. van Eetvelde.

I am, &c.

(Signed) SALISBURY.

No. 40.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 17.)*

(Extract.)

*Brussels, October 15, 1895.*

I MET Dr. Michaux this morning by appointment at the Congo State Department, and had about an hour's conversation with him, in presence of M. van Eetvelde.

The following is a summary of the information which he furnished.

Captain Lothaire, when at Mabilunga, heard that Stokes and another white man were advancing at the head of a large force to attack him and deliver the Chief Kibonge. He therefore ordered Lieutenant Henry to advance in pursuit of Stokes. Lieutenant Henry succeeded in coming up with Stokes at Kilongalanga, whence he sent him back, under escort, to meet Lothaire at Lindi.

Dr. Michaux denies that Stokes had been induced to go to Captain Lothaire on any

friendly pretence. He was sent there by Lieutenant Henry as a prisoner, after having been captured at Kilongalunga. Stokes arrived at Lindi, accompanied only by two of his native servants and a few trunks. The main part of his caravan had remained at Kwampani. Dr. Michaux appeared to know little about this matter, and could give no information, either as to the value of Stokes' property there, or what had become of it, or of the men.

Stokes arrived at Lindi in the afternoon, and was at once interviewed by Captain Lothaire, who told him he was accused of having furnished arms and ammunition to the enemies of the Congo State. Stokes then was taken to a small house made of branches, which had been built for a white officer, who had then left, and two sentries were placed to guard him. He asked for paper and pens, which were at once furnished, and he then wrote the defence with which your Lordship is acquainted.

Next morning, after breakfast, Stokes was brought up for trial, and after proceedings which, Dr. Michaux admitted, lasted less than an hour, Stokes was sentenced to be hanged. He was then taken back to his house, where he remained, under charge of the two sentries, until about 4 o'clock next morning, when he was hanged and immediately decently buried. Captain Lothaire ordered the execution to take place at this unusually early hour in order that it might be over, and the body properly buried, before the natives came to market.

I cross-examined Dr. Michaux closely as to the nature of the Tribunal which condemned Stokes, and the reason why Captain Lothaire had not given him time for the appeal to Boma, to which he was entitled by Congolese law.

Dr. Michaux said that the trial was held at the residence of Captain Lothaire, in presence of a large number of natives. Captain Lothaire, Dr. Michaux, and Stokes (the latter guarded, but not handcuffed nor fettered), were seated on chairs, the rest were standing. No other Europeans were present; there were, in fact, no other Europeans at Lindi at that moment.

Captain Lothaire explained to Stokes the crimes of which he was accused. The principal witnesses against him were M'Suferie of Lindi and Aluta of Kilongalunga, but there were also a couple of others whose names Dr. Michaux had forgotten. These witnesses were all actually present, and gave their evidence without any constraint. Stokes having made his defence Captain Lothaire declined to admit it as valid, and sentenced him to be hanged next morning.

Stokes then made an earnest request to be allowed time to appeal to his "fellow-Christians," and Dr. Michaux did his utmost to induce Captain Lothaire to accede to this prayer. Later in the afternoon Dr. Michaux again urged Captain Lothaire not to hang Stokes, but he insisted that the security of his own forces required he should make an example of Stokes, and he absolutely declined to grant any reprieve.

Neither Stokes nor Dr. Michaux had asked for time to appeal to Boma, for neither of them knew that such right of appeal existed by law. Dr. Michaux said he had every reason to believe that Captain Lothaire also knew nothing whatever about the existence of this provision in favour of civilians. Therefore this question had not been raised in any shape at Lindi, and he himself knew nothing about it, until he got back to Stanley Falls. He had, in fact, heard Captain Lothaire express regret that he had no copy of the code with him to consult.

This evidence struck me as so extraordinary, that I said it seemed to me impossible that an officer in the position of Captain Lothaire should be sent out in command of a distant expedition without some instructions as to the laws he had a right to administer. If this had been the case, it was very grave.

M. van Eetvelde suggested that such observations were hardly in place while Dr. Michaux was present, and said he would prefer that for the moment I should confine myself to asking whatever questions I might wish to put. I admitted the justice of this remark.

Dr. Michaux asserted positively that Captain Lothaire was absolutely sober, and was not labouring under any excitement when he condemned Stokes, and he also stated that the latter was perfectly calm and respectful in his language. In fact, the affair had, as far as this went, passed with perfect regularity.

I conversed part of the time in English with Dr. Michaux, and consider him quite capable of acting as interpreter of any conversation on ordinary subjects. He said that Captain Lothaire also had a fair knowledge of English, and that it was only very seldom he had had to explain anything said to or by Stokes. He asserted that all the three had understood one another quite well. The proceedings had been carried on partly in English and partly in Swahili, which latter was understood by all the parties.

I cross-examined Dr. Michaux closely as to the *procès-verbal*. He said he had never



seen it, and knew nothing about it. At the trial there had been neither a table nor any writing materials, nor had he seen Captain Lothaire taking any pencil notes.

He said Captain Lothaire was a man of rather reserved character, who generally lived alone, and he therefore did not know much of what the Captain might be doing. He knew he wrote a good deal, and the Captain might have prepared the *procès-verbal* without his knowing anything about it.

Dr. Michaux denied the truth of a story, so far current, that when he had gone to Captain Lothaire to plead again for Stokes' life, the Captain had taken him out and shown him Stokes hanging to a tree. The fact was that when he got up that morning, Stokes had not only been hanged, but had already been buried decently, wrapped up in a piece of cloth or linen.

Dr. Michaux explained that Captain Lothaire had acted in self-defence. The natives had warned him that Stokes, with his large armed caravan, was hurrying forward to drive back the Congolese troops, and as the latter were only a small force to make head against such an attack, Captain Lothaire considered himself justified in hanging Stokes to save his own men. Dr. Michaux had never heard of papers having been found connecting Stokes with the Arabs who murdered Emin Pasha.

## No. 41.

*Sir E. Malet to the Marquess of Salisbury.—(Received October 21.)*

My Lord,

*Berlin, October 17, 1895.*

WITH reference to your Lordship's despatch of the 28th ultimo, relative to the execution of Mr. Stokes, I have the honour to inform your Lordship that I have received a note from the German Foreign Office, copy and translation of which are herewith inclosed, stating that the Imperial Governor of East Africa has been instructed to institute a full inquiry, and report the result.

I have, &c.  
(Signed) EDWARD B. MALET.

## Inclosure in No. 41.

*Baron von Marschall to Mr. Gosselin.*

(Translation.)

*Berlin, October 13, 1895.*

THE Undersigned has the honour to inform Mr. Gosselin, with reference to the Ambassador's note of the 4th instant, that the Imperial Governor in East Africa has been instructed to institute searching inquiries as to the proceedings at the execution of the ivory merchant Stokes, and as to the extent of the damage done, and especially as to how far that was brought about by the confiscation of the property belonging to Stokes and his people.

The Undersigned will not fail to inform Her Majesty's Government of the result.  
(Signed) VON MARSCHALL.

## No. 42.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 21.)*

(Extract.)

*Brussels, October 20, 1895.*

ON the receipt of your Lordship's despatch of the 16th instant, I addressed to M. van Eetvelde the note copy of which is herewith inclosed, stating that Her Majesty's Government considered it would be necessary that a special Court should be constituted for the trial of Captain Lothaire, as the Court he had mentioned was clearly insufficient.

His Excellency inquired of me yesterday what it was precisely which Her Majesty's Government desired. Would nothing satisfy them except some Court which should have jurisdiction of life and death?

I said that the Court which he had proposed in his note of the 9th instant did not possess the powers requisite for trying a case of such gravity as that now under consideration. Her Majesty's Government must insist on Captain Lothaire being tried before

some Court which would have authority to take evidence on oath, and inflict whatever punishment the gravity of the offence proved against Captain Lothaire might demand.

Her Majesty's Government did not wish to prejudge the question. They perfectly admitted the possibility that Captain Lothaire might be innocent, and Mr. Stokes might have been guilty; but they insisted that this question should be examined openly by a proper Tribunal, invested with full power to inflict suitable punishment in case of conviction. Moreover, it would be necessary that the British Vice-Consul should assist at the trial, to watch the proceedings and produce evidence, if necessary.

M. van Eetvelde said he must take the orders of the King before giving an answer to my note.

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Inclosure in No. 42.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, October 17, 1895.*

HER Britannic Majesty's Government have duly considered the note which your Excellency was so good as to address to me on the 9th instant.

It is there stated that Captain Lothaire would be tried in the first instance by the Tribunal d'Appel at Boma, in accordance with Article 57 of the Decree of the 27th April, 1889, from which an appeal would lie to the Conseil Supérieur at Brussels.

Her Britannic Majesty's Government have carefully examined the official Decrees of the Congo State, and find that under Article 1 of the Decree of the 27th April, 1889, a Court of Appeal is established at Boma. Under Article 3 the constitution is defined; it consists, like the Courts of First Instance, of a Judge, an officer of the Public Ministry, and a "greffier." Under Article 61 it is declared competent to take cognizance of appeals from the ordinary Courts of the State, and from sentences given by the Conseil de Guerre. Under Article 57, infractions committed by Judges of the Courts of First Instance may be brought before this Court of Appeal, with further appeal to the Conseil Supérieur at Brussels, which appears to be a Cour de Cassation of the Congo Free State; its organization is dealt with in the Decrees of the 8th October, 1890, and the 21st March, 1895.

It does not appear to Her Britannic Majesty's Government that these Courts are competent to deal with the case of Captain Lothaire.

Supposing that a Conseil de Guerre had been legally constituted, which so far has not been shown, the sentence pronounced by Captain Lothaire as Judge of such a Court might have been appealed against; but the sentence was executed without an appeal being allowed. Her Britannic Majesty's Government therefore consider that the Court at Boma and the Conseil Supérieur have no power of intervention under the Articles above quoted.

The case of infractions by a Judge dealt with in Article 57 cannot have been intended to cover the trial of an officer for improperly putting a foreigner to death, involving the sifting of evidence and the infliction of suitable penalties.

Under these circumstances I have been instructed by the Marquess of Salisbury to inform your Excellency that it seems to Her Britannic Majesty's Government clearly necessary that a special Court should be constituted, of a character which will command respect, with the requisite powers for taking evidence, and for inflicting suitable punishment in case of conviction.

I avail, &c.  
(Signed) F. R. PLUNKETT.

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No. 43.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, October 21, 1895.*

I HAVE received your despatch of the 15th instant, reporting the result of the interview you had on that day with Dr. Michaux, in the presence of M. van Eetvelde, with reference to the trial and execution of Mr. Stokes.

I observe that Dr. Michaux states that the principal witnesses against Stokes were M'Suferie of Lindi and Aluta of Kilongalanga, and two others, whose names he had forgotten.

It will be seen in the *procès-verbal* of the trial which was communicated by the Congo Government, and inclosed in your despatch of the 31st August, that nine witnesses are stated to have given evidence at the trial, not four as described by Dr. Michaux, and that of the two names given by that gentleman, only one (Aluta) is to be found among their names.

The depositions of three other witnesses annexed to the Report of the trial purport to have been taken on the 10th January (four days beforehand) by Lieutenant Henry. It is implied, though not stated, that these depositions were produced at the trial, though Lieutenant Henry is known not to have been at Lindi at the time.

From the account given by Dr. Michaux of what took place, it seems probable that Captain Lothaire would contend, in defence of his action, that there was no question of Stokes being tried before a regularly constituted judicial Court, but that he had summarily executed an enemy whom he had taken in arms against the State. But he appears to be deprived of this line of defence by the fact that his name has been attached to a *procès-verbal* in which, describing himself as Judge of a Conseil de Guerre, he makes charges against Mr. Stokes of violation of the Congo State law.

I am, &c.

(Signed) SALISBURY.

No. 44.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 25.)*

My Lord,

Brussels, October 24, 1895.

IN the course of conversation to-day, M. van Eetvelde gave me an official assurance that Captain Lothaire neither had, nor would have, any personal advantage from any ivory or other property seized from the late Mr. Stokes.

I have, &c.

(Signed) F. R. PLUNKETT.

No. 45.

*Sir E. Malet to the Marquess of Salisbury.—(Received October 26.)*

My Lord,

Berlin, October 23, 1895.

WITH reference to my despatch of the 17th instant, I have the honour to report that the German press are still discussing the untimely end of Mr. Stokes, and unanimously condemn the high-handed proceedings of Captain Lothaire and the action of the Government of the Independent State in this matter.

The Brussels "Étoile Belge," in attempting to defend the action of the Congo State, has apparently appealed, amongst other witnesses, to Dr. Stuhlmann, the well-known African traveller and friend of Emin Pasha and actually member of the German East African Agricultural Department, in support of the contention that Mr. Stokes had illegally sold arms and ammunition to Arabs.

The semi-official "Norddeutsche," in its leading article of yesterday, publishes the answer of Dr. Stuhlmann, who is now in Germany, to the statements of the Brussels organ.

I have the honour to inclose copy and précis of this letter.

I have, &c.

(Signed) EDWARD B. MALET.

Inclosure in No. 45.

*Précis of Article communicated to the "Norddeutsche" by Dr. Stuhlmann (of the East African Agricultural Department), on Mr. Stokes' death.*

MR. STOKES was always known to me as a circumspect experienced merchant, cautious rather than foolhardy. It is therefore unlikely that he, who dealt in a friendly way with every native, should intentionally do anything hostile to the Congo State.

He has always traded, amongst other articles, in arms, the sale of which was formerly quite unrestricted, and is to this day legal, in so far as muzzle-loaders and ordinary gunpowder are concerned, provided these are sold according to the Regulations laid down in the Brussels Act.

When Mr. Stokes first went to the Nyanza on these trading expeditions, there was no question of any European Government there.

Stokes, in looking after his own trading interests, may rather be said to have helped on civilization, inasmuch as he provided arms to the Christian Waganda Missions to defend themselves from the attacks of the Mahomedans.

Later on he similarly assisted the "English Government" in Uganda.

It is, moreover, a well-known fact that it is impossible in Africa to get ivory without dealing in arms. An ivory dealer must take with him trade-arms (as well as arms for his own protection), as was admitted by the Signatories of the Brussels Conference when they sanctioned the trade in muzzle-loaders.

Mr. Stokes is accused of having sold arms to Kilongalanga, a Mgindo slave of the Arab Saïd-bin-Abed in 1892, and so helped him in his slave-raiding expeditions.

First it should be observed that long before this date the whole of the Ituri-Lindi forest lands had been raided (as stated by Stanley, Jameson, Barttelot, and others), so that there can be no question of starting slave-raiding there. In order to find out whether Stokes' trading operations in arms, &c., had any appreciable influence on the number of arms and amount of powder possessed by Kilongalanga's people, it would be necessary to know accurately the amount of his dealings, and information on this point is wanting. Kilongalanga's elephant-hunters at all events had thousands of guns, and Stokes' supply must have been very large to have had the slightest influence on the slave raids. The witnesses, however, only speak of promised supplies, or of arms sold by members of the caravan; every African traveller knows how deserters are in the habit of selling arms unknown to the chief of the caravan. The evidence of the men taken after Stokes' execution is also not above suspicion, as they would naturally wish to speak in the sense desired by the Congo officials. Stokes, as far as is known, always kept a careful account of his goods, and the number of guns sold should be discoverable from his accounts.

Dr. Stuhlmann then proceeds to examine into the question, whether Stokes had any knowledge whatever of the alleged illegality of his proceedings; and he decides in the negative for the following reasons:—

1. Stokes made no mystery about his dealings in 1892.

2. The arms, &c., were sold to him at Sadani by the Imperial authorities, for trading purposes.

3. The commerce in such "trade" arms is, according to general Regulations, free.

If it is asserted that the trade in arms in the Upper Congo Territories has been forbidden since 1888, it appears that Stokes had no knowledge of this exceptional prohibition; "and at most can only have disobeyed the Order by inadvertence, and in his endeavour to make money." It is impossible to believe that so cautious and prudent a man would have willingly contravened the Order; the most that he can be accused of is negligence, and this is not an offence worthy of capital punishment. His own interests as a trader would have prevented him from intentionally acting in a hostile manner towards the Congo Government.

Then, again, Stokes might easily have been unaware that Saïd-bin-Abed and Kilongalanga were at war with the Congo State, seeing that the latter observes the greatest secrecy as to its policy. Even if he had heard of the hostilities on the Lomami, and in the Manyema country, that would have proved nothing to him, since Saïd-bin-Abed and Kilongalanga were bitter enemies of the Arabs in those districts, and Stokes might well have thought that Saïd-bin-Abed was fighting the Manyema Arabs, with whom the Congo State was at war.

That Stokes was a man to be depended upon is sufficiently proved by the fact that the German authorities on Lake Nyanza had intrusted to him breech-loaders for the protection of his caravan, in conformity with the provisions of the Brussels Act.

As far as relates to Mr. Stokes' companions, it is urgently desirable that, since they for the most part belong to German East Africa, they should at once make a statement as to their treatment. It is more than probable that these people, without a leader in consequence of the execution of their chief, were also without any means of subsistence in consequence of the confiscation of the caravan's goods; and, therefore, may have been compelled to go marauding to escape death by hunger. This would have furnished a happy pretext to make way with these poor people.

In conclusion, M. Stuhlmann refers to the passage in the "Étoile Belge," in

which the German Government is accused of complicity with Stokes, in selling to him arms and powder without due precautions. According to the Brussels Act, trade in muzzle-loaders and ordinary powder is free; in order the better to control this trade, the Imperial Government has the monopoly of it, and has taken every precaution to prevent any infraction of the Act. Just as to any other trustworthy trader, arms, &c., would be sold to Mr. Stokes. Besides this, he was allowed, in his quality as a well-known European, some muzzle\*-loaders for his own protection, on giving a receipt for them, and against the deposit of caution-money. He was allowed to sell arms in German territory, as any other trader. If special prohibitions exist in "the Upper Congo," which are not mentioned in the Brussels Act, these cannot influence the action of the Imperial Government; the Congo State must herself control her own frontiers. "The imputation that the Imperial Government or their officials have acted illegally by selling arms, must, in my opinion on this account, be indignantly rejected as a groundless suspicion, and insult."

My impression of the whole affair is that Stokes was made away with because his competition, as well as that of many of the Arabs, was feared in the Congo State, and the sale of arms was a welcome pretext "to unprincipled persons" to get rid of Stokes and his companions in the forest, since a legally constituted Court, which could have met some months later, when once Stokes was arrested, would never have sentenced him to death.

"The East African Administration has complaints to make against the Congo officials, who do not hesitate to violate the German frontiers, and attack traders from the German possessions, in order to divert ivory and india-rubber from the ordinary trade route, and get hold of it themselves by means, about which it is better here to be silent. Official reports explain these proceedings clearly enough."

## No. 46.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 28.)*

My Lord,

*Brussels, October 27, 1895.*

WITH reference to your Lordship's despatch of the 16th instant, and to my despatch of the 20th instant, I have the honour to forward herewith copy of the note which I received last night from M. van Eetvelde in reply to the objections which Her Majesty's Government had raised to the Courts which the Congo State Government proposed for the trial of Captain Lothaire.

M. van Eetvelde commences by stating that he still considers that the Tribunal d'Appel at Boma has jurisdiction in this case.

He recognizes, however, that this is only the opinion of the Congo State Government, and it is possible that the Court, which he claims is the sole judge of its own competency, might think differently.

Besides, it suffices that Her Majesty's Government should have expressed a doubt on this point for the Congo Government to have examined whether some other Court, whose competency would be incontestable, could not be found.

His Excellency deprecates the idea of establishing any special Court *ad hoc*, for he believes that such a Court could not take legal cognizance of acts not only committed before its creation, but which that Court itself might consider were justiciable by already existing Courts. Moreover, he looks upon the creation of any special Court to meet a special case as being contrary to the spirit of the age, and calculated to shock modern ideas of justice.

Moreover, in the present case, the creation of a special Court is not called for. Article 8 of the Belgian Law of the 17th April, 1878, authorizes proceedings being taken in Belgium against any Belgian subject who shall have committed abroad against a foreigner any crime foreseen in the Law of Extradition. There is, therefore, no doubt that the Belgian Courts have jurisdiction in offences such as those imputed to Captain Lothaire.

The Congo State Government, therefore, propose to indict Captain Lothaire before the Belgian Military Courts, and to make to them for this purpose the official notification required by the Law of 1878.

M. van Eetvelde concludes his note with an expression of hope that Her Majesty's

Government will see in this declaration a proof of the desire of the Congo State Government that the whole affair shall be subjected to the fullest inquiry.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 46.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 26 Octobre, 1895.*

PAR sa lettre du 17 Octobre votre Excellence a bien voulu le signaler qu'il ne paraissait pas au Gouvernement Britannique que le Tribunal d'Appel de Boma, auquel le Gouvernement du Congo se proposait de déférer la conduite de M. Lothaire dans l'affaire Stokes, fut compétent pour en connaître, et qu'il lui semblait nécessaire qu'un Tribunal spécial fut constitué à cet effet.

Les remarques de votre Excellence qui ont fait l'objet de toute mon attention, m'ont amené à examiner de nouveau cette question de compétence, et mon avis est encore que M. Lothaire en sa qualité de Juge d'un Conseil de Guerre serait justiciable en première instance du Tribunal d'Appel de Boma. Je reconnais toutefois que cette manière de voir exprime uniquement le sentiment du Gouvernement et ne pourrait lier le Tribunal, qui est seul juge de sa compétence.

Il a suffi, du reste, que le Gouvernement de Sa Majesté ait formulé des doutes à ce propos, pour que, dans mon désir absolu que la lumière se fasse sur l'affaire j'ai recherché si en dehors du Tribunal d'Appel de Boma il n'était pas une autre juridiction incontestablement compétente pour connaître des actes de M. Lothaire.

A cet égard, l'idée d'un Tribunal spécial m'a paru devoir être écartée, semblable Tribunal ne pouvant se déclarer compétent pour connaître des faits non seulement antérieurs à sa constitution, mais que lui-même aussi pourrait considérer comme étant de la compétence d'une juridiction déjà existante.

L'instruction d'un Tribunal spécial ne serait pas d'autre part sans heurter les idées de justice des temps modernes, qui répudient les procédures d'exception toujours suspectes de partialité.

Il n'est, d'ailleurs, pas nécessaire d'y recourir dans le cas actuel. En effet, aux termes de l'Article 8 de la Loi Belge du 17 Avril, 1878: "Lorsqu'un Belge aura commis, hors du territoire du Royaume, contre un étranger, un crime ou un délit prévu par la Loi d'Extradition, il pourra être poursuivi en Belgique sur la plainte de l'étranger offensé ou de sa famille, ou sur un avis officiel donné à l'autorité Belge par l'autorité du pays où l'infraction a été commise." La justice Belge, par conséquent, se trouve compétente sans aucun doute pour statuer sur l'acte reproché à M. Lothaire. Le Gouvernement de l'État est d'intention, lorsqu'il l'aura entendu, de le traduire devant la justice militaire Belge en donnant à celle-ci l'avis officiel prévu par la Loi de 1878.

En informant votre Excellence de cette résolution, qui évidemment ne préjuge pas la question de culpabilité, je me plais à espérer, M. le Ministre, que le Gouvernement de Sa Majesté voudra bien y voir l'intention du Gouvernement de l'État de laisser à la justice le soin d'apprécier impartialement les accusations dirigées contre M. Lothaire et la preuve de son désir de provoquer la lumière la plus entière sur toute l'affaire.

Je saisis, &c.  
(Signé) EDMOND VAN EETVELDE.

(Translation.)

M. le Ministre,

*Brussels, October 26, 1895.*

IN your letter of the 17th instant, your Excellency was kind enough to observe that the Court of Appeal at Boma to which the Government of the Congo proposed to refer M. Lothaire's conduct, did not seem to the Government of Her Britannic Majesty to be competent to take cognizance of it, and that it appeared necessary that a special Tribunal should be constituted to that end.

The remarks of your Excellency, to which I have given every attention, have led me to re-examine the question of competence, and my opinion still is that M. Lothaire, in his capacity of President of a Court-martial, would be amenable in the first instance to the Court of Appeal at Boma. At the same time I recognize that this view is only that of the Government, and cannot bind the Tribunal, which alone can decide.

It was sufficient, moreover, for the Government of Her Majesty to express doubts on this head to cause me, in my earnest desire that this matter should be cleared up, to make inquiries whether, outside the Court of Appeal at Boma, there did not exist some other jurisdiction which was undeniably competent to take cognizance of the acts of M. Lothaire. As regards this, it seemed to me that the idea of a special Court must be abandoned, as such a Tribunal could not declare itself competent to take cognizance of acts which were not only anterior to its constitution, but which it might also regard as falling within the competence of an already existing jurisdiction.

It is impossible, moreover, by such a special Tribunal, without running counter to modern ideas of justice, to which any exceptional procedure is antipathetic as being always open to the suspicion of partiality.

But in the present case such a step is unnecessary. Article 8 of the Belgian Law of the 17th April, 1878, runs as follows: "When a Belgian shall, outside the territories of the Kingdom, have committed a crime or misdemeanour under the Law of Extradition, against a foreigner, he may be prosecuted in Belgium on the information of the injured foreigner, or of his family, or on an official intimation given to a Belgian authority by an authority of the country where the offence has been committed." Undoubtedly, the Belgian Law Courts are therefore competent to pronounce on the charge brought against M. Lothaire. The Government of the Free State design to summon M. Lothaire after he has been heard before the Belgian military authorities, and to give them with the official notice provided for by the Law of 1878.

In acquainting your Excellency with this decision, which does not, of course, pre-judge the question of guilt, I venture to hope that the Government of Her Majesty will recognize in it the intention of the Government of the Free State to leave to the Law the task of impartially weighing the accusations made against M. Lothaire, together with a proof of its desire to throw as full a light as possible upon this whole matter.

I avail, &c.

(Signed) EDMOND VAN EETVELDE.

No. 47.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received October 28.)*

My Lord,

*Brussels, October 27, 1895.*

WITH reference to my immediately preceding despatch, I have the honour to report that M. van Eetvelde has spoken to me twice this week at considerable length on the subject of the Court which is to try Captain Lothaire, and the note of which I forward copy to-day is the result at which he has arrived.

I told M. van Eetvelde, when he brought me this note yesterday, that I hardly expected it would satisfy Her Majesty's Government, but that as the question was one of so essentially technical a character, I would not refuse to send it to your Lordship and would let him know later what view Her Majesty's Government would take of his proposal.

In my remarks to M. van Eetvelde I have pressed for a Court which shall have power to examine witnesses on oath, to sift the evidence produced, and to inflict whatever punishment, however severe, the circumstances of the case may demand. I have further urged that there are not only accusations against Captain Lothaire which have to be examined, there are other circumstances connected with the so-called trial at Lindi which seem suspicious, and I was therefore certain that Her Majesty's Government would not accept any solution which would prevent their inquiring into any portion of the circumstances connected with Mr. Stokes' execution, no matter whom this might possibly implicate. Her Majesty's Government would no doubt have insisted on this in any case, but they would probably insist still more in view of the evidence which his Excellency himself had heard given to me by Dr. Michaux. I further asked that a British authority should assist at the trial and watch the proceedings in the British interest, with right to produce any evidence he might deem advisable.

As regards this latter point, M. van Eetvelde said he could promise to allow the intervention of the British Consul if the case were tried out in the Congo State, but he could not possibly make any valid engagement which would bind the Belgian Courts.

His Excellency still holds that the Cour d'Appel at Boma has full jurisdiction, and it is to please Her Majesty's Government that he has suggested indicting Captain

Lothaire before a Belgian Military Tribunal. But if this latter is chosen, the case must be brought straight before the Court here. Her Majesty's Government cannot have a trial by the Cour d'Appel at Boma, and then, if they are dissatisfied with its decision, bring the matter up here before the Belgian Military Court.

The latter would refuse to try Captain Lothaire under such circumstances, on the ground that no man can be tried twice on the same charge.

M. van Eetvelde passed in silence over my reference to the damaging evidence of Dr. Michaux.

His Excellency begged me earnestly to persuade your Lordship that the Congo State Government are heartily anxious to give every satisfaction to Her Majesty's Government, and will do all that is legally possible to meet their wishes in clearing up every portion of this unfortunate business.

I have, &c.  
(Signed) F. R. PLUNKETT.

No. 48.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 4.)*

My Lord,

*Brussels, November 3, 1895.*

I HAVE the honour to submit herewith to your Lordship copy of a note which I have just received from M. van Eetvelde, expressing the desire of the Congo State Government to give every satisfaction to Her Majesty's Government in connection with the execution of Mr. Stokes, and offering to settle the question at once on the following basis:—

The Congo Government renew their expression of sincere regret that the Conseil de Guerre, which condemned Mr. Stokes, had not been constituted legally, and that Captain Lothaire had not allowed him to appeal to the Court at Boma.

The Congo State Government promise Her Majesty's Government to arraign Captain Lothaire before a Tribunal which shall be competent to elucidate every portion of this affair, to examine the accusations brought against Captain Lothaire, and to inflict punishment proportionate to the gravity of the offence, in case his guilt is proved.

Moreover, the Congo State Government offer to pay immediately to Her Majesty's Government an indemnity of 150,000 fr. in consideration of the irregularity in the procedure followed in Mr. Stokes' trial; to order the restoration of all property belonging to him, and to instruct the Governor-General to make arrangements for the Director of Justice to settle, in concert with Her Britannic Majesty's Consul, Mr. Stokes' testamentary affairs, and to give him full power to examine, on oath, all persons who may be competent to give information as to the nature and value of such property.

I request your Lordship will instruct me what reply Her Majesty's Government desire me to make to this proposal for a settlement.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inellosure in No. 48.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 3 Novembre, 1895.*

DANS la lettre que j'adressais à votre Excellence le 13 Septembre dernier, je lui exprimais le vif regret du Gouvernement de l'État Indépendant du Congo de ce que le Conseil de Guerre qui avait prononcé la condamnation à mort de Mr. Stokes n'avait pas été légalement constitué, et de ce que M. Lothaire n'eut pas fourni au condamné l'occasion de se pourvoir en appel devant le Tribunal de Boma.

Le Gouvernement de l'État Indépendant du Congo est désireux de régler cette affaire de manière à donner toute satisfaction au Gouvernement de Sa Majesté Britannique. A cet effet, il prend l'engagement envers le Gouvernement de Sa Majesté Britannique de déférer M. Lothaire à un Tribunal qui sera compétent pour faire une lumière complète sur toute l'affaire, pour statuer sur les accusations dont



M. Lothaire est l'objet, et pour infliger une peine proportionnée à la gravité des faits, en cas que sa culpabilité soit prouvée.

Le Gouvernement de l'État Indépendant du Congo est prêt, en outre, à verser immédiatement au Gouvernement de Sa Majesté Britannique, à titre de réparation pour les irrégularités de la procédure suivie à l'égard de Mr. Stokes, la somme de 150,000 fr., à ordonner la restitution de tous les biens dépendant de sa succession, et à donner au Gouverneur-Général des instructions pour que le Directeur de la Justice règle la succession de concert avec le Consul de Sa Majesté Britannique, et pour qu'il soit muni des pouvoirs nécessaires pour entendre, sous la foi du serment, toutes les personnes en mesure de fournir des renseignements sur la nature et la valeur des biens de cette succession.

Je serais obligé à votre Excellence de bien vouloir saisir son Gouvernement de ces propositions, et je la prie d'agréer, &c.

(Signé) EDMOND VAN EETVELDE.

(Translation.)

Sir,

*Brussels, November 3, 1895.*

IN the letter which I addressed to your Excellency on the 13th September last, I expressed the great regret of the Government of the Independent State of the Congo that the Conseil de Guerre which had condemned Mr. Stokes to death was not legally constituted, and that M. Lothaire did not give the prisoner any opportunity of appealing to the Court at Boma.

The Government of the Independent State of the Congo are anxious to settle the matter in such a way as to give full satisfaction to that of Her Britannic Majesty. With this view, they give the engagement to Her Britannic Majesty's Government that M. Lothaire shall be brought before a Court competent to throw complete light on the whole question, to adjudicate on the accusations which have been made against M. Lothaire, and to inflict punishment, proportionate to the gravity of the offence, in the event of his guilt being established.

The Government of the Independent State of the Congo are, moreover, ready to pay at once to that of Her Britannic Majesty, as compensation for the irregularities of the procedure followed in the case of Mr. Stokes, the sum of 150,000 fr., to order the restitution of all property connected with his estate, and to instruct the Governor-General to cause the Director of Justice to settle the estate in concert with Her Britannic Majesty's Consul, and to furnish him with the necessary authority for taking on oath the depositions of all persons in a position to give information as to the nature and value of that estate.

I should be glad if you would have the goodness to inform your Government of these proposals, and beg you to accept, &c.

(Signed) EDMOND VAN EETVELDE.

No. 49.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, November 5, 1895.*

I HAVE received your despatch of the 3rd instant, forwarding a copy of a note from M. van Eetvelde, in which his Excellency makes certain proposals for the settlement of the questions connected with the execution of Mr. Stokes.

I have to state, in reply, that Her Majesty's Government recognize with satisfaction the desire expressed by the Government of the Independent State of the Congo to make reparation for the execution of the British subject, Charles Stokes, in virtue of proceedings the illegality of which is admitted.

They accept the engagement, undertaken by the Government of the Congo State, that Captain Lothaire shall be brought before a Tribunal competent to thoroughly investigate the whole question, to adjudicate on the accusations made against Captain Lothaire, and to inflict punishment proportionate to the gravity of the offence, in the event of his guilt being established.

They await further information as to the character and composition of the Tribunal.

Her Majesty's Government accept the offer of an immediate payment of an indemnity of 150,000 fr. as compensation, on account of the irregularities of procedure, and the further offer of the restitution of all property belonging to Mr. Stokes; it being

understood that every facility will be given to the recently appointed British Consular officer, who will shortly proceed to the Congo, to conduct, in conjunction with the local Director of Justice, an inquiry as to the nature and value of such property.

You are authorized to address a note to this effect to M. van Eetvelde.

I am, &c.  
(Signed) SALISBURY.

No. 50.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 8.)*

My Lord,

*Brussels, November 7, 1895.*

I HAD the honour to receive this morning your Lordship's despatch of the 5th instant, and have at once addressed to M. van Eetvelde the note, copy of which is herewith inclosed, informing his Excellency that Her Majesty's Government accept the proposals which he made to me on the 3rd instant for the settlement of the questions connected with the execution of Mr. Stokes.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 50.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, November 7, 1895.*

IN compliance with the request contained in your Excellency's note of the 3rd instant, I at once submitted to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs the proposals therein contained, for the settlement of the questions connected with the execution of Mr. Stokes.

I have now the honour to inform your Excellency that I have been instructed by the Marquess of Salisbury to state, in reply, that Her Britannic Majesty's Government recognize with satisfaction the desire expressed by the Government of the Independent State of the Congo to make reparation for the execution of the British subject, Charles Stokes, in virtue of proceedings, the illegality of which is admitted.

Her Britannic Majesty's Government accept the engagement undertaken by the Government of the Independent State of the Congo, that Captain Lothaire shall be brought before a Tribunal competent to thoroughly investigate the whole question, to adjudicate on the accusations made against Captain Lothaire, and to inflict punishment proportionate to the gravity of the offence, in the event of his guilt being established.

They await further information as to the character and composition of the Tribunal.

Her Britannic Majesty's Government accept the offer of an immediate payment of an indemnity of 150,000 fr. as compensation, on account of the irregularities of procedure, and the further offer of the restitution of all property belonging to Mr. Stokes, it being understood that every facility will be given to the recently-appointed British Consular officer, who will shortly proceed to the Congo to conduct, in conjunction with the local Director of Justice, an inquiry as to the nature and value of such property.

I avail, &c.  
(Signed) F. R. PLUNKETT.

No. 51.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 8.)*

My Lord,

*Brussels, November 7, 1895.*

I HAVE been warned that various Generals and other officers of high standing in the Belgian army have lately expressed their belief that the Military Tribunals here would decline to take cognizance of the offences imputed to Captain Lothaire on the

ground that they were committed in a foreign country, and should properly be judged by the Judicial Courts of that country.

I inclose a short paragraph taken from the "Patriote" of last night, which has attracted a good deal of attention in Belgian military circles.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inelasure in No. 51.

*Extract from the "Patriote" of November 7, 1895.*

UN problème juridique très compliqué se pose au sujet des faits imputés au Lieutenant Lothaire.

Si la conduite de cet officier doit être déférée à la justice, si on l'accuse d'un meurtre sur la personne du missionnaire Stokes, quelle est la juridiction compétente pour juger? Sans doute tout Belge qui pose à l'étranger un acte prévu par la loi d'extradition—et le meurtre, l'assassinat sont expressément prévus—peut être jugé en Belgique, sur la plainte de la famille de la victime.

Mais Lothaire ne peut-il pas soutenir qu'il a agi dans l'occurrence non comme Belge et particulier, mais comme fonctionnaire, comme Juge d'un État étranger? Or, c'est aller à l'encontre de la souveraineté d'un État que de s'immiscer dans son administration, de juger criminellement ses Juges. Une pareille prétention constituerait, de l'avis de tous les juristes, la plus grave atteinte que l'on puisse porter aux principes du droit public international.

Il paraît certain que pas un seul Tribunal Belge—ou plutôt pas un seul Conseil de Guerre Belge, seule juridiction dont dépende ce militaire—n'oserait prendre sur lui de statuer dans cette affaire.

D'autre part, si un Tribunal de l'État libre statue sur cette accusation, Lothaire ne pourra plus, en aucun cas, être inquiété à son retour en Belgique. . . . Or, comment forcer la justice de là-bas à rester inactive?

On dit que l'Angleterre exige la mise en jugement en Belgique de notre compatriote. Mais la chose est plus facile à demander qu'à exécuter, car on ne peut créer ici ni des Tribunaux d'exception ni voter des Lois à effet rétroactif. Aussi nos juristes et diplomates sont dans un cruel embarras.

No. 52.

*Memorandum by Mr. Hinde.*

I WAS in the service of the Congo State from December 1891 to 1894.

In 1892 I was with Baron Dhanis in the Lualaba district, from 23° 5' east to Manyema. Congo Lutete had already twice attacked the State authorities in that district. The Arab Vali in the service of the State at Stanley Falls, on being appealed to to punish Lutete, had declined responsibility for his acts on the ground that the Arabs had no quarrel with the State, and that he was not strong enough to defeat him.

In May 1892 Lutete was defeated by Dhanis, and subsequently made overtures of peace which were accepted, and a Belgian officer was placed as Resident at his capital.

Sefu, of Kasongo, the son of Tippoo Tib, then claimed Congo Lutete as a runaway slave, and, as Dhanis refused to give him up, attacked Dhanis on the Lomami.

Another set of Arabs, under Mohara, of Nyungwe, had murdered Hodister and, through Kibunge, Emin Pasha, in May and October 1892 respectively.

War broke out on the Lower Lomami at the end of March 1893. The white station at Stanley Falls, under Tobaek, was attacked in May 1893 by the Arab contingent under Reshid, who on being repulsed joined Kibonge at his town.

There was no fighting north or east of Kibonge's till Captain Lothaire's arrival at the end of 1894 (Captain Lothaire was at Stanley Falls in October 1894). The Lothaire expedition had no connection with that further north, under Kerckhoven and others, and the same Arabs were not implicated.

In June 1893 Kibonge, having been defeated by Ponthier, retreated east, but was not followed, and did not reappear till found by Lothaire a year after, when he was executed as the murderer of Emin.

In my opinion, Mr. Stokes could have had no knowledge, in December 1892, of the state of affairs on the Lomami, where the only fighting had then taken place with Arabs, or any reason to suppose that there was likely to be war between the State and Kilonga-longa.

Stokes is accused of having sold arms to Kilonga-longa about two years before the 15th January, 1895, *i.e.*, about December 1892. At that time, as shown above, war had only just broken out on the Upper Lomami (Sefu's attack), and it would have required some three months for the news to have reached the Ituri, where Stokes was.

It should be borne in mind that the rival Arab factions in Central Africa are frequently fighting among themselves, and that it is unfortunately a common practice for traders to supply powder and guns to either faction as most convenient or lucrative, and that Stokes might well have thought that he was merely selling these articles to ordinary customers.

The only fighting between the Congo State authorities and the Arabs which was taking place, to my knowledge, in 1892, was some 7 degrees of latitude further south, and to the west of the Lomami.

Captain Jacques, of the Belgian Anti-Slavery Expedition, had only had an unimportant quarrel with a local Chief, a vassal of Rumaliza, whose head-quarters were in Ujiji, in German territory.

(Signed) S. L. HINDE.

*Sports Club, London, November 10, 1895.*

P.S.—When I was at Stanley Falls Station last year M. Hirsch, of the Free State Service, told me that he sold four Martini-Henry rifles to the Arabs in February 1893, so little did he know that Baron Dhanis was then at war with the Arab forces in the neighbourhood of the Lomami River.

S. L. H.

No. 53.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 11.)*

My Lord,

*Brussels, November 10, 1895.*

I HAVE the honour to forward herewith copy of a note which I received yesterday afternoon from M. van Eetvelde, acknowledging the communication which I made to the Congo State Government two days previously, as instructed by your Lordship's despatch of the 5th instant, in regard to the proposed settlement of the questions connected with the execution of Mr. Stokes.

His Excellency forwarded to me at the same time an order on the Banque Nationale for the sum of 150,000 fr., in payment of the pecuniary indemnity, which Her Majesty's Government have agreed to accept as compensation on account of the irregularities of procedure.

I have the honour to inclose this bill, made payable to your Lordship's order, and request you will kindly furnish me with a receipt for transmission to M. van Eetvelde.

I inclose also copy of the note which I have addressed to his Excellency acknowledging receipt of this order on the Bank.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure 1 in No. 53.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 9 Novembre, 1895.*

J'AI l'honneur d'accuser à votre Excellence la réception de la lettre qu'elle a bien voulu m'adresser le 7 dernier pour me faire savoir que le Gouvernement de Sa

Majesté Britannique acceptait les assurances du Gouvernement de l'État Indépendant du Congo de déférer M. Lothaire à un Tribunal compétent pour faire une lumière complète sur toute l'affaire Stokes, ainsi que ses offres de verser immédiatement, à titre de réparation pour les irrégularités de la procédure suivie, la somme de 150,000 fr. et d'ordonner la restitution de tous les biens dépendant de la succession de Mr. Stokes.

Afin de mettre le Gouvernement de Sa Majesté en possession de la dite somme de 150,000 fr. je m'empresse, M. le Ministre, de faire parvenir à votre Excellence, sous ce pli, un accreditif de cet impôt en son nom sur la Banque Nationale.

Je saisis, &c.

(Signé) EDMOND VAN EETVELDE.

(Translation.)

Sir,

*Brussels, November 9, 1895.*

I HAVE the honour to acknowledge the receipt of the letter which your Excellency was good enough to address to me on the 7th instant, informing me that the Government of Her Britannic Majesty accepted the assurances of the Government of the Independent State of the Congo that M. Lothaire would be brought before a Tribunal competent to throw complete light on the Stokes' case, as well as their offer to pay immediately, as compensation for the irregularities of the procedure followed, the sum of 150,000 fr., and to order the restitution of all property connected with the estate of Mr. Stokes.

In order to place Her Majesty's Government in possession of the said sum of 150,000 fr., I hasten, M. le Ministre, to transmit to your Excellency herewith an order, in its name, for this amount on the National Bank.

I take this occasion, &c.

(Signed) EDMOND VAN EETVELDE.

Inclosure 2 in No. 53.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, November 9, 1895.*

I HAVE the honour to acknowledge receipt of the note which your Excellency has been so good as to address to me this day, covering an order on the Banque Nationale for the indemnity of 150,000 fr. paid to Her Britannic Majesty's Government by that of the Independent State of the Congo as compensation on account of the irregularities of procedure connected with the execution of Mr. Stokes.

I avail, &c.

(Signed) F. R. PLUNKETT.

No. 54.

*Mr. Gosselin to the Marquess of Salisbury.—(Received November 12.)*

My Lord,

*Berlin, November 9, 1895.*

I HAVE the honour to report that Baron von Marschall reverted to-day to the execution of Mr. Stokes.

His Excellency said that he had heard that Her Majesty's Government had agreed to the terms offered by the Government of the Independent State, namely, the trial of Captain Lothaire, and the payment of an indemnity to the family of Mr. Stokes.

I replied, that as far as I was aware it was not yet settled whether Captain Lothaire should be indicted before the Court of Appeal at Boma, or before a special Court constituted *ad hoc*, or before a Belgian Military Court.

His Excellency replied, that this, of course, was a matter for your Lordship's decision; what Germany had to look to was the fate of the men who formed Mr. Stokes' caravan, and what had become of the ivory and other property seized by the Congolese officials.

In reply to my inquiry his Excellency said that no report had yet reached the

Colonial Department on the subject from the Government of East Africa; when received, it would be at once communicated to Her Majesty's Embassy.

I have, &c.

(Signed) MARTIN GOSSELIN.

No. 55.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, November 13, 1895.*

I HAVE to request you to inform M. van Eetvelde that I have received the copy, inclosed by you in your despatch of the 10th instant, of his note of the 9th, and that, while taking note of the renewed assurances respecting the trial of Captain Lothaire, and the restitution of the whole of the property of Mr. Stokes, I acknowledge, on behalf of Her Majesty's Government, the receipt of the sum of 150,000 fr. forwarded through you as reparation, on the part of the Government of the Independent State of the Congo, for the execution of Mr. Stokes in virtue of a trial the irregularity of which is admitted.

I am, &c.

(Signed) SALISBURY.

No. 56.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 15.)*

My Lord,

*Brussels, November 14, 1895.*

I HAD the honour to receive this morning your Lordship's despatch of yesterday's date, and I at once addressed to M. van Eetvelde the note copy of which is inclosed, conveying your Lordship's acknowledgment, on behalf of Her Majesty's Government, of the receipt of the sum of 150,000 fr., which was forwarded through me, as reparation on the part of the Congo Government for the irregularity of the proceedings connected with the execution of Mr. Stokes.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure in No. 56.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, November 14, 1895.*

I HAVE the honour to inform your Excellency, in compliance with instructions received from the Marquess of Salisbury, that his Lordship, while taking note of the renewed assurances respecting the trial of Captain Lothaire, and the restitution of the whole of the property of Mr. Stokes, given by your Excellency in the note which you addressed to me on the 9th instant, acknowledges, on behalf of Her Britannic Majesty's Government, the receipt of the sum of 150,000 fr., forwarded through me, as reparation on the part of the Government of the Independent State of the Congo for the execution of Mr. Stokes in virtue of a trial the irregularity of which is admitted.

I avail, &c.

(Signed) F. R. PLUNKETT.

No. 57.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 15.)*

My Lord,

*Brussels, November 14, 1895.*

M. VAN EETVELDE told me this afternoon that the last despatches received from the Governor of the Congo State showed that the order for the recall of Captain Lothaire had left Boma for the interior on the 1st October. At that time Captain

Lothaire had last been heard of at Nyangwe, to which place he had, as I have already reported, gone after leaving Stanley Falls.

It was supposed that, on learning of the mutiny in the Lualaba district, he would at once have hurried to the rescue of the Congolese officers now struggling against the native insurgents there, and the Governor, when he wrote, expected, therefore, that Captain Lothaire would probably be found somewhere in the neighbourhood of Gandu.

I have, &c.  
(Signed) F. R. PLUNKETT.

## No. 58.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, November 18, 1895.*

HER Majesty's Government have had under their consideration the difficulties which it is anticipated may arise as regards the trial of Captain Lothaire by a Belgian Court in connection with the execution of Mr. Stokes.

It is clear that, in the event of the Belgian Military Court declaring itself incompetent to take cognizance of the charges which may be brought against Captain Lothaire, there would be a serious risk of a complete failure of justice in the case, as it would hardly be possible that he should then be sent back to the Congo to be tried there.

In these circumstances I should wish you to draw M. van Eetvelde's attention to the statement on the subject which appeared in the "Patriote" of the 7th instant, inclosed in your despatch of the same date, and to inform his Excellency that Her Majesty's Government have been warned, on what is believed to be reliable authority, that the views expressed therein may be correct, and that they would not be prepared to run the risk of such a failure of justice. You should inquire if Captain Lothaire be brought before the Court of Appeal at Boma, as proposed in M. van Eetvelde's note of the 9th ultimo, and if an appeal were subsequently lodged against the sentence of that Court by either side to the Conseil Supérieur at Brussels, what the practical effect of such appeal would be: whether it would entail the complete retrial of the case with adequate power of inflicting sentence, and whether Captain Lothaire would be brought home in custody and detained under arrest until the Judgment of the Conseil Supérieur is given.

I shall be glad to learn the views of the Congo State Government on these points as soon as possible.

I am, &c.  
(Signed) SALISBURY.

## No. 59.

*Memorandum by Mr. Boustead.—(Received November 23.)*

*34, Craven Street, London.*

I PERSONALLY prepared and superintended all Mr. Stokes' caravan in Zanzibar in 1893, and, when he left Zanzibar, I am prepared to swear that he took no arms or ammunition from Zanzibar. Considering that we purchased all his goods I am certain to have heard of it, and I feel positive he did not smuggle any unknown to us, as he was perfectly candid in all he did with us, and told us what he did without us. We invoiced all his loads, and the books can be inspected in Zanzibar, as they show exactly the contents of each load. It is possible he took 2,300 shot cartridges, but I am not quite sure of this. An employé of our firm, Mr. J. R. Alison, I think, went over to Saadani when Mr. Stokes left the coast, and I had no news from him of any arms and ammunition beyond what Mr. Stokes bought on the coast from the official in charge for the protection of his caravan. Mr. Alison has left us, but I can find his address if you want it.

Mr. Stokes certainly ordered no guns from home except three for his own use through a German house on the coast.

I believe that Mr. Stokes, if he had wished, could have purchased arms, &c., in

German territory, to what extent I don't know; but I feel sure he did not do so, as he seldom, if ever, kept cash on him, and the "pay note" would have passed through our books.

I left Zanzibar in 1894, and Mr. Stokes did not go to the coast from the interior after 1893 so far as I know.

(Signed) R. N. BOUSTEAD.

No. 60.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 25.)*

(Extract.)

*Brussels, November 23, 1895.*

YOUR Lordship's despatch of the 18th instant, reached me only this morning, and I at once addressed to M. van Eetvelde the note copy of which is herewith inclosed, calling his attention to the doubts expressed by certain parties in Brussels as to the competency of the Belgian Military Courts to take cognizance of the charges which may be brought against Captain Lothaire.

I took this note to the Congo Department and handed it myself to M. van Eetvelde. He promised to give me an answer as soon as possible.

Inclosure in No. 60.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, November 23, 1895.*

HER Majesty's Government are still considering the reply which they will give to the note which your Excellency was so good as to address to me on the 26th ultimo, proposing to arraign Captain Lothaire before the Military Courts of Belgium.

Before coming to any decision on your Excellency's proposal, they have instructed me to call your attention to the statement on the subject which appeared in the "Patriote" of the 7th instant, copy of which paragraph is herewith inclosed.

I am further to inform your Excellency that Her Britannic Majesty's Government have been warned, on what is believed to be reliable authority, that the views expressed therein may be correct, and that they would not be prepared to run the risk of such a failure of justice as might occur in the event of the Belgian Military Courts declaring themselves incompetent to take cognizance of the charges which may be brought against Captain Lothaire.

I have therefore been instructed by the Marquess of Salisbury to inquire, if Captain Lothaire be brought before the Court of Appeal at Boma, as proposed in your Excellency's previous note of the 9th ultimo, and if an appeal were subsequently lodged against the sentence of that Court, by either side, to the Conseil Supérieur at Brussels, what the practical effect of such appeal would be: whether it would entail the complete retrial of the case, with adequate power of inflicting sentence, and whether Captain Lothaire would be brought home in custody and detained under arrest until the Judgment of the Conseil Supérieur is given?

I am further instructed to request that I may be favoured with the views of the Congo State Government on these points as soon as possible.

I avail, &c.

(Signed) F. R. PLUNKETT.

No. 61.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 25.)*

(Extract.)

*Brussels, November 24, 1895.*

M. VAN EETVELDE told me yesterday that he had received by the last mail from the Congo a further batch of letters and other documents which had been seized when Mr. Stokes was arrested.



These are now being examined, and several have already been found, which will be produced in defence of Captain Lothaire when the trial takes place.

The bundle includes several letters addressed to Mr. Stokes by Colonel Colvile and Mr. Wilson of the Uganda Service, and show that at one moment Mr. Stokes had offered to go to Wadelai for the British authorities.

His Excellency gave me the inclosed extract from a letter addressed to Mr. Stokes by Colonel Colvile to show your Lordship that the British officer had equally felt that Mr. Stokes' proceedings amounted to piracy.

Inclosure in No. 61.

*Colonel Colvile to Mr. Stokes.*

(Extract.)

*Port Alice, June 29, 1894.*

\* \* \* \* \*

AS regards your personal movements, I am anxious to encourage trade in British territory, but do not wish to do so at the expense of possible complications. I cannot, therefore, help viewing, with some uneasiness, your 1,000 armed men. Your route will probably be entered through British territory, from the south end of the Albert Lake northward, possibly from the Albert-Edward, and I wish to warn you that I can only treat any unauthorized warlike operations as acts of piracy.

No. 62.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 26.)*

My Lord,

*Brussels, November 25, 1895.*

THE article in the "Étoile Belge" of the 22nd instant has been commented on very freely by various organs of Belgian public opinion; the general drift of most of the remarks which I have so far seen shows disapproval, more or less decided, of the action taken by the Congo Government.

I have the honour to inclose extracts from the "Patriote" and the "Réforme" of to-day, which give a general idea of what is being said against the Congo Government in this matter.

The papers usually favourable to the Congo Government have been reticent, and I have not so far seen any article in their defence worthy of special notice.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure 1 in No. 62.

*Extract from the "Patriote" of November 25, 1895.*

CETTE affaire Stokes nous plonge de surprise en surprise. Après avoir soutenu que M. le Commandant Lothaire était blanc comme neige, l'État du Congo livre cet officier à un Conseil de Guerre Belge.

Oui, il a déposé auprès du Gouvernement Belge plainte contre Lothaire, et le Ministre de la Justice Belge a invité la Justice Militaire à "suivre son cours."

Qu'est-ce que cela veut dire ?

Lothaire, officier Belge détaché au Congo, a pendu un Anglais en vertu d'un jugement. L'Angleterre s'attaque à l'État du Congo du chef de ce jugement qu'elle déclare irrégulier et du chef de l'exécution qu'elle déclare un meurtre. Et l'État du Congo invite l'État Belge à poursuivre Lothaire . . . .

Ah ! ça, d'où tombons-nous ?

L'État du Congo et la Belgique sont-ils même chose ? Les actes commis par des officiers au Congo sont-ils donc justiciables de la Belgique ? La Belgique en est-elle responsable ?

Il y a là tout au moins matière à gros malentendus, à de dangereuses méprises.

"La Belgique et le Congo sont indépendants, diplomatiquement, militairement, financièrement."

Parole Royale, en échange de laquelle le Parlement a autorisé Léopold II à ceindre la Couronne du Congo.

La "Gazette" fait ces réflexions très sages :—

"Le Gouvernement Belge endossera là une très mauvaise affaire—et une affaire dont il n'a pas à se mêler.

"Que le Conseil de Guerre devant lequel Lothaire devrait être traduit condamne celui-ci, il aura l'air d'avoir voulu complaire à l'Angleterre.

"Qu'il l'acquitte, et l'Angleterre criera que les Juges Militaires Belges sont les complices de l'accusé ; et c'est la Belgique qui subira le contre-coup de sa mauvaise humeur.

"Ajoutez que la sentence sera d'autant plus difficile à rendre que l'État Indépendant du Congo, en payant avec tant d'empressement 150,000 fr. à la famille Stokes, et en lui faisant restituer ce qui appartenait à Stokes, a d'avance condamné Lothaire bel et bien.

"Si la presse Anglaise et les amis de Stokes n'ont pas confiance dans la justice du Congo ; si, la trouvant bonne pour en recevoir des indemnités, ils la trouvent mauvaise pour juger Lothaire, nous en sommes bien fâchés pour eux.

"Mais qu'ils la trouvent bonne ou non, il n'y a aucune raison pour y substituer la nôtre.

"La Belgique n'a pas à intervenir dans le procès. Elle n'a aucun droit de demander l'extradition de Lothaire pour un crime commis à l'étranger contre un étranger.

"Il ne pourrait être poursuivi par la justice Belge que s'il se trouvait en Belgique.

"Mais il y viendra ! Peu importe . . . .

"Pourquoi, en effet, le ferait-on comparaître devant un Conseil de Guerre Belge ?

"Pour y répondre d'un crime qui n'a aucun équivalent en Belgique !

"Meurtre, dit-on . . . . Non ! Lothaire agissait en juge. Il avait, au Congo, en qualité de chef de la force publique de son district, et conformément à la loi Congolaise, constitué un Tribunal régulier pour juger un individu accusé d'un crime que cette loi punit de mort. Il l'a jugé coupable. Il l'a condamné. Il n'y a pas meurtre.

"Il n'a pas permis au condamné de se pourvoir en appel ; il a manqué peut-être à la jurisprudence du pays ? C'est l'affaire des Juges du pays. Nous n'avons rien de semblable à cette jurisprudence chez nous.

"Un Tribunal Belge a pour mission d'appliquer les lois Belges. Il n'a pas à appliquer des lois étrangères, qu'il ne doit pas connaître, qui n'ont rien de commun avec les nôtres.

"S'il les appliquait, ce serait de la dernière incorrection.

"Si Lothaire était traduit devant le Conseil de Guerre, celui-ci n'aurait qu'à se déclarer incompétent.

"Que le Congo et l'Angleterre arrangent cette affaire entre eux. Encore une fois, elle ne nous regarde pas. Et nous devons nous estimer trop heureux de ne pas y être mêlés pour nous y jeter à plaisir."

A côté de ses sages paroles, il faut entendre la pure thèse Congolâtrique exposée par la "Chronique" :—

"Les officiers Belges envoyés au Congo continuent d'appartenir à notre armée ; ils touchent leurs appointements, ils ne perdent rien de leur pension, ils montent en grade à leur tour et souvent même avant leur tour, ce qui est assez juste d'ailleurs. Ils sont non détachés à l'État Indépendant du Congo, mais à l'Institut Cartographique de la Cambre, et considérés absolument comme ceux de leurs collègues qu'on charge de dresser la carte topographique du pays.

"Lothaire ne peut pas être traité autrement que ne le serait mon camarade H . . . . par exemple, ce topographe émérite détaché à l'Institut de la Cambre, s'il lui prenait fantaisie de pendre un Anglais à Londres et qu'on le pinçât à Bruxelles.

"Il faudra se résoudre, puisqu'on cède à l'Angleterre, à faire comparaître Lothaire devant un Conseil de Guerre Belge, qui l'acquittera sûrement.

"Et il ne restera plus aux Anglais, mécontents de ce que Stokes a été pendu au Congo, qu'à aller se faire pendre ailleurs."

A raisonner ainsi, à se conduire de la sorte, la Belgique s'attirera de forts vilaines affaires.

Inclosure 2 in No. 62.

*Extract from the "Réforme" of November 25, 1895.*

LES procédés par lesquels l'État du Congo cherche à se débarrasser de l'affaire Lothaire sont l'objet de critiques unanimes.

Les journaux Congophiles qui s'étaient hâtés de condamner Stokes et de déclarer M. Lothaire indemne, protestent vivement contre le "lâchage" dont il est l'objet de la part de l'État du Congo, qui a implicitement reconnu sa culpabilité et souscrit d'avance à sa condamnation en payant une indemnité en compensation de "l'illégalité de la composition du tribunal qui a condamné Stokes."

"Avant d'être amené en Belgique," dit le "Chronique," "avant d'avoir pu se justifier, Lothaire est condamné. Oui, condamné! La soumission des Ministres Congolais aux ultimatums des Ministres Britanniques, c'est la condamnation de Lothaire. Après cela, comment voulez-vous qu'un Tribunal puisse acquitter le justicier de Stokes, &c.?"

Et la "Belgique Militaire" :—

"Ainsi, un officier Belge, un des premiers fonctionnaires du Congo, est condamné avant de s'être expliqué, avant d'avoir été jugé! Voilà des procédés qui vont joliment ralentir l'initiative et le dévouement des braves qui se mettent au service de notre entreprise coloniale. Quoi qu'ils fassent désormais là-bas pour le bien de l'État Indépendant, s'ils se heurtent à quelque mauvais drôle, ils sont assurés que leurs chefs les blâmeront avant de les entendre.

"C'est encourageant, ne trouvez-vous pas?"

Il est vrai que d'autres journaux Congophiles s'attachent à montrer dans la comparution devant le Conseil de Guerre une simple formalité et annoncent un acquittement comme inévitable—ce qui n'est pas fait pour réhausser le prestige des Conseils de Guerre Belges, ni pour amener l'Angleterre à avoir pleine confiance dans leur impartialité.

"Jamais des officiers Belges," dit "l'Union Libérale" de Verviers, "sachant leur collègue innocent, n'iront le condamner pour flatter les buveurs de gin, de brandy, et les Congophobes; jamais des Juges de l'État du Congo, ou des Juges Belges n'étoufferont leur conscience pour complaire à la perfide Albion.

"Tous les documents recueillis à l'État du Congo sont favorables à Lothaire; il a procédé irrégulièrement soit, mais en temps de guerre on n'agit pas autrement. Stokes avait trahi; on le prouvera, il méritait son sort."

S'il en était ainsi, l'État du Congo serait coupable d'avoir souscrit au paiement de l'indemnité.

Le "Journal de Mons" escompte également l'acquiescement comme si c'était convenu d'avance, et parle de l'Angleterre avec la même imprudente désinvolture :—

"Que les Anglais le sachent, nos officiers n'ont nullement l'envie d'être les auxiliaires de leurs rancunes. Les documents qui seront produits devant le Conseil de Guerre démontreront que Lothaire, s'il n'a pas suivi à la lettre ses instructions, a fait justice toutefois d'un traître. Et de nombreux témoins le blanchiront des accusations portées contre lui par la haine Britannique, et mettront fin à certaines légendes répandues par la presse de Londres contre nos officiers au Congo.

"Loïn d'accueillir avec mauvaise humeur la nouvelle de la convocation d'un Conseil de Guerre, l'armée, au contraire, a vu là un moyen de mettre en déroute ses calomnieux, tant ceux de l'extérieur que de l'intérieur."

La calomnie, pour nos officiers, elle est dans cette manière de préjuger leur sentence, et l'on devrait avoir plus de respect pour l'impartialité de Juges éventuels et ne pas les déclarer ainsi capables de rendre un jugement inspiré par la passion chauvine, la camaraderie et les préjugés de l'esprit de corps.

Mais il est douteux que la Belgique accepte de faire juger M. Lothaire par un Tribunal Belge, alors qu'il a agi comme fonctionnaire d'un État étranger, au pouvoir duquel il se trouve. La "Gazette" montre l'irrégularité et le danger de la procédure que l'on veut suivre. Fonctionnaire du Congo, M. Lothaire est au pouvoir de l'État du Congo, qui continue d'ailleurs à lui confier des missions importantes, puisqu'il est actuellement à Nyangwé, occupé à combattre les troupes révoltées de l'État Indépendant. Qu'on le juge au Congo! Cela ne nous regarde pas. Acquiescer à la demande de l'État du Congo, ce serait, de la part de la Belgique, accepter toutes les responsabilités qu'elle doit, au contraire, avoir à cœur de décliner soigneusement.

C'est ce que font remarquer les journaux Anglais.

Le "Times" fait précéder la traduction de la note de "l'Étoile" de la remarque

que le renvoi de M. Lothaire devant un Tribunal Belge mettrait à néant les récentes déclarations faites par M. de Burlet pour dégager la Belgique de toute responsabilité dans les affaires du Congo.

La "Pall Mall Gazette" fait un article dans le même sens, et dit qu'en faisant juger M. Lothaire, et en "acceptant la responsabilité que veut lui endosser l'État du Congo, la Belgique accepterait également la responsabilité de tous les actes de tous les officiers Belges au service de l'État du Congo. Et les conséquences ne s'arrêteraient pas là. Admettre que la Belgique est juge des actes de ces soldats Belges, c'est admettre que la Belgique est responsable des obligations encourues par ces officiers Belges. Et c'est ce que le Gouvernement et les Chambres ont énergiquement refusé de faire jusqu'à présent."

Cela doit suffire, semble-t-il, pour que le Gouvernement Belge refuse de se prêter à la nouvelle complaisance que lui demande l'État du Congo.

No. 63.

*Memorandum on the Case of Mr. Charles Stokes.*

THERE are various passages in my published Reports to the Directors of the Imperial British East Africa Company, and in my book "Our East African Empire," which have been quoted adversely to the character of the late Charles Stokes, and as tending to show that his mode of trade was not above suspicion, and that he imported illegal goods. Extracts from these writings have been put in evidence by the Congo State authorities with the object indicated. It is therefore my duty to put on record my general view of the case, in order to avoid the misconstruction which may arise from the perusal of isolated passages detached from their context, and dealing with a special matter.

1. It was currently reported that Charles Stokes was bringing up a consignment of arms and ammunition for sale in Uganda in 1890. He was at that time an officer of the Imperial German Government. His caravans were made up in German territory, and all goods (whether arms or other) were imported at Bagamoyo.

2. It must be borne in mind that the Brussels Act, which forbade the import and sale, was not finally ratified and did not become operative until April 1892. Such agreements on this subject as may have been in force (the Wissmann-Mackenzie Agreement, &c.) were not necessarily known—nor do I think that they were known—to Mr. Stokes. They were agreements between the British and German Administrators, and were not, so far as I am aware, promulgated in the German sphere.

3. On arrival in Uganda, therefore, I formally prohibited Mr. Stokes from importing into the British sphere any arms or matériel of war. On receiving this notification he came to see me, and finding how disturbed the country was, he solemnly pledged his word to me that he would not import, or indirectly connive at the importation of, arms, &c., into Uganda. He even promised to lodge his arms and powder in my safe keeping, and they were eventually so lodged, and remained at Kampala so long as I was in the country, and, to the best of my knowledge, are there still. I believe that Mr. Stokes honourably kept the promise he had made.

4. In respect of the allegation that Mr. Stokes was a firebrand who would not be unlikely to assist the Arabs in their resistance to the Congo State authorities, I am fully in accord with Dr. Rudolf Stuhlmann (who knew Stokes very well indeed) in his statement that Stokes was not fond of placing himself in personal danger, and was most unlikely to be engaged in any enterprise involving avoidable risk. His one aim was to make money, and he is unlikely to have engaged in political intrigue.

5. With regard to the charge of his having incited the Arabs or Manyema to war against the Congo officials in 1892.

I was myself in the Ruwenzori district and at Kavalli's in 1891, and came into touch with Kilonga-Longa's outpost at Miala.

From this expedition I returned in January 1892. There was no news at that time of the Belgians being anywhere in the vicinity, and I do not believe that they were. Later on (25th March) I received an urgent request from Captain Langheld (these documents are all available for reference) begging me to assist Emin Pasha, who was alone somewhere near Kavalli, and almost totally blind. In consequence of this I at once sent orders to my Sudanese to go and find Emin, and bring him to Uganda. Some time after I received replies to the effect that they had found that

Emin had already left (12th March), having made a contract with Kilonga-Longa's Manuema to convey him to the West Coast. Neither did my messengers bring any news of a Belgian advance, nor was Emin's conduct compatible with such a contingency.

6. Stokes had already intimated his desire to penetrate in the direction of the Albert Lake in search of ivory, and I understood that he wished to pass through the British territory of Ankoli, Toru, and South Unyoro. I absolutely forbade this expedition, on the grounds that these countries had only recently come under Treaty relations with us, and were in a very unsettled state, so that the passage of a large armed expedition would be most prejudicial to the Administration at that moment. Stokes did not therefore attempt any such expedition so long as I was in Uganda. I left Uganda on the 16th June, 1892.

(Signed) F. D. LUGARD, *Captain.*

November 27, 1895.

No. 64.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 29.)*

(Extract.)

*Brussels, November 28, 1895.*

I RECEIVED yesterday afternoon from M. van Eetvelde the note, copy of which is herewith inclosed, in answer to the communication which I addressed to him on the 23rd instant, as reported in my despatch of that date.

M. van Eetvelde maintains, in spite of what has been said to the contrary, that the Belgian Military Courts are competent to take cognizance of the offences imputed to Captain Lothaire. He argues, moreover, that the Court could not decline jurisdiction without first examining into the facts of the case, and, therefore, its refusal to exercise jurisdiction would prove that the acts in question do not fall under the cognizance of the criminal law.

His Excellency says that it is in consequence of the objections raised to the Court at Boma, in my note of the 17th ultimo, and in consequence of their desire to give the utmost publicity to the trial, that the Congo Government did not insist on their idea of bringing Captain Lothaire before the Court at Boma, and came to the conclusion that there was reason for bringing him up before a Belgian Court.

M. van Eetvelde considers that if an appeal from the Cour d'Appel at Boma had been made to the Conseil Supérieur here, Captain Lothaire could not have been brought to Belgium as a prisoner and detained in custody here until that Court had given its final decision.

I shall be glad to be instructed what further steps your Lordship now desires me to take in this matter.

Inclosure in No. 64.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 27 Novembre, 1895.*

J'AI eu l'honneur de recevoir la lettre que votre Excellence m'a adressée le 23 de ce mois pour me rendre attentif à l'appréciation émise dans un article de journal sur la compétence du Conseil de Guerre Belge à l'égard de M. Lothaire, et pour me demander les vues du Gouvernement de l'État Indépendant du Congo à ce sujet.

Je m'empresse de répondre à votre Excellence que non-seulement l'Article 8 de la Loi Belge du 17 Avril, 1878, dont je lui ai communiqué les termes dans ma lettre du 26 Octobre dernier, est formel, et ne stipule pas d'exception à la règle qu'il consacre, mais qu'aucun texte de loi n'existe à ma connaissance d'où l'on puisse déduire que la justice Belge ne serait pas compétente pour statuer dans l'espèce.

J'estime, au surplus, que si dans cette affaire la question de compétence était examinée par un Tribunal, il ne pourrait la trancher qu'après avoir fait la lumière sur les faits du procès eux-mêmes, de sorte qu'en se déclarant incompétent il établirait que les faits de la poursuite ne tombent pas sous le coup de la loi pénale.

C'est à la suite de l'avis exprimé par votre Excellence dans sa lettre du 17 Octobre dernier, par rapport à l'incompétence du Tribunal d'Appel de Boma en cette circonstance, et guidé par les considérations que j'ai indiquées plus haut, ainsi que par le désir d'entourer les débats judiciaires de la plus large publicité, que le Gouvernement de l'État Indépendant n'a pas persisté dans son intention de déférer M. Lothaire à la Cour de Boma, et qu'il est arrivé à la conclusion qu'il y avait lieu de soumettre sa conduite à l'appréciation de la justice Belge.

Votre Excellence veut bien toutefois m'adresser des demandes de renseignements visant le cas où le Capitaine Lothaire aurait été attrait devant la Cour d'Appel de Boma. A ce sujet j'ai l'honneur de lui dire qu'en cas d'appel interjeté, soit par le prévenu, soit par le Ministère Public, contre le jugement de cette Cour, le Conseil Supérieur aurait eu le pouvoir de procéder à un examen nouveau et complet de l'affaire, aucune limite n'étant apportée par la loi à ce pouvoir d'investigation lorsque le Conseil siège, aux termes de l'Article 1 du Décret du 8 Octobre, 1890, comme juridiction répressive d'appel. Il lui eut appartenu également de prononcer telle sentence que de droit.

Le sentiment du Gouvernement de l'État Indépendant est que, dans l'éventualité de cet appel, M. Lothaire n'aurait pas pu être ramené en Belgique comme un prisonnier, et retenu en état d'arrestation jusqu'au jugement du Conseil Supérieur.

Je saisis, &c.

(Signé) EDMUND VAN EETVELDE.

(Translation.)

M. le Ministre,

*Brussels, November 27, 1895.*

I HAVE had the honour to receive the letter addressed to me by your Excellency on the 23rd of this month, calling my attention to an opinion expressed in a newspaper article on the competence of the Belgian court-martial as regards M. Lothaire, and asking me the views of the Government of the Congo State on the subject.

I hasten to inform your Excellency in answer that, not only is Article 8 of the Belgian Law of the 17th April, 1878, of which I communicated to you the terms in my letter of the 26th October last, formal, and allows no exception to the rule it lays down; but there is, to my knowledge, no legal provision from which it may be deduced that Belgian law would not be competent to decide the case in point.

I consider, moreover, that if in this matter the question of competence were inquired into by a Court, it could only settle it after clearing up the actual facts of the trial, so that, in declaring itself incompetent, it would establish that the facts of the inquiry do not come within the scope of the penal law.

It is in accordance with the opinion expressed by your Excellency in your letter of the 17th October last, relative to the incompetence of the Appeal Court at Boma in this case, and guided also by the considerations indicated above, as well as by the wish to give the legal proceedings the greatest possible publicity, that the Government of the Free State has not persisted in its intention of handing over M. Lothaire to the Court at Boma, and that it has come to the conclusion that it is advisable to submit his conduct to the decision of Belgian law.

Your Excellency has been so good as to inquire what would have happened had Captain Lothaire been brought before the Court of Appeal at Boma. I have the honour to inform you in reply, that, in the case of an appeal being lodged, whether by the accused or by the Government, against the Judgment of that Court, the Superior Court would have had the power to undertake a new and complete inquiry into the matter, there being no limit set to this power of inquiry when the Court is sitting under Article I of the Decree of the 8th October, 1890, as a *repressive* Court of Appeal. It would equally have fallen to it to pronounce whatever sentence the law allowed.

The Government of the Free State is of opinion that, in the case of such an appeal, M. Lothaire could not have been brought back to Belgium as a prisoner and kept under arrest until the verdict of the Superior Court had been given.

I avail, &c.

(Signed) EDMOND VAN EETVELDE.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 29.)*

My Lord,

Brussels, November 28, 1895.

THE "Soir" has just published an important article arguing that Captain Lothaire cannot be arraigned before any Tribunal, as the crimes of which he can be accused are not provided for by the Penal Code.

I submit copies of this article for your Lordship's information.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 65.

*Extract from the "Soir" of November 27, 1895.*

EN voici bien d'une autre : Il paraît que le Commandant Lothaire n'est justiciable d'aucun Tribunal, pas plus Belge que Congolais. Cela résulte de la petite consultation suivante qu'un jurisconsulte éminent a rédigée à notre intention :

La question Stokes-Lothaire continue à faire l'objet d'un échange de notes entre l'État Indépendant du Congo et le Royaume-Uni, sans que jusqu'ici les deux Gouvernements soient parvenus à trouver un terrain d'entente. L'État du Congo admet que le Capitaine Lothaire a commis un acte illégal et arbitraire, en privant Stokes de l'exercice du droit d'appel que lui reconnaissent les statuts Congolais. Pour montrer son bon vouloir, le Gouvernement du Congo a accordé sans hésitation à l'Angleterre :

1. L'indemnité de 150,000 fr.
2. La restitution du stock d'ivoire rassemblé par Stokes.

Les Anglais ne sont pas satisfaits et demandent la mise en accusation de Lothaire. C'est ici que surgit la difficulté. De quel crime ou de quel délit s'est rendu coupable Lothaire ? Quel est le Tribunal compétent pour le juger ?

Contrairement à ce qu'affirme la presse Anglaise, Lothaire n'a évidemment pas commis un meurtre, c'est-à-dire un homicide commis avec intention de donner la mort (Article 393, Code Pénal Belge) ; car "l'intention criminelle," dans le cas de Lothaire, n'existe pas. Il faut ne rien connaître aux principes les plus élémentaires du droit pénal pour se permettre de qualifier de meurtre la mise à mort de Stokes. Lothaire ne peut pas davantage être traduit en justice pour cause "d'homicide par imprudence."

L'infraction commise par Lothaire constitue un abus d'autorité. Sa seule faute est d'avoir privé Stokes de l'exercice plein et entier du droit d'appel. Si Lothaire avait agi en Belgique, le Chapitre V, Titre IV, Livre II du Code Pénal lui serait applicable ; et encore, le cas n'est-il pas très explicitement visé. Seulement, l'abus d'autorité dont s'est rendu coupable Lothaire a été commis au Congo. Or, le Code Pénal Congolais ne prévoit pas le délit d'abus d'autorité.

Il en résulte que Lothaire ne peut être poursuivi de ce chef au Congo, attendu qu'aucune peine ne peut être établie qu'en vertu de la loi et que, dans le cas même où l'État du Congo, par condescendance pour l'Angleterre, en arriverait à ériger en délit l'abus d'autorité, Lothaire ne pourrait être poursuivi en vertu de ce Décret nouveau, car c'est un principe élémentaire : la loi pénale n'a point d'effet rétroactif.

En ce qui concerne le Tribunal compétent, c'est là une question toute accessoire. Le point principal est de savoir s'il y a délit. Lothaire n'a pas commis de délit prévu par la loi. Fonctionnaire de l'État Indépendant, il a posé un acte qui constitue un abus d'autorité ; mais ce fait n'est pas actuellement punissable par le Code Pénal Congolais.

Fonctionnaire de l'État du Congo, Lothaire relève du Gouvernement de cet État, et de nulle autre autorité au monde. Il a agi comme chef d'expédition en Afrique, sous la dépendance de l'État Indépendant, et non comme officier Belge. Les Tribunaux Belges, les Conseils de Guerre, la Cour Militaire de Belgique n'ont rien à voir dans cette affaire qui ne les concerne pas. Tout au plus l'État du Congo peut-il user de sévérité envers Lothaire, lui appliquer une peine disciplinaire, le relever de ses fonctions ou le mettre en disponibilité par retrait d'emploi. En dehors de ces mesures purement administratives, aucune procédure pénale ne pourrait légalement être entamée contre lui.

N'en déplaise à l'irascible Albion, il n'y a rien à faire ("niente da fare"). Et l'État du Congo en sera vraisemblablement réduit à devoir publier un livre rose, rouge ou vert,

résumant l'affaire Stokes-Lothaire. On y trouvera, sans nul doute, la preuve de sa loyale conduite et de sa volonté de condescendre aux réclamations d'Angleterre, en même temps que l'expression du désir des Anglais de nous chercher une petite "querelle d'Allemand."

Ajoutons que le Gouvernement de l'État Indépendant paraît enfin pencher pour cette solution aussi : la voie disciplinaire.

Ce qui nous le fait croire, c'est qu'on semble moins pressé d'organiser la Cour d'Appel de Boma, alors qu'il y a quelques jours, ainsi que nous ne laissons sous-entendre dans un de nos articles, on croyait au départ possible des nouveaux Juges pour le 6 Décembre.

*Un Ballon d'Essai.*

Nous croyons savoir que l'interpellation qui aura lieu demain à la Chambre ne jettera pas une lumière considérable sur le cas du Commandant Lothaire.

En effet, le Ministre des Affaires Étrangères devra se borner à répondre que jusqu'ici le Gouvernement Belge n'a été saisi d'aucune demande officielle de la part de l'État Indépendant en ce qui concerne le renvoi de Lothaire devant les Tribunaux Militaires.

Comme nous l'avions dit au premier jour, il n'y a donc eu en tout cela qu'un ballon d'essai lancé par l'État du Congo.

No. 66.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, November 29, 1895.*

I HAVE received your despatch of the 23rd instant, transmitting a copy of the note you addressed to M. van Eetvelde calling attention to the doubts expressed as to the competency of the Belgian Military Courts to take cognizance of the charges brought against Captain Lothaire.

The terms of your communication to his Excellency on the subject are approved.

I am, &c.

(Signed) SALISBURY.

No. 67.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 30.)*

My Lord,

*Brussels, November 29, 1895.*

THE interpellation of M. Lorand; on the affairs of the Congo, and more especially on the position resulting to Belgium from the request of the Congo State Government that Captain Lothaire should be arraigned before the Belgian Military Courts, came on this afternoon in the Second Chamber.

In order to give your Lordship the earliest information on this important discussion, I forward herewith the first summary published in the early edition of the "Indépendance Belge," and I have already sent, by telegraph, a short abstract of the principal points of M. de Burlet's reply. I will forward, by messenger, the official summary of the speeches, which appear in the ordinary course to-morrow morning.

The Ministerial statement was listened to with great attention.

It was clear that the House generally was relieved by the declaration of the repeal of the temporary Agreement come to last winter, by which the Belgian Minister of Finance was to exercise a control over Congolese financial operations, pending the decision of the Chambers in regard to annexation.

The careful and friendly language used in all the allusions to England prove how strong is the desire in Belgium to remain on good terms with her British neighbours.

I have, &c.

(Signed) F. R. PLUNKETT.



Inclosure in No. 67.

*Extract from the "Indépendance Belge" of November 30, 1895.*

M. LORAND a présenté son interpellation sur l'affaire Lothaire. L'honorable membre voulait savoir si oui ou non le Commandant Lothaire serait déféré à un Tribunal Belge.

A la suite d'explications relatives à la question de procédure, M. le Ministre des Affaires Étrangères a déclaré que le Gouvernement n'aurait eu à se prononcer que si le Commandant Lothaire se trouvait en Belgique.

Le débat a été clos sans incident.

Au cours de la discussion, M. le Ministre des Finances a été amené à déclarer que l'Arrangement provisoire du 9 Janvier dernier relatif aux rapports financiers du Gouvernement Belge et de l'État Indépendant du Congo avait été reconnu sans objet et rompu d'un commun accord.

### *L'Affaire Lothaire.*

M. Lorand présente son interpellation. Invoquant les informations de la presse, il rappelle l'exécution du missionnaire Stokes, les réclamations du Gouvernement Anglais, et demande s'il est vrai qu'il soit question de déférer le Commandant Lothaire à un Tribunal Belge. N'y aurait-il pas là tout au moins un dangereux précédent? L'orateur discute la compétence éventuelle de ce Tribunal; il n'en trouve dans l'espèce aucun élément constitutif. Le Commandant Lothaire est un Belge au service de l'État du Congo. Une plainte de celui-ci ne serait pas recevable devant un Tribunal Belge. On lui impute d'avoir mis à mort un citoyen Anglais à la suite d'un jugement irrégulier, fait accompli au Congo, par abus, mais dans l'exercice de ses fonctions. En fait comme en droit l'incompétence d'un Conseil de Guerre Belge serait évidente. Il faut connaître le milieu, l'ambiance du fait. Un Tribunal Belge n'en a aucune idée. L'orateur est convaincu que des officiers Belges jugeraient en conscience, suivant le droit, sans égard à la camaraderie. L'hypothèse d'un acquittement certain est une légende et une calomnie rehaussée d'une injure à la nation Anglaise "qui marchande la peau d'un de ses concitoyens," injure d'autant plus regrettable que l'Angleterre, initiatrice des institutions libres, est une fidèle alliée de la Belgique dont les rapports avec elle étaient sans nuages avant cet incident.

Sans préjuger le fond de cette affaire, l'honorable membre y a toujours deviné une irrégularité. Elle est reconnue aujourd'hui par l'État du Congo, et, ce qui est plus grave, le Gouvernement Belge n'est pas étranger à l'incident.

L'orateur estime que l'union personnelle, exclusive de mainte pratique abusive et trop fréquente, ne saurait en aucun cas permettre de rendre justiciables des Tribunaux Belges les officiers en service au Congo. La responsabilité politique du Gouvernement en serait aggravée.

On a parlé d'une autre procédure: déférer le Capitaine Lothaire à un Tribunal Congolais siégeant en Belgique. Ce serait encore plus impossible.

La seule hypothèse admissible est le jugement sur territoire Congolais par la justice Congolaise.

Pour le jugement en Belgique, il faudrait que l'État du Congo le demandât en portant plainte contre son officier. Si étranges que soient parfois les procédés Congolais, cela est invraisemblable.

Il est un point qui appelle une explication.

Le "Times" a publié la correspondance échangée entre Lord Salisbury et le Cabinet Belge.

De cette correspondance l'orateur conclut que Mr. Stokes était un concurrent redoutable pour l'État du Congo, le plus grand marchand d'ivoire de l'Afrique.

M. A. Defuisseaux.—C'est pour cela qu'on l'a pendu.

M. Lorand.—Je ne dis pas cela, mais je constate que le Gouvernement a aggravé la situation d'un compatriote, non content d'avouer des irrégularités que je signalais dès le 27 Août dernier, sans préjuger la culpabilité, ce qui me faisait traiter de mauvais patriote.

L'orateur met en cause les Ministres de la Guerre, des Affaires Étrangères, et même des Finances, celui-ci ayant dû ratifier le paiement des 150,000 fr. de livres à

l'Angleterre par l'État du Congo, à titre d'indemnité pour les irrégularités avouées par M. van Eetvelde.

*M. de Burlet* (Ministre des Affaires Étrangères) déclare que les rapports de la Belgique et de l'État du Congo sont toujours réglés conformément à la Loi de 1890.

L'État du Congo n'accuse pas le Commandant Lothaire de meurtre. Il a notifié au Gouvernement Belge le jugement irrégulier exécuté contre le missionnaire Stokes en le signalant comme un fait prévu par la Loi d'Extradition. Il ne s'agit pas pour le Gouvernement de savoir si oui ou non il y aurait renvoi devant un Tribunal Belge, puisque le Commandant Lothaire n'est pas en Belgique. Donc, pas de poursuite. Fin de non recevoir absolue. Le Gouvernement n'aurait à s'occuper de la question que si Lothaire s'était trouvé en Belgique. Quant aux relations avec l'Angleterre, elles sont sans nuages. Il n'y a pas de suggestions de l'Angleterre. S'il nous vient d'elle un avis officiel, nous aurions à l'examiner, mais cela est prématuré, un élément essentiel faisant défaut. Si plus tard le Gouvernement avait à délibérer là-dessus, il prendrait devant les Chambres la responsabilité de ses actes.

L'honorable Ministre conteste que l'État du Congo ait préjugé pénale la culpabilité du Commandant Lothaire. L'indemnité de 150,000 fr. n'a été payée qu'à titre de compensation des irrégularités de procédure.

*M. Magnette*.—La responsabilité civile entraîne ici la responsabilité pénale.

*M. de Burlet*.—Dans plus d'un cas, il y a responsabilité civile sans responsabilité pénale.

*M. Magnette*.—Aussi ai je dit : " Dans ce cas-ci."

*M. de Burlet*.—Il ne me convient pas de juger le fond. Personne ici ne voudra se prononcer sur la culpabilité du Commandant Lothaire. (Très bien ! à Droite.)

*M. A. Defuisseaux*.—C'est juste. Il ne s'agit que de défendre le Congo.

La séance continue.

No. 68.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, November 30, 1895.*

I HAVE to acknowledge receipt of your despatch of the 28th instant, containing copy of a note from M. van Eetvelde, in which his Excellency maintains the competency of a Belgian Military Court to take cognizance of the offences imputed to Captain Lothaire.

His Excellency states that it was in consequence of the doubts expressed by Her Majesty's Government as to the powers of the Court at Boma that the Congolese Government suggested a Belgian Military Court, and he explains what he considers would be the course if Captain Lothaire were brought before the Court at Boma.

Her Majesty's Government have no desire to raise unnecessary difficulties, or to cause embarrassment to the Government of the Congo State, but it is evident that there are grave doubts as to whether a Belgian Military Court is competent to deal with the case. Moreover, the declaration of M. de Burlet, in the Belgian Chamber on the 29th instant, shows that in the opinion of the Belgian Government the question of the competency of such a Court could not be considered until the arrival of Captain Lothaire in Belgium. In that case, should it be found that such a Court has no jurisdiction, there would be serious risk of a complete failure of justice. In these circumstances Her Majesty's Government are prepared to accept the original proposal, that the trial of Captain Lothaire should take place before the Court of Appeal at Boma, on the understanding that the Public Ministry of the Congo State will appeal to the Conseil Supérieur at Brussels, if Her Majesty's Government are not satisfied with the decisions of the Boma Tribunal.

I am, &c.

(Signed) SALISBURY.

*Extract from the "Compte Rendu Analytique."*

CHAMBRE DES REPRÉSENTANTS.

*Séance du Vendredi, le 29 Novembre, 1895.*

*Interpellation.*

*M. Lorand.*—Des divers événements qui se sont passés au Congo, je n'entends parler en ce moment que de l'incident Lothaire-Stokes.

Vous le savez, cet incident a donné lieu à des réclamations du Gouvernement Anglais et, s'il faut en croire l'affirmation de l'organe officieux de l'État Indépendant du Congo, ce Gouvernement aurait réclamé la comparution du Capitaine Lothaire devant la Justice Belge.

Je viens demander au Cabinet s'il est disposé à accueillir cette demande, s'il entend poser un précédent aussi dangereux pour le pays ?

Ne serait-ce pas d'ailleurs une impossibilité juridique ? Un Belge accusé d'un délit commis à l'étranger ne peut être poursuivi que sur plainte des intéressés et s'il est trouvé en Belgique : le Code de Procédure Pénale est formel à cet égard. Or, comment traduire devant un Tribunal Belge le Commandant Lothaire, qui est toujours au Congo ? Une plainte dirigée contre lui par l'État Indépendant du Congo ne serait pas recevable.

Quel est le fait dont on l'accuse ? D'avoir fait pendre un sujet Anglais après une procédure irrégulière. Ce fait est-il prévu dans nos lois ? Enfin, le Commandant Lothaire, quoique officier Belge, est au service de l'État Indépendant du Congo : comment un Conseil de Guerre Belge pourrait-il instruire contre lui ? A tous égards, il serait incompétent.

Ce n'est pas seulement en droit, mais aussi en fait, que la Justice Belge est incompétente. Un Tribunal d'exception, comme l'est une Cour Militaire, ne peut en connaître : son impartialité serait suspecte.

On a certainement calomnié ses officiers Belges en les représentant comme disposés à se prêter à un acquittement concerté d'avance. (Rumeurs.) Oui ! des journaux, qui ont pris la défense de Lothaire, ont eu l'imprudence de prétendre cela ; même imprudence quand on a traîné dans la boue la victime de Lothaire et la nation Anglaise, " qui marchanderait la peau de son trafiquant."

Qu'on ne l'oublie pas : l'Angleterre mérite les plus grands égards de la part de la Belgique ; l'Angleterre a marqué la voie dans toutes les institutions libres, et c'est la plus fidèle alliée de notre pays. Jamais, depuis 1830, aucun nuage ne s'était élevé entre elle et nous : c'est l'État Indépendant du Congo qui a déterminé ce premier nuage !

Nous avons un intérêt considérable à voir juger complètement l'affaire Lothaire-Stokes : notre honneur y est même engagé. L'accusé doit pouvoir se présenter devant des Juges impartiaux et toute liberté doit lui être donnée de se défendre.

Je disais, le 27 Août dernier, qu'il y avait eu irrégularité dans la procédure qu'il a suivie ; on m'accusait alors, au banc des Ministres, d'être un mauvais patriote ! Aujourd'hui, cette irrégularité est reconnue, avouée par l'État Indépendant du Congo, qui a même déjà payé à l'Angleterre une indemnité de ce chef.

Ce qu'il y a de particulièrement grave dans tout ceci, c'est qu'on doit avoir préjugé la situation de Lothaire, et ce de l'assentiment du Gouvernement Belge.

L'union personnelle implique que nos officiers—qu'on a le tort d'envoyer en Afrique, tout en les maintenant dans les cadres—ne doivent pas être justiciables des Tribunaux Belges, mais de la Justice de l'État du Congo.

On a parlé aussi de faire comparaître le Commandant Lothaire devant un Tribunal Congolais siégeant en Belgique : ceci est encore plus impossible et il ne saurait en être question. Il n'y a donc qu'une solution : l'État du Congo doit pourvoir au jugement de l'affaire sur son territoire et le Gouvernement Belge doit se borner à veiller à ce que l'accusé soit traduit devant une juridiction impartiale.

J'espère bien qu'il n'y a pas eu de plainte de l'État du Congo adressée à notre Gouvernement, plainte accusant notre compatriote Lothaire d'homicide : je ne crois pas que l'État du Congo se permettrait d'adresser au Gouvernement Belge une semblable plainte !

Toute la correspondance officielle de l'affaire a été publiée dans les journaux d'Angleterre . . . naturellement : en Belgique, on ne connaît que par l'étranger, ce qui se passe à l'État Indépendant du Congo. Le "Times" donc, entre autres, a

publié les lettres échangées entre le Chef du Cabinet Anglais, Lord Salisbury, et le Gouvernement Congolais. L'irrégularité de la procédure y est reconnue, comme tout ce que j'avais signalé à cet égard le 27 Août, 1895. L'État du Congo va même plus loin : il veut donner pleine satisfaction à l'Angleterre, car il préjuge la culpabilité du Commandant Lothaire.

L'État du Congo dit dans une dépêche qu'il prend l'engagement de faire comparaître Lothaire devant une Cour compétente. Il ajoute qu'il est prêt à payer immédiatement au Gouvernement Anglais une compensation de 150,000 fr., plus la restitution des biens saisis, qui comportaient beaucoup d'ivoire. Stokes était un dangereux concurrent pour l'État du Congo, qui est, lui, le plus grand marchand d'ivoire . . . .

*M. A. de Fuisseaux.*—C'est pour cela que Stokes a été pendu.

*M. Lorand.*—C'est pour cela qu'il est d'autant plus nécessaire que la juridiction saisie offre toutes garanties d'impartialité et d'équité.

La dépêche du Gouvernement du Congo, suivie du paiement de l'indemnité de 150,000 fr., n'a pas pu être envoyée sans l'autorisation de notre Ministre des Finances. Je m'étonne qu'il se soit ainsi associé à des présomptions de culpabilité. Cette situation, elle aussi, est irrégulière et je me réserve de questionner le Gouvernement à ce sujet.

L'annexion du Congo a été ajournée vraisemblablement jusqu'en 1900, et il existe un Arrangement provisoire entre le Gouvernement Belge et le Gouvernement du Congo, en vertu duquel, à partir du 1<sup>er</sup> Janvier, 1895, aucune dépense ne sera engagée par l'État Indépendant du Congo sans l'assentiment du Ministre des Finances de Belgique. J'attends les explications du Gouvernement sur ce point également : je ne lui demande pas de répondre immédiatement, mais de réfléchir à cette situation dangereuse de savoir—en attendant une solution sans doute éloignée de la question de l'annexion—la Belgique comptable des dépenses de l'État du Congo et responsable de ce qui peut s'y passer.

*M. de Burlet* (Ministre des Affaires Étrangères). (Mouvement d'attention).—Ma réponse à l'honorable M. Lorand sera brève et précise, et elle peut être brève, car souvent déjà—la Chambre se le rappelle—j'ai fait, au nom du Gouvernement, sur les rapports de la Belgique avec l'État Indépendant du Congo, sur l'union purement personnelle des deux Couronnes, sur la situation bien nette créée par la Convention Loi de 1890, sous le régime de laquelle nous vivons, des déclarations qui ne laissent place à aucune équivoque et qui ont d'ailleurs, je crois pouvoir le dire, rencontré l'adhésion unanime de la Chambre.

Je ne puis, au début de ma réponse, que confirmer, en m'y référant, ce que j'ai eu l'honneur, à diverses reprises, de développer à ce sujet.

M. Lorand me demande s'il est exact que le Gouvernement du Congo réclame le renvoi du Commandant Lothaire devant un Conseil de Guerre Belge et l'accuse de meurtre ; il demande si le Gouvernement Belge est disposé à se prêter à cette procédure, ajoutant que "celle-ci serait, paraît-il, suggérée par l'Angleterre."

L'État du Congo a donné au Gouvernement Belge l'avis officiel prévu par l'Article 8 de la Loi du 17 Avril, 1878, contenant le titre préliminaire du Code de Procédure Pénale.

L'État du Congo n'accuse pas de meurtre le Commandant Lothaire, mais il a porté à la connaissance du Gouvernement Belge le fait que M. Lothaire, Capitaine de l'armée Belge, a, le 15 Janvier, 1895, fait mettre à mort, sans jugement régulier, le nommé Stokes, sujet Britannique, "fait," ajoute-t-il, "qui constitue, à supposer que son caractère délictueux soit établi, une infraction prévue par la Loi d'Extradition."

Je crois pouvoir dire à la Chambre que la pensée qui a dicté cette communication, c'est de soulever le débat criminel là où il peut être entouré de la plus large publicité et de faire ainsi complète lumière aux yeux de tous ; et, il faut bien le dire, à ne considérer que ce point de vue, aucune comparaison n'est possible entre un débat judiciaire en Belgique, au centre de l'Europe, et une procédure criminelle au centre de l'Afrique.

Mais il ne s'agit pas de cela en ce moment : le Commandant Lothaire n'est pas sur le sol Belge.

Le Gouvernement, s'il est appelé à examiner cette question, ne pourra donc le faire qu'au moment où Lothaire reviendrait parmi nous, ou, pour me servir des termes de la Loi, au moment où "il serait trouvé en Belgique." Actuellement, il n'en peut être question : la fin de non-recevoir déduite des termes de la Loi est absolue.

Quant aux suggestions de l'Angleterre, comme dit M. Lorand, le Gouvernement Belge n'a pas à s'expliquer sur des pourparlers diplomatiques entre l'État du Congo et l'Angleterre et qui ne le concernent pas. Mais je tiens à dire que c'est sans aucun fondement que M. Lorand a reproché à l'État du Congo d'être la cause du premier nuage qui, depuis 1830, se serait élevé entre la Belgique et l'Angleterre : aucun nuage ne nous est arrivé de ce côté.

L'honorable membre désire voir déclarer par le Ministre des Affaires Étrangères que l'affaire Lothaire ne nous regarde pas : assurément, elle ne regarde pas le Gouvernement Belge, et je viens de l'indiquer déjà ; mais, en vertu de la Loi de 1878, nous aurions à examiner la question de l'attitude à prendre relativement à la comparution éventuelle devant un Conseil de Guerre, le jour—éloigné sans doute, s'il en faut croire les journaux—où Lothaire serait trouvé en Belgique. De même le Gouvernement aurait à examiner tout avis officiel de cette nature qui nous viendrait d'une nation étrangère quelconque.

Le Gouvernement n'encourrait de responsabilité et ne manquerait à son devoir que s'il se refusait vis-à-vis de n'importe quel État étranger à examiner les avis officiels donnés en conformité de la dite Loi. Mais, je le répète, en ce qui concerne le Commandant Lothaire, nous n'avons pas à nous livrer à cet examen, une des conditions indispensables pour rendre cet examen possible—la présence de Lothaire en Belgique—faisant actuellement défaut.

Si le Gouvernement se trouvait, plus tard, dans le cas de délibérer à ce sujet, il aurait à répondre devant les Chambres de ses résolutions, dont il connaît l'importance et porterait toute la responsabilité.

M. Lorand signale les inconvénients que présenterait le maintien de l'Arrangement provisoire annexé au projet de reprise du Congo par la Belgique. Cet Arrangement a été signé, le 9 Janvier dernier, dans la pensée que les Chambres se prononceraient à bref délai sur ce projet de reprise. Cette prévision seule pouvait la justifier.

Mais la discussion a subi des retards imprévus et le Gouvernement n'a pas attendu l'annonce d'une interpellation pour reconnaître que—la situation provisoire se prolongeant—l'Arrangement provisoire ne se conciliait plus avec la Convention de 1890, qui reste debout.

Aussi, dès le 12 Septembre, une Déclaration a été échangée entre M. le Ministre des Finances et le Secrétaire d'État du Congo pour constater que l'Arrangement provisoire était devenu sans objet.

L'honorable membre peut donc être à ce sujet complètement rassuré.

Quant au fait des 150,000 fr. payés par l'État Indépendant du Congo, il préjugerait, d'après M. Lorand, sa culpabilité au point de vue pénal.

L'État Indépendant du Congo a, au contraire, fait toutes ses réserves au sujet de cette culpabilité ; il a formellement stipulé que l'indemnité n'était payée qu'à titre de compensation pour l'irrégularité de la procédure ; mais jamais l'État Indépendant n'a formulé contre Lothaire une accusation de meurtre.

*M. Magnette.*—La responsabilité civile entraîne, dans ce cas-ci, la responsabilité pénale.

*M. de Burlet* (Ministre des Affaires Étrangères).—Vous savez qu'il y a quantité de cas où il peut y avoir responsabilité civile sans responsabilité pénale. Que faites-vous notamment des quasi-délits ?

*M. Magnette.*—Quasi-délit, une irrégularité de procédure ? Singulière théorie juridique !

*M. de Burlet* (Ministre des Affaires Étrangères).—L'honorable membre ne s'attend pas, au surplus, à ce que nous discussions tout cela ici, et ce n'est pas le rôle du Gouvernement Belge de discuter la question de l'innocence ou de la culpabilité du Commandant Lothaire. (Très bien ! à Droite.)

M. Lorand pense que mon collègue des Finances a dû autoriser le paiement de 150,000 fr. à l'Angleterre ; c'est une erreur, car l'Arrangement provisoire annexé à la Convention de 1890 a pris fin.

Le 12 Septembre dernier, il a été reconnu par nous et par l'État du Congo que cet Arrangement était devenu sans objet. Dès lors, M. le Ministre des Finances n'a pas eu à s'occuper du paiement de cette indemnité.

En terminant, je m'associe aux paroles de M. Lorand relatives au caractère regrettable de certains excès de langage de la presse au sujet de cette affaire Stokes. Aucun nuage ne s'est élevé jamais entre la Belgique et l'Angleterre : c'était une raison de plus pour qu'on usât en ces circonstances de la plus grande circonspection. (Nouvelle et vive approbation à Droite.)

*M. A. de Fuisseaux.*—M. le Ministre n'a rien répondu. . . . (Exclamations à Droite.)

*M. de Smet de Naeyer* (Ministre des Finances).—Vous n'avez peut-être rien compris. (Rires.)

*M. A. de Fuisseaux.*—Il s'est borné à dire : Nous jugerons Lothaire, si nous tenons Lothaire ! (Protestations à Droite.)

Supposez qu'un officier Belge, engagé en Russie, y commette un crime : demandera-t-on à la Russie de nous renvoyer cet officier ? Dans quelle procédure allons-nous donc entrer ?

*M. Woeste.*—Vous n'avez rien compris du tout à la réponse de M. le Ministre.

*M. A. de Fuisseaux.*—Qui interrompt ? (Bruit à Droite.) Ah ! . . . (Désignant M. Hoyois.) Ce n'est que ce monsieur ! . . . (Bruyante protestation à Droite.)

*M. le Président.*—M. de Fuisseaux, vous venez de prononcer des paroles qui m'ont paru malséantes.

*M. A. de Fuisseaux.*—Lesquelles, M. le Président ?

*M. le Président.*—Celles qui visaient M. Hoyois.

*M. A. de Fuisseaux.*—Je lui ai fait l'honneur de lui adresser la parole. (Exclamations à Droite.)

*M. le Président.*—En quels termes ?

*M. A. de Fuisseaux.*—Ma foi, je ne m'en souviens pas. (On rit sur les bancs Socialistes.)

*M. le Président.*—N'avez-vous pas dit : Qui m'interrompt ? C'est ce monsieur ! S'il en est ainsi, vous avez prononcé des paroles qui ne sont pas conformes à la courtoisie qui doit régner ici et que je m'efforce de maintenir. (Très bien ! à Droite.)

*M. A. de Fuisseaux.*—Désirez-vous que je l'appelle le très honorable membre, M. le Président ? (Bruit.)

*M. le Président.*—Cela eût peut-être mieux valu ; mais, en tout cas, je dois constater que le ton que vous employez vis-à-vis du Président de cette Chambre n'est point convenable. (Très bien ! très bien ! à Droite.)

*M. A. de Fuisseaux.*—Je puis accepter des rappels à l'ordre, mais non des leçons, surtout quand elles viennent de vous ! (Vives protestations sur les mêmes bancs.) Je me montre toujours très courtois envers mes honorables collègues. (Rires et exclamations à Droite.)

*M. le Président.*—Vous voudrez bien, en tout cas, accepter cette fois-ci une leçon que, en raison de la position que j'occupe ici, j'ai le droit de vous donner : je vous rappelle à l'ordre. (Applaudissements à Droite.)

*M. Defnet.*—Il ne fallait pas interrompre l'orateur !

*M. A. de Fuisseaux.*—Je constate que le vocabulaire de la Chambre s'enrichit . . .

*M. le Président.*—Veuillez continuer.

*M. A. de Fuisseaux.*—On peut donc recevoir des leçons maintenant à la Chambre ! (Bruit.)

J'en reviens à la question et je demande au Gouvernement s'il est décidé à faire revenir Lothaire en Belgique ? C'est ce qu'il faudrait savoir.

*M. Lorand.*—Je dois remercier M. le Ministre des Affaires Étrangères d'avoir déclaré que nous sommes d'accord sur les principes, et je crois que M. de Fuisseaux a mal compris à cet égard. (Ah ! ah ! à Droite.) Nous sommes donc d'accord, l'honorable Ministre et moi, sur les principes de la Loi de 1878.

M. de Burlet a reconnu qu'une des conditions essentielles consisterait dans la nécessité de voir Lothaire rentré en Belgique pour qu'on puisse le juger ; mais il n'a pas dit qu'il serait poursuivi s'il y rentrait ; il s'est borné à déclarer que, dans ce cas, le Gouvernement délibérerait et aurait à répondre de ses résolutions devant les Chambres.

*M. A. de Fuisseaux.*—Alors, nous sommes d'accord. (Rires à Droite.)

*M. Lorand.*—La demande de l'État du Congo ne serait pas recevable si Lothaire se trouvait en Belgique, parce qu'il n'eût pas dû l'y laisser rentrer. Je m'étonne de ce que l'État du Congo ait adressé une plainte au Gouvernement Belge à charge du Capitaine Lothaire . . .

*M. Rosseeuw.*—C'est Rue Bréderode qu'il faut aller dire cela. (Rires à Droite.)

*M. Lorand.*—Il paraît qu'on y ignore la législation sur la matière. (Rires à Gauche.)

Je remercie spécialement M. le Ministre des Affaires Étrangères de sa déclaration : elle rend inutile l'interpellation que je réservais. Je maintiens que la correspondance de l'État Indépendant du Congo a été imprudente comme préjugant

le fond. Je constate avec plaisir que M. le Ministre des Finances n'a pas eu à intervenir et que l'Arrangement provisoire dont j'ai parlé a disparu.

On reviendra ultérieurement sur la question de l'annexion : nous rentrons sous le régime de 1890 et non plus sous celui de l'Arrangement provisoire, qui eût été intolérable. Mais je ne puis que regretter que le Gouvernement ne nous en ait pas prévenus.

*M. de Smet de Naeyer* (Ministre des Finances).—Au moment où le Gouvernement Belge et le Gouvernement de l'État Indépendant signaient le Traité du 9 Janvier, ils pouvaient légitimement supposer que la Législature se prononcerait dans un délai assez court sur le projet de reprise du Congo. Sans doute, il n'entraît pas dans la pensée du Gouvernement de réclamer des Chambres un Vote d'urgence, mais il ne pouvait certainement pas prévoir—quelles que soient d'ailleurs les causes du retard—que toute la Session se passerait sans qu'il eût une solution.

Un intervalle assez court devant, selon les prévisions, s'écouler entre la signature du Traité et sa ratification ou son rejet, il était logique de constater quelle était, au moment de la signature, la situation financière de l'État Indépendant et de régler la courte période transitoire qui était inévitable, au moyen d'un Arrangement donnant au Gouvernement Belge une part d'intervention dans la gestion financière de l'État, qui devait, selon toutes probabilités, devenir bientôt une Colonie Belge.

Contrairement à ce que l'on pouvait alors prévoir, l'examen du Traité de Cession a pris un temps fort long, et aujourd'hui même, plus de dix mois après la signature, on ne peut pas prévoir une solution très prochaine.

Il est évident que l'Arrangement provisoire du 9 Janvier est en opposition avec le système d'union purement personnelle qui a régi, dès le début, les relations de la Belgique avec le Congo et qui a été consacré par la Convention de Juillet 1890. Cette Convention dit, en effet, textuellement que "le Gouvernement Belge ne s'immiscera en aucune manière dans l'Administration de l'État Indépendant du Congo, qui continuera à n'être rattaché à la Belgique que par l'union personnelle des deux Couronnes."

Cette opposition entre la Convention de 1890 et l'Arrangement provisoire du 9 Janvier pouvait n'avoir que peu d'inconvénients dans une situation transitoire de peu de durée; elle devenait flagrante et féconde en difficultés du moment où cette situation perdurait. Il n'y avait qu'un moyen de la faire cesser: c'était de revenir purement et simplement au régime de la Convention de 1890. C'est ce qui a amené les deux Gouvernements—le Gouvernement Belge et le Gouvernement Congolais—à échanger le 12 Septembre dernier la Déclaration suivante:—

"Les Soussignés constatent que les actes signés le 9 Janvier dernier avaient été conclus dans la pensée que la situation transitoire créée par ces actes n'aurait eu qu'une durée de peu de mois.

"Cette situation venant à se prolonger au delà des prévisions des Parties Contractantes, il est entendu aujourd'hui entre les Soussignés que l'Arrangement provisoire du 9 Janvier dernier doit être considéré comme devenu sans objet, le Ministre des Finances se réservant du reste de réclamer, au nom du Gouvernement Belge, tous les renseignements désirables sur la situation financière de l'État indépendant, conformément à la Convention du 3 Juillet, 1890, qui régit les rapports entre les deux pays.

"Il est entendu aussi qu'avant la discussion éventuelle, par les Chambres Législatives Belges, du Projet de Loi approuvant le Traité du 9 Janvier dernier, et à la date qu'indiquera le Gouvernement Belge, le Gouvernement de l'État Indépendant fournira à celui-ci un exposé complet de la situation financière à ce moment, avec indication de tous les changements qui seront survenus à l'actif et au passif de l'État, tels qu'ils ont été constatés lors de la signature du Traité du 9 Janvier. Il va de soi que l'actif et le passif que reprendra éventuellement la Belgique seront tels qu'ils existeront au moment où se fera l'annexion.

"Pour la Belgique:

"Le Ministre des Finances,

(Signé)

"P. DE SMET DE NAEYER.

"Pour l'État Indépendant du Congo:

"Le Secrétaire d'État,

(Signé)

"EDM. VAN EETVELDE.

"Bruxelles, le 12 Septembre, 1895."

Cette Déclaration enlève au Ministre des Finances la faculté, évidemment contraire à la Convention de 1890, d'opposer son *veto* aux dépenses de l'État Congolais, mais elle lui laisse tous les moyens d'information nécessaires pour rester au courant de la situation financière de cet État et pour éclairer les Chambres, la Belgique devant, d'après la Convention de 1890, recevoir de l'État Indépendant du Congo tels renseignements qu'il jugera désirable sur la situation économique, commerciale, et financière de celui-ci.

La Déclaration du 12 Septembre dit, d'un autre côté, qu'avant la discussion du Traité par les Chambres Belges et à la date que le Gouvernement Belge indiquera, le Gouvernement de l'État Indépendant lui fournira un exposé complet de sa situation financière à ce moment; la Législature, quand elle statuera sur le Traité du 9 Janvier, aura donc tous les éléments nécessaires pour se prononcer en parfaite connaissance de cause.

Un mot encore.

M. Lorand a incriminé la prétendue autorisation que j'aurais eu à donner au paiement des 150,000 fr. dont il s'agit et que je n'ai pas eu à donner. Mais je déclare très haut que, si l'Arrangement avait été maintenu, je n'aurais pas hésité un instant à l'accorder, et cela parce que ce paiement de 150,000 fr. ne préjuge en rien, contrairement à ce que croit M. Lorand, la culpabilité du Commandant Lothaire.

Un Arrangement a été conclu entre l'État du Congo et l'Angleterre: quel serait le membre de cette Chambre qui y eût mis son *veto*?

*M. Lorand.*—Je ne puis, à une simple audition, apprécier le document que vient de lire M. le Ministre des Finances. Je fais donc toutes mes réserves à cet égard et je répondrai ultérieurement si je le juge utile.

No. 70.

*Count Metternich to Foreign Office.—(Received December 2.)*

Dear Sir Thomas,

*German Embassy, London, December 2, 1895.*

I AM desired by Count Hatzfeldt and have the pleasure of sending you herewith, for Lord Salisbury's information, copies of a note of M. van Eetvelde concerning the Stokes' affair, and of the answer which Count Alvensleben has been instructed to make.

Believe me, &c.  
(Signed) P. METTERNICH.

Inclosure 1 in No. 70.

*M. van Eetvelde to Count Alvensleben.*

M. le Comte,

*Bruxelles, le 20 Novembre, 1895.*

COMME suite à l'entretien que j'ai eu avec votre Excellence Samedi dernier, et en vue de terminer les difficultés auxquelles a donné lieu l'exécution de Mr. Stokes, j'ai l'honneur de donner ici à votre Excellence l'assurance que M. Lothaire sera déféré à un Tribunal qui aura la compétence pour faire une lumière complète sur toute l'affaire, statuer sur les accusations dont il est l'objet, et lui infliger, au cas que sa culpabilité serait établie, une peine proportionnée à la gravité de l'infraction.

Ainsi que j'ai déjà eu l'occasion de le dire à votre Excellence, le Gouvernement regrette que les formalités légales n'aient pas été observées dans la procédure suivie à l'égard de Mr. Stokes.

Le Gouvernement de l'État Indépendant du Congo est disposé en outre à payer de suite au Gouvernement Impérial une somme de 100,000 fr. à titre de réparation pour le préjudice qu'auraient subi les hommes de la caravane de Mr. Stokes par le fait d'avoir été privés illégalement de leur chef.

Votre Excellence a bien voulu me faire connaître que quatre-vingt-six des porteurs de la caravane de Mr. Stokes, originaires du territoire Allemand, se trouveraient illégalement retenus par nos autorités. Si tel est le cas, le Gouvernement donnera l'ordre de les mettre en liberté, et de les renvoyer à la côte à ses frais. Et pour chacun de ceux qui auraient été illégalement retenus, et ne pourraient être



rapatriés, il est disposé à payer au Gouvernement Impérial une indemnité de 1,000 mares en faveur de la famille, ou de la tribu à laquelle il appartient.

A l'occasion du règlement de cette question votre Excellence m'a fait observer que la prime de 10 pour cent que payerait l'État à ses agents pour l'ivoire qu'ils achèteraient est de nature à porter préjudice au commerce du Protectorat Allemand.

Comme j'en ai donné l'assurance à votre Excellence, cette prime n'existe pas, et il n'en sera pas payé dans l'avenir pour récoltes d'ivoires aux agents de l'État.

Les propositions ci-dessus réservent la manière de voir respective de nos Gouvernements, et s'inspirent des sentiments de conciliation dont ils sont animés.

Je saisis, &c.  
(Signé) VAN EETVELDE.

(Translation.)

M. le Comte,

*Brussels, November 20, 1895.*

IN accordance with the interview which I had with your Excellency on Saturday last, and with a view to ending the difficulties to which the execution of Mr. Stokes has given rise, I have the honour hereby to assure you that the case of M. Lothaire will be referred to a Tribunal competent to throw a complete light upon the matter, to pronounce on the charges brought against him and to inflict on him, should his guilt be established, a punishment proportionate to the gravity of his offence.

I have already had occasion to inform your Excellency that the Government regrets that the legal formalities were not observed in the proceedings taken with regard to Mr. Stokes.

The Government of the Free State is, moreover, prepared immediately to pay the Imperial Government a sum of 100,000 fr. in compensation for the injury which the men of Mr. Stokes' caravan may have suffered through being illegally deprived of their Chief.

Your Excellency has been so good as to inform me that eighty-six of the porters of Mr. Stokes' caravan, natives of German territory, are being illegally detained by our authorities. If this be the case, the Government will order them to be set at liberty, and send them to the coast at its expense; and to each of those who may have been illegally detained and cannot be sent home, the Government is prepared to pay to the Imperial Government an indemnity of 1,000 marks in favour of the family, or of the tribe to which he may belong.

While engaged in settling this question, your Excellency called my attention to the fact, that the bounty of 10 per cent. which the Free State is said to pay its agents for the ivory that they might buy was of a nature calculated to injure the trade of the German Protectorate.

As I assured your Excellency this bounty does not exist, and none will be paid in future to the agents of the Free State for the collection of ivory.

The above suggestions are put forward subject to the views of our respective Governments, and are dictated by the conciliatory spirit which animates them.

I avail, &c.  
(Signed) VAN EETVELDE.

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Inclosure 2 in No. 70.

*Count Alvensleben to M. van Eetvelde.*

(Translation.)

*Brussels, November 25, 1895.*

THE Undersigned has the honour to inform M. van Eetvelde that he has communicated his Excellency's note of the 20th instant, relative to the execution of the ivory merchant Stokes, to his Government. In accordance with instructions received, he begs to reply as follows:—

The Government of the Congo State having expressed their regret that the proceedings against Stokes were not in proper legal form, the Imperial Government have taken note of this declaration, and also of the assurance that Major Lothaire will be brought before a Court which is to investigate the matter, and that, if he is found guilty, a punishment proportioned to the gravity of the case will be inflicted on him.

The Imperial Government accept the sum of 100,000 fr. offered by the Government of the Congo State as compensation for the damage and losses suffered by Stokes' followers who come from the German Protectorate. The Imperial Government

also accept the engagement of the Government of the Congo State to set at liberty Stokes' eighty-six porters who have been kept in captivity in the Congo State, and to send them to the coast at the expense of the State, and also to pay for every missing porter the sum of 1,000 marks as an indemnity to the relatives or Chiefs concerned.

The Imperial Government note the promise of the Congo State that the officials of the State shall no longer receive premiums for the ivory obtained, and they take it for granted that the promise applies not only to ivory, but to all products, especially to gum.

The Undersigned begs that the receipt of this note may be acknowledged, and has the honour to add that, according to a telegram lately received from the Imperial Governor von Wissmann, the officials of the Congo State, and especially the Commander of the Tanganyika district, are continuing their disloyal proceedings, and that, until the Imperial Government receive detailed reports, they must reserve the right to take further action in the matter.

The Undersigned avails, &c.

(Signed) Count ALVENSLEBEN.

No. 71.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, December 4, 1895.*

I HAVE received your despatch of the 24th ultimo relative to the arrival at Brussels of a further batch of documents which were seized by the Congo State authorities when Mr. Stokes was arrested, and inclosing an extract from a letter addressed to him in June 1894 by Sir H. Colvile, which had been communicated to you by M. van Eetvelde as showing the unfavourable view of Mr. Stokes' proceedings taken by the British authorities in Uganda.

Sir H. Colvile, to whom reference has been made, has informed me that this letter was in reply to one from Mr. Stokes stating that he was proceeding to the Nile Valley with a large armed force, and offering to capture Wadelai on behalf of this country. In another part of this answer, which is not given, Mr. Stokes was informed that the British authorities had made a Treaty of Friendship with the Sheikh of Wadelai, as well as with all the Chiefs of the western littoral of the Albert Lake. He was then given the warning quoted at the end of the extract communicated to you. Sir H. Colvile states that this letter was not intended to convey the impression (and he is at a loss to understand how it can be so construed) that Mr. Stokes had ever been guilty of piracy, but was merely a warning against the warlike operations in the British sphere which, from the offer to capture Wadelai, and the size and armament of his force, seemed to be contemplated. It had no reference to trade in arms, &c., the offence of which Mr. Stokes was accused before Captain Lothaire.

You should communicate Sir H. Colvile's explanation to M. van Eetvelde.

I am, &c.

(Signed) SALISBURY.

No. 72.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received December 6.)*

My Lord,

*Brussels, December 5, 1895.*

I HAD the honour to receive this morning your Lordship's despatch of the 30th ultimo, stating that, in view of the doubts existing as to the competency of the Belgian Military Courts in the present case, Her Majesty's Government are prepared to accept the trial of Captain Lothaire before the Court of Appeal at Boma, on the understanding that the Public Ministry of the Congo State will appeal to the Conseil Supérieur at Brussels if Her Majesty's Government are not satisfied with the decisions of the Boma Tribunal.

I beg to inclose copy of the note in which I have informed M. van Eetvelde of this decision.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure in No. 72.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, December 5, 1895.*

HER Britannic Majesty's Government have given their serious consideration to the note which your Excellency did me the honour of addressing to me on the 27th ultimo, in which you maintain the competency of a Belgian Military Court to take cognizance of the offences imputed to Captain Lothaire.

Your Excellency states in that note that it was in consequence of the doubts expressed by Her Britannic Majesty's Government as to the powers of the Court at Boma that the Government of the Independent State of the Congo had suggested a Belgian Military Court, and you explain what you consider would be the course if Captain Lothaire were brought before the Court at Boma.

Her Britannic Majesty's Government have no desire to raise unnecessary difficulties or to cause embarrassment to the Government of the Independent State of the Congo, but it is evident that there are grave doubts as to whether a Belgian Military Court is competent to deal with the case.

Moreover, the declaration of M. de Burlet in the Belgian Chamber of Representatives on the 29th ultimo shows that, in the opinion of the Belgian Government, the question of the competency of such a Court would not be considered until the arrival of Captain Lothaire in Belgium. In that case, should it be found that such a Court has no jurisdiction, there would be serious risk of a complete failure of justice.

Under these circumstances I have been authorized by the Marquess of Salisbury to state that Her Britannic Majesty's Government are prepared to accept the original proposal made to me in your Excellency's note of the 9th October, that the trial of Captain Lothaire should take place before the Court of Appeal at Boma, on the understanding that the Public Ministry of the Congo State will appeal to the Conseil Supérieur at Brussels if Her Britannic Majesty's Government are not satisfied with the decisions of the Boma Tribunal.

I avail, &c.  
(Signed) F. R. PLUNKETT.

No. 73.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received December 9.)*

My Lord,

*Brussels, December 8, 1895.*

I CALLED upon M. van Eetvelde on the 5th instant, and, in compliance with the instructions conveyed in your Lordship's despatch of the previous day, I communicated to his Excellency the explanation given by Sir H. Colvile of the letter which he had addressed to Mr. Stokes in the month of June 1894.

I inclose copy of the Memorandum which I left with M. van Eetvelde, embodying Sir H. Colvile's explanations.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 73.

*Memorandum.*

HER Majesty's Government have had under their consideration the extract from a letter addressed to Mr. Stokes, in June 1894, by Sir H. Colvile, which was communicated by M. van Eetvelde, as showing the unfavourable view of Mr. Stokes' proceedings taken by the British authorities in Uganda.

Sir H. Colvile, to whom reference has been made, has informed the Marquess of Salisbury that this letter was in reply to one from Mr. Stokes, stating that he was proceeding to the Nile Valley with a large armed force, and offering to capture Wadelai on behalf of England.

In another part of this answer, which is not given, Mr. Stokes was informed that the British authorities had made a Treaty of Friendship with the Sheikh of Wadelai,

as well as with all the Chiefs of the western littoral of the Albert Lake. He was then given the warning quoted at the end of the extract communicated by M. van Eetvelde.

Sir H. Colville states that this letter was not intended to convey the impression (and he is at a loss to understand how it can be so construed) that Mr. Stokes had ever been guilty of piracy, but was merely a warning against the warlike operations in the British sphere, which, from the offer to capture Wadelai, and the size and armament of his force, seemed to be contemplated.

It had no reference to trade in arms, &c., the offence of which Mr. Stokes was accused before Captain Lothaire.

*Brussels, December 5, 1895.*

No. 74.

*Sir F. Plunkett to the Marquess of Salisbury.----(Received December 9.)*

My Lord,

*Brussels, December 8, 1895.*

HAVING received M. van Eetvelde's permission to inspect the ledgers and other papers now here bearing on the value of the property left by Mr. Stokes, which Lieutenant Henry had taken possession of and forwarded to Captain Lothaire, Lord Vaux of Harrowden went yesterday, by my directions, to the Foreign Section of the Congo State Department, and was shown by M. de Cuvelier a lot, consisting of 111 ledgers, letters, and other documents which had belonged to Mr. Stokes.

Lord Vaux will return to-morrow to examine these documents thoroughly, and take whatever notes or copies he may deem most useful. Every facility is being given to him by the officials of the Congo Department in making this examination, and he expects to finish it by the end of the week.

The first perusal of these documents yesterday has, however, enabled him to give me the inclosed brief review, which may be useful to the Foreign Office pending the receipt of his full report.

If your Lordship should wish to send over somebody to translate the Arabic and Swahili papers, I have no doubt I can obtain M. van Eetvelde's authority for this purpose; but it would be desirable I should be instructed to ask for this permission before anybody is actually sent over to Brussels.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 74.

*Rough Notes, on first inspection made to-day, of the Papers and Ledgers belonging to the late Mr. Stokes now in the Congo Department.*

ONE hundred and eleven documents, numbered consecutively, were shown to me. Nos. 1 to 105 are loose sheets of paper of various sizes, mostly lists of packages and porters, and correspondence with Moses Willing; Boustead, Ridley and Co., of Zanzibar; Hubbard, at Nassa; Captain Langheld, at Muanza; Colonel Colville, at Port Alice; and Mr. Wilson, at Fort George; the latter apparently somewhat acrimonious on Stokes' side, and others. These are mostly letters addressed to Stokes, but a few are drafts of Stokes' own letters. There are also a few orders to receive money, but apparently not very large sums, and about ten or twelve letters in Arabic and Swahili, signed "Stokes," and at least one letter in Arabic in another hand, presumably addressed to Stokes by an Arab.

Colonel Colville's letter, of which an extract was sent to the Foreign Office in Sir F. Plunkett's despatch of the 24th November, is there in full.

There is also a sheet containing a few lines of small cramped German writing, marked in red pencil, "écriture d'Émin Pacha."

Nos. 106 and 107 are a visiting-card of A. Schlapoczek and a photograph of Captain Langheld.

Nos. 108, 109, and 110 are small account-books of some twelve or fifteen pages each, containing names of porters and soldiers, with dates of engagement and rates of

pay. In one of these there is a list of fourteen Headmen, and a note that each of these men is entitled to a share in one-twentieth part of all Stokes' money.

No. 111 is a ledger, rather larger than a sheet of foolscap. The first eleven pages only are filled with lists of ivory and other goods, and prices paid for them to Muxworthy. There is also a note as follows:—

“80 military rifles for protection of my caravan, also 7,507 rounds of cartridges—500 more, total 8,000, received from Captain Langheld, 20th May, 1894,” and mention of a loan of two other guns or rifles.

Some 300 or 400 other guns or muskets, mostly muzzle-loaders, are mentioned in the loose papers, as also some packages of powder and caps, otherwise the goods appear to be of the ordinary trade description, cloth, wire, beads, &c.

(Signed) VAUX OF HARROWDEN.

*Brussels, December 7, 1895.*

No. 75.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received December 13.)*

My Lord,

*Brussels, December 12, 1895.*

WITH reference to my despatch of the 5th instant, I have the honour to forward herewith copy of the note which I received yesterday afternoon from M. van Eetvelde, stating that the Congolese Government will forward by the next mail instructions to the Governor-General for submitting to the Judgment of the Tribunal d'Appel at Boma the acts of which Captain Lothaire is accused, and for insuring that the Ministère Public shall appeal, in any case, to the Conseil Supérieur at Brussels if Her Majesty's Consul demands it.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure in No. 75.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 11 Décembre, 1895.*

J'AI l'honneur d'accuser réception à votre Excellence de sa lettre du 5 de ce mois, et de lui faire connaître que le Gouvernement de l'État Indépendant enverra par le prochain courrier au Gouverneur-Général les instructions nécessaires pour que les faits reprochés à M. Lothaire soient soumis au jugement du Tribunal d'Appel de Boma, et pour que le Ministère Public interjette appel en tous cas, devant le Conseil Supérieur à Bruxelles, si le Consul Britannique lui en exprime le désir.

Je saisis, &c.

(Signé) E. VAN EETVELDE.

(Translation.)

Sir,

*Brussels, December 11, 1895.*

I HAVE the honour to acknowledge the receipt of your letter of the 5th instant, and to inform you that the Government of the Independent State will dispatch by next mail to the Governor-General the necessary instructions for having the accusation against M. Lothaire submitted for trial before the Appeal Court at Boma and for the Public Ministry appealing to the Conseil Supérieur at Brussels, should the British Consul so desire.

I take, &c.

(Signed) E. VAN EETVELDE.

No. 76.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, December 14, 1895.*

I HAVE received your despatch of the 8th instant, transmitting a copy of the notes made by Lord Vaux of his first examination of Mr. Stokes' papers now in the possession of the Congo Government; and I shall be glad if you will convey to M. van Eetvelde my thanks for his ready compliance with the request that you should be given access to them.

I am, &c.  
(Signed) SALISBURY.

No. 77.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received December 16.)*

My Lord.

*Brussels, December 15, 1895.*

WITH reference to my despatch of the 8th instant, I have the honour to report that Lord Vaux of Harrowden, having completed his careful examination of the 111 documents which belonged to the late Mr. Stokes, has presented to me the very interesting Report which is forwarded herewith.

The papers do not appear to furnish much information as to the value of the property which Mr. Stokes may have had with him at the time of his arrest, but it is possible that the Arab and Swahili letters, which Lord Vaux was, of course, unable to read, might furnish some clue to the clearing up of this point.

I understand from M. van Eetvelde that even he has not yet been informed of the contents of all these papers, as some of them are written in peculiar dialects not known to any person now at his disposal.

I beg to recommend to your Lordship's favourable notice the care with which Lord Vaux has completed this examination, and I also desire to record my appreciation of the friendly assistance which was given to him by M. de Cuvelier, the Secretary-General of the Congo Foreign Department, in whose office Lord Vaux worked at the papers.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 77.

*Notes taken in the Congo Department in Brussels of the Correspondence and Documents seized on the late Mr. Stokes.*

THESE papers consist of 111 documents, of which Nos. 1 to 105 are mostly half-sheets of note-paper and letters. Nos. 106 and 107 are cards, Nos. 108, 109, and 110 are small account-books, and No. 111 is a bound ledger about the size of a sheet of foolscap.

No. 1 [undated]. A list of 12 men with 1 gun and 60 cartridges each; 5 men with Winchesters and 31, 30, 21, 37, and 10 cartridges respectively; 6 men with 68 guns between them and 60 cartridges each; and another man with 60 cartridges. On the other side are some pencil lists of loads and journeys, 300 loads in all, of which 15½ are powder, and 1 gun-caps, the rest ordinary trade goods. Mention is also made of "100 guns, common," and of "3 repeating guns and 1 pistol."

No. 2. "The account of cloths for exchange or barter." Total, 326 loads, of which 10 are gunpowder; also 90 other loads "for using of Wapagazi." No powder amongst them.

No. 3. *Ukerewe, May 17, 1894.*—"The list of goods shipped in the boat 'Liuri' for each trip to Ukingo." Six trips: in first only are 10 loads of gunpowder out of 73 loads. "Stock taken at Ukomi." 368 loads, of which 10 loads are powder in 10-lb. kegs.

No. 4. List of marches in February, March, and April (no year). "Stock taken of loads to go to Kilonga Longa with Mzee : 3 kegs powder 5 lbs. each, 6 kegs powder, 10 lbs., 120 boxes gun-caps." Further calculations on same page make "gross total 164 loads powder, and 210 boxes gun-caps."

No. 5. *May 12, 1894.*—List of men carrying "72 coloured cloths for presents on 'safari.'"

No. 6. Half-sheet note-paper covered with Arab writing in a large hand.

No. 7. Calculations of loads; mentions  $15\frac{1}{2}$  powder, and 1 gun-caps, out of a total of 134 loads.

No. 8. Note as to two small debts between Arabs. Signed "C. H. S."

No. 9. Calculations of journeys and loads. No mention of arms, &c.

No. 10. Similar to No. 9.

No. 11. A scrap of paper: "Write Shaw about the boxes of powder at Nassa.— C. H. S."

No. 12. "Prices for Buganda." Short lists of wines, spirits, tobacco, &c., with price per bottle.

No. 13. A sheet of foolscap, not in Stokes' hand. "Arrangements necessary for supply of food and water for a caravan from Mombasa to Uganda."

No. 14. Various figures and calculations.

No. 15. *September 1894.*—List of Pagala's camp for "potio." Various native names and calculations.

No. 16. The weight of beads from Nassa taken on "safari" to Kilonga Longa, 1894 caravan.

No. 17. List of 42 porters and loads. No. 17 carries Snider cartridges; No. 18 carries a tin box, gun-caps, &c.; No. 25, cartridges; No. 26, cartridges, 12 bore and (illegible); Nos. 32 and 33 carry Snider cartridges; the other porters carry ordinary loads.

No. 18. Loads sent to Ukingo,  $308\frac{1}{2}$  loads, of which 10 are powder.

No. 19. A list of Pagazi cloths used by Muxworthy and others; also some Gumti cloths.

No. 20. *February 20, 1894.*—Part of an unsigned letter, sending list of loads, "and a letter for you in Arabic from Muhammed-bin-Rashid from Unyanyembi," also "list of guns in hands of men," 41 common guns, 1 Snider. A further list mentions 1 Martini-Henry, 1 broken gun, 10 Sniders, 4 Winchester repeating guns, 5 Winchester guns, and 1 two-barrelled gun.

No. 21. A small printed elementary grammar or exercise book. Title outside "Walifu Na Mateka Mu Luganda."

No. 22. List of about 20 names, such as Maganga, &c.

No. 23. A two-page letter in Arabic.

No. 24. *Mawambi, December 30, 1884 [sic].*—A letter in Arabic signed by Stokes; on the other side a letter in Swahili, also signed by Stokes.

No. 25. *Mawambi, December 30, 1894.*—Similar to No. 24.

No. 26. *Mawambi, December 30, 1894.*—Similar to Nos. 24 and 25.

No. 27. Letter in Arabic with, in Stokes' hand, in the corner, "Received this letter from Bwama Hamadi-bin-Ali at Bukubi, Congo Free State, the 20th day of December, 1894." Signed "Charles Henry Stokes."

No. 28. Arabic letter signed in Arabic.

No. 29. Arabic letter.

No. 30. Arabic letter.

No. 31. Arabic writing. On the other side, marked in red pencil, "Écriture d'Émin Pacha," some very small cramped writing and figures. Through a magnifying glass portions became legible as follows:—

"Redjaf 12.3.79 [a sign], 165.17.84.58.20 [three lines of an unknown language].

\* \* \* \* \*

[Seven lines of similar figures.]

"Kivi 22.10.79.

"Muggi 26.10.79.

"Fadjuli 10.5.81.

"Redjaf 2.12.83.

"Redjaf 9.1.84.

"Kivi 21.7.88."

Here follow five lines of German, mostly illegible. The first two lines run :—

“Es ist eigen dass ich diese schöne Art von [not very clear] nirgend begegnet bin. Hier ist sie nicht selten n . . . ist . . . in Muggi sogar in meine Kiste fliegen . . . Das Saar gegen 12.3.79 wurde am heste ge . . . .”

[Three more lines illegible below again.]

“Kivi 25.7.88 [and four lines unknown language].

“Muggi 6.5.88.

“Muggi 11.8.88.

No. 32. Three pages of accounts headed: “C. Stokes, Esq., in account with Boustead, Ridley, and Co.” Various dates from the 10th September, 1891, to the 31st March, 1893. Balance to Stokes' credit on latter date 5,966 dol. 57 c. A few queries in Stokes' writing against some items.

No. 33. 1892.—Cloth given to missionaries. Some dates and calculations.

No. 34. *Ukerewe*, May 8, 1894.—“The account of tools belonging to Mr. C. Stokes.” A short list of saws, hatchets, &c.

No. 35. *Zanzibar*, July 1, 1892.—Invoice of steel sailing-boat for Lake Nyanza, pp. B., R., and Co.

No. 36. *Zanzibar*, July 28, 1891.—Boustead, Ridley, and Co.'s account of sale of ivory. 90 dol. 20 c. net.

No. 37. *Zanzibar*, August 3, 1891.—Similar to No. 36. Net 1,194 dol. 19 c.

No. 38. *Zanzibar*, July 28, 1891.—Similar to No. 36. Net 114 dol. 10 c.

No. 39. *Zanzibar*, July 28, 1891.—Similar to No. 36. Net 91 dol. 67 c.

No. 40. *Zanzibar*, July 28, 1891.—Similar to No. 36. Net 148 dol. 13 c.

No. 41.—“Invoice of goods packed by order of Fundi Hamis.” Incomplete.

No. 42.—“Invoice of goods packed by order of Feraji and Mufraha. 84 dol. 16 c.”

No. 43. *Zanzibar*, September 8, 1893.—List of loads packed for Rashid-bin-Ali. Boustead, Ridley, and Co.

No. 44. *Zanzibar*, August 19, 1893.—Ernesto Muller's account of ivory sold for Stokes. Net 6,524 dol. 46 c., paid to Boustead, Ridley, and Co., for Stokes' account.

No. 45.—Various Arab names with small sums against them in dollars. Not an account, simply memoranda.

No. 46.—Accounts in dollars, no name or date.

No. 47.—Letter in Swahili from Abdullah Muhamed-bin-Muhamed Fazii.

No. 48. *Kampala*, February 7, 1892.—Swahili letter from Mwanji Juma-bin-Ali.

No. 49. *Kampala*, February 7, 1892.—Similar to No. 48.

No. 50. *Zanzibar*, July 1, 1892.—Letter from Boustead, Ridley, and Co. respecting boat and the mail contract. Draws attention to the irregular arrival of Urambo letters.

No. 51. *Muanza*, May 28, 1893.—Unsigned letter in English, accounting for certain goods left in charge of the writer.

No. 52. *Usongo*, June 20, 1893.—Letter from Moses Willing. Lists of goods sent forward, &c.

No. 53.—Official permit, with stamp of German Government, signed “A. Schla-poczek,” dated Saadani, September 19, 1893, *visé* by Captain Langheld at Muanza, November 8, 1894, to the Englishman Mr. Stokes, with his caravan, carrying 36 breech-loaders, 300 muzzle-loaders, 22 loads of powder, and 50 boxes of caps, also 2,202 loads of goods to go into the interior. (The above is a translation of the German.)

No. 54. *Mpapwa*, January 6, 1894.—From Storch to say he has received his loads, and will send them on if porters are sent to fetch them.

No. 55. *Rubaga*, January 9, 1894.—A letter of warning, signed “Charles Wise,” that Stokes' boatmen buy slaves occasionally, and may get into trouble if not checked. Hopes Stokes will not think him officious.

No. 56. *Usongo*, June 22, 1894.—Four lines of Swahili, signed “Moses Willing,” and four lines of Arabic below.

No. 57. *Muanza*, January 29, 1894.—Order from Langheld to pay bearer 130 dollars, marked “Duplikat.”

No. 58. *Muanza*, January 29, 1894.—Order from Langheld to pay bearer 343 dollars for stuffs, marked “Duplikat.”

No. 59. *February* 1, 1894.—A note from Langheld to say he is very busy, but hopes to call on Stokes later. A few calculations on the back.



No. 60. *Usongo, February 6, 1894.*—Letter from Moses Willing, giving “List of all goods sent over to Muanza,” and some details as to caravans and Headmen. One package of gunpowder is mentioned, the rest are ordinary goods, such as cloth, beads, wire, &c.

No. 61. *Usongo, February 21, 1894.*—Unsigned, but in Moses Willing’s writing. Lists of bales of cloth: “Leaves at Usongo 7 bales of cloth for ‘potio’ and those going to the coast. . . . In store, 226 packages (113 loads gunpowder), 349 guns.” Further mention of 6 loads of soap, beads, &c., and half-a-load of gunpowder. A further note that 4 boxes of cartridges came from the coast.

On the other side of the paper, “List of all goods sent at Muanza: 944 loads of cloth and ‘midalla’ . . . 6 guns in hands of Headmen.”

No. 62. *Port Alice, March 14, 1894.*—In corner, “Received 14th May, 1894; answered 15th May, 1894.—C. H. S.” A letter from Colonel Colvile. Acknowledges receipt of Stokes’ letter of the 27th February. Will take 500 loads of cloth at price mentioned, delivered at Port Alice. Can send Stokes’ ivory to coast at usual rate (in pencil—“i.e., 1l. per load of 65 lbs.”). A duty of 15 per cent. would have to be paid, but no further duty at the coast.

No. 63. *Port Alice, Uganda, April 13, 1894.*—From Colonel Colvile. Acknowledges Stokes’ letter of the 15th March. Is willing to trade with him, but is bound to buy for the Government at the cheapest rate he can, and is also anxious to promote trade by the Mombasa route as much as possible. Stokes’ letter about the ivory gave no offence; he has explained that as long as Stokes’ ivory is on English ground it will only pay duty once, it is immaterial whether at Mombasa or at Port Alice. He cannot help if Stokes chooses to take it afterwards on to German territory and thereby suffers. He would be glad of any seeds, &c., for his garden.

No. 64. *Nassa, April 18, 1894.*—Letter, signed “E. H. Hubbard,” thanks Stokes for his letter and the information in it. He regrets thefts and bad behaviour of two Headmen. He has heard nothing of disturbances at Bakumbi or with the French. It has been his policy to teach the Wasahuma to respect and obey the Germans in everything that is reasonable.

The Arabs are very busy about Nangwe. He sends eighteen bottles of spirits, and Boustead, Ridley, and Co.’s invoices.

Addressed to C. Stokes, Esq., at Ukerewe.

No. 65. *Tabora, April 18, 1894.*—Unsigned private letter in English from a foreigner, probably a German civil servant. Sends Stokes seeds and plants for Ukerewe. Is very busy, and complains that the German officers do nothing but drill soldiers, and disdain to help the civil authority; that they will not punish soldiers properly when he complains of them, though he himself punishes the natives severely.

He finds his position very trying, and would leave at once if he had the money.

No. 66. *Nassa, April 23, 1894.*—Letter from Hubbard, giving list of stores, 4,309 lbs., all beads and wire except 33 lbs. gun-caps, the whole of which he has given to Stokes’ Headman, Wady Muftaha, from the Nassa stores, belonging to the Imperial British East Africa Company. Would be glad to get rid of a lot of old pack-saddles. On the back there are a few pencil notes.

No. 67. *Ukingo Kwa Bworwa, May 15, 1894.*—Copy of a letter sent to Colonel Colvile. Stokes has received his letter of the 12th March, through Langheld, and will send the 500 bales of cloth at once. Asks him to address Moses Willing or Wady Muftaha, if he has any further orders to give, in English, Swahili, and Arabic, to insure dispatch. Let Stokes’ own man write the Arabic, as Zanzibar Arabic is not understood in those parts. Stokes will always buy goods at the cheapest rate, and charge 5 per cent. commission. Is grateful to him for trading with him. Some further notes as to prices of goods.

The above is probably the answer to No. 62.

No. 68. *Muanza, May 16, 1894.*—Order from Langheld to pay bearer 75 rupees. “Duplikat.”

No. 69. *Port Alice, Uganda, May 29, 1894.*—From Colonel Colvile to Stokes, as to prices of cloth and place of delivery. He will accept the lowest tender, as he is in communication with several persons about it. Some pencil calculations on the back, in Stokes’ hand, and in a corner in pencil, “Kilundu Camp, Mwenzi-Morharum” [?] one or two other partly illegible names, and “Pasha killed at Ulongola Kinena.”

No. 70. *Ukerewe, May 16, 1894.*—Note from Moses Willing and Wady Muftaha to say that Langheld has been there, and has given a receipt for two tins sugar at 120 rupees each.

No. 71. *Ukerewe, May 17, 1894.*—Letter from Faraji Wady Muftaha. List of his

things left with Juma-bin-Ali, coats, flannels, beads, &c. If not sold, he wants Stokes to bring them to him. M. Langheld (Bwana Mzuri) has been there, and wants to know prices of plates, &c. He (Faraji Wady Muftaha) sends a slave-woman of Rashid-bin-Ali. Sends salaams and those of Moses Willing.

No. 72. *Ukerewe, May 17, 1894.*—Part of a letter (probably from Moses Willing) about Langheld, and the receipt for two tins of sugar.

No. 73. *Ukerewe, May 18, 1894.*—Letter from Moses Willing and Muftaha. Langheld has told them to hoist a flag. Asks for instructions, and also respecting some loads and freight on the boat.

No. 74. *Rubaga, January 9, 1894.*—Letter from Charles Wise. He wants to buy two chairs and other articles, provisions, &c.

No. 75. *Port Alice, June 29, 1894.*—Colonel Colvile acknowledges receipt of various letters from Stokes on the 16th instant. He has already answered some of his questions, and has directed Mr. Wilson to write to Stokes' agents as to the others. He views Stokes' 1,000 armed men with some uneasiness, any unauthorized warlike operations liable to be treated as acts of piracy; 5 per cent. customs duty is chargeable on all arms and trade goods introduced into British territory. Declines Stokes' offer to capture Wadelai. Food is scarce in Uganda. He has instructed Captain Thruston, the Commandant in Unyoro, to meet Stokes, and asks Stokes to let him know where he is likely to do so.

No. 76. *Fort George, Usongoro, August 22, 1894.*—Letter from Wilson. Acknowledges Stokes' letter of the 10th. His men were not detained, neither was anything taken from them. Four small tusks, Stokes' property, are still there. Has sent for Stokes' men (about twenty-six men, he thinks), and will be glad to see Stokes himself. His men can then join him.

No. 77. *Fort George, Usongoro, August 22, 1894.*—Letter from Wilson. He will be pleased to see Stokes for a day or two, and puts off a journey to wait for him. Food is scarce. On back of paper some pencil calculations.

No. 78. *Fort George, Usongoro, August 21, 1894.*—Letter from Wilson to Stokes at Wandu; 15 per cent. is payable on ivory, and 5 per cent. on all trade goods and arms. Sends him a letter.

No. 79. *Fort George, Katwe, September 1, 1894.*—A formal receipt from Wilson for 4 lbs. ivory, being 15 per cent. on 26 lbs.

No. 80. *Fort George, Katwe, September 1, 1894.*—Letter from Wilson. Replies further to Stokes' letter of the 10th August. As his "safari" has passed through British territory, he asks for a declaration of ivory, &c., for the Customs.

No. 81. *Buganda, Mengo, September 14, 1894.*—Letter in Swahili, signed "Kitakuli." (Kitakuli is Henry Wright.)

No. 82. *Mengo, September 14, 1894.*—"My dear Sitokisi" (Stokes). Rest in Swahili. Signed "Bartolomayo M. Zimbi," and addressed to Bwana Stokes.

No. 83. *Buganda, Mengo, September 14, 1894.*—Swahili letter, not signed, but apparently same hand as No. 81.

No. 84. *Mengo, September 19, 1894.*—Letter from Juma-bin-Ali (J. Rona?). Has sold all the goods. The hold is full of ivory. Has been for three months without goods for barter. Has sent an order for guns, but not yet received reply. Has bought ten guns, which the Government has marked. There is a lot of ivory, but he has no goods to barter with.

No. 85. *Buganda, Namirembe, September 19, 1894.*—A Swahili letter, signed "Henry Wright" ("Duta Kitakuli"), addressed to Bwana Sitokisi.

No. 86. *Ukoma, August 14, 1894.*—Letter from Captain Langheld to Stokes. Thanks for his letter and presents. Sends him some preserved meat. Has sent Lieutenant Richter to the Nyumbiro, and is looking for chimpanzees. Is short of flour for bread. Hopes to see Stokes at Christmas in Muanza.

No. 87 (2). *Ukoma, August 15, 1894.*—Letter from Langheld, but signed in his Swahili name, "Bwana Mzuri." Has got a head of a chimpanzee, and is very glad. Thanks Stokes again for his kindness.

No. 88. *Port Alice, September 16, 1894.*—Colonel Colvile acknowledges Stokes' letter of the 13th ultimo. Stokes' boats were not delayed by him. Stokes' tender will be forwarded to Her Majesty's Consul-General, but a contract for 100 loads a-month has already been made with Smith, Mackenzie. He would be glad to lease the salt lake to Stokes if they can agree as to price, &c., but he cannot hand over the administration of the district to him. His station would be under Government protection. Some further details as to portage of loads, &c.

No. 89. *Port Alice, Uganda, September 17, 1894.*—An order from Colonel Colvile,

Her Majesty's Consul-General, Zanzibar, to pay C. H. Stokes, or order, 595 rupees, carriage on twenty-eight loads from Muanza to Uganda, and charge to the Uganda account.

No. 90. *Port Alice, Uganda, September 17, 1894.*—An order from Colonel Colville to Messrs. Boustead, Ridley, and Co., Zanzibar, to pay C. H. Stokes, or order, 120 dollars.

No. 91. *Mengu, Buganda, September 20, 1894.*—To Bwani Sitokisi, four pages of a Swahili letter. Doubtful whether signed or not.

No. 92. *Fort George, Usongoro, September 21, 1894.*—In top corner, "Received and answered 26th September, 1894.—C. H. S." A letter from Wilson. Requests information and explanation as to complaints from Mlegera that Stokes' Wanyamwizi have looted their houses, shot one man dead, and wounded another. Asks him to send him the men engaged in the affray for inquiry, and requests him to see that the rights and property of natives under British protection are respected.

No. 93. *Fort George, Katwe, September 22, 1894.*—Letter from Wilson. Acknowledges Stokes' letter of the 11th instant.

"He cannot entertain any negotiations with a large armed force which has looted and murdered in British territory."

Gives him some information as to boundaries of British territory. The duty on ivory is for ivory leaving, and that on other goods for entering, British territory.

"He has no desire to 'screw' Stokes, but is bound to adhere to the Regulations."

He has made none of Stokes' men prisoners, and will be glad to meet him on his return journey.

No. 94. *Fort George, Katwe, September 22, 1894.*—Marked "Private." Letter from Wilson. He knows Stokes "feels a bit sore with Her Majesty's Government. He will do anything he can for him, and will be glad to see him if he will come."

No. 95. *Port Alice, September 17, 1894.*—Note from Colonel Colville sending Stokes the two cheques as requested (probably Nos. 89 and 90). A few pencil notes in Stokes' writing on the back, notably:—

"N.W. Camp, Kalonga, 19 hrs.

"N. Rota, 3 hrs.

"N.N.W. Mtuluma, 9 hrs. } 12 hrs."

No. 96. *Fort George, Katwe, September 26, 1894.*—Letter from Wilson to Stokes stating western frontier of British territory.

No. 97. *Fort George, Katwe, October 1, 1894.*—Letter from Wilson. He cannot send Stokes' ivory to Uganda on account of scarcity of porters. Mentions what he believes to be the custom as to wounded elephants.

"Surely Stokes does not think he would condemn any one unheard. He believes some of Stokes' goods are in store at Fort Raymond."

No. 98. *Fort George, October 12, 1894.*—Letter from Wilson. In top corner a rough sketch-map of "boundary as recognized by the Congo Free State."

He sends Stokes some ink-powders, and says he hears complaints of his men digging up potatoes, &c., in the people's gardens. If Stokes comes to Katwe, he hopes he will bring as few men as possible with him, as food is very scarce.

No. 99. *Fort George, Katwe, October 16, 1894.*—Letter from Wilson sending Stokes a form of declaration for British Customs upon completion of his trading.

No. 100. *October 2, 1894.*—A scrap of paper: "Mason and fellows are going to seek their brethren.—Charles Henry Stokes."

A further note, in Stokes' handwriting: "Returned with eleven tusks, 15th November, 1894.—C. H. S.," and Wilson's signature in red pencil in the corner, dated the 26th October, 1894.

No. 101. *Fort George, Katwe, October 27, 1894.*—Marked "Private." A letter from Wilson to Stokes. Has received his of the 21st October. There is no mistake about Stokes having the "blues." Thanks him for the cigarettes, and sends him a present of a load of salt. The river shown on the maps as the Semliki, running into Lake Albert Edward, really runs out of the lake, and joins either the Semliki proper or the Ituri.

He is sorry Stokes complains of being treated as a foreigner, and hopes the correspondence *re* several little matters will end here. Assures him he is welcome to enter British territory.

"The whole thing, in a nutshell, seems to be:—

"(a.) I claim you have been in British territory, and ask for a declaration of all your trade goods and ivory.

“(b.) You evidently dispute this, and have taken umbrage at my letters on the subject, and make out that you are a much ill-used man and have been rascally treated, which seems rather a strong phrase.”

Personally, he would be glad to see Stokes. As for treating him as a foreigner, if he had been an Arab or a Swahili he would have met him and taken what he considered to be legitimate customs before allowing him to proceed on his journey. Repudiates having given any of his men or natives the slightest hint to adopt an insolent tone to Stokes, or any other European.

Stokes has received no “rascally treatment.” Wilson is afraid his complaints have been magnified by the “blues,” and invites him again to come and see him, and he will try to smoothe his “ruffled feathers.” He sends him the only literature he has.

No. 102. Undated letter from Wilson to Stokes. The last mail from Uganda brought neither letters nor papers from the coast. He has been “seedy” himself, and mentions several other English officers who have been, or are, ill.

No. 103. *Kwa Mpeni, Congo Free State, October 27, 1894.*—

“J. P. Wilson, Esq., Commanding Fort George :

“ Sir,

“ I beg to request permission to pass *free* through a portion of British territory, *en route* to the German sphere, station Bukoba, with ivory bought entirely in the Congo Free State.

“ I beg, &c.  
(Signed) “ CHARLES HENRY STOKES,  
“ *Trader and Chief of Caravan.*”

No. 104. *Fort George, Katwe, November 10, 1894.*—

“ C. H. Stokes, Esq. :

“ Sir,

“ I have the honour to acknowledge the receipt of your letters of the 27th October and 4th November.

“ I regret, owing to the definite nature of my instructions, I am unable to comply with your request to pass your ivory free through a portion of British territory. As the present is the first case in which the question of customs on goods in transit has arisen, and may form a precedent, I will accept an official protest *pro tem. re* your ivory, and refer the question to head-quarters for final decision.

“ Should Her Majesty’s Commissioner insist on payment of the duties in dispute, you will accept his decision, and pay the said duties.

“ I have, &c.  
(Signed) “ J. P. WILSON.”

Inside, in Stokes’ hand, “ Answered 20th November, 1894.”

“ In answer to your favour of the 10th instant.

“ It is better for me not to enter the British sphere of influence, as I do not admit your right to take duty from me up country, and I am unwilling to have any unpleasant disputes in Central Africa with people of my own country.

“ If you take duty you must show proper credentials, and I must be reasonably assured you have the right to do so before paying.”

No. 105. *Fort George, Katwe, November 10, 1894.*—Marked “ Private.” Letter from Wilson thanking Stokes for his kindness in sending books, which are most acceptable. He has no objection to discuss the salt lake lease with him. Expects “ safari ” from Uganda, and will send Stokes’ letters by return. Sends a reply (probably No. 104) respecting the request to pass free through portion of British territory, and, if Stokes agrees, he will consult “ the Colonel ” on the subject. He has a case of rather a serious nature against one of Stokes’ men of making use of a letter of his (Wilson’s) to obtain a tusk of ivory from a native.

No. 106.—A visiting card of A. Schlapoczek, with his address at Breslau in pencil.

No. 207.—A photograph of Langheld in uniform, signed “Langheld (Bwana Mzuri), February 5, 1894,” and a message for Stokes on the back.

No. 108.—A small ruled account book in a paper cover. On the outside cover, “Askari and Road Account Book,” signed “C. H. S.” Inside is evidently a continuation of No. 110. Names of men at top of alternate pages numbered 17 to 22. All of them engaged on the 20th September, 1893, at wages of from 2 to 6 rupees a-month, and notes of advances of 20 to 30 rupees each under the names.

On the following page is a list of ten men, one girl, and one woman, headed “Watolo at Usorgo,” and underneath the following in Stokes’ hand:—

“All free people, but are to be assured at the Consulate.—C. H. S.”

On the following page are some notes as to Watolo women and wives of Askaris freed by Stokes—about ten names.

On the following page, in Stokes’ handwriting:—

“Names of Headmen who follow me every year are—

- “1. Mzee Melikwanama, or Mwana Kolo.
- “2. Bukunduki.
- “3. Mwana Kuto.
- “4. Gwa Shimba.
- “5. Kinongo.
- “6. Sengeru.
- “7. Mwana Mibrayo.
- “8. Pogala.
- “9. Mpandi.
- “10. Reshid-bin-Ali.
- “11. Moses Willing.
- “12. Wadi Muftaha.
- “13. Min (not very clear) Juma.
- “14. Monagroa Kitula.

“These men are all entitled to a share of one-twentieth of my money.

(Signed) “CHARLES HENRY STOKES.”

Here follow seven empty pages, and then four pages of pencil notes (many struck through) as to loads, names, &c. Several loads of cartridges are mentioned.

No. 109.—Similar book to No. 108. On the outside cover, “Salemens and Headmen Account Book.—C. H. S.”

The names of Rashid-bin-Ali, Wadi Muftaha, E. Muxworthy, Esq., Bibi Simi, Moses Willing, and Murza are written at the top of a few pages, with one or two notes as to carriage, &c., of goods below each name; the other pages are blank.

No. 110.—Similar book to No. 108. On the outside cover, “Askari and Road Account Book.—C. H. S.”

Sixteen names at the heads of pages, numbered 1 to 16, of men engaged on the 20th September, 1893, mostly at 6 rupees a-month, and 30 rupees advanced to each.

No. 111.—Ruled ledger, in cardboard back, “Muxworthy” printed on first page and a few of the following ones.

The following page is headed, “Muxworthy’s Prices for Buganda;” then follow prices in dollars of various goods, such as silk, drill, &c., which are continued on to the next page. A note about four tusks of ivory belonging to Muxworthy left in Kampala store. Mention is made of one box of ammunition and “one double-barrelled gun in hands of Captain Gibb for Hamili to go to coast.”

The following page is headed, “List of goods taken over from Muxworthy at his prices, and left for sale in Buganda.” Below are various goods, but no prices.

Following page, sixteen lines of goods “left with Min Juma for sale in Buganda of my cloth, 1894 caravan.” No prices.

Following page is headed, “Account of ivory bought at Muanza from Anti-Slavery Society, and sent to Saadani, consigned to Boustead, Ridley, and Co., Zanzibar.” A total of 1,753 lbs. of ivory.

A note says, “Bought from Langheld, total 218 lbs. ivory.”

Another note says, “Langheld’s ivory, 1,834 rupees; and other goods bought at Ukerewe. Private.—C. H. S.”

On following page a consignment of 1,242 lbs. ivory to Boustead, Ridley, and Co., in Zanzibar; also another consignment of 933 lbs. to the same, and a note about 165 lbs. ivory taken for customs in Buganda. No prices.

Following page mentions 442 lbs., 864 lbs., 108 lbs., 62 lbs., 63 lbs. of ivory, all consigned to Boustead, Ridley, and Co., in Zanzibar.

On the following page :—

“ Sent to Ukerewe, 20th May, 1894, six tusks.

“ List of goods bought from Dosa, to be taken from his store within eight months dating from the 20th May, 1894.

“ Drew bill in favour of Dosa or Swa Haji's order on Messrs. Boustead, Ridley, and Co., Zanzibar, payable eight months after date, for 14,167 $\frac{1}{4}$  dollars.

(Signed) “ CHARLES HENRY STOKES.”

On the following page :—

“ 20th May, 1894. Received following from Captain Langheld: Eighty military rifles for protection of my caravan; also 7,507 rounds of cartridges as follows :—

[Here follows list of contents of each package.]

“ Received at Camp Kisuri, 500 more cartridges; total, 8,000.

(Signed) “ C. H. S.”

“ Agreement signed for 8,000. Wrote to Captain Langheld informing him this date.

(Signed) “ CHARLES HENRY STOKES.”

“ 21st May, 1894, Captain Langheld visited camp at Ubingo and confirmed this.

(Signed) “ CHARLES HENRY STOKES.”

“ Guns distributed as follows [list of porters]. The rest of cartridges carried in loads.

(Signed) “ C. H. S.”

Following page, 21st May, 1894 :—

“ Also I have received the loan of 1 express Martini rifle and 150 cartridges, 1 double-barrelled rifle and 200 cartridges to be returned on my return to Muanza.

(Signed) “ CHARLES HENRY STOKES.”

Below :—

“ Particulars of goods left at Kilonga Longa's in charge of Juma Ali, 1892 :—

“ 32 $\frac{1}{2}$  loads of wire, brass and copper.

“ 27 $\frac{1}{2}$  „ beads, assorted.

“ 87 $\frac{1}{2}$  „ cloth, assorted.

“ 1 „ gun-caps = 99 boxes.

“ 15 $\frac{1}{2}$  „ powder.

“ 99 common guns.

(Signed) “ CHARLES HENRY STOKES.”

“ List of ivory received for above goods of 1892 caravan :—

“ 1 tusk, 100 lbs.”

[Remainder of list not completed.]

Following page headed :—

“ List of ivory received for caravan, 1892, to Kilonga Longa.” Rest of page and the following one are left blank; the list is not even begun.

Following page headed, "List of goods taken with me to Ruanda and Kilonga Longa, 1894." List not begun; half page left blank.

Across the middle of the page, "List of ivory received for goods to Ruanda, 1894." This list is quite incomplete. A few tusks and dates from the 27th May to the 7th September.

The remaining pages of the ledger are blank. About the middle of the book there is a small piece of paper gummed in, with some pencil notes as to loads, boxes of ammunition, &c.; and further on, between the leaves, I found a loose sheet of paper with a few pencil calculations as to the Buganda 1893 caravan.

With regard to the above notes, I should perhaps explain that I have endeavoured, wherever a date was mentioned, to record it.

I have also carefully noted all the passages where there is any mention of arms or ammunition, and, whenever possible, stated at the same time the total number of loads in the caravan of which it formed a part. A very great number of places where arms are mentioned are marked with a cross in red pencil, presumably by the Congo authorities.

Almost all the small notes and calculations throughout these papers are in pencil, in Stokes' hand. The calculations are, generally speaking, additions of a few columns of figures, divisions and multiplications. They are absolutely valueless as any indication of Stokes' fortune.

There is very little to show the position of his affairs shortly before his death; most of the references are to the 1892, and a few to the 1893, caravans.

The only likely statement of what his 1894 caravan contained seems to be the mention on a page of the ledger of goods bought from Dosa on the 20th May, 1894, for which Stokes drew a bill for 14,167 dol. 50 c. Presumably he had traded most of these goods for ivory at the time of his death, seven months afterwards.

On the whole, I am inclined to think that Messrs. Boustead, Ridley, and Co., of Zanzibar, with some assistance, perhaps, from Mr. E. Muxworthy, would be best able to make an accurate calculation of Stokes' property.

The two bills of Colonel Colville's, Nos. 89 and 90, do not appear to have been presented for payment.

Those of Langheld are all marked "Duplikat."

With regard to the Arabic letters, they are, doubtless, written in the base Arabic used in the interior, and if they are to be translated, some one conversant with that kind of Arabic should be chosen.

(Signed) VAUX OF HARROWDEN.

Brussels, December 14, 1895.

No. 78.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, December 18, 1895.*

I HAVE to acknowledge receipt of your despatch of the 12th instant, inclosing copy of a note in which M. van Eetvelde informs you that the Government of the Independent State will send to the Governor-General by next mail the necessary instructions to insure that the acts of which Captain Lothaire is accused shall be submitted for trial to the Appeal Court at Boma, and that the Public Ministry shall, in any case, on the demand of Her Britannic Majesty's Consul, appeal to the Conseil Supérieur at Brussels. You should thank M. van Eetvelde for this communication.

I am, &c.

(Signed) SALISBURY.

No. 79.

*Mr. A. Hardinge to the Marquess of Salisbury.—(Received December 23.)*

My Lord,

Zanzibar, December 2, 1895.

I HAVE the honour to transmit herewith a letter from Messrs. Boustead, Ridley, and Co., the late Mr. Stokes' agents here, inclosing a certificated list of items of goods supplied to him for the last two journeys undertaken by him to the interior, together with a certificate on the subject by Mr. Sleeman, the above-mentioned firm's local manager.

I have, at the same time, the honour to inclose statements by Rashid-bin-Ali, the Headman of Mr. Stokes' caravan, and Rusambia, a native of Unyamwezi, who was with him in the Congo State till within a short time of his execution, giving particulars as to the number of guns in his possession, and the objects for which he took them with him, as well as of his relations with Kibonge. I subjected both these men to a very careful examination, the result of which is embodied in the inclosed papers.

I should add that though there are many persons here who were more or less acquainted with Mr. Stokes, they can none of them give any positive information as to the number of guns he had with him. Mr. Thorpe, of Messrs Boustead, Ridley, and Co., believes indeed that he kept such arms as he required at Saadani, the usual starting-point of his caravan, and neither brought them to nor obtained them from Zanzibar. The general opinion here is that whatever rifles Mr. Stokes had were either for defensive or for sporting purposes, and Sir Lloyd Mathews, who knew him well, has expressed to me his strong conviction that he was incapable of taking arms into the interior to sell them to native Chiefs in rebellion against an European Government. He was, he says, a most honourable man, both in his private and business relations.

I have, &amp;c.

(Signed) ARTHUR H. HARDINGE.

Inclosure 1 in No. 79.

*Messrs. Boustead, Ridley, and Co. to Mr. A. Hardinge.*

Sir,

Zanzibar, December 2, 1895.

WE have the honour to inform you, with reference to your inquiry of this morning, that, as time will not permit for us to hand you detailed copies of invoices for goods supplied by us to the late Mr. C. H. Stokes since 1892, we inclose a list showing the items as they appear in our ledger.

On looking over our books the only references we find to guns and ammunition are, firstly, a cash payment made by us for purchase of a demand draft on Berlin for the equivalent of rupees 537 : 36, for guns ordered by Mr. Stokes direct; secondly, 400 shot cartridges supplied by us on the 25th August, 1893, rupees 42 (19 dol. 74 c.); and lastly, 500 shot cartridges supplied by us on the 17th March, 1894.

Trusting that the particulars we give will be found sufficient, and confirming the statement made by our Mr. Boustead in London that our books are open to inspection, we have, &c.

(For Messrs. Boustead, Ridley, and Co.),

(Signed) J. H. SLEEMAN, *Manager.*



## Inclosure 2 in No. 79.

LIST of Items of Goods supplied by the Undersigned to the late Charles Henry Stokes, Esq., since January, 1892.

Date.	Article.	Amount.	
		Rs.	a.
1892			
May 9 ..	Cash paid the Deutsche Ost-Afrikanische Gesellschaft for cloth, &c., supplied by them	24,682	04
		Dol.	c.
July 2 ..	Cloth to porters at Saadani .. ..	1,401	70
Sept. 22 ..	Cloth (Amerikani) .. ..	24	80
28 ..	Greaves' tent .. ..	158	54
30 ..	Cloth to porters at Saadani .. ..	97	50
1893			
Mar. 20 ..	Cloth supplied by the Church Missionary Society, Nassa.. ..	210	00
April 6 ..	16 pieces Andas (cloth) .. ..	96	00
June 7 ..	Andas (cloth) .. ..	707	28
July 12 ..	50 bags Mtama (grain) .. ..	106	19
12 ..	3 casks ale and stout .. ..	35	72
17 ..	2 cases champagne, &c. .. ..	46	06
17 ..	Gumpti, Kunguru, Mtama, &c. .. ..	2,161	12
18 ..	Flour, potatoes, and cloth .. ..	326	52
25 ..	192 loads Mtama .. ..	102	54
26 ..	Gumpti and Haniki .. ..	880	88
29 ..	Mtama.. ..	97	75
29 ..	Cloth .. ..	936	38
29 ..	Gumpti (cloth) .. ..	183	49
Aug. 1 ..	48 bales cloth .. ..	2,540	26
2 ..	Sundry cloths .. ..	1,093	69
7 ..	Mtama.. ..	329	31
7 ..	Woollen cloth .. ..	70	50
7 ..	Mtama.. ..	297	87
7 ..	Sundry cloths .. ..	316	60
7 ..	Gumpti .. ..	6,895	16
7 ..	Andas .. ..	1,367	45
9 ..	Mtama.. ..	93	90
14 ..	1 bale Murduf (cloth) .. ..	63	75
14 ..	Cloths and soap .. ..	64	36
19 ..	Cloths and Fez caps .. ..	78	86
20 ..	Cloths .. ..	608	06
21 ..	180 bales Mtama .. ..	97	93
23 ..	76 lbs. rope .. ..	2	71
23 ..	4 Flannel shirts .. ..	9	40
23 ..	5 fras. brass wire .. ..	36	42
25 ..	486 Mtama .. ..	252	19
25 ..	400 12 bore shot cartridges .. ..	19	74
27 ..	13 bales Gumpti.. ..	452	14
29 ..	Merikani and Membee .. ..	1,139	13
29 ..	Cloth .. ..	380	05
30 ..	200 bags Mtama.. ..	230	31
30 ..	1,000 fancy beads .. ..	10	26
31 ..	Kiswahili books .. ..	10	22
Sept. 5 ..	Kaniki (cloth) .. ..	89	30
5 ..	Cloth .. ..	765	35
9 ..	Gumpti and Durbwani (cloths) .. ..	410	15
9 ..	52 bales Gumpti.. ..	2,404	90
13 ..	Mtama.. ..	143	83
15 ..	Cloths .. ..	9	94
25 ..	1 tin box .. ..	6	11
9 ..	Cloths, beads, and wire .. ..	1,333	21
9 ..	" "	111	37
10 ..	Cloths and Fez caps .. ..	19,767	72
10 ..	Cloth, provisions, stationery, and general personal effects (including drugs).. ..	4,663	03
10 ..	Beads, sugar, and provisions, whisky, and cooking utensils .. ..	1,935	99
25 ..	Corrugated iron .. ..	96	41
1894			
Mar. 17 ..	3 Silver articles .. ..	98	88
17 ..	Cloth, clothing and provisions, and 500 12 bore shot cartridges .. ..	203	14
17 ..	Tent-poles and utensils .. ..	7	35

Date.	Article.	Amount.	
		Dol.	c.
1894			
May 10 .. ..	31 loads Andas .. ..	581	18
Aug. 20 .. ..	1 dhow load Mtama .. ..	329	10
22 .. ..	Cloth, beads, and provisions .. ..	2,366	84
22 .. ..	Clothing .. ..	2	29
22 .. ..	Mtama .. ..	62	62
22 .. ..	Cloth .. ..	29	96
Sept. 13 .. ..	Mtama, 170 packages .. ..	893	88
13 .. ..	2 tents .. ..	32	90
28 .. ..	38 loads Andas for posho .. ..	677	61
28 .. ..	Mtama .. ..	309	94
30 .. ..	1 tin sugar and 3 cases beer .. ..	41	45
Oct. 16 .. ..	771 loads cowries .. ..	409	30
16 .. ..	Mtama at Saadani .. ..	105	07

We hereby certify that the foregoing is a full list of all goods supplied by us to the late Charles Henry Stokes, as copied from his account in our ledger, since January 1892.

(For Boustead, Ridley, and Co.),

(Signed)

J. H. SLEEMAN, *Manager.*

HEDLEY W. THORPE, *Accountant.*

Zanzibar, December 2, 1895.

I certify the above to be the signatures of Mr. J. H. Sleeman, Manager, and of Mr. Hedley W. Thorpe, Accountant, of Messrs. Boustead, Ridley, and Co's. firm, Zanzibar.

(Signed)

ARTHUR H. HARDINGE,

*Her Majesty's Agent and Consul-General.*

(Seal.)

Zanzibar, December 2, 1895.

Inclosure 3 in No. 79.

*Certificate.*

I HEREBY certify that during my connection with the firm of Messrs. Boustead, Ridley, and Co., from September 1891 up to the present time, the firm have not to my knowledge supplied any fire-arms to the late Mr. C. H. Stokes, nor do the books show any such transactions, neither do I know whether the late Mr. C. H. Stokes had any guns, &c., in his possession, or, if so, from where he procured them.

(Signed)

J. H. SLEEMAN, *Manager.*

Zanzibar, December 2, 1895.

I certify the above to be the signature of Mr. J. H. Sleeman, of Messrs. Boustead, Ridley, and Co., Zanzibar.

(Signed)

ARTHUR H. HARDINGE,

*Her Majesty's Agent and Consul-General.*

(Seal.)

Zanzibar, December 2, 1895.

Inclosure 4 in No. 79.

*Statement by Rashid-bin-Ali.*

I WAS formerly an Askari in the service of Seyyid Barghash. Mr. Stokes wished me, as a relation of the Wali of Unyanyembe, to be Headman of his safari. I travelled with him several times, both when he was taking up supplies for the Missions in Uganda and other inland places, and when he was in the service of the

German Government, conducting its officers to Tabora, Unyamwezi, and elsewhere in the interior of what is now German East Africa.

In the year 1308 of the Hijra he left German service to trade on his own account, and returned to Zanzibar, whence he started with me and a caravan of about 4,000 people, many of whom had come down with him from the interior to sell their ivory. He had about ten Snider rifles of his own (not much more), and three sporting guns, as well as 200 muzzle-loaders bought at Saadani, our starting point on the coast.

After visiting Tabora, Usongo, Muanza, Uganda, and Usui, to all of which he took goods for missionaries, Arab merchants, &c., he left me at Usongo (German East Africa), with orders to go to Ikomè (also German East Africa), and went to Vibara, in the Congo State, to buy ivory. We left there an agent, a Swahili named Mwenyi Juma, who was to barter for ivory 260 loads of cloth which Mr. Stokes had brought from Uganda, and himself returned thence straight to Usongo. He took with him the 200 muzzle-loaders he had brought from the coast, and some twenty or thirty rifles which had been lent by the German officer at Muanza (so far as I can remember), all of which he brought back from the Congo State. After returning from thence to German territory he went back to Zanzibar, and I accompanied him there. We arrived in the year of the Hijra 1311.

The same year we started again. He took ten or more Sniders, 200 muzzle-loaders, and three sporting guns. His caravan consisted of about 1,000 men. We went first from Saadani to Usongo, thence he visited Uganda, I remaining first at Muanza and then at Ikomè, where Mr. Stokes joined me with cloth and trade goods from Uganda. Then he said to me, "I am going to Manyemi to see after Mwenyi Juma. He went viâ Karagwe, Kagera, and Ruanda to Vibara. His caravan had some 600 muzzle-loaders; of these, 100 belonged to his Wanyamezi porters, some (about 400) to a number of native friends from Kwa, Masasi, and other places, who accompanied him, though I think for only part of the way; about 100 were his own, which he used to lend to his native servants and followers to shoot elephants.

Some of the guns brought by him from the coast, I can't say how many, he left at Ukerema (German East Africa), but he had besides on his journey to Vibara some rifles supplied him (I don't remember how many) by Captain Langheld, the German Commandant at Muanza.

When he got to Vibara, he heard that Mwenyi Juma had been killed and eaten by the cannibals of Kilonga-longa, a tribe owing allegiance to Kibonge, a Zanzibari who had been made a Chief over them by the Manyema, and that these people had also seized his cloth. He succeeded in recovering from them the value in ivory of half his cloth and goods, but he wanted to get the whole, and also "blood-money" for the murder of Mwenyi Juma, and he therefore sent to ask Kibonge to pay it, or make his people do so, and went on himself in support of this demand to a place further inland, where he formed a camp and had a "shauri" (sort of conference) with Kibonge's people, but not with Kibonge himself. They promised to satisfy his demands, and he then went on to Tari (? Huri) where, on being arrested by the Belgian officer who met him there, he surrendered and gave up all his arms.

I was not with Mr. Stokes during this part of his journey, so I cannot speak accurately as to places or other details: what I know I know only by hearsay. I believe, however, that he carried such guns as he had with him exclusively for the protection of himself and his people in their trading operations in the savage countries which he visited, or else for shooting elephants. I am sure he did not take them with him to sell to Kibonge or to any other Arab or heathen Chief, or, indeed, to any one. I should add that on all his journeys he had four English repeating rifles with him, which I forgot to mention before, but they were not for sale.

The above has been translated for me into the Swahili language, in the presence of Her Majesty's Agent and Consul-General, by the Chief Interpreter of the Agency, Salim-bin-Agar, and I hereby declare it to be a true account of the statement made by me.

[Signature in Arabic.]

I certify the above to be the signature of Rashid-bin-Ali, the author of the above statement, made in my presence and signed this 30th November, 1895.

(Signed) ARTHUR H. HARDINGE,  
Her Majesty's Agent and Consul-General.

(Seal.)

## Inclosure 5 in No. 79.

*Statement by Rusambia, a Native of German East Africa.*

I WENT on both Mr. Stokes' last journeys. On the first I accompanied him and Mwenyi Juma to Vibara. We took about eighty German rifles from Muanza, and a large number of muzzle-loaders, I cannot say how many. We left Mwenyi Juma at a place a little further than Vibara; then we returned. We did not take into the Congo State all the guns we had brought from the coast.

We went—Mr. Stokes and I with him—a second time to Vibara. We again took about eighty German rifles given us by Captain Langheld, the German officer at Muanza, whom the people call the handsome gentleman (Bwana Mzuri), and a number of muzzle-loaders. I am merely a slave, how can I say how many? I know the number of the German rifles because I saw them dealt out at Muanza, but the others were delivered to the Wanyamwezi at the coast. I had a rifle and carbine, and fifty cartridges, to last me the whole journey. There were no loads containing guns or ammunition.

When we reached Vibara we stayed there a few days; then we went on ten days further to a place called Wamba Kwa Mpeni. When we arrived there we heard about Mwenyi Juma being killed. I stayed at Kwa Mpeni, but Mr. Stokes went on to the place where the murder of Mwenyi Juma took place, a place called Ukube, about two days from Kwa Mpeni. The people then paid him ivory for what they had taken from Mwenyi Juma. While Mr. Stokes was still at Kwa Mpeni he sent porters to a place called Mawandi, which belonged to Kibonge, to ask the latter to send back the ivory which his people had taken from Mwenyi Juma. On reaching Ukube he heard that Kibonge had been fighting against the Belgians, and had been taken by them; then he wrote to the Belgians to say, "Kibonge has taken my goods, make him pay what he owes me, and then deal with him as you like;" but he heard, when still at Ukube, that the Belgians had killed Kibonge. At Ukube he recovered the value of most of his goods, but seventy tusks remained with Kibonge, which he was still bent on getting back. I cannot say whether the Belgians killed Kibonge on account of this complaint of Mr. Stokes, or for any other reason; we did not know that they were at war with him, and Mr. Stokes only heard it at Ukube.

While Mr. Stokes was still at Ukube, his porters and servants heard that the Belgians were near, and they were afraid to go on further, and wished to return to Kwa Mpeni; but Mr. Stokes said he did not fear the Belgians: they were Europeans, and so was he; he would go and talk with them. He sent his porters back with the ivory recovered at Ukube to Kwa Mpeni, and continued his journey. We stayed two months at Kwa Mpeni; then a Belgian came with soldiers, and he said to us, "Your master has gone to Europe, give me up his ivory." I said, "No;" then he tied me up so tightly that after two hours I gave in from pain, and showed where the ivory was hidden. The Belgian then loosened the rope, and two hours later released me altogether. The Wanyamezi porters had run away, being afraid of being beaten by the Belgians; and by order of the Belgian we went to them and made a camp with them, and when the Belgian said to us, "You are now my people, and must work for me," we agreed to do so, but asked him to give us rifles to shoot wild animals for our food. Then we heard that the Belgians had strangled our master for stealing ivory from their country; and we were afraid, and took all the ivory we could lay hold on, and fled at night, and returned to Rashid-bin-Ali in the German territory, and gave him the ivory, and so returned with him to the coast.

Mr. Stokes only took his guns with him as a protection on his journeys. He went into the Congo State to trade; he never sold any guns to natives, or sold or sent a gun to Kibonge. He was not at all a friend to Kibonge.

The above has been translated for me into the Swahili language, in the presence of Her Majesty's Agent and Consul-General, by the Chief Interpreter of the Agency, Salim-bin-Agar, and I hereby declare it to be a true account of the statement made by me.

I am not a Moslem, but, though a heathen, I understand the nature of an oath.

(Signed) RUSAMBIA, his × mark.

I certify the above mark to have been made in lieu of a signature in my presence by the M'nyamwezi Rusambia (an illiterate), this 30th day of November, 1895.

(Signed) ARTHUR H. HARDINGE,  
*Her Majesty's Agent and Consul-General.*

(Seal.)

*Sir F. Lascelles to the Marquess of Salisbury.—(Received December 23.)*

My Lord,

*Berlin, December 16, 1895.*

I HAVE the honour to transmit herewith copies of an extract from the "Reichs Anzeiger" of the 14th December, containing correspondence which has passed between the Government of the Independent Congo State and the German Government relative to the execution of Mr. Stokes.

I have the honour to inclose at the same time translations of the two notes from Count Alvensleben therein contained.

I have, &c.

(Signed) FRANK C. LASCELLES.

Inclosure in No. 80.

*Extracts from the "Deutscher Reichs Anzeiger" of December 14, 1895.*

[Nos. (1) and (2) not printed.]

(No. 3.)

*M. van Eetvelde to Count Alvensleben.*

M. le Comte,

*Bruxelles, le 3 Décembre, 1895.*

EN réponse à la note que votre Excellence m'a adressée sous la date du 25 Novembre dernier, le Gouvernement de l'État Indépendant du Congo a l'honneur de confirmer ici ses propositions au Gouvernement Impérial, telles qu'elles sont formulées dans ma communication du 20 Novembre, et il est prêt à lui remettre la somme de 100,000 fr., offerte à titre de réparation pour le préjudice qu'auraient subi les hommes de la caravane de Stokes, par suite d'avoir été privés de leur chef.

Il croit devoir signaler au Gouvernement Impérial que d'après des télégrammes récents de Zanzibar, la caravane de Stokes, y compris la femme indigène de ce marchand, serait arrivée à la côte chargée d'un stock d'ivoire de provenance Congolaise. Si tel est le cas, il est persuadé que le Gouvernement Impérial voudra bien tenir compte, en toute équité, de ce nouvel état de choses.

En ce qui concerne les primes commerciales que le Gouvernement Congolais payerait à ses agents, quoiqu'il soit d'avis que cette question est du domaine de son administration intérieure et qu'elle ne se rattache à aucun de ses engagements internationaux, il croit pouvoir rappeler ici qu'il a déjà eu l'occasion d'affirmer formellement à votre Excellence que ces primes n'existent pas.

Le Gouvernement n'a aucune connaissance des actes irréguliers qui, d'après un télégramme de M. von Wissmann, seraient reprochés à ses agents dans la région du Tanganika, mais il tient à déclarer dès aujourd'hui qu'il examinera la communication annoncée par le Gouvernement Impérial avec le plus sincère désir d'établir les rapports entre l'État et les possessions Allemandes sur le pied du meilleur voisinage. Il espère que le Gouvernement Allemand voudra bien, de son côté, accueillir dans le même esprit, les informations dont il aura à le saisir par rapport au trafic des armes et au commerce de contrebande que pratiquent dans la région des lacs les Arabes, anciens marchands d'esclaves, désireux de revenir à leurs agissements illicites d'autrefois.

Je saisis, &c.

(Signé) EDMOND VAN EETVELDE.

(Translation.)

M. le Comte,

*Brussels, December 3, 1895.*

IN reply to the note which your Excellency addressed to me on the 25th November last, the Government of the Congo Free State have now the honour to confirm their proposals to the Imperial Government as laid down in my communication of the 20th November, and are ready to remit the sum of 100,000 fr. as compensation for the

injuries suffered by the men of Stokes' caravan in consequence of being deprived of their leader.

The Government of the Congo Free State consider it right to inform the Imperial Government that, according to recent telegrams from Zanzibar, Stokes' caravan, including that trader's native wife, has arrived at the coast laden with a stock of ivory obtained in the Congo State. If this is the case, the Government are convinced that the Imperial Government will in strict equity take into consideration this new state of affairs.

With reference to the trading bounties which it is alleged the Congolese Government pay their agents, although they are of opinion that this question concerns their internal administration, and is unconnected with any of their international engagements, they take this opportunity of pointing out that they have already had occasion formally to assure your Excellency that these bounties do not exist.

The Government had no knowledge of the irregular proceedings of which, according to a telegram from M. von Wissmann, their agents in the Tanganyika district are accused, but they are anxious to give an immediate assurance that they will examine the communication referred to by the Imperial Government in the earnest desire of placing the relations between the Free State and the German possessions on the most friendly footing. They hope that the German Government will be so good, on their part, as to receive in the same spirit the information which may be communicated to them with regard to the traffic in arms and the illicit trading which the Arabs, who were formerly slave-traders, and who are anxious to revert to their former illegal practices, are carrying on in the Lake district.

I avail, &c.  
(Signed) EDMOND VAN EETVELDE.

(No. 4.)

*M. van Eetvelde to Count Alvensleben.*

M. le Comte,

*Bruxelles, le 6 Décembre, 1895.*

Comme suite à ma lettre du 3 de ce mois, j'ai l'honneur de remettre ci-inclus à votre Excellence un chèque de 100,000 fr. sur la Banque Nationale à l'ordre de la "Caisse des Légations" à Berlin.

Je saisis, &c.  
(Signé) EDMOND VAN EETVELDE.

(Translation.)

Sir,

*Brussels, December 6, 1895.*

IN continuation of my letter of the 3rd instant, I have the honour to transmit to you a cheque for 100,000 fr. on the National Bank to the order of the "Caisse des Légations" at Berlin.

I take, &c.  
(Signed) EDMOND VAN EETVELDE.

(No. 5.)

*Count Alvensleben to M. van Eetvelde.*

(Translation.)

*Brussels, December 9, 1895.*

The Undersigned has the honour to acknowledge M. van Eetvelde's note of the 3rd instant, which has been transmitted to the German Government, and, in conformity with his instructions, to reply as follows:—

In their note of the 20th November last, the Government of the Independent State of the Congo has stated, with reference to the percentages paid to officials and officers of the State on ivory brought down to the coast, that these were not paid, and in future would not be paid.

In my reply of the 25th November, I informed you that the Imperial Government took act of this declaration, and at the same time expressed the conviction that the undertaking in question applied not only to ivory but to all products, notably to rubber.

In your note of the 3rd instant you informed me that the Government of the Independent State must protest against the contention that the payment of such percentages to their officials was contrary to their international engagements, adding that the percentages in question do not exist. The undertaking contained in your note of the 20th instant (there applying solely to ivory) that in the future such percentages would not be paid, is not repeated as regards other products and india-rubber in the last note, dated the 3rd instant. On the contrary, the protest above-mentioned implies, if only in a veiled form, that the Congo State is not restricted in the grant of such percentages.

The Imperial Government is unable to admit this point of view. They cannot conceal their surprise that the Government of the Independent State should appear to contemplate receding from an undertaking which it has only just entered into.

The Imperial Government is of opinion that the freedom of trade, as guaranteed by the Congo Act, is seriously prejudiced by the payment of premiums on the acquisition of the products of the country by officials and officers of the Government, which itself carries on trade, while they are invested at the same time with public functions. It is obvious that there can be no question of freedom of trade with the natives, if, on the one side, simple traders carry on trade, and on the other side, they compete with employés and officials acting as traders, who, in their quality as Representatives of the Government have control over them, and often the power of life and death.

The Imperial Government would learn with profound regret that the Government of the Independent State did not acknowledge the principles above stated. Whether or not this is the case is essentially a question which the Government of the Independent State has to meet with due regard to its credit and to its relations with the Governments of civilized States. But the Imperial Government has the extremely practical interest of seeing that its own subjects do not suffer by the payment of such premiums. The Imperial Government must still, therefore, even before the complete settlement of the whole matter in question, make an unqualified demand that the Government of the Independent State should undertake frankly and unreservedly that in the future the above-mentioned premiums will not be paid to employés and officials of the Congo State either for ivory or india-rubber or any other native product.

The Undersigned expresses the hope that the Government of the Independent State will, by giving this simple undertaking, at last bring this regrettable incident to a conclusion satisfactory to both parties, and reserves to himself further observations in reply to M. van Eetvelde's note of the 3rd December.

(Signed) ALVENSLEBEN.

(No. 6.)

*M. van Eetvelde to Count Alvensleben.*

M. le Comte,

*Bruxelles, le 11 Décembre, 1895.*

Comme suite à la communication de votre Excellence du 9 de ce mois, j'ai l'honneur, sans entrer dans l'examen de la question de droit, de lui déclarer formellement qu'il n'existe pas de primes commerciales accordées aux agents dans l'État Indépendant du Congo, et que le Gouvernement n'a pas l'intention d'en établir, pas plus sur le caoutchouc que sur l'ivoire ou tout autre produit.

Je saisis, &c.

(Signé) EDMOND VAN EETVELDE.

(Translation.)

Sir,

*Brussels, December 11, 1895.*

WITH reference to your note of the 9th instant, I have the honour to declare formally, without entering into the question of law, that no commercial bonuses are given to the Agents of the Independent State of the Congo, and that the Government have no intention of instituting them, either upon rubber, ivory, or any other article of produce.

I take, &c.

(Signed) EDMOND VAN EETVELDE.

## No. 81.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received December 23.)*

My Lord,

*Brussels, December 20, 1895.*

I HAVE the honour to forward herewith copy of the note which I addressed to M. van Eetvelde to-day, thanking him for his note of the 11th, as instructed by your Lordship's despatch of the 18th instant.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 81.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, December 20, 1895.*

I LOST no time in submitting to the Marquess of Salisbury a copy of the note which your Excellency was so good as to address to me on the 11th instant, stating that the Government of the Independent State would send to the Governor-General by next mail the necessary instructions to insure that the acts of which Captain Lothaire is accused shall be submitted for trial to the Appeal Court at Boma, and that the Public Ministry shall in any case, on the demand of Her Britannic Majesty's Vice-Consul, appeal to the Conseil Supérieur at Brussels.

In compliance with instructions received from the Marquess of Salisbury, I have the honour to convey to your Excellency his Lordship's thanks for this communication, of which Her Majesty's Government have taken note.

I have, &c.  
(Signed) F. R. PLUNKETT.

## No. 82.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received December 23.)*

(Extract.)

*Brussels, December 21, 1895.*

I HAVE the honour to forward herewith copy of a note which I have addressed to M. van Eetvelde respecting the position of Her Majesty's Vice-Consul at Boma in regard to the impending trial of Captain Lothaire.

Inclosure in No. 82.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, December 19, 1895.*

AS Mr. Arthur is about to proceed shortly to Boma to take up his duties as Her Britannic Majesty's Vice-Consul in the Independent State of the Congo, and as, once out there, he will be no longer in telegraphic communication with London, I consider it desirable, in order to avoid misunderstanding hereafter, that I should state in writing what I understand will be the position of Her Britannic Majesty's Vice-Consul in regard to the forthcoming trial of Captain Lothaire.

Her Britannic Majesty's Vice-Consul will be present officially at the trial, and will have the right of suggesting to the Court, to put such questions, to ask for such papers, or to make such observations as he may deem necessary.

Her Britannic Majesty's Vice-Consul will be consulted beforehand as to the precise charge on which Captain Lothaire shall be indicted, and I have full confidence that due regard will be paid to his wishes in this respect.

It is clearly understood that the Public Prosecutor will bring to trial any other person or persons who may, in the course of the inquiry, turn out to have been mixed up improperly in the arrest or execution of Mr. Stokes.

Her Britannic Majesty's Vice-Consul will have the right of demanding that



appeal be made to the Conseil Supérieur at Brussels, as laid down in your Excellency's note of the 11th instant.

I have furthermore your Excellency's assurance that every effort will be made by the Government of the Independent State to throw full light on every portion of the affair, and therefore, as Dr. Michaud's testimony and that of Lieutenant Henry are of the highest importance, I have every confidence that the Congo State Government will take the necessary measures for securing the presence of these gentlemen at the trial.

I shall feel grateful if your Excellency will be so good as to acknowledge receipt of this note, in proof that we are agreed on its substance.

I avail, &c.  
(Signed) F. R. PLUNKETT.

No. 83.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received December 23.)*

My Lord,

*Brussels, December 22, 1895.*

I HAVE the honour to forward herewith copy of the note which I have just received from M. van Eetvelde in reply to that which I addressed to him on the 19th instant, as reported in my despatch of yesterday, respecting the position of Her Majesty's Vice-Consul at Boma in regard to the impending trial of Captain Lothaire.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 83.

*M. van Eetvelde to Sir F. Plunkett.*

*Ministère des Affaires Étrangères, Bruxelles,  
le 22 Décembre, 1895.*

M. le Ministre,

J'AI l'honneur d'accuser à votre Excellence la réception de sa lettre du 19 de ce mois.

Ainsi que j'ai déjà eu l'occasion de le lui déclarer verbalement, le Vice-Consul Britannique aura le droit d'assister officiellement au procès de M. Lothaire et de suggérer au Tribunal que celui-ci pose telles questions, demande la production de tels documents, et fasse telles observations qu'il jugerait nécessaires. Il va de soi, d'ailleurs, que la police du Tribunal et la direction des débats appartiennent seul au Juge, qui appréciera et décidera, dans la plénitude de son indépendance, si les moyens d'investigation, suggérés par les parties, ont trait à l'objet du procès et sont nécessaires ou utiles à la manifestation de la vérité.

Je puis donner à votre Excellence l'assurance que le Ministère Public pèsera mûrement l'avis que lui exprimera le Vice-Consul Britannique quant aux chefs d'accusation qu'il y aurait lieu de porter contre M. Lothaire, mais, pour éviter tout malentendu, je ne puis me dispenser d'ajouter que, dans l'exercice de ses fonctions judiciaires, le Ministère Public ne relève que de sa conscience, et qu'il ne peut s'agir de le contraindre à soutenir des accusations qu'il jugerait non-fondées.

Cette remarque me paraît d'autant plus indispensable que les deux Gouvernements n'ont jusqu'ici préjugé d'aucune manière la question de la culpabilité de M. Lothaire.

En payant au Gouvernement Britannique une somme de 150,000 fr., au profit de la famille de Mr. Stokes, le Gouvernement de l'État Indépendant du Congo, en effet, a reconnu uniquement les irrégularités de la procédure judiciaire suivie dans cette affaire; il n'a pas entendu reconnaître que l'acte posé par M. Lothaire eût un caractère délictueux, ni que Mr. Stokes fût innocent des crimes pour lesquels il a été condamné.

Il est certain, ainsi que le remarque votre Excellence, que si des présomptions de culpabilité étaient révélées au cours de l'instruction à charge d'autres personnes, les poursuites nécessaires seraient exercées par le Ministère Public, qui a pour mission d'assurer la répression de tous les délits commis sur le territoire de l'État.

Je crois pouvoir exprimer la confiance que le Gouvernement Britannique fera, de son côté, tout ce qui dépend de lui pour faire frapper des peines nécessaires toutes

personnes soumises à sa juridiction dont la participation aux actes illicites reprochés à Mr. Stokes, serait constatée au cours du procès.

Je suis d'accord avec votre Excellence sur la nécessité de faire la lumière la plus complète sur cette affaire judiciaire, et je lui donne volontiers l'assurance que mon Gouvernement fera tout ce qui est en son pouvoir pour que les témoignages de MM. Michaux et Henry puissent se produire en justice.

Je saisis, &c.

(Signed) EDMOND VAN EETVELDE.

(Translation.)

M. le Ministre,

*Foreign Office, Brussels, December 22, 1895.*

I HAVE the honour to acknowledge the receipt of your letter of the 19th instant.

As I have already had occasion to inform you verbally the British Vice-Consul will have the right of being present in his official capacity at the trial of M. Lothaire, and of suggesting to the Court that such questions may be put, such documents produced and such observations made as he may consider necessary. I need not tell you, however, that the conduct of the Court and the direction of the proceedings are under the Judge alone, who will, being fully independent, be in a position properly to appreciate and decide whether the methods of investigation suggested by the parties are germane to the object of the trial and necessary or useful to the elucidation of the truth.

I can assure you that the Public Minister will give full weight to any advice the British Vice-Consul may give as to the counts of the indictment to be brought against M. Lothaire, but in order to avoid all misunderstanding I should add that in the exercise of judicial functions the Government must act on its own judgment, and that there can be no question of compelling it to sustain charges which it may consider ungrounded.

This remark appears to me all the more indispensable in as much as the two Governments have up to now in no way prejudged the question of M. Lothaire's guilt.

In paying a sum of 150,000 fr. for the benefit of Mr. Stokes' family the Government of the Congo Free State have, as a matter of fact, only admitted the irregularity of the judicial proceedings in the matter; there was no intention of recognizing that M. Lothaire's action was of an illegal character, nor that Mr. Stokes was innocent of the crimes for which he was condemned.

No doubt, as you remark, if the examination should bring to light any evidence of guilt against other persons the necessary action would be taken by the Public Minister, whose function it is to insure the repression of all crimes committed in the territory of the Free State.

I feel sure I am justified in assuring that the English Government, will, on their part, do all in their power to inflict the necessary punishment on all persons under their jurisdiction whose participation in the illegal acts laid to the charge of Mr. Stokes may be proved during the course of the trial.

I share your views as to the necessity of throwing as full a light as possible upon this case, and I am happy to be able to assure you that my Government will do all in their power to produce evidence of MM. Michaux and Henry before the Court.

I avail, &c.

(Signed) EDMOND VAN EETVELDE.

No. 84.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, December 23, 1895.*

I HAVE received your despatch of the 15th instant, inclosing a copy of Lord Vaux of Harrowden's Report on his examination of the papers belonging to the late Mr. Stokes, which were seized by the Congo State authorities at the time of Mr. Stokes' arrest.

I have to express my appreciation of the care and labour which Lord Vaux has bestowed on the examination of these voluminous documents, and I shall also be glad if you will convey to M. de Cuvelier, through M. van Eetvelde, my thanks for the assistance rendered by him to Her Majesty's Legation in the matter.

I am, &c.

(Signed) SALISBURY.

No. 85.

*Memorandum.*

I HEREBY certify that I personally superintended and prepared the late Mr. Charles Henry Stokes' caravan when he left Zanzibar for the last time in 1893, and on his leaving Saadani for the interior, my clerk, J. R. Alison, stayed at Saadani and superintended the financial and other details under my orders and guidance.

I certify that Mr. Stokes took no arms or ammunition from Zanzibar, except a few hundred shot cartridges and his own personal guns, and I feel positive that he did not smuggle any from Zanzibar for trading or other purposes up-country, as he was perfectly candid in all his transactions with my firm, and told me personally of any business he did outside my office.

Besides this, all his cash transactions passed through our books in Zanzibar, and an inspection of same will be satisfactory evidence of his disbursements in East and Central Africa.

I am also convinced that he purchased no arms and ammunition in German territory beyond what he required for the protection of his large caravan, as pay-note for any large purchase on the coast or up-country would most certainly have been presented to my firm for payment, and corresponding entry would appear in our books.

(Signed) R. N. BOUSTEAD.

34, Craven Street, London,  
December 27, 1895.

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No. 86.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, December 28, 1895.*

I HAVE received your despatch of the 21st instant, inclosing copy of a note which you have addressed to M. van Eetvelde relative to the position to be held by Her Majesty's Vice-Consul at the impending trial of Captain Lothaire at Boma.

The terms of the note are approved.

I am, &c.  
(Signed) SALISBURY.

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No. 87.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, January 1, 1896.*

I TRANSMIT herewith a draft of the instructions which it is proposed to give to Her Majesty's Vice-Consul at Boma in regard to the trial of Captain Lothaire.\*

You are authorized to give his Excellency a copy of the draft, and to say that the instructions to Vice-Consul Arthur will be in that form.

I am, &c.  
(Signed) SALISBURY.

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No. 88.

*Foreign Office to Vice-Consul Arthur.*

Sir,

*Foreign Office, January 3, 1896.*

ONE of the questions which will occupy your attention soon after taking up your post as Her Majesty's Vice-Consul in the Congo Free State will be the trial at Boma of Captain Lothaire, an officer in the service of the Congo Free State Government, for his conduct in causing Mr. Charles Stokes, a British subject, to be put to death, in the month of January last, at Lindi, within the confines of the Free State.

\* See No. 88.

The circumstances connected with this proceeding, as communicated to Her Majesty's Government by the Government of the Free State, are set forth in the accompanying note addressed by M. van Eetvelde to Her Majesty's Minister in Brussels on the 31st August last.\*

The inclosures to the note include the Judgment purporting to have been delivered by Captain Lothaire, commanding the Arab Zone, sitting as Judge of the Council of War of the Arab Zone. This document gives the grounds on which sentence was delivered, and recites the Articles of the Decree of the 10th March, 1892, and of the Military Penal Code, under which it is presumed that Captain Lothaire claimed to act; the depositions of witnesses examined before the Court; the evidence of natives taken by Lieutenant Henry, and sent to Captain Lothaire; and a declaration, signed by Mr. Stokes, declaring his innocence of the charges brought against him.

It has been agreed between Her Majesty's Government and the Government of the Free State that the question of the culpability of Captain Lothaire on account of the admitted irregularity of his proceedings on this occasion shall be submitted for trial to the Appeal Court at Boma, and that the Public Ministry shall, on the demand of Her Majesty's Vice-Consul, appeal to the Conseil Supérieur at Brussels against the Judgment of the Court.

It has also been arranged that Her Majesty's Vice-Consul shall be entitled to discuss with the Public Prosecutor the precise charges on which the accused is to be tried, and to be present officially at the trial, with the right to suggest to the Judge any questions which he may wish put or the production of any documents which he may think desirable, and generally to make such observations to him as he may think necessary.

Copies of the notes containing these agreements are annexed.†

You will bear in mind that the object of the trial is to obtain a full investigation into all the circumstances attending the death of Mr. Stokes, and into the nature of the evidence on which he was condemned, as well as into the legality of the procedure of the Court before which he was brought. For this purpose it is essential that as many as possible of those who gave evidence at the first trial should be present and be examined at the trial at Boma, and that any other available witnesses, such as Lieutenant Henry, who is said to have sent Mr. Stokes to Lindi, should also be called.

Under the agreement between the two Governments the evidence of M. Michaux, a medical officer in the service of the Congo Free State, who was present at Mr. Stokes' trial, and subsequently, as he alleges, urged Captain Lothaire not to carry out the sentence, will be available; and to assist you in forming an opinion as to the questions which may be put upon it, the accompanying Report is inclosed of a conversation held with him by Sir F. Plunkett, in M. van Eetvelde's presence, on the 15th October last.‡

The accompanying statements by Captain Lugard, Dr. Stuhlman, Mr. Hinde, and Mr. Boustead,§ have an important bearing on the charge brought against Mr. Stokes of having sold arms in 1892 to Arabs and natives whom he knew to be at war with the authorities of the Free State, and should be submitted to the Presiding Judge.

On the completion of the trial you should send home at once a full Report of the proceedings, and copies of the evidence produced and of the Judgment pronounced, accompanied by any remarks which you may wish to offer.

In addition to the duties imposed upon you in regard to the trial of Captain Lothaire, you are further empowered, under an arrangement with the Government of the Free State, to inquire into, and, so far as possible, to settle with the Director of Justice Mr. Stokes' testamentary affairs, with full power to examine on oath all persons who may be competent to give information as to the nature and value of the property belonging to him, with a view to its restoration to his legal representatives.

Her Majesty's Government have full confidence that you will meet with every assistance from the officials of the Free State in the execution of your duties, and that you will exercise the rights conferred upon you with all the courtesy due to the authorities of a friendly Government.

I am, &c.  
(Signed) T. H. SANDERSON.

\* Inclosure in No. 10.  
† No. 40.

‡ Inclosures in Nos. 82 and 83.  
§ Inclosure in No. 45, and Nos. 52, 63, and 85.

No. 89.

*Foreign Office to Vice-Consul Arthur.*

Sir,

*Foreign Office, January 4, 1896.*

WITH reference to the despatch to you of the 3rd instant, I am directed by the Marquess of Salisbury to transmit to you herewith, for such use at the trial of Captain Lothaire as you may think proper, copy of a despatch from Her Majesty's Agent and Consul-General at Zanzibar on the subject of the arms taken thence by Mr. Stokes on the occasion of his last journey into the interior.\*

I am, &amp;c.

(Signed) T. H. SANDERSON.

No. 90.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, January 11, 1896.*

I TRANSMIT to you herewith, for communication to M. van Eetvelde, duplicate copies of the depositions which accompanied the instructions to Vice-Consul Arthur on the subject of Captain Lothaire's trial.†

I am, &amp;c.

(Signed) SALISBURY.

No. 91.

*Mr. A. Hardinge to the Marquess of Salisbury.—(Received January 22, 1896.)*

My Lord,

*Zanzibar, December 28, 1895.*

I HAVE the honour to transmit herewith a letter from Mr. Wise, Acting Collector in Teita, to Her Majesty's Sub-Commissioner at Mombasa, respecting the objects with which the late Mr. Stokes took arms into the Congo Free State.

Mr. Chambers, who I had hoped would have been able to give me some additional information on the subject, has, I regret to say, replied that he has none.

I have, &amp;c.

(Signed) ARTHUR H. HARDINGE.

Inclosure in No. 91.

*Mr. Wise to Mr. Pigott.**British East Africa Protectorate, Ndi Station,**December 14, 1895.*

Sir,

IN reply to your despatch of the 3rd instant, I have the honour to inform you that the late Mr. Stokes had intended to obtain from the German Governor at Dar-es-Salam permission to purchase a number of rifles for the purpose of fitting out a strong caravan for trading in the neighbourhood of the Albert Nyanza and Wadelai.

And after establishing centres for the purchase of ivory he intended to travel to the coast via the Congo, following as near as possible the route taken by

\* No. 79.

† Inclosure in No. 45, and Nos. 52, 63, and 85.

Mr. Stanley's Emin Pasha Relief Expedition, and then home to Europe to pay a visit to his mother and daughter.

His reason for taking so large a number of rifles was to have his trading stations well armed for self-defence, as their safety entirely depended on their own strength, as they would be beyond the help and protection of the Imperial British East Africa Company, who were then in Buganda.

I am unable to give any further information, as my connections with Mr. Stokes ceased early in 1892.

I have, &c.  
(Signed) CHARLES WISE,  
*Acting Superintendent, Zeita.*

No. 92.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received January 27.)*

My Lord,

*Brussels, January 25, 1896.*

I HAVE the honour to forward herewith, extracted from the "Bulletin Officiel" of the Congo State for November and December, 1895, a copy of the Decree of the 30th October, reserving for the Courts of the Lower Congo the trial of all Europeans for any crime which is punishable with death.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 92.

*Extract from the "Bulletin Officiel de l'État Indépendant du Congo."*

*Département des Affaires Étrangères.*

JUSTICE.

*Infractions Punies de Mort.—Compétence.*

LEOPOLD II, Roi des Belges, Souverain de l'État Indépendant du Congo, à tous présents et à venir, salut :

Revu l'Article 60 du Décret du 27 Avril, 1889 ("Bulletin Officiel," 1889, p. 87), les Articles 9, 26, et 28 du Décret du 22 Décembre, 1888 ("Bulletin Officiel," 1889, p. 14),

Sur la proposition de notre Secrétaire d'État,

Nous avons décrété et décrétons :

Article 1<sup>er</sup>. Le Tribunal de Première Instance du Bas-Congo est seul compétent, à l'exclusion des Conseils de Guerre, pour connaître, en première instance, des infractions commises par des individus de race Européenne que la loi punit de la peine de mort.

Art. 2. Toute disposition contraire est abrogée.

Art. 3. Notre Secrétaire d'État est chargé de l'exécution du présent Décret, qui entre en vigueur ce jour.

Donné à Bruxelles, le 30 Octobre, 1895.

(Signé) LÉOPOLD.

Par le Roi-Souverain :

Le Secrétaire d'État,  
(Signé) EDM. VAN EETVELDE.

(Translation.)

*Department for Foreign Affairs.*

## LAW.

*Offences punishable by Death.—Competence.*

LÉOPOLD II, King of the Belgians, Sovereign of the Congo Free State, to all whom it may concern, greeting :

In view of Article 60 of the Decree of the 27th April, 1889 ("Bulletin Official," 1889, p. 87), together with Articles 9, 26, and 28 of the Decree of the 22nd December, 1888 ("Bulletin Official," 1889, p. 14),

At the instance of our Secretary of State,

We have decreed and do hereby decree :

Article 1. The Court of First Instance of the Lower Congo is alone competent, to the exclusion of courts-martial, to take cognizance, in the first instance, of offences punishable by death committed by persons of European race.

Art. 2. All provisions to the contrary are annulled.

Art. 3. Our Secretary of State is charged with the execution of this Decree, which comes into force to-day.

Given at Brussels, the 30th October, 1895.

(Signed) LÉOPOLD.

By the King-Sovereign :

The Secretary of State,  
(Signed) EDM. VAN EETVELDE.

## No. 93.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received February 3.)*

(Extract.)

*Brussels, February 1, 1896.*

I HAVE the honour to report that M. Fuchs, who was acting Governor of the Congo State during the absence of Colonel Wahis, and who has now been only a couple of months on leave in this country, starts from Brussels to-day for Lisbon, where he will at once embark for Boma.

M. Fuchs returns thus hurriedly to his post in order to preside over the Court which will try Captain Lothaire.

## No. 94.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received February 24.)*

(Extract.)

*Brussels, February 22, 1896.*

THE "Étoile Belge" mentioned two days ago that a private letter from Boma had brought a copy of the warrant issued by the Court there on the 9th ultimo for the arrest of Captain Lothaire. Copy of this warrant is forwarded herewith.

## Inclosure in No. 94.

*Extract from the "Étoile Belge" of February 19, 1896.*

UNE lettre privée, reçue du Congo, apporte à l'un de nos confrères le texte du mandat de comparution délivré par le Procureur d'État à charge du Commandant Lothaire, du chef de l'affaire Stokes :—

Nous soussigné Auguste Rocourt, Procureur d'État près le Tribunal d'Appel de Boma ;

Vu le Jugement rendu à charge de Stokes, le 14 Janvier, 1895, à Lindi, par Hubert-Joseph Lothaire, Juge du Conseil de Guerre de la Zone Arabe ;

Vu la lettre du 10 Février, 1895, adressée par Lothaire à M. le Gouverneur-Général et d'où résulte la preuve que le condamné fut exécuté par ordre de Lothaire, avant l'expiration du délai d'appel que lui accordait l'Article 27 du Décret du 22 Décembre, 1888 ; qu'en interdisant ainsi au condamné l'accès de la juridiction supérieure d'appel, Lothaire s'est rendu coupable de meurtre ou tout au moins de déni de justice, infractions prévues par les Articles 1 et 2 du Décret du 26 Mai, 1888, et Article 59 du Décret du 27 Avril, 1889 ;

Attendu que le prévenu Lothaire n'est pas présent, que les charges qui s'élèvent contre lui ont un caractère particulier de gravité et que les délais de la prescription annale sont sur le point d'être atteints ;

Vu l'Article 28 du Décret du 27 Avril, 1889, mandons et ordonnons que le susdit Lothaire sera arrêté et conduit au Parquet de Boma.

Requérons tous agents de la force publique auquel le présent mandat sera exhibé de prêter main forte pour son exécution, à l'effet de quoi nous avons signifié le présent mandat.

Fait à Boma, le 9 Janvier, 1896.

Le Procureur d'État,  
(Signé) ROCOURT.

La copie de la présente a été affichée le 9 Janvier, 1896, par nous huissier au Tribunal d'Appel, à la porte principale de l'auditoire du Tribunal d'Appel.

(Signé) A. UNRECH.

Boma, le 9 Janvier, 1896.

No. 95.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received February 24.)*

(Telegraphic.)

*San Thomé, February 24, 1896.*

ARRIVED on the 5th instant. Captain Lothaire is expected next month, but the trial cannot take place until the witnesses from the interior arrive, which will probably be in three months' time.

No. 96.

*Mr. Berkeley to the Marquess of Salisbury.—(Received February 29, 1896.)*

(Extract.)

*Port Alice, Ntebbe, November 5, 1895.*

IN compliance with your Lordship's instructions, conveyed to me through Her Majesty's Agent and Consul-General at Zanzibar, I have the honour to report as follows regarding the execution of Mr. C. H. Stokes at Lindi by the officials of the Congo Free State.

Since telegraphing to Mr. Hardinge your Lordship will have received Mr. Jackson's despatch of the 10th May last, containing a brief Report on the subject by Mr. J. P. Wilson, who was in charge of the district of Toru. On the 20th May last Mr. Jackson wrote to the Officer Commanding at Lindi, asking him for information as to whether Lieutenant Henry's verbal statement (to Mr. Wilson) was correct, and whether Mr. Stokes had left a will or any other papers "in order that the necessary steps may be taken to realize his estate." The only reply that was received to this letter stated that Mr. Stokes had been hanged at Lindi in accordance with the sentence of the court-martial ("conseil de guerre") of the Arab zone, and that all the papers of the deceased having been sent to the Government of the State at Boma, Lieutenant Henry regretted to be unable to comply with Mr. Jackson's request.

Since that time there has been no means of obtaining any authentic information regarding details of the charges or proceedings at the "conseil de guerre" mentioned by Lieutenant Henry. Mr. J. P. Wilson, who had various opportunities of collecting information from natives who had been with Mr. Stokes, has furnished me with an



account of all that he has been able to gather at different times. I have the honour to transmit this Report herewith.

I have seen and interrogated the natives to whom he refers. These people are Hadea, Fundi Feruzi, Makwera Nyamwezi, Suedi, Abdalla (Mr. Stokes' boy), and a woman named Amina, all of whom (save Hadea) say they went to Lindi with Mr. Stokes. Three of them, Fundi, Makwera, and the boy Abdalla, state that they actually witnessed the execution. As their depositions contain, besides the general corroboration of Mr. Wilson's account, certain additional details, which, assuming them to be accurate, would seem to indicate at least a very remarkable want of formality in the proceedings which culminated in the tragic death of Mr. Stokes, I inclose herewith, for your Lordship's information, a certified copy of the whole evidence as taken down at the time by Major A. E. Smith, who, as your Lordship may be aware, is thoroughly competent in Swahili.

The property of the late Mr. Stokes at Mengo, to which Mr. Wilson refers in his Report, consists of some 3,300 lbs. of ivory (worth about 1,800*l.*), of which about 800 lbs. are claimed by others, and a few guns and trade goods.

Your Lordship will observe that Hadea (Mr. Stokes' Headman, who was with him at Mpeni's) states that Lieutenant Henry confiscated and carried off 574 frasilahs\* of ivory and 300 loads of trade goods, together with twenty kegs (5 lbs. each) of powder and certain rifles that had been lent to Mr. Stokes by Captain Langheld.

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Inclosure 1 in No. 96.

*Mr. Wilson to Mr. Berkeley.*

Sir,

*Ntebbe, November 3, 1895.*

FURTHER to my letter of the 12th April, 1895, *re* execution of Mr. Stokes, I have the honour to make the following résumé of events, together with information subsequently ascertained from Mr. Stokes' men.

At the end of August 1894 Mr. Stokes arrived at Mpeni's with a caravan of about 1,000 people, I believe, and over 300 loads of trade goods. On his arrival there he met with a party of about 150 Manyema armed with guns, between whom and Mpeni's people a skirmish took place. Mr. Stokes disarmed the Manyema, but subsequently returned their arms, and sent them off to bring ivory owing to him by Kilongalanga and others, for which, two years previously, he had left some 300 loads of trade goods in care of two of his men and Kilongalanga. These two men and two women were killed and eaten by the natives. Mr. Stokes returned to the coast with his caravan. Meantime, Kilongalanga, who appears to have been the principal party to the arrangement, died. Saïd-bin-Abedi, an Arab, I understand, received an appointment in the Congo State service, and Kibonge, an Arab, had been killed by the Belgians.

Mr. Stokes, seeing little chance of recovering the full value of his property, and having waited at Mpeni's till the middle of December, heard of the Belgians being at Lindi, and started for that place to lay his case before the Commandant there, with a view to having his claim against the Arabs settled. A few days out from Mpeni's he met Lieutenant Henry, of Congo service, who evidently had orders for detention of Mr. Stokes' caravan. At this meeting I am told by Mr. Stokes' men that Lieutenant Henry ordered Mr. Stokes to hand over his goods and take himself out of Congo territory. This Mr. Stokes refused to do, and proceeded to Lindi under escort to state his case there. He also claimed an indemnity in ivory from the Manyema, which they had promised to pay, for his men killed. Lieutenant Henry proceeded to Mpeni's, and took possession of Mr. Stokes' caravan. On hearing of his arrival I proceeded to that place, and he confirmed the rumour I had heard of Mr. Stokes' execution, stating it had been carried out on a charge of selling powder, buying slaves, and being in league with Kibonge, the Arab, and offering to take him with his ivory to the coast. I asked for Mr. Stokes' papers, &c., but was informed they had already been dispatched to Lindi. I was told by one of Mr. Stokes' followers that a will had been made at Mpeni's in favour of and left with my informant, but that Lieutenant Henry had seized the keys and box in which it was placed, along with all the other goods.

\* 574 frasilahs = 20,090 lbs., worth about 11,000*l.*

The men who went with Mr. Stokes, together with others who had gone previously to bring his ivory, were taken prisoners by the Belgians, and did several months' work as punishment.

I afterwards learned from some of these men that Mr. Stokes had been sentenced and hung by the Belgian Judge at Lindi, although the doctor and another officer on the Court protested, deeming it advisable either to send him down to the west coast as a prisoner, or communicate with the Home Government before taking such an extreme measure. These men also state that the Commandant had given vent in very emphatic language to his disapproval of Lieutenant Henry's action in allowing an English officer to go free instead of bringing him to Lindi.

As a matter of courtesy, I invited Lieutenant Henry to Fort George, but as he did not find it convenient to leave his camp, I wrote to him requesting a statement of the main points concerning Mr. Stokes' decease and the disposal of his goods and papers, as he had much property in British territory, which letter, unfortunately, was not delivered, and was subsequently returned to me.

My interview with Lieutenant Henry was cordial and satisfactory.

In the month of May 1895, when I was in Toru, I learned that the Commandant, who is said to be a Frenchman, had left for the coast.

There are in Uganda six of Mr. Stokes' people whose evidence might, if found necessary, be taken, and who have claims against Mr. Stokes' estate.

I have, &c.

(Signed) JNO. P. WILSON.

#### Inclosure 2 in No. 96.

*Notes of Evidence furnished at Port Alice, Uganda, by certain of Mr. Stokes' followers.*

##### 1. HADEA states:—

I was Chief Headman to Mr. Stokes at Mpeni's. He had received from Saïd-bin-Abed's clerk 404 frasilahs of ivory; there was also at Mpeni's 170 frasilahs of Mr. Stokes' ivory, 300 loads trade goods, and 20 kegs of powder of 10 to the load.

Mr. Stokes left Mpeni's with 100 porters and 10 guns to go and get the balance of ivory due to him by Saïd-bin-Abed's clerk, amounting to 1,200 frasilahs, less 404 already paid. The clerk is Moussa Mgazilla. I remained at Mpeni's.

After twenty days Bwana Ndege (Lieutenant Henry) came to Mpeni's with many soldiers and tied me up; he asked where the ivory was; I said there was none. He drew a pistol and said he would shoot me. I was afraid and showed him the ivory. He took it all outside together with the trade goods loads and the powder. He said, "Get your men together and bring the ivory and goods to your master, who has given me a letter to call you."

Nearly all the Wanyamwezi had run away. He then untied me and I tried to collect the men. Bwana Ndege's cook told me that my master was dead. I ran away across the river at night.

About 200 of Mr. Stokes' men came with me. We went to Mr. Wilson's station at Fort George. Some of our Wanyamwezi went straight to their own country and some to Uganda. I did not go back with Mr. Wilson to Mpeni's.

##### 2. Fundi Feraji states:—

I left Mpeni's with Mr. Stokes. We met Bwana Ndege fourteen days out. Stokes went to visit Bwana Ndege. Ndege said "I won't see you." Stokes said "Why not, I have come to get my ivory which is with Saïd-bin-Abed." Ndege said, "It is not your ivory, you have come to steal ours." He took hold of Stokes and told his soldiers to tie him up. I was standing by, and they spoke in Kiswahili. Ndege sent us and Stokes to Lindi with fifteen soldiers. Ndege proceeded to Mpeni's. We arrived at Lindi. Then court was held in the baraza with Bwana Pembe,\* Lemundu, and Doctari. They talked Kiswahili; I was close by. Pembe said Stokes sold powder and guns to the Manuema, that he was a bad man, and that he (Pembe) did not want any Englishmen in the country. Stokes denied selling powder; he had left 25 lbs. of powder in the country to protect his goods with his own men. Then Stokes was put

\* The Officer in command (name unknown).

in his house. He wrote a letter, and Bwana Pembe tore it up. I saw him. That night when the moon was high Stokes was taken out and hung. I saw him. His eyes were covered; he was stood on two boxes; the rope was put round his neck; the boxes were taken away, and so he died. He was buried at 8 o'clock next morning. Pembe wanted to kill us all, and Doctari said he must not. What they meant was told me by an interpreter. We worked for them five months, and 70 men died of hunger and ill-treatment. Out of 100 men 30 of us left for Mpeni's after getting leave from Pembe.

3. Mohekweru Mnyamwezi Ke corroborates the evidence of Fundi Feraji, and states in addition:—

On the day after we arrived at Lindi, Pembe asked Stokes, "What are these breech-loading guns for?" and Stokes told him that he had got them given to him by Bwana Mzuri (Captain Langheld) for protection; Pembe took the guns; he himself hustled Stokes back into the house, and said, "To-morrow you die" ("Kesho ntakufa"). Then that night I was sleeping with Pembe's cook in the kitchen. Stokes was shut up close by. At 1 A.M. four Askaris came with Pembe himself. Stokes would not come out, and cried out, "If you want to kill me, do so, inside." I heard him. Pembe got four more soldiers, and they dragged him out and hung him. The body was left lying on the ground after they had cut him down. I and Pembe's cook made his shroud. Pembe's Askari dug a grave; they buried him at 8 A.M. next morning. Wallahi by God.

4. Suedi W. Mabruki states:—

Stokes went to the coast. I and Suma and Ismail and two children ("watoto") were left at Kilongolonga's. Stokes left loads of cloth and beads and five M.L. guns and five kegs of powder. Saïd-bin-Abed's men killed Suma and Ismail, and took the loads and the guns and the powder. I was taken and tied up and taken to Saïd-bin-Abed. I saw Stokes next at Kilongalonga. We went to Lindi. Saïd-bin-Abed's clerk gave Stokes no ivory on the way. The day after we got to Lindi, Pembe spoke to Stokes in Kiswahili. Bwana Doctari said to Pembe "Let us tie them up, and send the news to Europe," and Pembe said, "I won't tie them up," and to Stokes, "I will kill you." They talked Kiswahili. And Stokes was taken away, and I saw him next dead.

The evidence of Mohekweru Mynamwezi is corroborated by Abdullah, Mr. Stokes' boy, who states in addition:—

The first day Pembe and Stokes had a long talk in the baraza of Pembe's tent. The second day the interpreter Omari gave me paper and pen and ink for Stokes, and he wrote a large paper for six hours. I myself took it to Pembe; and Pembe read it, and the three Europeans laughed, and Pembe tore it up. They were eating. And I went back to Stokes and Stokes said, "All that I have to say, and about my property and all things in my mind I have written in that letter." And they sent no answer. After they called Stokes. And then came people of the country who had been taken by Pembe; and Pembe showed Stokes a breech-loading gun, one barrel for shot and one for bullets, and a pistol, and said, "How came these people to get this gun?" and Stokes said, "It is a gun that I left with Suma, whom they killed." Pembe said, "You sold the gun, you shall die." I stood quite close (witness showed a distance of about 2 yards), and Pembe told Askaris to take Stokes away, and they shut him up. At night they hung him. And the Askaris marched round his grave and blew trumpets and beat drums.

5. Amina Mganda states:—

I stayed with Suma, who was killed by the Manuema. One of the guns Suma had was a gun that opened in the middle and fired two cartridges. The Manuema stole it.

Hadea recalled states:—

The guns Stokes left with Suma, who was killed, were five M.L. and one B.L. gun, double-barrelled, of which one barrel carried shot and one bullets, and one pistol. I was then Stokes' Headman. I know what guns were left with Suma. Stokes got

from Bwana Mzuri at Mwanza eighty-four B.L. guns. He left five of these at Bihara, near Ruanda. The rest he carried to Mpeni's. When Stokes left Mpeni's he carried ten guns only. The rest he tied up in loads and we put them into store. Bwana Ndege carried off these guns except one, which I now have, and one which a Mnyamwezi ran away with.

(Signed) A. E. SMITH, *Major*.

I hereby certify that the above is a correct translation of the evidence given in Kiswahili by six followers of the late Mr. Stokes, each of whom made oath or otherwise declared to speak the truth.

(Signed) A. E. SMITH, *Major*.

I certify that the foregoing notes of evidence are true copies of the original notes taken at Port Alice, Uganda, on the 5th November, 1895, and that I was present at the examination of the witnesses whose evidence is therein given.

(Signed) JOHN PLOWRIGHT WILSON.

Certified at the Foreign Office for legalization of the foregoing signature.

(Signed) H. PERCY ANDERSON,  
*Assistant Under-Secretary of State for Foreign Affairs.*  
(Seal.)

*Foreign Office, March 11, 1896.*

No. 97.

*The Marquess of Salisbury to Vice-Consul Arthur.*

(Telegraphic.)

*Foreign Office, March 5, 1896.*

YOU will receive by the first opportunity the depositions of Mr. Stokes' Headman and five other members of the caravan, which have been received from Uganda. Lieutenant Henry is said to have seized 574 frasilahs, or about 11,000*l.* worth of ivory.

No. 98.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received March 27.)*

My Lord,

*Brussels, March 26, 1896.*

M. VAN EETVELDE informed me this morning that the last despatches which he had received from the Congo announce that Captain Lothaire had received, at Kabambare, on the 16th December, the order for his recall to the coast, and that he had at once commenced arrangements for handing over his command to the officer charged to replace him.

M. van Eetvelde presumes that Captain Lothaire ought to be at, or near, Boma by this time.

I have, &c.  
(Signed) F. R. PLUNKETT.

No. 99.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received April 4.)*

(Telegraphic.)

*Boma, April 4, 1896.*

THERE are now present in Boma Lothaire, Henry, and several witnesses, and a preliminary inquiry is being held to determine the form of accusation.

Twenty-one days later the trial will begin, with the Secretary-General of the State as prosecutor.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received April 27.)*

My Lord,

Boma, March 15, 1896.

I HAVE the honour to inform your Lordship that on the 11th ultimo I called upon Colonel Wahis, the Governor-General of the Free State, and conversed with his Excellency on matters relating to the execution of the late Mr. Stokes, and to the forthcoming trial of Captain Lothaire.

I explained to his Excellency that whilst Her Majesty's Government had no desire to display a vindictive spirit in the matter, it was at the same time their urgent wish and demand that the trial of Captain Lothaire at Boma should embrace a most searching inquiry, and be carried out on perfectly fair and impartial grounds. His Excellency quite agreed with me in this, stating that such was his own desire and that of the Government of the Free State in Brussels. He also informed me that he had sent instructions for Lieutenant Henry to be present at the trial as a witness, but, as this officer was so far in the interior, there might be some delay in his arrival.

I pointed out to his Excellency that Her Majesty's Government had received with consternation the details of the trial and summary execution of Mr. Stokes, with reference to the manner in which Captain Lothaire had so totally disregarded the Laws and Regulations of the Free State by the illegal constitution and procedure of the "Conseil de Guerre" before which Mr. Stokes had been tried and condemned. His Excellency admitted that Captain Lothaire should have sent Mr. Stokes to Boma for trial, and offered as an excuse why this course was not adopted the isolated position of Captain Lothaire and the difficulties which such a journey would entail.

His Excellency alluded to the unfavourable manner in which Captain Lugard wrote concerning Mr. Stokes, and I said that whereas Captain Lugard, when he first arrived in Uganda as the Administrator of the Imperial British East Africa Company, had occasion to complain of Mr. Stokes' conduct, he found as time went on that Mr. Stokes was a man who kept his word, and that a good feeling existed between them.

His Excellency told me that he thought Mr. Stokes' faults and misdeeds were due to his commercial instincts, and asked me if I knew anything of his character. I replied that I knew Mr. Stokes to be by repute a keen trader, but a man who would carefully avoid involving himself in an undertaking which presented any element of danger.

His Excellency said that he would give instructions to M. Horstmans, the Acting Procureur d'État, and to M. d'Heygère, the Acting Directeur de Justice, who is charged with the arrangement of the late Mr. Stokes' effects, to communicate with me. I expressed my thanks to his Excellency, saying that my instructions informed me that it was agreed between Her Majesty's Government and the Government of the Free State that I should discuss various points with the Procureur d'État, notably concerning on what charge Captain Lothaire would be arraigned. His Excellency considered that the charge would be homicide, punishable with penal servitude for life (*vide* Article 41 of the 7th January, 1886, p. 11 of "Bulletin Officiel"). He also informed me that he had the right, if he wished to exercise it, of appointing some other official to perform the duties of prosecutor.

I explained to his Excellency that my own official position at the trial would not in any way be that of prosecutor, but to carefully watch the proceedings on behalf of Her Majesty's Government, and to make such suggestions as I might think desirable.

I further stated that it was my earnest hope and desire that I should be able, at the close of the trial, to forward a satisfactory report to Her Majesty's Government, informing them that every effort had been put forward in the interests of justice, and that I had not been called upon to exercise my right of appeal to the Conseil Supérieur at Brussels.

I have, &c.  
(Signed) L. R. ARTHUR.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received April 27.)*

My Lord,

Boma, March 15, 1896.

WITH reference to my despatch of this date, I have the honour to inform your Lordship that on the 13th ultimo I called upon M. d'Heygère, the Acting Director of Justice, who is charged with the arrangement of the estate of the late Mr. Stokes.

It is impossible for us to do anything of importance until we are provided with further information and evidence from the interior, and we have therefore decided to postpone any definite action until after the trial of Captain Lothaire, when the necessary witnesses will be present at Boma.

I have provided M. d'Heygère with a copy of the list of the trade goods, &c., supplied to Mr. Stokes by Messrs. Boustead, Ridley, and Co., in Zanzibar, which was forwarded to your Lordship by Mr. Hardinge in his despatch of the 2nd December, 1895. M. d'Heygère agreed with me that in all probability this list would be of great importance in estimating the value of Mr. Stokes' property at the time of his decease.

With regard to the evidence being taken on oath, as M. d'Heygère does not hold a commission authorizing him to administer oaths, we shall call in the services of one of the Judges of the "Cour de Première Instance" for this purpose.

M. d'Heygère was good enough to show me the copy of a letter containing instructions that, besides Lieutenant Henry, the witnesses who gave evidence at the "Conseil de Guerre" which was held at Lindi, as well as the soldiers of the "Force Publique" who were present at the arrest, confinement, trial, and execution of Mr. Stokes, and also those who were with Lieutenant Henry when Mr. Stokes' property was seized at Kwa-Mpeni, should be sent here to give their evidence at the trial of Captain Lothaire.

All the property of the late Mr. Stokes which may reach Boma will be valued by M. d'Heygère and myself, and then we shall proceed to take evidence on oath in the manner I have mentioned, with regard to the articles, &c., which were sold or otherwise disposed of in the interior.

M. d'Heygère further informed me that should it be proved that any articles were not sold publicly, it will rest with him and myself conjointly to estimate their value.

I have, &c.

(Signed) L. R. ARTHUR.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received April 27.)*

My Lord,

Boma, March 15, 1896.

WITH reference to my despatch of this date, I have the honour to inform your Lordship that on the 17th ultimo I had an interview with M. Horstmans, the Acting Procureur d'État, concerning the forthcoming trial of Captain Lothaire.

Our conversation was confined to a general summary of the whole case and to the charge which should be brought against Captain Lothaire.

I stated how it was the desire of Her Majesty's Government that there should be a thorough investigation in the interests of justice, and explained also what would be my own position at the trial.

M. Horstmans informed me that it would be impossible to form any decided opinion concerning the charge until the primary investigation shall have taken place, which he himself, in his capacity of "Ministre Public" would conduct, and which could not be held until all the proceurable witnesses, who had been summoned from the interior, shall have arrived at Boma.

I mentioned that in the course of my interview with Colonel Wahis on the 11th ultimo, his Excellency had expressed his opinion that Captain Lothaire would be charged with homicide, as specified in Article 41 of the Decree of the 7th January, 1886. M. Horstmans expressed considerable surprise at this, as he did not consider that Captain Lothaire had displayed any criminal intentions in condemning Mr. Stokes,

but had erred in an abuse of judicial authority. He based his opinion upon his personal knowledge of Captain Lothaire, with whom he was intimately acquainted, and whom he described as a courageous and upright man, of frank and open disposition. I replied that I had always been informed that Captain Lothaire was an officer endowed with the highest military qualities, which greatly added to the regret of Her Majesty's Government that he should have adopted so arbitrary and hasty a course in the trial and execution of Mr. Stokes.

M. Horstmans did not seem to be provided with all the documents concerning the case, but he showed me a copy of the letter which had been sent to Brussels requesting that they might be forwarded as soon as possible.

I have, &c.  
(Signed) L. R. ARTHUR.

## No. 103.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received May 3.)*

(Telegraphic.)

*Boma, April 30, 1896.*

THE trial of Lothaire took place on the 24th, 25th, and 27th April. He was charged before M. Fuehs and a jury of four persons, under the 3rd Article of the Decree of the 26th May, 1888, with having committed homicide, qualified as murderous, and was acquitted on the ground of his having manifested no criminal intention in hanging Stokes. Your Lordship ought to receive in about six weeks my full report on the trial.

## No. 104.

*The Marquess of Salisbury to Vice-Consul Arthur.*

(Telegraphic.)

*Foreign Office, May 5, 1896.*

WITH reference to your telegram of 30th April, I should be glad to know if you are satisfied that the trial was conducted in a fair and impartial manner, and if the prosecutor also was satisfied. If it is true, as reported, that he withdrew from the prosecution, what were his grounds for so doing? Did you consider them sufficient, or concur in them?

## No. 105.

*The Marquess of Salisbury to Sir F. Plunkett.*

(Extract.)

*Foreign Office, May 6, 1896.*

I SHOULD wish to know at once within what period an appeal should be lodged against the Boma Judgment.

## No. 106.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received May 9.)*

My Lord,

*Brussels, May 8, 1896.*

ON receipt of your Lordship's despatch of the 6th instant, I called at the Congo Department. I told M. van Eetvelde that, as far as I was aware, Her Majesty's Government had not decided yet whether or no they would ask for an appeal against the acquittal of Captain Lothaire by the Court at Boma, but your Lordship had instructed me to let you know at once within what period an appeal should be lodged.

M. van Eetvelde said the time allowed by the law of the Congo for appeal was two months, and on my asking him to show me the paragraph of the Code which regulates this point, he was good enough to hand me three copies of the Code printed in 1893.

Annexed is a copy of paragraph 79 of the Decree of the 27th April, 1889, which distinctly states that the time allowed for appeal is two months.

I must add that M. van Eetvelde considers that, in virtue of Article 57 of the same Decree, notice of appeal must be given at Boma, and cannot be given here.

In connection with this point, I think it right to remind your Lordship that in the various notes exchanged between M. van Eetvelde and myself the engagement taken by the Congo State Government was to appeal against the sentence in case Her Majesty's Vice-Consul should demand it, which may be held still further to imply that the notice of appeal must be handed in at Boma.

M. van Eetvelde considers that the fact of Captain Lothaire having already left Boma for Europe does not affect the right of appeal against his acquittal.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 106.

*Article 79 of the Decree, dated April 27, 1889.*

L'APPEL se fera par une déclaration au Greffe du Tribunal de Première Instance ou au Greffe du Tribunal d'Appel; il sera notifié par les soins du Greffier aux parties qu'il concerne. Toute déclaration d'appel des Jugements des Tribunaux répressives ordinaires doit être faite endéans les deux mois de la date du Jugement, s'il est contradictoire, ou de sa signification, s'il est par défaut.

(Translation.)

THE appeal shall be made by means of a declaration lodged at the Office of the Tribunal of First Instance, or at the Office of the Tribunal of Appeal; notice of it shall be given by the clerk to those interested. All notices of appeal from the sentence of the ordinary criminal Tribunals must be made within two months of the date of the sentence if it is pronounced after the accused has been heard in his defence, or of its notification if it is by default.

No. 107.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received May 9.)*

(Telegraphic.)

*Boma, May 9, 1896.*

ON the 1st instant Lothaire started for Belgium, accompanied by his counsel and Henry. By the same steamer Secretary-General Ghislain proceed to Brussels to explain matters.

No. 108.

*The Marquess of Salisbury to Vice-Consul Arthur.*

(Telegraphic.)

*Foreign Office, May 9, 1896.*

YOU should take the necessary steps for insuring that the appeal to Brussels is lodged within the limit prescribed. Her Majesty's Government are informed that this is two months from the time the Judgment is delivered.

No. 109.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, May 12, 1896.*

IT appears from Article 79 of the Code of Regulations relating to "justice répressive" in the Congo State, forwarded in your despatch of the 8th instant,



that appeals against a judgment of a Tribunal must be lodged within two months from the date of the judgment.

It has been learnt from Vice-Consul Arthur's telegram of the 4th instant that Captain Lothaire's trial ended on the 27th April, but it is not stated whether the Judgment was given on that day. Mr. Arthur calculated that his report of the trial should reach England in six weeks from the date of his telegram.

In these circumstances it is evident that, as telegrams cannot be sent direct to Boma, the limit for appeal may have passed before the report of the trial can be considered. Mr. Arthur has consequently been instructed to take steps for having notice of appeal lodged in order that the right may not lapse by default. In taking this precaution, Her Majesty's Government reserve freedom of decision as to the prosecution of the appeal upon full knowledge of the proceedings at Boma.

You are at liberty to give this explanation to the Belgian Minister for Foreign Affairs and to M. van Eetvelde.

I am, &c.  
(Signed) SALISBURY.

## No. 110.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received May 18.)*

My Lord,

*Brussels, May 16, 1896.*

IN compliance with the instructions contained in your Lordship's despatch of the 12th instant, I have explained both to M. de Favereau and to M. van Eetvelde that, as telegrams cannot be sent direct to the Congo, the limit allowed for appeal, namely, two months, might have passed before the Report of the trial of Captain Lothaire before the Court at Boma could be considered by Her Majesty's Government, and that consequently Mr. Vice-Consul Arthur had been instructed to take steps for having notice of appeal lodged, in order that the right should not lapse by default. I have further explained that Her Majesty's Government, in taking this precaution, reserve freedom of decision as to the prosecution of the appeal when they shall have full knowledge of the proceedings at Boma.

M. van Eetvelde, to whom I made this communication yesterday, received it without comment; and M. de Favereau, whom I saw to-day, confined himself to thanking me for the information.

I have, &c.  
(Signed) F. R. PLUNKETT.

## No. 111.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received May 21.)*

My Lord,

*Boma, April 16, 1896.*

I HAVE the honour to inform your Lordship that M. Lelong, the lawyer who had undertaken to defend Captain Lothaire, arrived here about a fortnight ago from Belgium.

On M. Lelong's arrival Captain Lothaire, who had reached Boma a few days previously, declined his services, having placed his case in the hands of M. de Saygeher, who has just resigned his post of Judge of the "Tribunal de Première Instance," presumably for this purpose.

M. Lelong left Boma yesterday, returning to Belgium.

I have, &c.  
(Signed) L. R. ARTHUR.

No. 112.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received May 26.)*

My Lord,

Boma, March 31, 1896.

I HAVE the honour to transmit herewith to your Lordship copies of a letter which I addressed to Colonel Wahis, concerning the primary investigation for the trial of Captain Lothaire, together with his Excellency's reply.

I considered it advisable to communicate with Colonel Wahis, as M. Horstmans, the Acting Procureur d'État, had expressed himself so strongly in favour of Captain Lothaire. He was evidently of opinion that the alleged unlawful acts of Mr. Stokes, in selling arms and ammunition to the Arabs, had fully justified the course adopted by Captain Lothaire in the trial and execution of Mr. Stokes.

Just after I received Colonel Wahis' reply, his Excellency sent me another letter stating that he had on that day appointed M. Ghislain, the Secretary-General of the State, to perform the duties of Procureur d'État in the place of M. Horstmans.

Your Lordship may remember that I mentioned this right of Colonel Wahis in my despatch of the 15th instant.

I consider this appointment is most satisfactory. M. Ghislain will carry out his duties in a fair and impartial spirit, quite unbiassed by public opinion; and I have further every hope that the trial of Captain Lothaire may be brought to a satisfactory conclusion in Boma without necessitating an appeal to the Conseil Supérieur at Brussels.

I called upon M. Ghislain on the 28th instant, when he told me that, after he had interrogated Captain Lothaire, Lieutenant Henry, and the other witnesses, he desired that I should confer with him again, when he would place me in possession of all the questions which he had asked, and would be quite willing to add any further questions which I might think desirable.

M. Ghislain told me that he thought the charge would be one of murder, which corresponds to manslaughter, and which he stated admitted of a fine from 500 fr. to imprisonment for life.

I have, &c.  
(Signed) L. R. ARTHUR.

Inclosure 1 in No. 112.

*Vice-Consul Arthur to Colonel Wahis.*

M. le Gouverneur-Général,

Boma, March 27, 1896.

AS Captain Lothaire is expected to arrive almost immediately at Boma, I have the honour to draw your Excellency's attention to the conditions of the primary investigation which will be held by the Procureur d'État.

M. Horstmans informed me to-day that he will probably proceed to interrogate Captain Lothaire to-morrow the 28th instant, and I expressed my wish to be present, but M. Horstmans stated that he did not think such a desire could be granted, as the investigation would not be of a public nature.

Myself I think it most desirable that I should attend the primary investigation of Captain Lothaire and the witnesses in an official capacity, in order that I may be in possession of all the facts relating to the case.

It was agreed by the Government of the Free State and by that of Her Majesty's that I should confer with M. Horstmans as to the exact charge to be brought against Captain Lothaire, and that M. Horstmans should carefully consider any proposals that I might have to offer. Should your Excellency therefore be of opinion that I am prevented by the law of the Free State from attending the primary investigation, I have to request that I may be afforded every opportunity of conferring with M. Horstmans before he shall have decided the precise charge upon which Captain Lothaire shall be indicted before the Tribunal d'Appel.

I have, &c.  
(Signed) L. R. ARTHUR.

## Inclosure 2 in No. 112.

*Colonel Wahis to Vice-Consul Arthur.*

M. le Vice-Consul,

*Boma, le 28 Mars, 1896.*

J'AI l'honneur de vous exprimer mon regret de ne pouvoir satisfaire à la demande que vous m'adressez par votre lettre du 27 courant. Notre législation est calquée sur la loi Belge, qui exige que la procédure préparatoire soit secrète. C'est un règle d'ordre public qu'il n'est pas permis à nos Magistrats d'enfreindre. Il ne serait donc pas possible que vous assistiez à l'interrogation du Capitaine Lothaire par le Parquet.

Cependant, comme il a été entendu entre mon Gouvernement et celui de Sa Majesté Britannique que vous conféreriez avec le Ministère Public, sur l'accusation à porter contre le Capitaine Lothaire, je ne vois pas d'inconvénient à ce que vous preniez connaissance de l'enquête au Cabinet du Procureur d'État. Et si vous estimiez que de nouvelles questions devraient être posées à l'inculpé, je ne doute pas qu'il serait procédé, sur votre demande, à un nouvel interrogatoire.

Agréé, &c.  
(Signé) WAHIS.

(Translation.)

Sir,

*Boma, March 28, 1896.*

I HAVE the honour to express my regret that I am unable to comply with the request contained in your letter of the 27th instant. Our legislation is modelled on the law of Belgium, according to which all preliminary investigation is secret. This is one of the Regulations with regard to public order which our Magistrates have no authority to infringe. It is therefore impossible you should be present when Captain Lothaire is examined by the Parquet.

As, however, it has been agreed between my Government and that of Her Britannic Majesty that you should confer with the Public Ministry on the subject of the indictment to be laid against Captain Lothaire, I see no reason why you should not see the report of the inquiry by the State Prosecutor, and if you should be of opinion that the accused should be asked any further questions, I have no doubt that at your request he will be again examined.

I have, &c.  
(Signed) WAHIS.

## No. 113.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received May 28.)*

My Lord,

*Brussels, May 27, 1896.*

I HAVE the honour to inclose the official analytical summary of the interpellation made yesterday in the Chamber of Deputies by M. Lorand in regard to the right of the Government of the Independent State of the Congo to try a Belgian subject on Belgian soil for an offence committed in the Congo.

The Minister of Justice evaded giving an answer to M. Lorand's protest on the ground that no appeal had yet been definitely lodged.

I have, &c.  
(Signed) F. R. PLUNKETT.

## Inclosure in No. 113.

*Report of Question in Belgian Chamber, May 26, 1896.*

*Interpellation de M. Lorand.*

*M. Begerem* (Ministre de la Justice).—Dans l'intérêt de la discussion et pour épargner les précieux moments de la Chambre, je crois devoir faire une déclaration. L'interpellation est relative à l'appel qui serait interjeté devant le Conseil Supérieur de l'État du Congo à Bruxelles d'un Jugement rendu au criminel par le Tribunal de Boma en cause du Commandant Lothaire.

A l'heure qu'il est aucun appel définitif n'a été interjeté. La seule mesure prise est purement conservatoire—un appel provisionnel et qui peut, par conséquent, demeurer sans effet. Je pense que cette déclaration est de nature à influencer sur l'interpellation à laquelle le Gouvernement ne manquerait pas de répondre en temps utile.

*M. Lorand.*—La question ne se pose donc pas devant le Gouvernement Belge. S'il était probable que les délais d'appel ne dussent pas faire aboutir l'appel au delà des limites de la Session, je renoncerais à mon interpellation. Je dois cependant rendre le Gouvernement attentif à l'importance de certains principes à appliquer en cas d'appel, afin que celui-ci ne surprenne pas le pays. Si le Gouvernement n'en tenait pas compte et permettait le Jugement en Belgique de Lothaire par un Tribunal étranger, on ne pourrait pas dire que je ne l'ai pas prévenu qu'on violait la Constitution.

La souveraineté de la nation Belge s'étend à toute la Belgique et aucune autre souveraineté ne peut y être exercée. Il n'y a d'exception que pour l'exterritorialité des Agents étrangers. Tel est le principe.

Il n'y a pas de précédent contraire et s'il se fut agi d'un Belge lésé au Congo, le Gouvernement ne pourrait pas permettre qu'il soit jugé par un Tribunal étranger en Belgique. Je prie le Gouvernement de tenir compte, dans l'intérêt des principes, de la façon dont la question doit se poser.

*M. Begerem* (Ministre de la Justice).—Le Gouvernement a dû se placer sur le terrain des faits et on ne l'interpelle pas sur des faits dont il n'a pas à répondre. C'est le cas de l'interpellation de M. Lorand. Pour le surplus, je n'ai qu'à faire toutes mes réserves sur les principes émis par M. Lorand, et qui peuvent ne pas être ceux du Gouvernement.

L'incident est clos.

## No. 114.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received May 28.)*

(Telegraphic.)

*Boma, May 28, 1896.*

I RECEIVED on the 24th May your Lordship's two telegrams relative to Lothaire. I cannot state that his trial was altogether fair and impartial, as, in order to exonerate him, the Court laid too much stress upon the actions and character of Stokes. There were no witnesses present except for the defence and Lothaire's irregularities and errors in hanging Stokes were not sufficiently brought to light and investigated.

No second speech was made by the Prosecutor,\* because he was satisfied that no criminal intentions had been manifested. In his personal defence Lothaire stated that he looked upon Stokes as a military man without rights of appeal, because accompanied by an armed force and connected with Arabs in revolt. There he was wrong. For not appealing at once, my reason was that I did not consider Lothaire guilty of murder, as he was legally empowered to officiate as Judge at Lindi, and had shown no criminal intentions.

\* The Secretary-General of the Congo State, M. Ghislain, was prosecutor.

Acting upon your Lordship's instructions conveyed in the second of the two telegrams referred to, I lodged an appeal at Brussels on the 25th May, thirty-three days before the expiration of the time allowed.

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## No. 115.

*Mr. Gosselin to the Marquess of Salisbury.—(Received June 8.)*

(Extract.)

*Berlin, June 6, 1896.*

BARON VON MARSCHALL alluded to the Stokes' affair yesterday, and said emphatically that it was "absolutely untrue" that Mr. Stokes had ever been engaged in the Slave Trade.

Major von Wissmann, the Governor of German East Africa, had been invalided home, and was expected to arrive in Berlin very shortly. He had always had a high opinion of Mr. Stokes, and would be able, if necessary, to refute the charges brought against him by his Congo enemies.

In answer to his Excellency's inquiry whether Her Majesty's Government had decided to lodge an appeal against the Boma verdict, I replied that, as far as I was aware, your Lordship was awaiting the receipt of Mr. Vice-Consul Arthur's Report on the trial before coming to a definite decision on the subject.

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## No. 116.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received June 15.)*

My Lord,

*Brussels, June 14, 1896.*

M. VAN EETVELDE told me yesterday that the complete official proceedings in the late trial of Captain Lothaire will leave Boma in a few days, and may be expected to reach Brussels about the 15th proximo.

I have, &c.  
(Signed) F. R. PLUNKETT.

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## No. 117.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received June 29.)*

My Lord,

*Boma, May 18, 1896.*

I HAVE the honour to inform your Lordship that the trial of Captain Lothaire for causing Mr. Charles Stokes, a British subject, to be put to death at Lindi in the month of January 1895, took place here on the 24th, 25th, and 27th ultimo before the Appeal Court.

The composition and proceedings of the Court, as also the evidence produced, are embodied in Inclosure No. 1.

On the various occasions on which I visited the Procureur d'État previous to the trial, I discussed with him the precise charge on which Captain Lothaire should be arraigned, and we both agreed that the proper one to select was "l'homicide qualifié meurtre." The only other charge which appeared at all suitable was "déli de justice," but M. Ghislain felt that this one could not well be brought against Captain Lothaire, as Mr. Stokes had never demanded to appeal to the Court at Boma. I fully shared M. Ghislain's opinion on this point, and I also considered that, if Captain Lothaire had wilfully caused the death of Mr. Stokes in violation of the laws of the Free State, he had then committed a crime of a far more serious character than a "déli de justice," and that the punishment laid down for such an act would not be in proportion.

M. Ghislain, who is the Secretary-General of the State and not a lawyer by profession, was specially appointed by Colonel Wahis, the Governor-General, to act as Procureur d'État at the trial of Captain Lothaire, since M. Horstmans, the Acting Procureur d'État, had declined to prosecute him, as he did not consider that Captain Lothaire had committed any crime, nor had in any way violated the laws of the State.

M. Ghislain told me that he did not at all appreciate the task imposed upon him, but as the Government of the Free State had announced to Her Majesty's Government that Captain Lothaire should be tried at Boma, he felt himself bound to institute a thorough investigation, and to carry out the prosecution of Captain Lothaire.

I may say that I consider that M. Ghislain performed his duty honourably and conscientiously, and, personally, I always found him most courteous and considerate in all my interviews with him.

M. Ghislain requested me to furnish him before the trial with a copy of the various points which I thought to have an important bearing on the case, and I therefore supplied him with the questions and remarks which form Inclosure No. 2.

I also gave M. Ghislain copies of the following documents, which he submitted to the President of the Court for his information and that of the Assesseurs:—

Dr. Michaux' interview with Sir F. Plunkett;

Captain Lugard's Memorandum;

Dr. Hinde's Memorandum.

Dr. Stuhlmann's Memorandum;

Mr. Boustead's Memorandum;

Evidence of Mr. Sleeman, Rasambia and Rashid-bin-Ali;

List of Mr. Stokes' papers, &c., made by Lord Vaux of Harrowden;

Copy of Mr. Wise's statement of the 14th December, 1895;

Copy of the depositions of Mr. Stokes' followers made at Ntebbe, Uganda, and of Mr. Wilson's letter of the 3rd November, 1895.

Your Lordship will perceive that in my list of questions I referred to the *procès-verbal* made at Lindi. M. Ghislain had shown me the original of this document, which was genuine, and which bore Captain Lothaire's signature.

There is no doubt that Captain Lothaire was much aggrieved at being tried before the Court of Appeal, as he considered that he had in no way abused or exceeded his powers as Judge of the Conseil de Guerre, by the sentence rendered against Mr. Stokes, and that he had done all that was necessary in furnishing his Reports to the Governor-General (copy of these Reports, together with Captain Henry's letters to Captain Lothaire, are contained in Inclosure No. 3). He is also greatly incensed with the Government of the Free State for prosecuting him, as he thought that they had approved of his action, considering that, after they had been informed of the proceedings of the Conseil de Guerre held at Lindi, they promoted him to the high rank of Commissaire Général.

In virtue of Article 3 of the Decree of the 22nd December, 1888, Captain Lothaire was fully empowered to sit as Judge of the Conseil de Guerre for the trial of Mr. Stokes. He might have called in the services of two Assesseurs, which certainly would have been more desirable, but this was not obligatory.

There should certainly have been a Greffier present, as the Code makes no allusion to the services of this official being dispensed with. I think that M. Ghislain was quite right in saying that if Captain Lothaire desired Dr. Michaux to act as interpreter, he should then have postponed the trial until another European might have arrived from a neighbouring station to carry out the duties of Greffier. But I did not consider that Captain Lothaire had acted with any wilful intention in this respect, nor that the presence of the Greffier would have in any way affected the trial.

By far the most serious point relating to the execution of Mr. Stokes was that it took place before the five days had elapsed in which he might appeal.

Captain Lothaire defended his action by stating that he looked upon Mr. Stokes as a "militaire," and that therefore he had forfeited his right of appeal. In this I consider that Captain Lothaire was undoubtedly at fault, for the term "militaire," as pronounced in the Code, appears to be applicable solely to people who are *bonâ fide* soldiers by profession, and not to any one who may, for the time, be acting in a military capacity either lawfully or otherwise.

For instance, in the British spheres of East and Central Africa it is frequently the custom, owing to the paucity of military officers, to place civilians in command

of soldiers, and for them also to have charge of small punitive expeditions, and I think that if an agent of the Free State, acting in a similar capacity, was sentenced by a Conseil de Guerre, he would certainly be entitled to avail himself of the right of appeal.

The reasons that Captain Lothaire had for looking upon Mr. Stokes as a "militaire" were that he entered the territory of the Free State at the head of a large body of men, armed and equipped, who had the appearance of a fighting force. Also Mr. Stokes' relations with the Arabs in revolt against the Free State, and his letters to them (Inclosure No. 4) were of a most incriminating nature. They clearly showed that Mr. Stokes was willing to lend Kibonghé more than moral support, and that he would help him with men and arms. I do not think that Mr. Stokes would himself have openly opposed the troops of the Free State commanded by their European officers, but he well knew the desperate circumstances in which Kibonghé was, and he was quite ready to render him assistance with men and arms, provided that his aid was fully repaid with ivory. There is also Mr. Stokes' letter to Sir Henry Colvile in Uganda, in which he offered to take Wadelai; and, unless this letter was written out of bravado, Mr. Stokes must have been both willing and in a position to embark upon a military undertaking.

It was on these grounds that Captain Lothaire tried and executed Mr. Stokes as a "militaire," and although I consider that Captain Lothaire made a grave judicial error, yet he was lawfully acting in his position as Judge of the Conseil de Guerre, and had shown no criminal intentions.

It has often been mentioned that Mr. Stokes was put to death owing to the large quantity of ivory in his possession. M. de Saygeher, in his address for the defence, stated that Captain Lothaire had always during his campaign refused to accept his share of the loot.

I made inquiries concerning this statement, and I was informed that it was quite true.

I cannot but think that the authorities in the German East Africa Protectorate were greatly to blame for supplying Mr. Stokes with rifles and ammunition, and for allowing him to start with so large an armed force. If they knew, too, that he was going to cross the frontier into the territory of the Free State, and return through German territory, they should have exercised a still more careful supervision, as they must have been aware that Mr. Stokes would buy ivory out of another State without paying the lawful duties, and thus he would be committing an act of fraud.

There is no doubt that the trial and execution of Mr. Stokes was carried out in a hasty and precipitate manner. I consider, however, that this was due as much to the unsatisfactory state of the law concerning Conseils de Guerre as to any wrong intentions or errors on the part of Captain Lothaire.

I cannot think that it is right or wise that so vast and extraordinary powers should be invested in one person, especially when that person is almost invariably a military officer, who, probably, is more or less personally interested in the case in which he is called upon to administer justice.

In the present time, in the more remote districts of the Free State where hostile and slave-trading bands are met with, it is, of course, necessary that Courts of the nature of the Conseils de Guerre should be assembled for the preservation of law and order, and for the maintenance of discipline. But I think that these Courts should be constituted in a manner more akin to our own courts-martial, and that they should never consist of less than three members, including the President. By this means a more impartial view of a case would be taken, and the interests of justice better served.

The new Decree of the 30th October, 1895, which lays down that Europeans must, in the first instance, be tried for crimes punishable by death by the Tribunal de Première Instance of the Lower Congo, is a most expedient and beneficial institution; but still, it is most important that people in the Upper Congo, whether natives or otherwise, should at all times meet with just and proper trials, and that they should not be subjected to unduly severe punishments arising from the impetuosity and partiality of one single individual acting as Judge.

As it is claimed that the precipitated execution of Mr. Stokes was due to a misinterpretation on the part of Captain Lothaire of the term "militaire," it is most essential that a precise and exact definition of this term should be laid down by the Government of the Free State.

I think, too, that every one, with the exception of the natives of the Free State serving as soldiers, should be entitled to the right of appeal, and that it should be one of the duties of the President of the Court to inform the accused of this right at the commencement of a trial.

I now beg to submit to your Lordship a few points concerning the actual trial of Captain Lothaire, which took place here before the Appeal Court, and the conclusions which I consider have been arrived at thereby.

By referring to Inclosure No. 1 your Lordship will perceive that the Court was duly and properly constituted.

None of the witnesses, however, who gave evidence before the Conseil de Guerre at Lindi were present at Boma.

Shortly after my arrival here, at the commencement of the month of February, I was shown a copy of a letter which had just been sent to Stanley Falls, summoning these witnesses to attend the trial of Captain Lothaire at Boma, but as there was no possibility of these men being able to arrive for some time, it was thought unjust to detain Captain Lothaire pending their arrival, and so the trial was commenced. I do not think that the evidence of these witnesses would have in any way affected the result.

The one feature which was apparent throughout the trial was the continual reference to the actions and character of Mr. Stokes, and which was presumably with the intention of demonstrating that he had merited his fate. A great stress was laid upon the fact that Mr. Stokes' men wore an uniform, and were called Askari, *i.e.*, soldiers.

I explained to M. Ghislain that it is almost always the custom to serve out a dress to the porters of a caravan on the East Coast of Africa; and that the porters placed in charge of the various sections into which a caravan is divided are termed Askari.

From the trial of Captain Lothaire I consider that the following results were arrived at:—

That Mr. Stokes entered the territory of the Free State with a large body of men, the greater part of whom were armed and equipped.

That his relations with the Arabs in revolt against the Free State were of an intimate nature, and that the correspondence which passed between them showed that Mr. Stokes was willing to render them assistance with men and arms, for which he demanded a large payment of ivory.

That Captain Lothaire was acting within his powers when he sat as Judge of the Conseil de Guerre at Lindi; but that he displayed undue haste and precipitation in the trial and execution of Mr. Stokes.

That Captain Lothaire made an error in not calling in the services of some other officer to act as Greffier since he wished to employ Dr. Michaux as an interpreter.

That Captain Lothaire made a grave judicial error in regarding Mr. Stokes as a "militaire," as he possessed no recognized military status, and should therefore have been afforded the right of appeal to the Court at Boma.

That in virtue of his position as Judge of the Conseil de Guerre, Captain Lothaire had displayed no criminal intentions in executing Mr. Stokes, and was therefore rightfully acquitted of the charge of murder on which he was arraigned.

In conclusion, I have the honour to inform your Lordship that I was much indebted to Captain Derscheid of the Force Publique for the assistance he rendered me in taking notes and translating various remarks. I beg to transmit herewith a copy of a letter which I addressed to Colonel Wahis, expressing my thanks for Captain Derscheid's services, which his Excellency placed at my disposal.

The copy of this letter forms Inclosure No. 5.

I have, &c.  
(Signed) L. R. ARTHUR.



## Inclosure 1 in No. 117.

*Proceedings of the Trial of Commissaire-Général Lothaire, Commandant of the Arab zone of the Congo Free State. Held before the Appeal Court at Boma on April 24, 25 and 27, 1896.*

## COMPOSITION OF THE COURT.

*President :*

M. le Juge d'Appel Fuchs.

*Assesseurs :*

Captain Derache, Force Publique ;  
M. Delhaye, Acting Comptroller of Customs ;  
M. Deflorenne, Director, Magasins Généraux ;  
M. Gros, Sub-Director, Magasins Généraux.

*Suppléant :*

M. Blancguart, Director, Compagnie des Produits.

*Greffier :*

M. van de Schweren.

THE four Assesseurs were summoned to sit in accordance with Article 7 of the Decree of the 27th April, 1889.

M. Ghislain, Secretary-General of the Free State, acted as Procureur d'État, and M. de Saygeher defended Captain Lothaire.

Her Majesty's Vice-Consul was provided with a table and chair on the public part of the Court, and Captain Derscheid, of the Force Publique, was appointed to assist him in interpreting and taking notes.

The following witnesses gave evidence :—

Captain Henry, Force Publique.

Badahu, Bakari, Antoni.

These men, Houssas, are soldiers in the Force Publique, and were present at the trial and execution of Mr. Stokes at Lindi.

Palet, a native soldier of the Force Publique, who was in charge of the escort which conducted Mr. Stokes to Lindi after he was arrested.

Kilima, Asumba, Masikini, Djoko, Risasi.

These men are native soldiers of the Force Publique. They were amongst the party who arrested Kibonghé ; they were also with Captain Henry when he arrested Mr. Stokes, and they accompanied that officer to Mr. Stokes' camp at Kwa Mpeni.

Tate, Captain Henry's cook who went to Kwa Mpeni.

Said-bin-Sabed, an Arab Chief from Stanley Falls, who is under the protection of the Free State.

Captain Lothaire was arraigned under Article 2 of the Decree of the 26th May, 1888. " L'homicide commis avec l'intention de donner la mort est qualifié meurtre. Il est puni de servitude pénale à la perpétuité."

After the charge had been read the President recounted to the Assesseurs the trial of Mr. Stokes at Lindi, and the judgment passed by Captain Lothaire.

The President then read a Report of Dr. Stuhlmann's about Mr. Stokes, which describes him as a merchant who dealt largely in arms and powder for the purchase of ivory, and who had a depôt of these articles at Wanga. An extract from the "Gazette Coloniale Allemande" was also read, which qualified Mr. Stokes in a similar manner.

The President then read Captain Lothaire's Reports to the Governor-General

and Captain Henry's letters to Captain Lothaire concerning the arrest, trial, and execution of Mr. Stokes (Inclosure No. 3).

At this point of the proceedings Captain Lothaire gave an account of the Arab campaign. Captain Lothaire spoke so rapidly that it was impossible for Captain Derscheid or myself to take notes throughout, so I can therefore only record the latter part of Captain Lothaire's lecture, which relates to the execution of Kibonghé and the trial and execution of Mr. Stokes. The shorthand writer who attended the trial for the Central Government of the State from Brussels will be able to render a detailed account of the campaign, but unfortunately he had not time to make a copy before he left for Europe.

Captain Lothaire said that in 1894, after the war with the Arab Munimohara, he sent Captain Henry from Stanley Falls to establish a post at Mabilanga, and there await his arrival. Captain Lothaire followed on the 24th November, Captain Henry having left on the 8th of the same month. Captain Henry took the road to Kilongalanga via Kalinga, Bangulumé, Opakulu, Makusindi, and at Lindi he formed a post of thirty men, and then went to Mabilanga. Captain Henry gave instructions to the thirty men at Lindi to proceed to Kilongalanga and arrest Kibonghé, which they did, and returned to Lindi. In the meantime Captain Lothaire marched to Mabilanga, and on his arrival there he met Captain Henry, and heard of Kibonghé being a prisoner at Lindi, so he immediately continued his march and arrived at Lindi on the 31st December, 1894. Kibonghé was shot on the 1st January, 1895, for the murder of Emin Pasha. Before Kibonghé was executed he had sent two letters to Mr. Stokes asking him for a flag, and saying that he would give him all his ivory, &c., in exchange for Mr. Stokes' arms and powder, as the Belgians were coming to attack him.

Mr. Stokes wrote to Kibonghé saying that he himself was strong, and so not to be afraid, but that he (Kibonghé) must first pay all the ivory which was owing for two years. (These letters which fell into Captain Lothaire's hands form part of Inclosure No. 4.) Captain Lothaire remained at Lindi, sending on Captain Henry to arrest Mr. Stokes, whom he knew to be advancing with a large party of Arabs to free Kibonghé. At Mpombuki, a village between Lindi and Kilongalanga, Captain Henry met Mr. Stokes, who was under the impression that there was no white man at Lindi, but only some native soldiers. Captain Henry made Mr. Stokes a prisoner on the 9th January, 1895, and sent him to Lindi under an escort, where he arrived on the 13th January; he was tried on the 14th, and executed on the 15th. On the 13th January three letters fell into the hands of Captain Lothaire, written by Mr. Stokes to Kibonghé and to Jouma-bin-Mgheni (Inclosure No. 4).

On Captain Lothaire completing his narrative of the Arab campaign, he was examined by M. Ghislain.

Q. Why was there no Greffier?—A. Because I considered it better to employ Dr. Michaux, the only other European present, as an interpreter. I could do all the writing required myself, and I did not think the Greffier necessary.

Q. Why was there no primary investigation?—A. I made a primary abstract, but I did not think it necessary to make a detailed one.

Q. Do you know the law?—A. I know it well, and particularly concerning military men.

Q. Did you know of the right of appeal for "non-indigènes non-militaires"?—A. Yes; but I considered Mr. Stokes as a military man.

Q. Did Captain Henry inform you that Mr. Stokes had 400 men with him?—A. I cannot remember; but 300 men came the day after. I saw them.

Q. At what hour was the Court?—A. About 3 or 3:30 P.M.

Q. Please give some details of the execution.—A. I have none to give. At 4 A.M. on the 14th January some of my men took Mr. Stokes out, and he was hanged.

Q. Was Dr. Michaux present at the execution?—A. No.

Q. Why?—A. There was no reason for his presence.

Q. Did Dr. Michaux give a certificate of death?—A. No. I did not think a certificate necessary. The proceedings and the judgment were sufficient to prove Stokes' death.

Captain Henry was then examined by the President concerning the arrest of Mr. Stokes. He stated that:—

On the 5th January, 1895, at Lindi, we received a letter from Mr. Stokes to Kibonghé, written in two characters. This letter we intercepted. It clearly showed that Stokes was the ally of Kibonghé. We already knew that he had sold guns and

caps and powder. Captain Lothaire gave me a warrant of arrest for him, with orders to proceed at once and arrest him. At the junction of the roads from Kilongalunga and Avakubi, at a place called Mpombuki, I met Stokes and arrested him. He was taken to the camp at Lindi under a proper escort, and I continued my way to Stokes' camp at Kwa Mpeni the following day. At midday I met some of his men and arrested them. On the day that I arrived at Stokes' camp it was evening when I reached there,

*By the President.*

Q. How many men had you with you?—A. Eighty men.

Q. What was Mr. Stokes' attitude?—A. Crestfallen; he came cringing to me not knowing what to say.

Q. How many men had he with him?—A. Twenty soldiers armed with German Mauser rifles.

Q. Did the men wear an uniform?—A. Yes; they had a dress like sailors, the same as the one before the Court. They were called Askari, *i.e.*, soldiers. He had more soldiers, but they were not all arrived. There were about thirty stragglers behind him.

*By the Prosecutor.*

Q. Did you inform your Commandant (Lothaire) that you saw 300 men with Mr. Stokes?—A. I stated in a letter that some men with Mr. Stokes had guns (Sniders), powder, and caps, but I cannot guarantee that I stated precisely the number.

Q. When you left the thirty men as garrison at Lindi did you instruct one of the men to keep you informed?—A. Yes; I left orders as soon as Kibonghé was arrested that an intelligent man should let me know.

Captain Henry went on to relate about his march from Stanley Falls, and said:—

I was sent to form a post at Mabilanga. I left Stanley Falls on the 8th November, 1894, and marched towards Kilongalunga. At Bangalumé I knew that the Arabs were at Makusindi. I made a diversion towards the south-east to come into touch with them, and I soon reached Makusindi. At Lindi I left thirty men and retraced my steps to Mabilanga.

*By the President.*

Q. What were the relations between Saïd-bin-Abedi and Kibonghé?—A. Bad; they were hostile to one another.

Q. What was the cause of the rupture?—A. Saïd-bin-Abedi had passed into the service of the State. He had been acquitted by Captain Lothaire for the murder of Emin Pasha, and Kibonghé had become his enemy.

Q. Why had Kibonghé scruples and fears to put himself under the State?—A. Because he had murdered Emin Pasha.

Captain Henry continued:—

On my arrival at Mabilanga I heard that a white man was selling arms to Kibonghé and to the other inhabitants. We arrived at Lindi on the 31st December, 1894, and on the day following Kibonghé, who was a prisoner, was shot.

*By the Defence.*

Q. Did Stokes know that you were coming towards him?—A. No. He was not aware of our presence in Lindi.

Q. What are the distances between the different places that you past?—A. From Kilinga to Bangalume, thirty hours; from Bangalume to Makusindi, forty hours;

total, seventy hours. From Bangalume to Mabilanga, thirty hours; from Mabilanga to Lindi, twenty-seven hours.

Captain Henry continued:—

I first seized the thirty guns with which Stokes' people were armed, and at Kwa Mpeni I seized all his loads. At Kilongalunga I seized ten loads of cartridges.

*By the Defence.*

Q. Did the people at Kwa Mpeni know that it was forbidden to sell guns, powder, and cartridges?—A. Yes. With the view of hiding them they had put them all away, and we had much trouble in making them own where the guns were.

Q. Did you know Stokes by name?—A. In 1893 they spoke of Stokes as a merchant, and I learnt on the march who he was. At Makusindi I learnt that he was the ally of the Arabs, and that he instigated them against the Belgians.

*By the President.*

Q. Did you hear on the 31st December at Lindi that there was a question of an attack by Kibonghé's people, supported by Stokes?—A. Yes; before reaching Lindi a corporal came to tell me that it was time to be on my guard.

Q. Did you know that Stokes carried on a German trade?—A. No. I considered him a filibuster and an illicit trader.

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*Badahou, Soldier, Houssa, was next examined.*

*By the President.*

Q. Were you present at the trial and execution of Stokes?—A. Yes; and I saw the body after death.

Q. Were there many people?—A. Yes. Arabs, men, and women, about 200 people.

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*Bakari, Soldier, Houssa, was next examined.*

*By the President.*

Q. Were you at Lindi the day Stokes was tried?—A. Yes.

Q. Were there many people?—A. Yes. There were natives at the trial, Houssas, and Arabs.

Q. What is your opinion of Stokes; did he come to help Kibonghé?—A. On returning from Kilongalunga, Stokes heard of Kibonghé's arrest, and said, "That is my friend, I must go and free him."

Q. Was this the general idea amongst the soldiers about Stokes?—A. Yes; they said that Stokes was coming to free Kibonghé.

Q. Why was Stokes hanged?—A. Because he came to attack the white man.

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*Antoni, Soldier, Houssa, was next examined.*

*By the President.*

Q. Were you present at the trial of Stokes?—A. Yes.

Q. Why was he tried?—A. When Captain Henry went to arrest Kibonghé he knew that Stokes was coming to save him, then Stokes was arrested because he had guns, which he gave to the natives to make war against the white man.

Q. Did you talk with Stokes' soldiers or about them amongst yourselves?—A. Yes; we talked of them as people who were coming to attack us, and we got ready to defend ourselves.

These witnesses were not questioned by the prosecution nor by the defence.

The President then read the evidences of Dr. Michaux, Baron, Dhanis, and M. Henry, late Belgian Consul at Zanzibar, given before Baron Béthune at Brussels.

M. Henry describes Mr. Stokes, whom he knew, as an avaricious trader who dealt in arms and ammunition as well as in other things. He says that the Germans in East Africa have the monopoly of the trade in arms and ammunition, and that they are obliged to fall back upon the sale of these articles as the only resource of their Protectorate, which yields no agricultural products.

The President then read a letter to a M. Leroy, of Antwerp, from his nephew, M. Brexe, who was one of Captain Lothaire's officers, and who left Lindi on the 11th January, 1895. M. Brexe says in his letter that Stokes was inviting his subjects to free Kibonghé.

The President then read an article from the "Times," and what Mr. Pilkington, of the Church Missionary Society, had said.

Captain Henry was again recalled and questioned concerning his interviews with Mr. Wilson, of the Uganda Administration. He said:—

In April Mr. Wilson had fifteen or twenty soldiers encamped opposite the Semiliki River. I saw their tents and asked myself who that could be, and for what purpose he had come. I sent him an invitation to dinner, and Mr. Wilson sent me some salt, and said he would come the next day. The meeting was cordial. I learnt from him that he had come about the question of the frontier, and that he was under the impression that the Semiliki was the frontier. I did not know exactly where the 30th parallel was, and I asked him to remain on his side until we discussed the subject. Mr. Wilson talked to me about Mr. Stokes, and I told him that he had been hanged. Mr. Wilson said nothing to me. I did not say to Mr. Wilson that Mr. Stokes had gone to the coast. In the evening I called upon Mr. Wilson.

*By the President.*

Q. Truly you did not tell him that Mr. Stokes had been sent to the coast?—A. I swear I did not.

Q. You did not use any force of arms at Kwa Mpeni?—A. Not a single shot was fired.

*By the Defence.*

Q. Did you tell Mr. Stokes' men that their master was gone away?—A. No. I told Mr. Stokes' soldiers that their master would not return.

*Evidence of Tate, Captain Henry's Cook.*

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*By the President.*

Q. What did you see at Kwa Mpeni?—A. A large hold was found containing ivory, guns, powder, and German cartridges and guns. Plenty of guns were found in the huts; the ivory had been taken away.

Q. Did you say that Stokes was hanged?—A. Yes.

Q. Were there any dead bodies in Stokes' camp?—A. Yes; there were many dead slaves who had not been buried. A great number of people that Stokes had brought had died, both men and slaves, and when they died they left them there.

Q. How many shots were fired at Kwa Mpeni?—A. Not a single shot was fired at Kwa Mpeni.

Neither the prosecution nor the defence questioned this witness.

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*Captain Henry was again recalled.*

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*By the President.*

Q. Please give some details about the country at Kwa Mpeni and its surroundings?—A. There was nothing to be seen but traces of pillage by Stokes' people. Mr. Wilson himself told me that in his neighbourhood Mr. Stokes' people pillaged. The country was a complete desert. Mr. Stokes' people demanded payments from the inhabitants, and took women and children. Mr. Wilson said that at Fort George he had stopped caravans of powder.

The President then read a letter written by Mr. Wise at Rabaga, Uganda, to Mr. Stokes, in which he warns him that his followers who came to Uganda are in the habit of stealing and dealing in slaves.

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*Evidence of Saïd-bin-Abedi, an Arab from Stanley Falls.*

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*By the President.*

Q. What do you know about Stokes' business at the Falls?—A. I do not know Stokes; I never spoke to him.

Q. Do you not remember having heard speak of him?—A. I heard speak indirectly about one white man, whose name was Stokes.

Q. How did the Arabs of Kilongalanga get their guns?—A. I do not know.

Q. Kibonghé ran away from the Falls, what do you know about him?—A. Kibonghé does what he likes, and we do what we like.

This witness was not questioned by the prosecution nor by the defence.

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*Evidence of Kilima, Soldier.*

It was found impossible to understand this man, so he withdrew, to be examined on the following day when a competent interpreter was present.

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*Evidence of Palet, Soldier.*

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*By the President.*

Q. What do you know about Stokes?—A. I know that Kibonghé bought plenty of guns, powder, and ammunition from Stokes. I know that when Stokes wanted women, men, and slaves, he sold arms.

The witness stated that Mr. Stokes did not attempt to escape during the march to Lindi.

The President read an article on the Slave Trade and civil war, by Dr. Stuhlmann, of the 6th December, 1892.

The President read a letter from the State Government to the German Minister at Brussels, speaking of Kibonghé's expeditions being assisted by Mr. Stokes, and how serious it is the way in which the Arabs are provided with arms and powder.

The President then read Dr. Stuhlmann's Memorandum written after the execution of Mr. Stokes, after which he read Captain Lugard's letters to the Administrator of the Imperial British East Africa Company, and his extracts concerning Mr. Stokes, and his opinion of him, which form Annex 8 in Inclosure No. 1 of Sir Francis Plunkett's despatch No. 187, Africa, of the 31st August, 1895. The President also read Sir Henry Colvile's correspondence with Mr. Stokes, in which Sir Henry says that he looks upon Mr. Stokes' 1,000 armed men with some uneasiness, and any unauthorized warlike operations liable to be treated as acts of piracy.

This correspondence was seized amongst Mr. Stokes' papers.

The President then read Captain Lugard's Memorandum written after the execution of Mr. Stokes; also Dr. Hinde's and Mr. Boustead's Memoranda, Mr. Wise's statement of the 14th December, 1895, and Mr. Stokes' permit from Saadani.

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April 25, 1896.

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*Evidence of Masikini, Soldier.*

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*By the President.*

Q. What do you know about the Stokes affair? Were you at Kwa Mpeni?—A. We went to Kibonghé's village, where he was arrested. A white man, Stokes, wished to release Kibonghé and make war against the white man Lothaire and us. Stokes was arrested by Captain Henry. He had two letters, I think, one for Lothaire, and one for Kibonghé.

Q. Were you at Kwa Mpeni, and what did you see there?—A. Yes. I saw guns, which Stokes sold to the Arabs. There was also powder, cloth, and caps. The guns were in the huts and in the grass.

Q. Was there a fight at Kwa Mpeni?—A. No.

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*Evidence of Aoumba, Soldier.*

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*By the President.*

Q. What do you know about what happened at Lindi and at Kwa Mpeni?—A. When Captain Henry left he sent thirty of us to Kibonghé's village, and we

arrested him. One of Kibonghé's men went quickly to Stokes to tell him that Kibonghé was a prisoner. Stokes came to attack us at Lindi, so we recrossed the river, and Captain Henry arrived with Captain Lothaire. Kibonghé was executed. Some days after we arrested Stokes, who carried letters, and Captain Henry sent him to Captain Lothaire with a letter.

Q. What did you see at Kwa Mpeni?—A. Guns, cartridges, and powder.

Q. Did a fight take place at Kwa Mpeni?—A. No. We said we were coming to pay a visit.

*Evidence of Djoko, Soldier.*

This witness corroborated the above evidence and said:—

When Stokes heard of Kibonghé's arrest he came to attack us, but he was made a prisoner and sent to Captain Lothaire with a letter. There was no fighting at Kwa Mpeni.

*By the President.*

Q. Do you know how many men Stokes had when you were at Lindi?—A. I don't know the number, but there were many.

Q. And at his camp?—A. Stokes had many Zanzibaris wearing clothes like that before the Court. They were Askari (*i.e.*, soldiers).

Q. How many men wore this dress?—A. I did not count them.

Q. Were there many?—A. Yes; many soldiers wore this dress. When Stokes came to attack our camp he came with the "Matam Matamba" (soldiers from East Africa).

*Evidence of Risasi, Soldier.*

*By the President.*

Q. Were you at Lindi?—A. Yes. We were sent from there to a Zanzibar village to arrest the Chief (Kibonghé). We did so, and one of his men went to a white man called Stokes. Two days after we came back to the Lindi River; we recrossed it because we heard that Stokes was coming to take Kibonghé back and fight us. Captain Henry arrived, and we went to meet the white man Stokes. We met him with the Matam Matamba. Captain Henry took Stokes, and sent him with a letter to Captain Lothaire.

Q. Did Stokes' people wear an uniform?—A. Yes; the same as the one now before the Court.

Q. You were thirty strong, so why were you afraid of the white man?—A. Because our white man was not there, and we did not know if we could reply if he attacked us. We recrossed the river and waited for him. If he wanted to fight we should have fought.

*Evidence of Kilima, Soldier.*

This witness corroborates the above evidence, saying:—

We accompanied Captain Henry and met Stokes, who was arrested and sent to Captain Lothaire. We continued on our way and came to Stokes' camp at Kwa Mpeni, where we found and took guns, cartridges, caps, and cloth.

The prosecution and the defence decline to cross-examine these witnesses.

The President then read Mr. Wilson's letter, dated Ntebbe, the 3rd November, 1895, and the depositions of Mr. Stokes' followers taken at that place.



The Prosecutor asked Captain Lothaire who was the third European "Lemundu" referred to in these depositions. Captain Lothaire said he did not know who was meant by "Lemundu," as there was no other European at the trial at Lindi beyond himself and Dr. Michaux.

The Prosecutor then questioned Captain Lothaire about the 70 men who are reported to have died out of the 100 who were taken prisoners.

Captain Lothaire said that there was no truth in this statement. The men were sentenced to six months' imprisonment for being an unauthorized armed band, and were put to agricultural work and portorage, and after four months they were sent back under escort. Captain Lothaire said that he could not certify whether any of them who ran away died in the grass or not.

*M. Ghislain then addressed the Court for the Prosecution.*

He described Captain Lothaire as one of the most brave and courageous officers whom Belgium had sent to serve in the Congo State. But, M. Ghislain said, he must forget all Captain Lothaire's gallant conduct and actions, and only bear in mind that he had gravely violated the law, and that it was imperative for all infractions of the law to be punished.

He considered that M. le Juge d'Appel had made light of all this affair, but that he would lay before the Court the cause of the trial.

He said that Mr. Stokes was an Englishman, and so "non-indigène," and a trader, and so "non-militaire," and was therefore entitled to the right of appeal.

M. Ghislain then recounted the acts imputed against Mr. Stokes:—

1. To have sold powder and guns, for which he had a dépôt at Mkanbi, in the territory of the Free State.
2. That he caused to be sold by his people powder, guns, and caps to the Arabs in revolt.
3. That he himself sold to the bands in revolt guns, powder, and caps.

M. Ghislain referred to the statements that Mr. Stokes had sold in 1892 a double-barrelled hammerless gun to Kilongalanga; that he had sold powder, guns, and caps to the rebel bands, and that thus he had incited the civil war; but he claimed that these were not military acts, and that Mr. Stokes was not a military man. And that further, the Judgment proved that Mr. Stokes was not a military man, for if he had been one he should have been shot, and not hanged.

M. Ghislain said that it was not, however, his duty to say whether Mr. Stokes was guilty or not.

He then mentioned that the Judgment of the Conseil de Guerre had arrived in April, afterwards further papers arrived in August, and that the British Government had demanded an explanation of the whole case. He also alluded to the stir which Mr. Stokes' execution had caused in Germany; and stated that in the beginning of November the State Government decided to bring Captain Lothaire before the Tribunal d'Appel at Boma.

M. Ghislain laid stress upon the fact that Captain Lothaire, on his arrival at Boma, had declined to answer any questions when summoned to the Parquet for the primary investigation. He thought that Captain Lothaire would have been only too ready and willing to respond in order that he might establish his innocence of any crime. From Captain Henry and the soldiers, too, he only learned that, when Mr. Stokes was arrested, there were more than 300 men with him under the command of a native. M. Ghislain read Captain Henry's Report to Captain Lothaire, in which he made no mention of the 300 men who were with Mr. Stokes.

M. Ghislain then maintained that the execution of Mr. Stokes was an unlawful, arbitrary, and violent act, as he had not been allowed the five days in which to appeal, and, therefore, his life did not belong to the law.

M. Ghislain quoted, as an example, an incident which occurred in the Franco-German war of 1870, when a French General shot a spy, and himself was sentenced to a slight punishment for not having acted strictly in accordance with the law.

He considered that Captain Lothaire's act in executing Mr. Stokes was murder, and that the law said so positively.

M. Ghislain emphasized particularly that the whole proceedings at Lindi had been carried out with undue haste from the time of Mr. Stokes' arrival there until his execution; and that Mr. Stokes had not been afforded proper opportunity of preparing his defence and calling witnesses.

He also considered that there had been a grave error in a primary investigation not being held and the evidence written down.

Captain Lothaire here said that he acted as Judge and Public Minister. That Mr. Stokes had asked for time to prepare his defence, which had been granted to him.

M. Ghislain also laid stress on the fact that there was no Greffier, and maintained that Captain Lothaire should have waited, and called in the services of some officer from another station for this purpose, and so have had the Court properly constituted. All this, he said, went to prove that Captain Lothaire's actions were hasty.

In conclusion, M. Ghislain said that he considered that there was no evidence to prove that Mr. Stokes had sold arms to Kibonghé, for Mr. Stokes said in his letter that Kibonghé must first pay the 1,200 frasilahs of ivory.

*M. de Saygeher then addressed the Court for the Defence.*

He commenced by characterizing the trial of Captain Lothaire as the result of a diplomatic campaign, saying that it had been brought about by the intervention of the British Government, who entered into relations over the case with the Government of the Free State, and that the German Government had also put forward certain demands. Whilst all this was taking place Captain Lothaire was in ignorance, and he thought that he had done all that was required of him when he had furnished Reports concerning the trial and execution of Mr. Stokes; and on the 1st July, after the State Government had been informed of the Judgment of the Conseil de Guerre at Lindi, Captain Lothaire was promoted to the rank of Commissaire-Général.

M. de Saygeher spoke in warm terms of the action of the British Government, describing England as a country which watched over and protected her subjects when they were in foreign lands. When at the commencement of August 1895 the British Government learnt that a British subject had been put to death in the Free State, they demanded an explanation. The State Government responded briefly, and later in the same month the British Government asked for further explanations, wishing to know if the laws of the State had been regarded in the trial and execution of Mr. Stokes, and the State Government supplied copies of what documents had been received. It was only in the month of November that the State Government were in possession of all the documents, and previous to this the British Government had very justly demanded a full investigation, and the State Government replied that Captain Lothaire would be summoned to Boma for trial. Thus the Government of the State brought an accusation against one of their servants.

M. de Saygeher here laid stress upon the fact that the Government of the Free State had not acted in conformity with the law, as they summoned Captain Lothaire before a Tribunal without his being examined. He also took exception to Her Majesty's Vice-Consul being permitted to attend the Court in an official capacity, and said that all this went to prove that Captain Lothaire had been accused owing to political intervention.

M. de Saygeher then spoke in the bitterest terms of the actions of the German Government in the matter. He alluded to a German letter which described Mr. Stokes as a man "highly regarded and very distinguished," to which the State Government had replied that until that time they did not know what connections there were between Mr. Stokes and Germany; and he said that he had noticed that after this moment the German Government had always followed in the steps of the British Government.

M. de Saygeher maintained that Germany had been greatly to blame, as she had sold guns and powder to Mr. Stokes, who resold them to Kibonghé, and that Germany, who had the monopoly of arms in East Africa, had supported Mr. Stokes. Thus the laws of the Free State had been violated by Germany in the person of Mr. Stokes.

M. de Saygeher then gave a brief account of the Arab campaign, and talked of the horrors of the Slave Trade in the Arab zone as being sustained by such men as Mr. Stokes, who dealt in arms in these districts.

*April 27, 1896.*

M. de Saygeher, continuing his address, mentioned the remarks of M. Henry, who spoke of the German Protectorate in East Africa being dependent on the sale

of arms and ammunition for their revenue as the country yields no agricultural products. M. de Saygeher pointed out that, owing to the Belgian victories over the Arabs, the ivory no longer passed through the German territory, and maintained that Mr. Stokes' expedition was undertaken with a view of opening up a new route by Lake Victoria for the ivory to pass, and so restore the German commerce.

M. de Saygeher continually referred to the Arab campaign in connection with the large quantities of powder which were found, originating from the German territory, and notably to the big supply in the possession of Rumaliza, who had crossed over into the State territory.

He laid stress, too, upon the bad opinion formed of Mr. Stokes by Captain Lugard and Sir Henry Colville in connection with Mr. Stokes' trade in arms and ammunition, and his moving about with so large an armed force.

M. de Saygeher then alluded to Mr. Stokes' last journey, saying how his caravan was equipped in the German territory at the south of Lake Victoria, and that the officer there, Captain Langheldt, had provided him with a great many Mauser rifles and a large quantity of ammunition, in addition to which Mr. Stokes had many men armed with muzzle-loading rifles. He said that the German authorities were greatly to blame for allowing Mr. Stokes to start with an expedition so fully armed and equipped, which they knew was destined to enter the Free State territory.

M. de Saygeher maintained that Mr. Stokes' aim was to become a political man. His idea was to make Kibonghé pay a heavy indemnity for the murder of his Headman, Mwenyi Jouma, and then for them together to march on the Ituri, which he wanted for the Germans, and for himself to be established there as a Chief under the ægis of a foreign flag. But, luckily, for the State, this was prevented by Captain Lothaire effecting the capture of Kibonghé and Mr. Stokes, and so the province was saved.

M. de Saygeher next referred to the correspondence which passed between Mr. Stokes and the Arabs, showing how closely allied Mr. Stokes was with Kibonghé and that when he was arrested by Captain Henry he was marching on Lindi with the intention of freeing Kibonghé, not knowing that there was any European in the neighbourhood.

M. de Saygeher stated that Kibonghé, during his trial before the Conseil de Guerre, disclosed his relations with Mr. Stokes, showing that he was willing to abdicate in Mr. Stokes' favour, and had summoned him to his assistance, and that on the 5th January Captain Lothaire intercepted a letter which confirmed what Kibonghé had said. M. de Saygeher maintained, therefore, that there was only one thing for Captain Lothaire, in his position of Magistrate and chief of an expedition, to do, that was to issue a warrant of arrest for Mr. Stokes, which warrant he gave to Captain Henry, and thus scrupulously observed the law.

For the remainder of his address M. de Saygeher confined himself to demonstrating that the trial and execution of Mr. Stokes had been in accordance with the laws of the Free State. That Captain Lothaire had acted lawfully in his authorized position of Judge of the Conseil de Guerre of the Arab zone, and, whilst bearing in mind the alliance which existed between Mr. Stokes and Kibonghé, and the incitation to civil war, he had in his hands the necessary elements to give his judgment, and to carry out the execution. Captain Lothaire had been nominated the Judge of Stanley Falls by Baron Dhanis.

M. de Saygeher maintained that Captain Lothaire could not be found guilty of murder for the acts imputed against him by the prosecutor.

1. That the judgment of Captain Lothaire had been wrong, and that the execution of Mr. Stokes had been an arbitrary and violent act, as he had not been allowed the five days in which to appeal.

M. de Saygeher said that there was no cause for appeal, as Mr. Stokes had been judged as a military man.

In Europe, the advancement of military science and the organization of armies caused some confusion between the military person and the person who performs military acts. He considered that a military person is one who is bent on warlike deeds, who commands or forms part of a body of men having the intention to fight. He maintained that Mr. Stokes' men were an organized force, as there were many amongst them engaged as soldiers, and the proof of this was that there were account-books marked "Headmen" and "Askari" (*i.e.*, soldiers), also that they wore an uniform, and were fully armed and equipped—in a great measure by the German authorities—with Mr. Stokes as their commander. He considered that Mr. Stokes'

force might be looked upon as a little army, and Mr. Stokes showed himself ready to undertake a military enterprise by his letter to Sir Henry Colvile, in which he offers to take Wadelai.

M. de Saygeher said that the reason why Mr. Stokes had been put to death by hanging, instead of being shot, was out of respect to the white man, as Captain Lothaire had only a few days previously executed Kibonghé by means of a firing party.

He then spoke of Captain Lothaire refusing to answer any questions at the primary investigation, and said that it would have been useless for him to have done so, as it had already been arranged by the State Government, and promised to the British Government, that Captain Lothaire should be tried.

That Captain Henry had not reported to Captain Lothaire that Mr. Stokes, at the time of his arrest, was accompanied by 300 men has nothing to do with Captain Lothaire's guilt. But Captain Henry did more, as he sent the 300 men to Lindi.

M. de Saygeher said that the trial and execution of Mr. Stokes was not precipitated, but that it was rapid, and it was with this view that Conseils de Guerre were formed. Captain Lothaire had acted according to the law in his capacity of Judge, and had carried out the execution within twenty-four hours, as laid down, since Mr. Stokes had not the right of appeal.

The German Chancellerie, M. de Saygeher continued, had said that Mr. Stokes had been executed because he was a dangerous competitor in the ivory trade. But Captain Lothaire was a man of honour and integrity, and it was greatly to his credit that during his campaigns he had always refused his share of the loot, which amounted to some thousands of francs.

#### 2. That there had been no Greffier.

M. de Saygeher said that Captain Lothaire had preferred to utilize the services of Dr. Michaux, the only other European present, for the purpose of interpreting.

He stated that if the proceedings of a Court would be materially affected by the presence or absence of a Greffier, then it was absolutely necessary that a Greffier should be present, or the judgment would be illegal. But when the presence of a Greffier was merely a secondary consideration, then it would hold good, and he maintained that such was the case at the Conseil de Guerre at Lindi. Also that the trial of Mr. Stokes was not the first instance of a Court being held without a Greffier, as on the 21st January, 1889, M. Jansens, the former Governor of the Free State, had assembled a Court without a Greffier.

#### 3. Inciting to civil war.

M. de Saygeher said that the facts were not established that Mr. Stokes did not know of the Arab war. Since it had burst forth every one knew about it, and it was known of at Kilongalonga's in 1892. The report of a traveller who had been at Stanley Falls on the 20th October, 1892, pointed out the coalition of the Arabs, and he foresaw and announced the war of Stanley Falls, so Mr. Stokes could not have been ignorant of it.

#### 4. Illegal confiscation of Mr. Stokes' property.

M. de Saygeher said that the British Government had reclaimed the property, and the Government of the State had given it back. He considered that this action on the part of the State Government was somewhat hasty, considering Article 79 of the Decree of the 26th May, 1888, for, as guns, powder, and caps were used to buy ivory, all the ivory comes under the application of this Act.

In conclusion, M. de Saygeher said that to convict Captain Lothaire of the charge brought against him the Court must be sure of two points. First, that the execution of Mr. Stokes was a breach of the law; secondly, that it had been carried out with wilful intentions.

M. Ghislain declined to reply, as he considered that Captain Lothaire had displayed no criminal intentions, and therefore asked the Court to acquit him.

The Court was closed for the President and the Assesseurs to consider their verdict.

On the Court reopening, the President announced that the verdict was "Not Guilty," and that Captain Lothaire was acquitted.

He stated also that the costs of the trial would be borne by the Free State.

## Inclosure 2 in No. 117.

*List of Questions submitted to the Procureur d'État for the Trial of Captain Lothaire.*

WHY was Mr. Stokes not afforded the right of appeal, five days being the prescribed time ?

2. Why was the Court not properly constituted ?
3. Why was Mr. Stokes afforded no opportunity of calling witnesses ?
4. Why was there no primary investigation ?
5. Was Captain Lothaire ignorant of the privileges accorded to foreign civilians at Conseils de Guerre, if so, how could he quote the Military Code as he does in the *procès-verbal* ?
6. Did Captain Lothaire take the oath, if so, when ?
7. Mr. Stokes was charged under Article 9 of the Decree of the 10th March, 1892, with selling arms and ammunition in a slave-trading district, and under Article 28 of the Military Penal Code with inciting a civil war. The latter crime alone is punishable by death, the former by a fine of 100 fr. to 1,000 fr. and five years' imprisonment, in accordance with the Brussels Act.
8. As the charge of "inciting to civil war" was not proved, why was Mr. Stokes put to death on the other charge brought against him [*sic*] does not admit of such a punishment ?
9. What grounds had Captain Lothaire for thinking that Mr. Stokes being alive he was a source of danger to the State expedition ?
10. Any evidence to the effect that Mr. Stokes was coming with a large force to attack the Belgians and relieve Kibonghé must be looked upon as false, and given probably by the witnesses to please the Europeans and save themselves. It is known that Mr. Stokes left all his guns except ten at Kwa Mpeni.
11. Did Captain Lothaire act in opposition to the wishes of Dr. Michaux and the other European "Lemundu" in sentencing Mr. Stokes to death ?
12. If Mr. Stokes' execution was to be an example, why was he hanged in the dark, without even Dr. Michaux being present ?
13. How many soldiers assisted at the execution of Mr. Stokes ? Was there any violence used ? What part in the actual execution did Captain Lothaire take ?
14. Who certified that Mr. Stokes was dead when his body was cut down ?
15. In 1892 Mr. Stokes was ignorant of the Brussels Act, and in 1894, as soon as he heard of the approach of the Belgian officers, he went to meet them, probably to recover the amount of ivory due to him by Kibonghé and to inform them about the murder of his Headman Jouma. So he was arrested when actually on his way to the Belgian officers.
16. If Mr. Stokes thought that he was doing wrong, why did he not avoid the Belgian officers and cross into British territory ?
17. Did Captain Lothaire or Lieutenant Henry receive any letters from Mr. Stokes charging Kibonghé with murdering his Headman Mwenyi Jouma and stealing his goods ?
18. Was not the sole reason why Mr. Stokes offered to take Kibonghé to the coast for the ivory he would get possession of as passage-money ?
19. In 1892 no State authorities had penetrated so far as Kilongalunga ; Captain Lugard confirms this. Lieutenant Chaltin was in command at Basoko, and only once went east a short way up the Aruwimi and met with no opposition.
20. Did Mr. Stokes endeavour to keep his actions secret, apparently not ?
21. Did Kibonghé offer any resistance to Captain Lothaire ? Was he not attempting to leave the country when he heard of the Belgians approaching owing to the numerous Arab defeats ?
22. The State was not fighting with Kilongalunga in 1891-92-93. The "Mouvement Géographique" of the 2nd April, 1893, says all was quiet at the end of 1892 at Stanley Falls and on the Aruwimi River. Emin Pasha passed safely by Kilongalunga. Kilongalunga's country was surrounded by a dense forest, and according to Dr. Hinde Mr. Stokes could not have known of the fighting in the south.
23. All the arms that Mr. Stokes had were known to the German authorities, and the amount corresponds with that stated by his Headmen Rashid-bin-Ali

and Rusambia, before Mr. Hardinge at Zanzibar, and partly by Haden before Mr. Berkeley in Uganda.

24. Five muzzle-loaders and five kegs of powder were left at Kilongalunga's by Mr. Stokes with Jouma, and one breech-loading gun which was stolen by the Manyema, *vide* evidence of Iwedi-w-Maloruki, Amina, and Haden recalled. This gun was produced at the trial at Lindi, when Captain Lothaire said, "How came these people to get this gun?" Mr. Stokes said, "It is a gun I left with Jouma, whom they killed." Captain Lothaire said, "You sold the gun, you shall die."

25. Did not Mr. Stokes always trade with cloth, beads, wire, &c., as well as with arms and ammunition, which shows his instincts were purely commercial, and that he was not desirous of importing arms and ammunition for hostile purposes?

26. To what extent did Mr. Stokes sell arms and ammunition contrary to the Brussels Act?

27. Was it Mr. Stokes himself or his people who sold arms, &c., to Kibonghé, *vide* evidence of Rashid-bin-Ali and Rusambia?

28. Rusambia says that Mr. Stokes did not know that the State was fighting Kibonghé, and he thought that Kibonghé was executed for stealing Mr. Stokes' goods and murdering his Headman, Mwenyi Jouma.

29. Were not the arms and ammunition of Mr. Stokes' caravan carried for defence and protection, *vide* evidence of Mr. Wise, Rashid, and Rusambia?

30. Would not Mr. Stokes have handed over his arms and ammunition to the State authorities as he did to Captain Lugard?

31. Did Captain Lothaire ever recognize that Mr. Stokes was travelling through an unknown country, and was dependent on himself for protection?

32. Mr. Stokes admitted having sold arms in 1892. Why should not his denial of similar acts in 1894 be accepted as true, *vide* Dr. Stuhlmann?

33. What quantity of arms and ammunition did Mr. Stokes have, according to Messrs. Boustead, Ridley's statement, and the list made by Lord Vaux of Harrowden, and M. de Cuvelier, in Brussels, and as also stated by Rashid-bin-Ali and Rusambia?

34. How many of Mr. Stokes' people were tried and executed, or otherwise punished, besides himself, if they also dealt in arms, &c.? Where are the proceedings of such trials?

35. Why did the Greffier not sign the *procès-verbal*?

36. Dr. Michaux says he never saw any *procès-verbal* made, nor any pencil notes taken.

37. Did Captain Lothaire make up the *procès-verbal* privately, and after the trial, as Dr. Michaux mentions may have been the case?

38. Dr. Michaux only accounts for four witnesses at Lindi in his interview with Sir F. Plunkett, whereas in the *procès-verbal* there are nine evidences signed by Captain Lothaire.

39. Is the witness Msafiri the same man as Mapah-ben-Adji? as Msafiri's name does not appear in the *procès-verbal*, although mentioned by Dr. Michaux as an important witness.

40. Were any of the witnesses at Lindi connected with the murder of Mr. Stokes' Headmen Muenyi, Jouma, and Ismail, especially Alouta or Msafiri?

41. Did the witnesses take the oath on the Koran or otherwise?

42. Why did none of the witnesses sign their names or make their mark to their evidence?

43. Was all the evidence at Lindi heard in the presence of Mr. Stokes and Dr. Michaux?

44. Why was only one of the people who came with Mr. Stokes called to give evidence?

45. *Vide* evidence of Sweli, Zanzibari (Annex 3). Did Mr. Stokes sell arms, &c., after he learnt of the approach of the Belgians and that Kibonghé was fleeing?

46. Is the evidence in the *procès-verbal* the truth, or did the witnesses say what Captain Lothaire wished—a common custom among natives?

47. If Mr. Stokes knew of the gravity of his crime, and had his papers with him, why was his defence so short and unsatisfactory, and when was it written? If he had not his books with him, why was he not offered an opportunity of procuring them from Kwa Mpeni?

48. What were the documents written by Mr. Stokes which Captain Lothaire tore up? Apparently one was written before, and the other after, the trial took

place. Were either of these his appeal to his fellow Christians, and which Dr. Michaux alluded to?

49. What became of Mr. Stokes' people who accompanied him to Lindi?

50. Did Captain Lothaire ever mention any premeditated action in the event of his capturing Mr. Stokes?

51. Did Captain Lothaire ever say to Mr. Stokes, "To-morrow you shall die," or words to that effect? (*Vide* evidence of Mohekvera, Mnyamwezi, Swediwade, Mabruki, and Abdulla, Mr. Stokes' boy.)

52. Why did Lieutenant Henry inform Mr. Wilson on the latter's arrival at Kwa Mpeni, that Mr. Stokes had been put to death for selling powder, buying slaves, and being in league with Kibonghé, and offering to take him with him to the coast? What date did Mr. Wilson reach Kwa Mpeni? Did Lieutenant Henry know Mr. Stokes was going to be executed on the above grounds before he left Captain Lothaire to arrest Mr. Stokes. His cook also informed Haden of Mr. Stokes execution.

53. What information and instructions did Captain Lothaire impart to Lieutenant Henry when he dispatched him to arrest Mr. Stokes?

54. Did Captain Lothaire offer Mr. Stokes the alternative of handing over his goods, and leaving the State territory when Lieutenant Henry went to arrest him?

55. Did Lieutenant Henry cause the death of any of Mr. Stokes' people at Kwa Mpeni, or elsewhere at any time by firing upon them, or by any other means? What was his general course of action and conduct at Kwa Mpeni?

56. Why did Lieutenant Henry tell Rusambia that his master had gone to Europe, and why did he tell Haden he had a letter from Mr. Stokes to take his goods and his people to him?

57. Did Lieutenant Henry tie up, ill-treat, or use threats to Rusambia, Haden, or any of Mr. Stokes' people in order to get possession of the ivory? Or what did he do when Rusambia and Haden refused to give up the ivory?

58. What right had Captain Lothaire and Lieutenant Henry to seize and confiscate all Mr. Stokes' property at any rate before the trial (*vide* Brussels Act, Article XII)? How much has been restored? There were at Kwa Mpendi 574 frasilahs of ivory, worth about 11,000*l.*, 300 loads of trade goods, and 20 kegs of powder.

59. Was the ivory due by Saïd-bin-Abedi's clerk, Moussa Mgazilla, ever paid to Mr Stokes or the State?

60. Did Lieutenant Henry accuse Mr. Stokes of stealing ivory belonging to the State?

61. How many Europeans were present at the trial?

62. What evidence can Lieutenant Henry's cook give also Captain Lothaire's? Did the latter hear Captain Lothaire and the soldiers come to Mr. Stokes' house to take him out to execution, and did he help to make the shroud, *vide* Molekwera?

63. How did Captain Lothaire derive the name of "Per bé?"

64. How can it be accounted for that 70 out of 110 of Mr. Stokes' people died when working as punishment under Captain Lothaire's orders? What quantity and what nature of food were they granted, and to what ill-treatment were they subjected.

Inclosure 3 in No. 117.

*Captain Lothaire to Colonel Wahis.*

M. le Gouverneur-Général,

*Poste de la Lindi, le 15 Janvier, 1895.*

J'AI l'honneur de vous envoyer copie d'un Jugement rendu par le Conseil de Guerre de la Zone Arabe à la date du 14 Janvier contre le Sieur Charles Stokes, sujet Anglais, en relations commerciales avec la côte de Zanzibar.

Les interrogatoires, justification écrite de l'accusé, et pièces diverses vous parviendront dans quelques jours, quand je serai en possession des papiers de l'accusé que j'ai envoyé saisir à son campement de Kwa Mpeni (Itauri).

Voici un résumé des faits.

En 1892, le nommé Stokes avait voulu entrer en relations avec Kilongalonga, après lui avoir vendu un fusil Hammerless; il était venu pour le voir chez lui; celui-ci était absent. Stokes avait laissé chez lui sa caravane contenant outre

étoffes, perles, une centaine de fusils à piston, 300 boîtes de 250 capsules, 60 tonneaux de poudre.

Avant de partir il avait vendu à Mussah, le fondé de pouvoirs, le comptable de l'association Kibonghé, Saïd-ben-Abedi, toute sa caravane moyennant le paiement de 300 frasillah d'ivoire (frasillah, 36 livres Anglaises). Un contrat fut passé. Mussah agissant d'ailleurs d'après les ordres de Kibonghé, qui ne pouvant se procurer à Kirundu la poudre qui lui était nécessaire à cette époque troublée, avait envoyé des instructions d'en faire acheter aux commerçants à l'Unyamonesi ou de l'Ounyororo.

Quelques hommes de Stokes restèrent pour recevoir le paiement.

En 1893, Kilongalanga étant mort, les esclaves Babussus apprenant la révolte des Falls et du Lualaba, prirent toutes les marchandises vendues par Stokes et tuèrent deux des gardiens qui réclamaient le paiement.

En 1894, Kibonghé, fugitif de Kirundu et de la Lona, parvient à rejoindre le poste de la Lindi où se trouvait une partie de ses gens. Il envoya des émissaires à Stokes, qui venait de rentrer de Zanzibar avec une grande caravane. Celui-ci, d'ailleurs, connaissant la situation désespérée dans laquelle se trouvaient les Arabes du Haut Itauri, avait emmené avec lui environ 700 porteurs Unyamonesi et leurs gens afin d'emporter l'ivoire qu'il savait exister sur l'Itauri; il avait obtenu du Gouvernement Allemand 80 fusils Mauser dont quelques-uns à répétition mod. 1888. Il avait 30 fusils à tir rapide lui appartenant et 400 à 500 fusils à capsules que chacun de ses porteurs transportaient.

Sa caravane comportait 300 charges de marchandises diverses dont bonne partie poudre, capsules, et fusils. Je n'en connaîtrai le détail exact que dans quelques jours par le Lieutenant Henry, que j'ai envoyé saisir. Les envoyés de Kibonghé arrivant chez Stokes furent bien reçus, mais celui-ci, abusant de sa force et de la position désespérée des Arabes, exigea 1,200 frasillah pour paiement des marchandises vendues en 1892 pour 300 frasillah. Toutefois, il faisait acheter contre poudre, capsules, et fusils, l'ivoire appartenant en propre aux esclaves de Kibonghé et il vendait à celui-ci toute sa caravane contre paiement de 600 frasillah.

L'évaluation de l'ivoire de Mawambi (Kilongalanga sur la carte), se faisait quand mon avant-garde est arrivé à Mabilanga, à cinq jours de marche de la Lindi. Kibonghé avait donné à Stokes tout son pays, ses gens, ses biens et lui réclamait son drapeau. J'ai la lettre de Kibonghé saisie sur la personne de Stokes; celui-ci paraissait y attacher une certaine importance; la lettre est annotée par lui.

Nous arrivions trop tôt pour la réussite des affaires Stokes-Kibonghé. Une trentaine de nos soldats envoyés en avant par le Lieutenant Henry nouèrent des relations avec des gens de Kibonghé, qui, insuffisamment pourvus de poudre, livrèrent le poste et Kibonghé. Ceci dans les derniers jours de Novembre.

Quantité de gens de la Lindi s'enfuirent vers Mawambi et de là chez Stokes, campé huit jours plus loin à Kwa Mpeni sur l'Itauri.

Stokes vint de suite avec eux à Mawambi; toutefois il écrivit plusieurs lettres à l'officier Belge commandant à l'Itauri à la Lindi, mais il savait par les fugitifs de la Lindi que nos soldats étaient seuls et qu'aucun Blanc ne les accompagnait; ils sont restés seuls de fin Novembre jusqu'au 31 Décembre à mon arrivée à la Lindi.

Stokes partit de Mawambi le 3 Janvier, 1895, avec vingt-quatre Mauser, deux Colts, un Martini, un Snider, et quantité de fusils à piston, pour venir à la Lindi. Il ignorait mon arrivée à ce poste, distant de Mawambi de huit jours de marche.

Dans les lettres écrites à tout hasard à un agent de l'État qui aurait pu se trouver dans ces parages, il réclamait 300 frasillah d'ivoire. Ceci pour montrer la moralité de l'individu. Si je n'étais arrivé que cinq ou six jours plus tard à la Lindi, Kibonghé aurait été relâché, et nos soldats massacrés au bruit de l'arrivée de Stokes, par les Bakussus qui, en soumettant, avaient cédé au danger le plus proche.

Le 7 Janvier, apprenant l'arrivée de Stokes à Mawambi, j'ai envoyé le Lieutenant Henry avec ordre de mettre Stokes en arrestation et d'aller saisir sa caravane à Kwa Mpeni.

Stokes amené prisonnier ici le 13, a été jugé le 14, et exécuté le 15 de ce mois.

J'ai envoyé le 9 le Lieutenant Brehxe occuper Kilongalanga (Mawambi) pendant que le Lieutenant Henry va à Kwa Mpeni saisir la caravane.

Il est urgent d'occuper sérieusement cette partie de notre territoire. Il serait bon de se méfier des agissements du Gouvernement Allemand. Un permis émanant d'un de ses agents a été envoyé ici accordant à Kibonghé et Saïd-bin-Abedi, que la



rumeur publique accusait pourtant à cette époque du meurtre d'Émin Pacha, un libre passage à ses gens et à son ivoire jusque Zanzibar. Ce permis a malheureusement été perdu lors de la capture de Kibonghé par nos gens.

Le Commandant de la Zone Arabe,  
(Signé) LOTHAIRE.

(Translation.)

Sir,

*Lindi, January 15, 1895.*

I HAVE the honour to transmit to you herewith copy of a sentence pronounced on the 14th instant by the Council of War of the Arab Zone on Charles Stokes, an English subject, trading with the Zanzibar Coast.

The examination, the prisoner's written defence, and various other documents will reach you in a few days, by which time I shall be in possession of the prisoner's papers, which I have sent to seize at his camp at Kwa Mpeni (Itauri).

The facts are as follows:—

In 1892 Stokes was desirous of entering into relations with Kilonga-longa, to whom he had sold a hammerless gun; he had gone to see him at his own place, but he was away. Stokes left with him his caravan, which contained stuffs, pearls, 100 "cap-guns," 300 boxes of 250 caps, 60 barrels of powder.

Before leaving he had sold to Mussah, his attorney, and Saïd-ben-Abedi, the cashier of the Kibonghé Association, the whole of his caravan for 300 frasillahs of ivory (1 frasillah = 36 lb. English). An agreement was entered into. Mussah, really acting under instructions from Kibonghé, who, was unable to procure at Kirundu the powder which in those troublous times he stood in need of, had sent orders to purchase supplies from the traders of Unyamwesi or Unyoro.

A few of Stokes' men remained behind to receive payment.

In 1893, Kilonga-longa being dead, the Babussu slaves having heard of the rising at the Falls and the Lualaba, seized all the goods which Stokes had sold, and killed two of those who had been left behind to take care of them, and who wanted to be paid.

In 1894, Kibonghé, flying from Kirundu and the Lona, succeeded in reaching the station at Lindi, where there were some of his people. He sent off messengers to Stokes, who had just returned from Zanzibar with a large caravan. The latter, moreover, aware of the desperate situation of the Arabs of the Upper Itauri, had brought with him some 700 Unyamwesi porters and their people with a view to carrying off the ivory which he knew existed in the Itauri; he had got 80 Mauser rifles, some of which were repeaters of the 1888 pattern from the German Government. He had 30 quick-firing rifles belonging to himself, and 400 to 500 cap-guns, which each of his porters carried.

His caravan consisted of 300 loads of different goods, of which a large portion was composed of powder, caps, and guns. I shall not know the exact details for a few days, when Lieutenant Henry, whom I have sent to effect the seizure, will be back. Kibonghé's messengers on their arrival were well received by Stokes, but this latter, taking advantage of his superior strength and of the desperate situation of the Arabs, made them pay 1,200 frasillahs for goods which had been sold in 1892 for 300 frasillahs. He also bought the ivory which belonged personally to Kibonghé's slaves for powder, caps, and guns, and sold to this latter the whole of his caravan for 600 frasillahs.

The valuation of the ivory found at Mawambi—Kilonga-longa on the map—was being made when my advance guard arrived at Mabilanga, five days' march from Lindi. Kibonghé had given Stokes the whole of his country, his people, and his goods, and was asking him for his flag. Kibonghé's letter, which was seized on Stokes' person, is now in my possession; this latter appears to have considered it of some importance, as he has annotated it.

We arrived on the scene too soon for the success of the Stokes-Kibonghé plan. Some thirty of our soldiers having been sent on ahead by Lieutenant Henry opened negotiations with Kibonghé's people, who, being insufficiently provided with powder, gave up the post and Kibonghé himself. This was towards the end of November.

A number of the Lindi people fled away towards Mawambi, and thence to Stokes, who was encamped eight days further on at Kwa Mpeni on the Itauri.

Stokes accompanied them at once to Mawambi, but at the same time he wrote several letters to the Belgian officer in command at Lindi on the Itauri, but he had learnt from the fugitives from Lindi that our soldiers were alone, and that there was no white man with them; they remained alone from the end of November to the 31st December, when I arrived at Lindi.

Stokes left Mawambi for Lindi on the 3rd January, 1895, with twenty-four

Mauser, two Colts, one Martini, one Snider, and a number of "cap-guns." He was ignorant of my arrival at the former station, which is distant eight days' march from Mawambi.

In the letters which he wrote on chance to any State Agent who might happen to be on the spot, he demanded 300 frasillahs of ivory. So much for this person's morality. If I had got to Lindi but five or six days later Kibonghé would have been released, and our soldiers massacred on the report of Stokes' arrival by the Bakussus, who had only yielded to the danger which seemed most pressing.

On the 7th January, hearing that Stokes was at Mawambi, I sent forward Lieutenant Henry with orders to arrest him and seize his caravan, which was then at Kwa Mpeni.

Stokes was brought here a prisoner on the 13th, tried on the 14th, and executed on the 15th instant.

On the 9th I sent Lieutenant Brehxe to occupy Kilonga-longa (Mawambi), while Lieutenant Henry was on his way to Kwa Mpeni to seize the caravan.

It is of the utmost importance to occupy this portion of our territory effectively. We ought to keep an eye on the proceedings of the German Government. A permit from one of their agents has been sent here granting Kibonghé and Saïd-ben-Abédi, in spite of the fact that public rumour was already accusing them of the murder of Emin Pasha, a free passage for their people, and ivory as far as Zanzibar. This permit was unfortunately lost when Kibonghé was captured by our people.

Commandant of the Arab Zone,  
(Signed)                   LOTHAIRE.

Inclosure 4 in No. 117.

*Captain Lothaire to Colonel Wahis.*

M. le Gouverneur-Général,

*Itauri, le 10 Février, 1895.*

J'AI l'honneur de vous faire parvenir diverses pièces de l'instruction à charge du nommé Charles Henry Stokes, condamné à la peine de mort par le Conseil de Guerre de la Zone Arabe le 15 Janvier dernier.

Les pièces comprennent :—

1. Justification écrite de l'accusé qui a prétendu pouvoir se disculper plus facilement par un écrit que par la parole.

Il reconnaît avoir vendu en 1892 aux gens de Kilongalonga des marchandises prohibées.

Il nie avoir fait vendre par gens à sa solde poudre, capsules, et fusils aux Arabes révoltés ; cette assertion est démentie :

(1.) Par les dépositions des divers témoins ;

(2.) Par une liste trouvée dans ses papiers et figurant sous le No. 4 (crayon bleu) dans son journal de route ci-joint. Vous y verrez la liste des marchandises données à chacun de ses nyamparas pour aller acheter de l'ivoire à Mawambi (Kilongalonga).

Il nie avoir vendu lui-même aux Arabes révoltés les charges formant sa caravane à son arrivée à Kwa Mpeni en 1894. Ces dires sont infirmés—

(1.) Par les témoins ;

(2.) Par son propre journal à la date du 15 Septembre, 1894, où il dit, "Discussion avec les Mongwanas, gens d'Ahedi, qui consentent à prendre toutes mes charges à raison de deux frasillah par charge." Le détail des 300 charges vendues pour 600 frasillah se trouve donné sur le papier No. 1 joint au journal.

Je joints divers papiers écrits par Stokes ou à lui envoyés par les Arabes au sujet des faits de la poursuite.

Deux testaments faits par lui ;

Divers papiers relatifs à ses affaires commerciales où il sera facile de voir que le commerce de la poudre et des fusils est actif à la côte orientale.

Je n'ai pas encore le détail des objets saisis par M. Henry à Kwa Mpeni.

Puis-je conserver les fusils du Gouvernement Allemand ? Je ne sais pas encore le nombre exact des armes Allemandes saisies.

Le Commandant de la Zone Arabe,  
(Signé)                   LOTHAIRE.

(Translation.)

Sir,

*Itauri, February 10, 1895.*

I HAVE the honour to inclose herewith various documents in connection with the prosecution of Charles Henry Stokes, condemned to death by the Council of War of the Arab Zone on the 15th January last.

These documents consist of:—

1. Defence written by the accused, who considered that he could prove his innocence more easily in writing than *vivâ voce*.

He acknowledges having sold contraband goods in 1892 to the people of Kilonga-longa.

He denies that his people have sold the rebellious Arabs either powder, caps, or guns; this denial has been proved to be false:

(1.) By the evidence of various witnesses;

(2.) By a list found among his papers and numbered 4 (blue pencil) in the diary of his journey annexed. You will perceive a list of the goods given to his Nyamparas with a view to their going and buying ivory at Mawambi (Kilonga-longa).

He denies having sold to the rebellious Arabs the loads which composed his caravan on his arrival at Kwa Mpeni in 1894. These assertions are contradicted—

(1.) By the witnesses;

(2.) By his own diary of the 15th September, 1894, in which he says: "Discussion with the Mongwanas, Abedi's people, who agree to take all my loads at 2 frasillahs a load." The items of the 300 loads sold for 600 frasillahs will be found in paper 1 annexed to the diary.

I also annex various papers written by Stokes or sent to him by the Arabs respecting various facts in connection with the "prosecution."

Two wills made by him;

Various papers relating to his commercial affairs, from which it will be easy to see that there is an active trade in powder and guns on the east coast.

I have not yet received any details with regard to the things seized by M. Henry at Kwa Mpeni.

May I keep the guns belonging to the German Government? I do not yet know the exact number of German arms which have been seized.

Commandant of the Arab Zone,  
(Signed) **LOTHAIRE.**

Inclosure 5 in No. 117.

*Captain Henry to Captain Lothaire.*

Mon Commandant,

J'AI l'honneur de vous envoyer sous la garde du soldat Palet et de quatorze autres soldats, le nommé Charles Henry Stokes, sujet Anglais, arrêté par moi le 9 Janvier à l'embranchement des chemins de Kalungas (pays d'Abedi) et de Mawambi. J'ai désarmé ses gens.

De ce point au camp de la Lindi il y a vingt-sept heures de marche ordinaire environ.

Votre Lieutenant dévoué,  
(Signé) **HENRY.**

(Translation.)

Sir,

I HAVE the honour to send you herewith, in charge of the soldier Palet and fourteen other soldiers, Charles Henry Stokes, a British subject whom I arrested the 9th January at the point where the roads to Kalungas (Abedi's country) and Mawambi diverge. I have disarmed his people.

From this point to the camp at Lindi it is about a twenty-seven hours' ordinary march.

Your devoted Lieutenant,  
(Signed) **HENRY.**

## Inclosure 6 in No. 117.

*Captain Henry to Captain Lothaire.*

Mon Commandant,

J'AI l'honneur de porter à votre connaissance que le 9 Janvier courant j'ai mis le sieur Charles Henry Stokes en état d'arrestation.

Je vous l'ai envoyé ce matin 10 courant sous l'escorte de quinze soldats.

Cet homme est une espèce de vieux Juif, soucieux avant tout de se procurer l'ivoire du pays par n'importe quel moyen. C'est ainsi que l'année dernière, pendant la campagne de Kirundu, il est venu établir dans le pays de Mawambi un poste chargé d'acheter de l'ivoire pour des fusils, de la poudre, et des capsules. Kilongalunga a acheté en une seule fois, à ce poste, quarante fusils, soixante barils de poudre et des boîtes de capsules. De plus, les gens à sa solde parcourent le pays, depuis longtemps, vendant couramment de la poudre et des fusils pour de l'ivoire.

Je l'ai interrogé le mieux possible pour savoir par lui-même quelque chose sur l'affaire le concernant. Il a nié avoir vendu de la poudre et des fusils aux Arabes, mais il m'a avoué sans le vouloir, que des gens de Kilongalunga, après la mort de celui-ci, avaient pillé le poste dont je vous parle plus haut et que ce poste contenait une grande quantité de poudre et de fusils lui appartenant. Il m'a aussi avoué qu'il a en ce moment une caravane de poudre, &c., de fusils qui se dirige sur Mawambi. Je lui ai demandé ce qu'il voulait faire de cette poudre et de ces fusils. Il n'a su que répondre, me disant qu'il ne connaît ni les lois ni les frontières de l'État, et que chez les Allemands et les Anglais on ne se gêne pas pour vendre à n'importe qui des fusils et de la poudre tant qu'on veut, sans avoir à rendre compte à qui que ce soit. Je lui ai aussi demandé s'il ignorait aussi que nous étions en guerre avec les Arabes et s'il n'était pas venu à sa connaissance qu'Émin Pacha et une douzaine de nos compatriotes avaient été assassinés par les Arabes. Il est entré alors dans une foule d'explications dont les uns étaient souvent le contre-sens des autres.

Je lui ai aussi demandé pourquoi il a traité avec Kibonghé alors qu'il devait savoir que celui-ci était le provocateur de l'assassinat d'Émin. Il m'a répondu qu'il ignorait cela.

Je vous envoie ci-joints quelques interrogatoires des gens qui sont venus avec lui.

J'espère que cet individu vous arrivera tout vite. Je lui ai remis son mandat d'arrêt.

Votre Lieutenant dévoué,  
(Signé) HENRY.

(Translation.)

Sir,

I HAVE the honour to inform you that on the 9th January instant I arrested Charles Henry Stokes.

I dispatched him to you this morning, the 10th instant, under an escort of fifteen soldiers.

He is a sort of old Jew, whose one thought is to get hold of the ivory in the country by any means he can. Last year, during the Kirundu campaign, he came into the country with the object of establishing a station in the country of Mawambi where ivory could be bought in exchange for guns, powder, and caps. On one occasion Kilonga-longa purchased at this station forty guns, sixty barrels of powder and boxes of caps. The people in his pay, moreover, have for a long time past been overrunning the country, and selling powder and guns everywhere in return for ivory.

I have questioned him in the hopes of finding out something from his own mouth with regard to the business which concerns him. He denied having sold to Arabs powder and guns, but he admitted involuntarily that after Kilonga-longa's death his people had pillaged the station referred to above and that this station contained a large quantity of powder and guns which had belonged to him. He also admitted that he has at this moment a caravan of powder, guns, &c., which is making for Mawambi. I asked him what he intended to do with the powder and guns in question. He was at a loss what to reply, telling me that he is unacquainted both with the laws and the frontiers of the State and that in German and English territory people sell as many guns and as much powder as they like to anybody who wants it without having to

render an account of their proceedings to anyone. I further asked him if he was also in ignorance that we were at war with the Arabs and whether he was unaware that Emin Pasha and a dozen of our fellow-countrymen had been murdered by the Arabs. He thereupon plunged into all sorts of explanations which were often entirely incompatible with one another.

I also asked him why he had treated with Kibonghé when he must have known that this latter had instigated Emin's murder. He told me in reply that he was unaware that such was the case.

I send you herewith some examinations of the men who accompanied him.

I trust this person will soon reach you. I handed him the warrant for his arrest.

Your devoted Lieutenant,  
(Signed) HENRY.

Inclosure 7 in No. 117.

*Captain Henry to Captain Lothaire.*

Mon Commandant,

*Le 10 Janvier, 1895.*

J'AI l'honneur de vous envoyer Bw. Mussah et Fundi Farai. Je regrette de ne pouvoir faire de plus longs interrogatoires, ni de pouvoir interroger un plus grand nombre d'individus.

Je ne crois pas qu'il y ait de la faute de Mussah si Stokes s'est emparé de l'ivoire de l'Itauri. Kibonghé a cherché une porte de sortie chez Stokes, et comme celui-ci demandait son ivoire pour cela, il a donné l'ordre à Mussah de le donner.

Je vous envoie aussi Ali-ben-Saleh.

Demain je me mettrai en route pour Mawambi. J'arriverai à la Lenda probablement vers 10 heures du matin. Je suis ici en pleine forêt; c'est très ennuyeux à cause des vivres. Je voudrais bien rester un jour de plus de façon à vous envoyer les gens de Stokes deux jours après le départ de celui-ci.

Mussah et Fundi Farai sont chargés de vous porter des fusils. Il y en a en tout 26: 23 Mauser, 1 Colt, 1 Snider, 1 express Martini.

J'ai envoyé en avant une trentaine d'hommes chargés d'aller rapidement à Mawambi, de façon à capturer les Uniamonesi qui transportent de la poudre et des fusils entre Mpeni et Mawambi.

Le nommé Kalindula, qui se trouve sur la Lindi, près de vous, a vendu quinze frasillah aux gens de Stokes pour de la poudre, capsules, fusils, étoffes.

Comme vous le savez, sans doute, maître Stokes doit être une espèce de vieux Juif, plus bête que méchant. Je crois qu'il n'a de demeure fixe nulle part. Il est seul de son espèce pour faire le commerce d'ivoire ici, et parcourt les pays par monts et vaux, profitant de toutes les occasions favorables pour faire chanter à son profit quiconque possède quelques défenses d'éléphant. Tout l'ivoire qu'il a pris à Kilongalanga est à Mpeni, situé à sept jours de Mawambi.

Je crois que ce singulier individu a cherché à évacuer son ivoire par Kirundu, trouvant, sans doute, la route de Zanzibar trop longue. Je ne m'arrêterai donc à Mawambi qu'un seul jour, de façon à avoir quelques renseignements sur le pays. C'est dommage que M. Brexe n'est pas avec moi; j'espère toutefois qu'il me suit de près.

Je vous ai envoyé aujourd'hui le frère de Kinema avec une lettre d'avis de l'arrestation de Stokes, et un procès-verbal d'interrogation du nommé Sweli, homme Zanzibarite de Stokes.

Je vous ai dit, je crois, que je lui avais donné son mandat d'arrêt. Quant à ses papiers, il n'a rien, ou presque rien. Dans la seule malle avec laquelle il voyage, je n'ai trouvé que quelques papiers que je crois insignifiants, et que je vous envoie avec la présente.

Votre Lieutenant dévoué,  
(Signé) HENRY.

(Translation.)

Sir,

*January 10, 1895.*

I HAVE the honour to send you Bw. Mussah and Fundi Farai. I regret that I was unable to make a longer examination, and that I could not examine a larger number of persons.

I do not think it was any fault of Mussah's if Stokes got hold of the Itauri ivory. Kibonghé tried to find means of escape then to Stokes, and as the latter asked for his ivory as a return he instructed Mussah to hand it over.

I also send you Ali-ben-Saleh.

I shall start to-morrow for Mawambi. I shall probably arrive at Lindi about 10 in the morning. Here I am in the middle of the forest; it is very tiresome on account of provisions. I should be very glad to remain a day longer so as to be able to send you Stokes' people two days after his departure.

Mussah and Fundi Farai have received instructions to bring you some guns. There are altogether 26: 23 Mauser, 1 Colt, 1 Snider, and 1 express Martini.

I have sent forward thirty men with instructions to advance rapidly to Mawambi, so as to seize the Oniamonesi who are transporting powder and guns between Mpeni and Mawambi.

A certain Kalindula who is now at Lindi near you, sold 15 frasillahs to Stokes' people for powder, caps, guns, and stuffs.

As you are doubtless aware, Master Stokes is a sort of old Jew, more foolish than wicked. I do not think he has any fixed habitation. He is the only person of his kind who trades in money here and goes up and down the country, taking advantage of every favourable opportunity of levying blackmail on anyone who possesses any elephants' tusks. All the ivory he got from Kibonghé is at Mpeni, seven days' distance from Mawambi.

I fancy this singular personage tried to get his ivory out by way of Kirundu, no doubt thinking that the Zanzibar route was too long. I shall accordingly only stop a single day at Mawambi, so as to obtain a few particulars about the country. It is a pity that M. Brexe is not with me; I hope, however, that he is close behind.

I sent you, yesterday, Kinema's brother with a letter informing you of the arrest of Stokes and an account of the examination of Sweli, a Zanzibari in Stokes' employ.

I think I have already told you that I have given him the warrant for his arrest. As for papers, he has few or none. In the only portmanteau he takes with him I only found a few papers, apparently of no importance. I send them to you herewith.

Your devoted Lieutenant,  
(Signed) HENRY.

Inclosure 8 in No. 117.

*Correspondence of Mr. Stokes, &c., with the Arabs.*

[No. 23 du Dossier No. III.]

AU nom de Dieu miséricordieux et compatissant.

En vérité moi Weleid, Mameluk (esclave) de Seid-bin-Ebeid-bin-Saley-el-Hadouri, j'ai acheté des biens du Chrétien Stokes.

1. 88 ballots marchandises (tissus), 50 ballots au prix de 100 frasilas, 30 ballots au prix de 60 frasilas, 8 ballots au prix de 16 frasilas. Total, 88 ballots au prix de 176 frasilas.

2. 35½ barils poudre à 43 frasilas; j'ai acheté aussi 86 fusils à 20 frasilas, délivré en tout 237 frasilas, 9 amnan aussi 40 barils poudre à 5 frasilas, et 1 May de Fundi (Effendi ou Monsieur) Farag et 6 frasilas de Khalib.

En vérité je suis témoin de l'achat de 88 ballots, 75½ barils poudre.

Acheté aussi 36 fusils à 22 pointes, soit 30 frasilas. Tout 312 frasilas.

En vérité détail de l'ivoire acheté par Djuma de Fundi Farag—

1. 57 pointes	de Khatib.
2. 43 rattles.	1. 64 rattles.
3. 41 „	2. 49; 3. 33; 4. 32;
4. 29 „	5. 9; 6. 9; 7. 12; et 15.
5. 24 „	

Aussi 79 brebis.

J'ai acheté trois fusils avec des tissus de Saïd-ben-Ebeid et de Kibonghé tissu retiré de Bugasu.

Tout 9 frasilas, 9 amnans, 195 piastres en argent des biens du feu Ibrahim Kippoio.

56 esclaves pris à la guerre appartenant à Saïd-ben-Ebeid.

La 4<sup>me</sup> est écrite en caractères Arabes, de Jumasu, mais en langue "Urubi." Personne ici ne comprend cette langue.

1 farasila	=	35 roti.
1 May ( )	=	3 rotoli.
2½ rotolis	=	1 kilog.
Soit 1 farasila	=	14 kilog.

[No. 24 du Dossier No. III.]

(Caractères Arabes.)

Mawambi, le 30 Décembre, 1894.

A notre honoré ami et estimé Cheik Hamadi-bin-Aley, que Dieu veille sur lui. Qu'il plaise à Allah que ma demande soit exaucée.

Salut à vous miséricorde et bénédiction de Allah.

Après que je vous fais savoir que je me porte bien, et j'espère qu'il en est de même pour vous.

Grâce à Allah, Dieu de l'Univers. Je vous fais aussi savoir que je suis arrivé à Mawambi, moi Bwana (Maître, Seigneur, Monsieur) Stokes pour vous parler. Je n'ai rien appris de vos véritables nouvelles.

Je viens aussi pour mes affaires ; vous, Unquepopu et N'Sarambangu, envoyez-moi mon ivoire et si vous ne l'envoyez pas, j'irai moi-même vite le chercher.

Mon cher Kibonghé, envoyez-moi un messenger intelligent et bien au courant de la vérité. Je puis vous aider ; n'ayez pas peur de périr, vous ne mourrez pas.

Si vous avez besoin de moi, envoyez vite un courrier, et j'irai immédiatement vous rejoindre.

(Signé) CHARLES HENRY STOKES,

(Caractères Latins.)

Dites à Unguepopu et à Sarambangu que moi, Bwana Stokes, je suis arrivé à Mawambi pour réclamer mon bien, comme me l'a écrit Bwana Kibonghé que là-bas à Lindi, il se trouve 130 pointes. Je ne viens pas pour faire la guerre, mais pour réclamer mon bien. Envoyez vite vite. Tous ceux qui apporteront mon bien seront récompensés.

(Signé) CHARLES HENRY STOKES (Kitokesi).

[No. 25 du Dossier No. III.]

(Caractères Arabes.)

Mawambi, le 30 Décembre, 1894.

A l'honoré et ami Cheik Juma-ben-M'Gheni, salut.

Que Allah vous garde, miséricorde et bénédiction de Allah.

Après que je vous fais savoir que ma santé est bonne et la vôtre aussi grâce à Allah.

De plus je vous informe que je suis arrivé moi, Bwana Stokes, à Mawambi ; nouvelles bonnes et joyeuses.

Je ne viens pas pour faire la guerre je ne viens pas pour faire du mal.

Venez me voir ; informez tous vos amis que je ne viens pas en ennemi. Nous partageons les mêmes opinions et je viens vous secourir.

Dites à Kapamba de m'envoyer de l'ivoire, à Wooperiti aussi, envoyez vite tous ceux qui ont de l'ivoire.

Je ferai des palavres avec ceux qui ont de l'ivoire et qui ne me le feront pas vite parvenir.

Venez vous et Kapamba ; nous tiendrons conseil, nous irons ensuite chercher Kibonghé.

Pour Dieu envoyez vite de l'ivoire.

L'auteur de cette lettre est moi, Kitokesi.

(Signé) CHARLES HENRY STOKES.

(Caractères Latins.)

A Bwana Juma :

Il est préférable que vous fassiez savoir à Kima-Kima et à Kapamba que moi Bwana Stokes, je suis arrivé à Mawambi pour réclamer mon bien. Le Seigneur Kibonghé m'a écrit qu'il a laissé pour moi chez Kima-Kima, 100 pointes, et chez Kapamba, 200. Pour Dieu, que ces marchandises m'arrivent au plus tôt à Mawambi, et je récompenserai ceux qui me l'apporteront.

Ton ami et compagnon,

(Signé) CHARLES HENRY STOKES (Kitokesi).

[No. 26 du Dossier No. III.]

(Caractères Arabes.)

Mawambi, le 30 Décembre, 1894.

A votre estimé frère, Juma-bin-M'Gheni, &c.

Après Manweri se rend chez vous pour mes affaires, avec mon bien.

Remettez-lui son enfant, sa femme et son bien, qui se trouvent là-bas.

Que Kapamba vienne me voir pour que je lui confie ce que j'ai dans mon cœur.

Envoyez-moi vite mon ivoire.

(Signé) CHARLES HENRY STOKES.

(Caractères Latins.)

Bwana Juma :

Manweri demande sa femme, son enfant, et ses trois pointes d'ivoire qui se trouvent chez Kapamba.

(Signé) CHARLES HENRY STOKES.

[No. 27 du Dossier No. III.]

Reçu cette lettre de Bwana Hamadi-ben-Ali (Kibonghé) à Bukube (Mukuki), État Indépendant du Congo, le 20<sup>e</sup> jour de Décembre, 1894.

(Signé) CHARLES HENRY STOKES.

A l'estimé Stokes, &c.

Je n'ai pas encore récolté tout l'ivoire, ayez patience jusqu'à ce que j'aurai ramassé le tout. Le village de M'Garura doit 270 pointes.

Kima Kima	..	..	..	100
Kapamba	..	..	..	200
Lélé	..	..	..	130

Cet ivoire n'a pas encore été récolté. L'auteur de cette lettre est Hamadi-ben-Ali-el-Augazigi (Kibonghé).

Écrivez par Mussa-ben-Hadji par son ordre et moi, toutes mes propriétés, tout mon bien, tout est à toi.

[No. 28 du Dossier No. III.]

(Caractères Arabes.)

A notre ami, l'estimé Hamadi-bin-Aly (Kibonghé), qu'Allah veille sur lui et qu'il exauce ma prière :

Miséricorde et bénédiction d'Allah, après que je vous fais savoir que je me porte bien et j'espère qu'il en est de même pour vous. Grâce à Allah, Dieu de l'univers et de plus, en fait de nouvelles.

Mupafir ne peut partir chez vous avec cette lettre, car il attend ses esclaves et craint que les hommes des blancs ne l'arrêtent pour l'emprisonner.

N'allez pas chez Tawabu, c'est un traître qui désire aller chez Stokes pour vous calomnier. Allez vous-même chez Stokes et restez-y et ne pensez pas que Tawabu



se rendra chez vous à la date indiquée. Ne vous attardez pas, partez vite, parce que plusieurs de vos gens ne se montrent à vous que sous un faux jour. Vous les croyez soumis alors qu'au fond ils vous sont tout à fait contraires et usent de toute leur intelligence pour cacher leur jeu.

Pour Dieu je vous adjure de partir vite et d'aller rejoindre Stokes.

Tenez compte des biens qui se trouvent chez Kima Kima, Kapamba, M'garura, et N'Sarambangu, cela est indispensable.

Pour Dieu ! Pour Dieu ! n'oubliez pas aussi de compter le nombre d'hommes de Kapamba, M'Garura, Kima Kima, M'Sarambangu, Unguepopu ainsi que le nombre de vos hommes. Ne perdez pas le compte de vos hommes et de vos biens.

Envoyez-moi une lettre (l'auteur entend par lettre, communication des comptes précités) et ne vous attardez pas. Allez vite, vite faire vos comptes avec Stokes.

Envoyez-moi vos biens de crainte que les Chrétiens les prennent.

Si vous faites vite vous réussirez. Écrivez-moi.

Ne rentrez dans les pays qui se trouvent sur votre chemin que de jour et ne vous faites accompagner sur la route que par des hommes et des guides sûrs.

Lorsque Saleh aura fini de couper le bois il vous rejoindra.

Saleh n'a pas acheté de mon ivoire parce que je ne l'ai pas voulu.

Muftah veille sur nos magasins, au cas où ce serait un autre, nos biens disparaîtraient. L'auteur de cette lettre est—

(Signé) MUSSA-BIN-HADJI.

Date 9<sup>e</sup> jour.

[No. 29 du Dossier No. III.]

A notre ami, l'estimé Mr. Stokes, l'Anglais :

Après que je vous fais savoir que je me porte bien, et j'espère qu'il en est de même avec vous. Venez vite me rejoindre, les Belges arrivent ; rejoignez-moi vite et envoyez-moi un drapeau, au reçu de ma lettre sans dormir une seule nuit.

Dieu sait si vous me verrez jamais (arrivez en temps) !

Et vous votre ivoire a été récolté et dirigé vers Pemba ; il doit être sur le point de vous parvenir.

J'ai encore l'ivoire, mais j'ai peur que les Belges ne viennent le prendre. Pour Dieu ! Pour Dieu ! envoyez-moi vite un drapeau.

Les Belges viennent me faire la guerre sans motif ; je ne leur ai pas mangé de biens ; je ne leur ai tué personne.

Leurs ennemis sont Munimahara et Muzerere et ils ont été tués par eux.

Pour Dieu ! Pour Dieu ! envoyez-moi un drapeau. Rejoignez-moi immédiatement.

Voilà mes nouvelles.

(Signé) HAMADI-BEN-ALY-EL-ANGAZIGI (de  
Cameroon).

17 Gamad Awal, 1311.

[No. 30 du Dossier No. III.]

A notre honoré Waledi Kirongaronga, esclave de Hamad-ben-Aly-el-Aguazigi, que Dieu veille sur lui !

Miséricorde et bénédiction de Allah.

Après que je vous fais savoir que je n'ai plus le temps de respirer, tellement il y a des guerres ici. Renvoyez vite le porteur et qu'il ne tarde pas plus de cinq jours, que le sixième il soit ici avec poudre et capsules. N'abandonnez pas l'achat de tissus, achetez-en pour 50 frasillah avec poudre et capsules ; que le tout me parvienne en même temps. Consignez le tout au porteur. Telle est ma volonté. Faites vite, ne tardez pas, même un peu.

Je te dis cela pour que tu l'apprennes. Celui qui implore la miséricorde de Allah.

(Signé) HAMADI-BIN-ALY.

Achetez de la poudre et des capsules pour 100 frasillah.  
Même pour 200.

(Translation.)

Inclosure 8 in No. 117.

[No. 23 of Bundle No. III.]

IN the name of God, the merciful and compassionate.

In truth I, Weleid, Mameluk (slave) of Seid-bin-Ebeid-bin-Saley-el-Hadouri, I have bought goods of the Christian Stokes.

1. 88 bales of merchandize (tissues), 50 bales for 100 frasillahs, 30 bales for 60 frasillahs, 8 bales for 16 frasillahs. In all, 88 bales for 176 frasillahs.

2.  $35\frac{1}{2}$  barrels of powder for 43 frasillahs. I have also bought 86 guns for 20 frasillahs, and have delivered in all 237 frasillahs 9 amnan; also 40 barrels of powder for 5 frasillahs, and 1 May from Fundi (Effendi or Mr.) Farag, and 6 frasillahs from Khalib.

In truth I can testify to the sale of 88 bales,  $75\frac{1}{2}$  barrels of powder.

Bought also 36 guns for 22 points, *i.e.*, 30 frasillahs; 312 frasillahs altogether.

The true details of the ivory bought by Djuma from Fundi Farag—

1. 57 points.	from Khatib.
2. 43 rattles.	1. 64 rattles.
3. 41 „	2. 49; 3. 33; 4. 32;
4. 29 „	5. 9; 6. 9; 7. 12; and 15.
5. 24 „	

Also 79 sheep.

I bought three guns with the stuff of Saïd-bin-Ebeid and Kibonghé, stuff taken from Bugassu.

Altogether 9 frasillahs, 9 amnans, 195 piastres in money of the goods of the late Ibrahim Kippoio.

56 slaves taken in war belonging to Saïd-bin-Ebeid.

The 4th is written in Arab character of Jumasu, but in Urubi. Nobody here understands this language.

1 frasillah	= 35 roti.
1 May ( )	= 3 rotolis.
$2\frac{1}{2}$ rotolis	= 1 kilog.
Accordingly 1 frasillah	= 14 kilog.

[No. 24 of Bundle No. III.]

(Arab characters.)

*Mawambi, December 30, 1894.*

To our honoured friend and esteemed Sheikh Hamadi-bin-Aley. May God watch over him. May God grant that my prayer may be heard.

I salute you. Mercy and blessing in Allah's name.

Afterwards I inform you that I am well, and I hope you are so also.

Thanks be to Allah, the God of the Universe. I also inform you that I have arrived at Mawambi, I, Bwana (Master, Lord, Mr.) Stokes, in order to speak to you. I have no real news of you.

I am also coming on business; you, Unquepopu and N'Sarambangu, send my ivory, and if you do not send it, I will quickly come for it myself.

My dear Kibonghé, send me an intelligent messenger, and one who is well acquainted with the truth. I can help. Do not be afraid of being killed. You shall not die.

If you have need of me, send me a messenger quickly, and I will immediately come to you.

(Signed) CHARLES HENRY STOKES.

(Latin characters.)

Tell Unguepopu and Sarambangu that I, Bwana Stokes, have arrived at Mawambi to claim my property, Bwana Kibonghé having written me that there were 130 points down at Lindi. I am not coming to make war, but to claim my property. Send quickly, quickly. All who bring my property will be rewarded.

(Signed) CHARLES HENRY STOKES (Kitokesi).

## [No. 25 of Bundle No. III.]

(Arab characters.)

*Mawambi, December 30, 1894.*

To the honoured and friendly Sheikh Juma-ben-M'Gheni, greeting.

May God guard you. Mercy and benediction in Allah.

After that I inform you that my health is good, and yours, too, thanks be to Allah.

Moreover, I inform you that I have arrived, I, Bwana Stokes, at Mawambi; good and joyful news.

I am not coming to make war; I am not coming to do harm.

Come and see me. Tell all your friends that I am not coming as an enemy. We share the same opinions, and I am coming to help you.

Tell Kapamba to send me ivory, and Wooperiti, too; send quickly all who have any ivory.

I will have palavers with those who have ivory and do not send it to me quickly.

Come, you and Kapamba; we will take council, and we will then go and look for Kibonghé.

For God's sake send me some ivory quickly.

The author of this letter is I, Kitokesi.

(Signed)

CHARLES HENRY STOKES.

(Latin characters.)

To Bwana Juma :

You should inform Kima-Kima and Kapamba that I, Stokes, have arrived at Mawambi to claim my property. Lord Kibonghé has written me that he left 100 points for me at Kima-Kima's and 200 at Kapamba's. For God's sake let these goods reach me as soon as possible at Mawambi, and I will reward those who bring it to me.

Thy friend and companion,

(Signed)

CHARLES HENRY STOKES (Kitokesi).

## [No. 26 of Bundle No. III.]

(Arab characters.)

*Mawambi, December 30, 1894.*

To your esteemed brother, Juma-bin-M'Gheni, &amp;c.

After Manweri is going to you on my business with goods of mine.

Give him his child, his wife, and his property; they are all there.

Let Kapamba come and see me, so that I may confide to him what I have in my heart.

Send me my ivory quickly.

(Signed)

CHARLES HENRY STOKES.

(Latin characters.)

Bwama Juma :

Manweri wants his wife, his child, and his three points of ivory; they are all at Kapamba's.

(Signed)

CHARLES HENRY STOKES.

## [No. 27 of Bundle No. III.]

Received this letter from Bwana Hamadi-ben-Ali (Kibonghé) at Bukube (Mukuki), Independent State of the Congo, 20th December, 1894.

(Signed)

CHARLES HENRY STOKES.

To the esteemed Stokes, &amp;c.

I have not yet got in all the ivory; have patience until I have collected it all. The village of M'Garura owes 270 points.

Kima-Kima	..	..	..	100
Kapamba ..	..	..	..	200
Lele ..	..	..	..	130

This ivory has not yet been collected. The author of this letter is Hamadi-ben-Ali-el-Angazigi (Kibonghé).

Written by Mussa-bin-Hadji by his order, and I and all I have, everything I possess, is thine.

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[No. 28 of Bundle No. III.]

(Arab characters.)

To our Friend, the esteemed Hamadi-bin-Aly (Kibonghé), may God watch over him, and may he grant my prayer :

The mercy and blessing of Allah, after I inform you that I am well, and I hope you are so too. Thanks be to Allah, the God of the Universe, and for news.

Mupafir cannot go to you with this letter because he is waiting for his slaves, and is afraid lest the people of the whites should seize him and imprison him.

Do not go to Tawabu's; he is a traitor who wants to go to Stokes to calumniate you. Go to Stokes yourself and stop them, and do not imagine that Tawabu will go to you at the date mentioned. Do not stop, start at once, for several of your people only appear to you under false colours. You think them submissive, while at heart their feelings towards you are quite other, and they devote the whole of their intelligence to hoodwinking you.

I adjure you, for God's sake, to start at once and rejoin Stokes.

Keep account of the goods which are at Kima-Kima's, Kapamba's, M'Garura's, and N'Sarambunu's; that is indispensable.

For God's sake! for God's sake! do not forget to count the number of Kapamba's men, and M'Garura's, Kima-Kima's, M'Sarambunu's, and Unguepopu's, as well as the number of your own. Do not lose the account of your men and your goods.

Send me a letter (the author means by letter, statement of the accounts referred to above), and do not delay. Go quickly, quickly, and settle your accounts with Stokes.

Send me your goods for fear the Christians should take them.

If you act quickly you will succeed. Write to me.

Do not re-enter the countries or your road except by day, and see that you are accompanied by none but trustworthy men and guides.

As soon as Saleh has finished cutting the wood he will rejoin you.

Saleh has not bought any of my ivory because I did not wish it.

Muftah keeps watch over our stores; if it were another, our goods would disappear. The author of this letter is—

(Signed) MUSSA-BIN-HADJI.

*Dated the 9th day.*

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[No. 29 of Bundle No. III.]

To our Friend, the esteemed Mr. Stokes, the Englishman :

After that I inform you that I am well, and I hope you are the same. Come and join me quickly; the Belgians are arriving. Join me quickly, and send me a flag when you receive my letter without sleeping a night.

God knows if you will ever see me; come in time.

And you, your ivory has been collected, and sent to Pemba; it ought to be on the point of reaching you.

I have still got some ivory, but I am afraid the Belgians will come and take it. For God's sake! for God's sake! send me a flag quickly.

The Belgians are coming to make war on me without any grounds; I have not taken any of their belongings; I have never killed any one belonging to them.

Their enemies are Munimahara and Muzerere, and they have been killed by them.

For God's sake! for God's sake! send me a flag. Come and join me at once.

These are my news.

(Signed) HAMADI-BEN-ALY-EL-ANGAZIGI (of Cameroon).

17 Gamad Awal, 1311.

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[No. 30 of Bundle No. III.]

To our honoured Waledi Kirongaronga, slave of Hamad-ben-Aly-el-Angazigi, whom  
may God guard!

Mercy and blessing from Allah.

After that I inform you that I haven't even time to breathe, such wars have we  
here. Send the bearer back quickly, and do not let him delay more than five days; on  
the sixth let him be here with powder and caps. Do not give up buying stuffs, buy  
them up to 50 frasillahs with powder and caps. Let the whole reach me at the same  
time. Give the bearer the whole. Such is my will. Do it quickly. Do not delay even  
a little.

I tell thee this that thou mayest know. He who implores the mercy of God.  
(Signed) HAMADI-BEN-ALY.

Buy 100 frasillahs worth of powder and caps.  
Even 200 frasillahs.

Inclosure 9 in No. 117.

*Vice-Consul Arthur to Colonel Wahis.*

M. le Gouverneur-Général,

*Boma, May 4, 1896.*

I HAVE the honour to express to your Excellency my thanks for so kindly  
permitting Captain Derschied to interpret for me at the trial of Captain Lothaire.

I would ask your Excellency to be so good as to convey to Captain Derscheid  
my full appreciation of the careful and thorough way he carried out the onerous  
duties assigned to him, as also my gratitude for the valuable assistance that he  
rendered me.

I have, &c.  
(Signed) L. R. ARTHUR.

No. 118.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, July 1, 1896.*

WITH reference to the question of the proceedings which may be taken in  
Belgium in consequence of the appeal from Boma in the case of Captain Lothaire,  
and the extent to which Her Majesty's Government may be engaged thereby, I have  
to state that, as you are aware, Her Majesty's Government were not a party to the  
trial, and are, consequently, not a party to the appeal, which is said to have been  
made by the Public Minister at Boma.

The Government of the Free State engaged that, after the trial, an appeal  
should be made if Her Majesty's Government should so desire, and, in accordance  
with the wish of Her Majesty's Government, an appeal is understood to have been  
lodged in order to prevent the right from lapsing.

This is the present position.

Nothing is known of the nature of the steps that may have been taken, nor as  
to the mode of procedure in case Her Majesty's Government should come to the  
conclusion, after considering the proceedings at the trial, that there is nothing in  
those proceedings which should lead them to desire that the appeal should be  
presented.

No further statement can be made till Vice-Consul Arthur's Report has been  
considered.

I am, &c.  
(Signed) SALISBURY.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received July 13.)*

My Lord,

Boma, June 8, 1896.

WITH reference to my telegram of the 28th May, I have the honour to submit the following remarks in reply to your Lordship's telegram, which I received on the 24th ultimo, concerning the trial of Captain Lothaire:—

I regret that I am unable to state that the trial was conducted in a perfectly fair and impartial spirit, as I consider that the President laid far too much stress upon the unlawful acts attributed to Mr. Stokes, and that Captain Lothaire's conduct in executing Mr. Stokes was not sufficiently investigated.

To myself it appeared evident that the President attached a primary importance to all the evidence, both documentary and verbal, which was detrimental to Mr. Stokes' character, and which went to prove that he carried on an illegal trade in arms and ammunition, and that his relations with the Arabs in revolt against the Free State, and his promises of assistance to them, were of an incriminating nature. I cannot but think that the object in view was to demonstrate that Mr. Stokes had merited the fate which he suffered, and to exonerate Captain Lothaire from the charge brought against him. By so doing I do not consider that the President sufficiently bore in mind and appreciated the primary and main object of the trial, namely, that the actions and conduct of Captain Lothaire himself in relation to the trial and execution of Mr. Stokes should form the subject of a most searching inquiry.

As I stated in my despatch of the 18th May, none of the witnesses who gave evidence before the Conseil de Guerre at Lindi were present at the trial held here. Those who did give evidence here accompanied Captain Lothaire from the Upper Congo, and the questions put to them by the President, as contained in Inclosure No. 1 of my despatch of the 18th May, will, I think, emphasize the remarks which I have made.

With regard to the prosecutor withdrawing from the prosecution, M. Horstmans, the Acting Procureur d'État, who should have prosecuted Captain Lothaire, declined to do so, as he did not consider that Captain Lothaire had violated the laws of the Free State by the trial and execution of Mr. Stokes. It was on these grounds, therefore, that M. Ghislain was appointed specially to perform the duties of Procureur d'État, and which I had the honour of reporting to your Lordship in my despatch of the 31st March. M. Ghislain, who is the Secretary-General of the Free State, has, I believe, passed the examinations for the Bar, but is by profession a soldier, and I think that, although M. Ghislain carried out his duties conscientiously, and to the best of his ability, the case greatly suffered since the prosecution was not in the hands of an able lawyer. M. Ghislain declined to make his second address after the defence, as he considered that Captain Lothaire had shown no criminal intentions, and therefore felt assured that the Court would not convict him, but it was undoubtedly from no feelings of partiality that M. Ghislain did not address the Court a second time.

Although I considered that Captain Lothaire had made a grave error in regarding Mr. Stokes as a military man, and so not affording him the right of appeal, yet, as he had a perfect right to sit as Judge of the Conseil de Guerre at Lindi, and as, at the same time, I did not think that he had shown any criminal intentions, I did not feel myself justified in appealing at once to the Conseil Supérieur at Brussels, for I felt confident that the Judgment given here would be upheld at Brussels.

In accordance with the instructions contained in your Lordship's second telegram, which I received on the 24th ultimo, I addressed a letter on the following day to the Public Minister, appealing to the Conseil Supérieur against the Judgment rendered by the Appeal Court at Boma. I have the honour to transmit to your Lordship herewith a copy of that letter, together with a copy of the Public Minister's reply. I also ascertained that the appeal was lodged within the prescribed limit of time, which does not expire here till the 27th instant.

I was informed by M. Wolters, the Director of Justice, that it is the custom for all the evidence before the Conseil Supérieur to be of a documentary nature, and not to send the witnesses to Brussels from the Congo Free State.

I have, &c.

(Signed) L. R. ARTHUR.

## Inclosure 1 in No. 119.

*Vice-Consul Arthur to the Public Minister, Boma.*

M. le Ministre Public,

Boma, May 25, 1896.

IN accordance with the instructions that I have received from Her Majesty's Government, I have the honour to request that you will appeal to the Conseil Supérieur at Brussels against the Judgment given by the Appeal Court at Boma on the 27th ultimo at the trial of Captain Lothaire, who was arraigned for causing Mr. Charles Stokes, a British subject, to be put to death on the 15th January, 1895, at Lindi.

I have, &c.  
(Signed) L. R. ARTHUR.

## Inclosure 2 in No. 119.

*M. Claes to Vice-Consul Arthur.*

M. le Vice-Consul,

Boma, le 28 Mai, 1896.

J'AI l'honneur de vous accuser réception de votre lettre du 25 Mai écoulé.

Agréé, &amp;c.

Le Substitut du Procureur d'État,  
(Signé) A. CLAES.

(Translation.)

Sir,

Boma, May 28, 1896.

I HAVE the honour to acknowledge the receipt of your letter of the 25th May last.

I have, &c.  
The Acting Procureur d'État,  
(Signed) A. CLAES.

## No. 120.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received July 13.)*

My Lord,

Boma, June 9, 1896.

I HAVE the honour to transmit herewith to your Lordship, copy of a letter which I have received this day from the Acting Public Minister, informing me that on the 8th instant he appealed against the Judgment rendered by the Appeal Court on the 27th April, 1896, at Boma at the trial of Captain Lothaire.

I beg also to transmit to your Lordship copy of the letter which I addressed, in reply, to the Acting Public Minister.

I have, &c.  
(Signed) L. R. ARTHUR.

## Inclosure 1 in No. 120.

*M. Cornélis to Vice-Consul Arthur.*

M. le Vice-Consul,

Boma, le 9 Juin, 1896.

COMME suite à ma lettre en date du 25 Mai, j'ai l'honneur de vous faire savoir que, à la date du 8 Juin courant, j'ai interjeté appel du Jugement rendu le 27 Avril, 1896, par le Tribunal d'Appel de Boma, siégeant en première instance, en cause du Ministère Public contre le Sieur Lothaire.

Agréé, &c.  
(Pour le Procureur d'État, absent),  
Le Substitut,  
(Signé) ÉMILE CORNÉLIS.

(Translation.)

Sir,

*Boma, June 9, 1896.*

IN continuation of my letter of the 25th May, I have the honour to inform you that on the 8th instant I appealed from the sentence given on the 27th April, 1896, by the Tribunal of Appeal at Boma, sitting as a Court of First Instance, in the case of the Public Ministry against M. Lothaire.

I have, &c.  
(In the absence of the Procureur d'État),  
The Acting Procureur,  
(Signed) ÉMILE CORNÉLIS.

Inclosure 2 in No. 120.

*Vice-Consul Arthur to the Public Minister, Boma.*

M. le Ministre Public,

*Boma, June 9, 1896.*

I HAVE the honour to acknowledge the receipt of your letter of this date, informing me that on the 8th instant you appealed against the Judgment rendered on the 27th April, 1896, by the Court of Appeal at Boma at the trial of Captain Lothaire.

I have, &c.  
(Signed) L. R. ARTHUR.

No. 121.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received July 16.)*

My Lord,

*Brussels, July 15, 1896.*

I HAVE the honour to forward herewith copy of a note which I have this moment received from M. van Eetvelde, informing me that the mail which has just come from Africa has brought him the declaration of appeal made on the 8th ultimo against the Judgment pronounced the 27th April in the trial of Captain Lothaire at Boma.

His Excellency adds that, in compliance with the law, he has forwarded this document to the Conseil Supérieur, which is thus regularly in possession of the case, and will proceed with the Appeal unless it be abandoned ("sauf désistement").

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 121.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruzelles, le 15 Juillet, 1896.*

J'AI l'honneur de porter à la connaissance de votre Excellence que le courrier qui vient d'arriver d'Afrique m'a apporté la Déclaration d'Appel faite le 8 Juin dernier, par le Ministère Public contre le Jugement prononcé le 27 Avril, 1896, par le Tribunal d'Appel de Boma en cause de M. Lothaire.

Conformément à la loi, j'ai transmis cet Acte d'Appel au Conseil Supérieur, qui se trouve ainsi régulièrement saisi et devant lequel l'affaire suivra son cours en Appel sauf désistement.

Je saisis, &c.  
(Signé) E. VAN EETVELDE.

(Translation.)

Sir,

*Brussels, July 15, 1896.*

I HAVE the honour to inform you that the mail which is just arrived from Africa has brought the Notice of Appeal given on the 8th June last by the Public Ministry



against the Judgment pronounced on the 27th April, 1896, by the Appeal Court of Boma in the case of M. Lothaire.

I have sent on this Notice of Appeal, as required by law, to the Conseil Supérieur, which has thus been duly apprised of the affair, and before which the case will come on for appeal unless notice be given that the appeal is withdrawn.

I take, &c.  
(Signed) E. VAN EETVELDE.

## No. 122.

*The Marquess of Salisbury to Consul Pickersgill.*

(Telegraphic.)

*Foreign Office, July 16, 1896.*

CAPTAIN ARTHUR should return to Europe in sufficient time to enable him to attend Captain Lothaire's trial, which will probably begin about the 1st October next.

## No. 123.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received July 18.)*

(Extract.)

*Brussels, July 17, 1896.*

I HAVE the honour to forward herewith copy of the Act of Appeal against the decision of the Court at Boma, which M. van Eetvelde handed to me this afternoon.

He informed me at the same time that the President of the Conseil Supérieur had fixed Monday, the 3rd proximo, at 9 A.M., for opening the public hearing of the Appeal case.

He added that the actual practice of Courts in this country was to fix as early a date as was compatible with the study of the documents, and that in this case the defendant, Captain Lothaire, had requested that as early a day as possible should be named.

The Court will consist of—

M. Devolder, "Président de la Section d'Appel," late Minister of the Interior and of Justice, Senator, as President of the Court; of

M. Camille de Jaer, "Avocat de la Cour d'Appel," Member of the Chamber of Deputies; and of

M. Sam Wiener, "Avocat de la Cour d'Appel, Conseiller Provincial."

M. Paul Hymans, "Avocat, Auditeur faisant fonctions de Ministère Public," will act as Public Prosecutor.

M. de Saegher, the lawyer who defended Captain Lothaire at Boma, has lately died, and it is not yet quite certain who will act for the Captain at the Appeal trial.

The Court will sit in the large hall of the Congo Foreign Department in the Rue de Namur; newspaper reporters will be admitted as well as the general public, so far as the limited space will permit.

Inclosure in No. 123.

*Appeal from Judgment of Court at Boma, delivered on April 27, 1896, in the Case of Captain H. J. Lothaire.*

GREFFE DU TRIBUNAL D'APPEL.

*Acte d'Appel.*

(Décret du 27 Avril, 1889, Article 79.)

L'AN 1896, le 8<sup>e</sup> jour du mois de Juin, au Greffe du Tribunal d'Appel séant à Boma, et par-devant nous, G. Dasnoy, Greffier suppléant d'Appel, a comparu

M. E. Cornelis, Substitut du Procureur d'État à Boma, agissant au nom du Procureur d'État absent.

Lequel a déclaré interjeter appel d'un Jugement prononcé le 27 Avril, 1896, par le Tribunal d'Appel siégeant en première instance à charge de Hubert Joseph Lothaire.

Lecture faite, le comparant a persisté et signé avec nous.

Le Greffier suppléant d'Appel,

(Signé) G. DASNOY.

Le Comparant,

(Signé) ÉMILE CORNELIS.

(Translation.)

REGISTRY OF THE COURT OF APPEAL.

*Notice of Appeal.*

(Decree of April 27, 1889, Article 79.)

IN the year 1896, on the 8th day of the month of June, at the Registry of the Court of Appeal sitting at Boma, and before us, G. Dasnoy, Acting Registrar of the Court of Appeal, appeared M. E. Cornelis, Deputy State Procureur at Boma, acting in the absence of the State Procureur.

Who declared that he gave notice of appeal against the Judgment pronounced on the 27th April, 1896, by the Court of Appeal, sitting as a Court of First Instance, in the case of Hubert Joseph Lothaire.

After reading, the appellant has persisted, and signed with us.

Acting Registrar of the Court of Appeal,

(Signed) G. DASNOY.

The Appellant,

(Signed) ÉMILE CORNELIS.

No. 124.

*The Marquess of Salisbury to Sir F. Plunkett.*

(Extract.)

*Foreign Office, July 22, 1896.*

YOU should warn M. van Eetvelde in a friendly manner that the early date fixed for the trial will make it impossible for Her Majesty's Government to consult Vice-Consul Arthur, or thoroughly to study the shorthand notes of the trial at Boma before the proceedings commenced. They can, therefore, make no suggestions nor express any opinion as to whether the appeal ought to be proceeded with, or as to the points which it may be desirable to clear up. The responsibility must rest entirely with the Congo Government and with the gentleman whom they are employing as Counsel for the prosecution. It would, presumably, be open to the Court to adjourn the case to a later date on an application by the prosecution; but whether such application shall be made is for the decision of the Congo Government.

No. 125.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received July 27.)*

My Lord,

*Brussels, July 24, 1896.*

IN compliance with the instructions contained in your Lordship's despatch of the 22nd instant, I called yesterday on M. van Eetvelde, and warned him, in a friendly manner, that the early date which had now been fixed for the trial of the appeal, in the case of Captain Lothaire, made it impossible for Her Majesty's Government to consult Vice-Consul Arthur, or to study thoroughly the shorthand notes of the trial at Boma, before the proceedings commence.

I went on to say that your Lordship could therefore make no suggestions, nor express any opinion as to whether the appeal ought to be proceeded with, or as to the points which it might be desirable to clear up. The responsibility must rest entirely with the Congo Government, and with the gentlemen whom they are employing as Counsel for the prosecution.

I added that it might presumably be open to the Court to adjourn the case to a later date on an application by the prosecution, but it was for the Congo Government to decide whether this application should be made.

M. van Eetvelde confined himself to correcting the allusion to the prosecuting Counsel, as being named by the Congo Government. The "Ministère Public" is named by the Court, and the Congo Government have not to appoint any prosecutor.

His Excellency begged I would make this clear to your Lordship.

I have, &c.

(Signed) F. R. PLUNKETT.

No. 126.

*Mr. Gosselin to the Marquess of Salisbury.—(Received July 27.)*

(Extract.)

*Berlin, July 25, 1896.*

BARON VON ROTENHAN asked me yesterday whether Her Majesty's Embassy had received any further news as to the decision of the Congo Government about Major Lothaire's trial.

I told his Excellency that a question had been asked in the House of Commons on this very subject the previous day, and that, according to the telegraphic summary published by Wolff's Bureau, Mr. Curzon had stated that the hearing before the Conseil Supérieur is fixed for the 3rd proximo; that Her Majesty's Government left the entire responsibility as to the trial in the hands of the Congo Government; that Her Majesty's Government had no *locus standi* in the appeal any more than they had in the Boma trial; and that they reserved to themselves the right, at the conclusion of the appeal, to make such diplomatic representations as the circumstances may seem to require.

No. 127.

*Mr. Adam to the Marquess of Salisbury.—(Received August 3.)*

(Extract.)

*Brussels, August 1, 1896.*

I HAVE the honour to transmit an extract from No. 7 of the "Bulletin Officiel de l'État Indépendant du Congo," for July 1896.

I have specially to call your Lordship's attention to the Royal Decree of the 14th July (pp. 222 to 225), regulating the procedure before the Conseil Supérieur, when sitting as a Criminal Court, in accordance with which the trial of the appeal in the case of Captain Lothaire will be conducted next week.

The Decrees of the 27th April, 1889 ("Justice Répressive") and the 8th October, 1890 ("Organisation du Conseil Supérieur") referred to the preamble of the present Decree, were respectively published in Nos. 4 *bis* of 1889, and 10 of 1890, of the "Bulletin du Congo."

Article 1 deals with the constitution of the Court.

Article 2, though providing for the publicity of the sittings in general, nevertheless authorizes the Court to hold them with closed doors, if it shall consider such a course necessary for the maintenance of order or in the interests of morality.

Article 3 lays down the order of the proceedings in Court.

Article 4 empowers the Court to call for additional evidence, and Article 5 regulates the summoning and examination of witnesses.

Articles 6 to 9 (inclusive) apply the existing provisions of the Decree of the 27th April, 1889 (Articles 73 to 77 inclusive), in the event of the possible failure of the defendant to appear, and the appeal having to be tried by default.

Article 10 provides for the event of an appeal to the Supreme Court by the defendant if convicted.

## Inclosure in No. 127.

*Extract from the "Bulletin Officiel de l'État Indépendant du Congo, No. 7," July 1896.*

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 DÉPARTEMENT DES AFFAIRES ÉTRANGÈRES.
 

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*Conseil Supérieur.—Procédure Pénale.*

LEOPOLD II, Roi des Belges, Souverain de l'État Indépendant du Congo, à tous présents et à venir, salut.

Revu le Décret du 27 Avril, 1889, sur la justice répressive (réorganisation) et notamment les Articles 57 et 58 des dispositions y annexées ;

Revu le Décret du 8 Octobre, 1890, sur l'organisation du Conseil Supérieur et notamment l'Article 1<sup>er</sup>, § 3, du dit Décret ;

Sur la proposition de notre Secrétaire d'État,

Nous avons décrété et décrétons :

Article 1<sup>er</sup>. Le Président d'Appel désigne les membres appelés à siéger, le Conseiller Rapporteur et l'Auditeur chargé de remplir les fonctions de Ministère Public dans chacune des affaires soumises à la Cour.

Il fixe les jours d'audience par une Ordonnance spéciale qui sera notifiée aux parties intéressées et qui indiquera les jours et heures où le dossier de l'instruction sera déposé au Secrétariat du Conseil Supérieur et pourra être consulté par elles et leurs Conseils.

Art. 2. Les audiences sont publiques.

Toutefois le huis-clos peut être prononcé par la Cour si elle juge la publicité dangereuse pour l'ordre ou les mœurs.

Le Président a la police de l'audience. Le Secrétaire tient le plumitif de l'audience et remplit les fonctions de Greffier.

Art. 3. Au jour fixé pour les débats, le Conseiller Rapporteur expose l'affaire et fait connaître l'instruction à laquelle elle a donné lieu ainsi que le jugement prononcé.

Dans la même audience ou à une audience ultérieure, il est procédé ensuite à l'interrogatoire du l'accusé et, s'il y a lieu, à l'audition des témoins.

Après quoi, la parole est donnée au Ministère Public et ensuite à la défense.

Le Président prononcera la clôture des débats.

L'arrêt pourra être rendu immédiatement ou fixé à une audience ultérieure.

L'arrêt sera motivé et il sera prononcé en audience publique.

La Minute sera signée par le Président et le Secrétaire.

Art. 4. En tout état de cause jusqu'à la clôture des débats, la Cour pourra ordonner un supplément d'instruction et fixer, à cet effet, une audience ultérieure.

Art. 5. Si des témoins doivent être entendus, les assignations seront notifiées soit à la requête de l'inculpé, soit à la requête de l'auditeur faisant fonctions de Ministère Public, conformément aux Articles 1<sup>er</sup> et 2 du Décret du 6 Avril, 1893, et à l'Arrêté du 6 Avril, 1893.

Seront applicables aux témoins assignés devant la Cour, les Articles 70 et 71 du Décret du 27 Avril, 1889.

Art. 6. Si l'inculpé ne comparait pas devant la Cour, l'affaire est jugée par défaut.

Art. 7. Il peut toujours être fait, endéans le mois de sa signification, opposition à l'arrêt rendu par défaut.

L'opposition sera faite par déclaration de l'inculpé ou de son fondé de pouvoir au Secrétariat du Conseil Supérieur.

Le Secrétaire notifiera l'opposition au Ministère Public.

Art. 8. Les frais de l'arrêt par défaut pourront être mis à la charge du prévenu, alors même qu'il serait acquitté sur opposition.

Art. 9. L'opposition emportera de plein droit citation à la première audience dont le Greffier fera connaître la date aux parties. Si l'opposant ne comparait pas, l'arrêt sera définitif.

Art. 10. Si l'inculpé forme un recours en Cassation, il sera procédé comme il est dit aux Articles 8 à 12 du Décret du 8 Octobre, 1890.

Art. 11. Notre Secrétaire d'État est chargé de l'exécution du présent Décret, qui entre en vigueur ce jour.

Donné à Bruxelles, le 14 Juillet, 1896.

(Signé) LÉOPOLD.

Par le Roi-Souverain :

Le Secrétaire d'État,  
(Signé) EDM. VAN EETVELDE.

(Translation.)

FOREIGN OFFICE.

*Conseil Supérieur.—Criminal Procedure.*

LÉOPOLD II, King of the Belgians, Sovereign of the Independent State of the Congo, to all to whom these presents may come, greeting.

Considering the Decree of the 27th April, 1889, respecting criminal justice (reorganization), and in especial the Articles 57 and 58 of the Regulations annexed thereto ;

Considering the Decree of the 8th October, 1890, respecting the organization of the Conseil Supérieur, and in especial Article 1, section 3, of the said Decree ;

At the instance of our Secretary of State,

We have decreed, and do hereby decree :

Article 1. The President of Appeal nominates the members who are to sit, the Counsellor Reporter and the Auditor charged with the functions of the Public Minister, in each of the cases submitted to the Court.

He fixes the days of session by a special Ordinance, of which the parties interested will be duly informed, and which will show the days and hours when the indictment will be placed with the Secretariat of the Conseil Supérieur, and can be consulted by the interested parties and their legal advisers.

Art. 2. The sittings will be public.

The Court can, however, decide on sitting in *camerâ*, should it consider that publicity would be dangerous either to the public peace or morals.

The President is entrusted with the duty of keeping order in the Court. The Secretary acts as the Court's amanuensis, and takes the place of a Greffier.

Art. 3. On the day fixed for hearing, the Counsellor Reporter sets forth the circumstances of the case and the indictment which they have given rise to, as also the Judgment pronounced.

At the same or a future sitting the prisoner is examined, and, if necessary, witnesses heard.

The Public Ministry has then the right to speak first, followed by the defence.

The President will announce that the sitting is at an end.

The sentence may be given at once, or postponed till a subsequent sitting.

The reasons for the sentence shall be given, and it shall be pronounced at a public sitting.

The record shall be signed by the President and the Secretary.

Art. 4. At any point previous to the termination of the sitting the Court shall be able to order the indictment to be added to, and to fix a further sitting for that purpose.

Art. 5. If witnesses are to be heard, the summonses to them shall be sent out either at the instance of the prisoner, or at that of the Auditor who is charged with the duties of the Public Ministry, in conformity with Articles 1 and 2 of the Decree of the 6th April, 1893, and the Regulation of the 6th April, 1893.

Articles 70 and 71 of the Decree of the 27th April, 1889, shall apply to the witnesses summoned before the Court.

Art. 6. If the accused does not appear before the Court, Judgment shall go by default.

Art. 7. A Judgment by default can, however, always be objected to within a month of its being given.

The objection shall be made by means of a declaration of the accused or of his attorney to the Secretariat of the Conseil Supérieur.

The Secretary shall inform the Public Ministry of the appeal.

Art. 8. The costs of the Judgment by default can be made payable by the accused, even if he is acquitted on the hearing of the objection.

Art. 9. An objection shall imply a right to be heard at the first sitting, of the date of which the Greffier will inform the parties. If the party objecting does not appear, the Judgment will be final.

Art. 10. If the accused appeals, matters shall take their course, as prescribed in Articles 8 to 12 of the Decree of the 8th October, 1890.

Art. 11. Our Secretary of State is charged with the execution of the present Decree, which comes into force from to-day.

Given at Brussels, the 14th July, 1896.

(Signed) LÉOPOLD.

By the King-Sovereign :

The Secretary of State,  
(Signed) EDM. VAN EETVELDE.

No. 128.

*Mr. Adam to the Marquess of Salisbury.—(Received August 10.)*

My Lord,

*Brussels, August 8, 1896.*

I HAVE the honour to inclose herewith a Report drawn up by Lord Vaux, of Harrowden, on the Trial on Appeal of Captain Lothaire before the Conseil Supérieur du Congo.

Lord Vaux has followed the proceedings most carefully from beginning to end.

I have, &c.

(Signed) C. F. FREDERICK ADAM.

Inclosure in No. 128.

*Report by Lord Vaux on the Trial of Captain Lothaire before the Conseil Supérieur at Brussels.*

THE trial before the Conseil Supérieur in Brussels of the Appeal from the decision of the Court of Appeal at Boma in the case of Captain Lothaire took place in the Library of the Congo Department on the 3rd, 4th, 5th, and 6th instant.

The constitution of the Court and the names of its members have already been reported in Sir F. Plunkett's despatch No. 186, Africa, of the 17th ultimo. The Court sat each day from 9 till 12:30, and on the last day it rose at 12:30, but resumed its sitting from 2 o'clock till a quarter-past 4 in the afternoon. The proceedings were conducted throughout in a calm and orderly manner; two or three slight outbursts of applause amongst the general public in the body of the Court were at once sternly reprov'd by the President, who threatened to have the Court cleared.

The first two days were almost entirely occupied with the Report which M. Sam Wiener, one of the Judges, read to the Court of the whole of the proceedings which had led up to the appeal.

The proceedings of the Court held by Captain Lothaire at Lindi, the depositions of the witnesses, the sentence and execution of Mr. Stokes, as well as the subsequent proceedings at the trial of Captain Lothaire before the Court of Appeal at Boma for the murder of Mr. Stokes, were all read without comment. All that had transpired in the course of the inquiry as to Mr. Stokes' relations with Kibonghé, Kilongalonga, and other Arab Chiefs was fully laid before the Court, translations of letters and correspondence were read, and, finally, M. Wiener concluded by reading the Reports of the superiors of Captain Lothaire as to the excellent services which he had always rendered in the Congo State.

The reading of M. Wiener's Report occupied more than six hours; any detailed analysis of it would manifestly be impossible until the shorthand notes of the trial promised to Her Majesty's Government by the Congo authorities have been received. While listening to it carefully, I formed the impression that it was on the whole a tolerably impartial account of what had taken place.

On the second day, at the conclusion of M. Wiener's Report, Captain Lothaire was invited by the President to stand up and to explain what his reasons were for issuing a warrant of arrest against Mr. Stokes on the 5th January, 1895. No oath was administered to Captain Lothaire, who explained shortly, and in reply to a few questions put to him by the President, that having obtained from Kibonghé, whom he had executed as a rebel against the Congo State on the 1st January, 1895, information as to arms, powder, &c., having been sold by Mr. Stokes, having further obtained proofs by Stokes' own letters that he was in relations with the Arab Chiefs, and having actually seen powder and arms which the natives stated they had received from Stokes, he instructed Lieutenant Henry to proceed with eighty men of his force to arrest Stokes. Captain Lothaire also gave some explanation of his reason for dispensing with a "greffier" (clerk) to the Court, and further said that he took notes of the proceedings in pencil on his knee, having no table at Lindi, and that he prepared his written account of the trial afterwards in ink.

This examination of Captain Lothaire lasted about twenty minutes; the President then invited both the prosecution and the defendant's own Counsel to put any questions they might wish, but both declined, and the Court rose for the day.

On the following morning Captain Lothaire asked to be allowed to make some further explanations in addition to his evidence at the last sitting. He stated that Lieutenant Henry arrived in Stokes' camp at Apombuli on the 9th January, 1895, quite unexpectedly towards nightfall, that he was thus able to seize Stokes before any alarm was raised, and to disarm his 25 or 30 soldiers, as well as the 400 Arab soldiers who were with him. No shot was fired at the time of the arrest, and Stokes was sent under escort back to Lindi the following morning.

M. Paul Hymans, acting as Public Prosecutor, then commenced his speech. It is difficult to regard this gentleman's pleading as a serious endeavour to prove Captain Lothaire guilty of any offence. Even such points as the absence of a "greffier" during the proceedings at the Court at Lindi, Stokes' description in the sentence passed upon him as a *merchant*, denial of the right of appeal as a *military* man, and then execution by hanging as a *civilian*, as well as various other matters which might obviously have been pressed against the accused, were minimized or brushed aside as unimportant by M. Hymans. The only point upon which I understood M. Hymans to admit that Captain Lothaire could have been in the wrong, was in the confiscation of Mr. Stokes' ivory as well as of his arms. Doubtless it would be extremely difficult to prove that Captain Lothaire had a guilty intent when he sentenced Mr. Stokes to death, and neglected at the same time to inform him that, as a civilian, he had a right of appeal within five days to Boma. M. Hymans avoided this difficulty by making no attempt whatever to prove the case, and ended his speech, which occupied the whole of the third sitting, by calling upon the Court to pronounce a verdict of acquittal.

At the final sitting of the Court M. Graux, in a clear and able speech which lasted four hours and a-half, undertook Captain Lothaire's defence. He took considerable pains to point out the curiously military character of Mr. Stokes' pretended commercial expeditions. He drew attention to the offer made to Colonel Colville to capture Wadelai at the commencement of the very expedition in which Stokes met his death. He laid stress on the point that the permit from the German authorities, found amongst Stokes' papers, mentioned 36 breech-loaders and 300 muzzle-loaders, whereas at the time of the arrest his soldiers were found to be armed with at least 100 to 120 breech-loaders and over 500 muzzle-loaders, and he maintained that Stokes' own correspondence proved that he was in alliance with Kibonghé, and that Kibonghé's death, of which he was in ignorance until arrested by Henry, although he was aware of Kibonghé's capture by the Congolese forces, meant ruin to Stokes, to whom the price of his 1892 and 1894 caravans, namely, 1,800 frasilahs of ivory, was still due.

Lothaire, who had only 100 soldiers, including the 80 men he had detached with Lieutenant Henry, in the midst of a hostile country, in which he had just captured and executed Kibonghé, the greatest Arab Chief, was, M. Graux declared, in imminent danger from Stokes, of whose alliance with the Arabs he was convinced, and of whose sales of arms and powder he had proof. Stokes had over 400 armed men in his camp when arrested, as well as a body of 700 or 800 more at a couple of days' distance. Lothaire would be therefore fully justified in executing Stokes as a measure of self-protection in time of war. There was no proof of any personal animus on the part of Lothaire against Stokes. He had never seen him, and had only heard of his existence a short time before the arrest took place. Lothaire was fully invested with the judicial authority necessary to try and sentence Stokes. If in his judicial capacity he had made a mistake, such a mistake could not render the execution a murder, and would at most demand a slight

disciplinary penalty. Lothaire had been placed upon his trial for murder; he had been acquitted by the Court at Boma, and M. Graux must ask the Court at Brussels to confirm that verdict.

At the end of M. Graux' speech the Judges retired to consider their verdict, and returned in half-an-hour with a short written Judgment, in which they upheld the verdict of acquittal of the Court of Appeal at Boma.

A copy of the Judgment of the Court will be communicated to Her Majesty's Legation by the Congo Department, together with a copy of the official shorthand writer's notes of the trial. These notes are very lengthy, and will probably take a few days to write out. M. de Cuvelier tells me that the speeches of the Public Prosecutor and of M. Graux will not have been submitted to these gentlemen for correction, but will be communicated as taken down in Court, and may therefore, perhaps, contain some slight verbal inaccuracies.

In conclusion, I would add that the authorities of the Congo Department and of the Court were most courteous in providing me with all possible facilities in attending the sittings and following the hearing of the case.

(Signed) VAUX OF HARROWDEN.

Brussels, August 7, 1896.

No. 129.

*Vice-Consul Arthur to the Marquess of Salisbury.—(Received August 28.)*

My Lord,

Boma, July 20, 1896.

I HAVE the honour to transmit herewith to your Lordship a statement of accounts concerning the estate of the late Mr. Stokes, together with copy of a correspondence which has taken place between M. Wolters, the Director of Justice, and myself on this subject.

Your Lordship will perceive that there is due to the heirs and successors of the deceased the sum of 163,026 fr. 66 c. by the value of the articles which were seized at the time of his arrest and subsequent execution. The prices assigned to the various items were fixed upon by M. Wolters and myself from the evidence of Lieutenant Henry, the only reliable witness who was available since Captain Lothaire declined to give any information. I may mention that, before approving of these prices, I took the opinion of an English gentleman in business here, who considered them to be quite fair in every respect.

On the other side, the Government of the Independent State claim from the estate of the late Mr. Stokes the sum of 191,066 fr. 25 c. The sum of 150,000 fr. they assert is due as export duty upon the ivory which Mr. Stokes took out of the territory of the Free State on the occasion of a former visit, and upon that which those members of his caravan, who were not arrested by Lieutenant Henry at Kwa Mpeni, succeeded in bearing away to the East Coast of Africa. This sum of 150,000 fr. has been fixed upon by the Government of the Independent State by reference to an article in a German newspaper from an officer of that nationality, whose name I believe to be Lieutenant Hermann, saying that large quantities of ivory belonging to Mr. Stokes had reached the East Coast, and giving its approximate value. It appears to me to be a somewhat extraordinary coincidence that the Government of the Independent State should have instituted a claim for the exact sum of money which they had paid to Her Majesty's Government as a compensation for irregularities of procedure in connection with the trial and execution of Mr. Stokes.

With regard to the claim of 41,066 fr. 25 c. for the transport of Mr. Stokes' ivory from the interior to Boma, this sum has been arrived at on the presumption that the whole of the ivory seized, namely, 10,250 kilog., has reached Boma, but as no special mark was affixed to the various tusks, it is quite impossible to say whether such is the case or not.

In instituting these two claims, which together amount to the sum of 191,066 fr. 25 c., I regret to have to inform your Lordship that I do not consider that the Government of the Independent State have strictly adhered to the assurance which they gave to Her Majesty's Government in the month of November last year, when M. van Eetvelde stated, in the notes which he addressed to Sir Francis Plunkett, that the Government of the Independent State undertook to order the restitution of the whole of Mr. Stokes' property, since it appears that instructions of a different nature have been issued to the local authorities in Boma.



I have therefore informed M. Wolters that I must decline to accept these two claims until I shall have received further instructions in the matter from your Lordship.

I have, &c.  
(Signed) L. R. ARTHUR.

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Inclosure 1 in No. 129.

*M. Wolters to Vice-Consul Arthur.*

M. le Vice-Consul,

*Boma, le 10 Juin, 1896.*

J'AI l'honneur de vous faire savoir que, comme je vous l'ai annoncé, j'ai saisi M. le Gouverneur-Général de la demande que vous m'aviez faite concernant les pièces relatives à la succession Stokes.

Je regrette de devoir revenir sur ma première intention, M. le Gouverneur-Général, estimant qu'il vaut mieux s'adresser au Gouvernement Central, qui sera averti de votre démarche et qui pourra donner une solution définitive à la question.

J'attends avant de prendre aucune décision de nouvelles instructions du Gouvernement.

Vous trouverez ci-joint un double du projet de liquidation telle que nous l'avons faite le 1<sup>er</sup> Juin, 1896.

Agrééz, &c.  
Le Directeur de la Justice,  
(Signé) AMAND WOLTERS.

(Translation.)

Sir,

*Boma, June 10, 1896.*

I HAVE the honour to inform you that, as I have already stated, I have communicated to the Governor-General the request you made to me respecting the Stokes estate.

I regret to have to say that, contrary to what I at first thought, the Governor-General is of opinion that he must report to the Home Government, who will be informed of what you have done, and will be in a position to decide the question definitively.

Before coming to any decision, I shall await fresh instructions from the Government.

I inclose herewith a duplicate of the draft settlement, as drawn up by us on the 1st June, 1896.

I have, &c.  
The Director of Justice,  
(Signed) AMAND WOLTERS.

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Inclosure 2 in No. 129.

*Vice-Consul Arthur to M. Wolters.*

Sir,

*Boma, July 2, 1896.*

I HAVE the honour to acknowledge the receipt of your letter of the 10th ultimo, transmitting to me a statement of accounts concerning the estate of the late Mr. Stokes.

As the Government of the Independent State of the Congo announced to Her Britannic Majesty's Government in the month of November of last year that they undertook to order the restitution of all the property connected with the estate of the late Mr. Stokes, I would ask you to be so good as to inform me upon what basis the Director of Finance has instituted a claim for the sum of 150,000 fr. as export duty upon ivory belonging to the deceased.

With regard to the charge of 41,066 fr. 25 c. for transport of the ivory belonging to the late Mr. Stokes, I regret that, on the same grounds as I have already stated, I am unable to accept this claim until I shall have submitted the same to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and myself have received further instructions in the matter.

I have, &c.  
(Signed) J. R. ARTHUR.

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## Inclosure 3 in No. 129.

*M. Wolters to Vice-Consul Arthur.*

M. le Vice-Consul,

*Boma, le 13 Juillet, 1896.*

EN réponse à votre lettre du 2 Juillet courant, j'ai l'honneur de porter à votre connaissance que c'est sur l'ordre émanant de M. le Secrétaire d'État à Bruxelles que M. le Directeur des Finances s'est porté créancier à la succession de feu M. Ch. H. Stokes pour la somme de 150,000 fr.

Comme j'ai eu l'honneur de vous le dire, l'état actuel de la liquidation tel qu'il a été provisoirement arrêté par votre Excellence de concert avec moi, a été transmis au Government Central pour obtenir de nouvelles instructions.

Veuillez, &amp;c.

Le Directeur de la Justice,

(Signé) AMAND WOLTERS.

(Translation.)

Sir,

*Boma, July 13, 1896.*

IN reply to your letter of the 2nd July, I have the honour to apprise you that, it is in accordance with the instructions of the Secretary of State at Brussels, that the Director of Finance has made his claim of 150,000 fr. against the estate of the late Mr. Charles H. Stokes.

As I have already had the honour of informing you, the accounts to date, the realization as provisionally drawn up by your Excellency and myself have been transmitted to the Central Government for their further instructions.

I am, &amp;c.

The Director of Justice,

(Signed) AMAND WOLTERS.

## Inclosure 4 in No. 129.

## ÉTAT INDÉPENDANT DU CONGO.

*Direction de la Justice.—Liquidation des Successions.*

PROJET de Liquidation de la Succession de Mr. Stokes, Charles Henry, décédé à Lindi, le 15 Janvier, 1895.

PASSIF.		ACTIF.		
	Fr. c.		Fr. c.	
Créance du Directeur des Finances pour droits de sorties à payer par Stokes pour son ivoire ..	150,000 00	60 Mausers 12,000 cartouches	} Considérés comme appartenant au Gouvernement Allemand.	..
Créance de l'Intendance pour frais de transport de 10,250 kilog. d'ivoire du Haut Itouri à Boma ..	41,066 25	8 Sniders, à 25 shl. ..		} Armes introduites frauduleusement sur territoire de l'Etat
		640 cartouches, à 1 pf. ..	66 66	
		12 Winchester et Colt, à 90 fr. ..	1,080 00	
		55 fusils à piston, à 12 fr. ..	660 00	
		350 kilog. de poudre, à 4 fr. ..	1,400 00	
		67,000 capsules, à 75 le 100 ..	462 50	
		525 kilog. de perles, à 1 fr. 50 c. ..	787 50	
		900 pièces étoffe blanche ..	2,200 00	
		2 vieilles tentes ..	115 00	
		6,500 kilog. bel ivoire, à 18 fr. ..	117,000 00	
		3,750 kilog. petit ivoire, à 10 fr. ..	37,500 00	
		8 malles en fer ..	80 00	
		Colliers en perles (cuivre) ..	50 00	
		Biens personnels vendus à Lindi ..	165 00	
		220 pièces étoffes diverses ..	1,210 00	
Total .. .. .	191,066 25	Total .. .. .	163,026 66	

Réservé tout droit pour l'État du Congo de réclamer à la succession le montant des taxes douanières non payées par le défunt sur marchandises importées ou exportées.

Certifié exact :

Le Directeur de la Justice,

(Signé)

*Boma, le*

, 189 .

(Translation.)

## INDEPENDENT STATE OF THE CONGO.

*Department of Justice.—Realization of Estate.*

DRAFT balance-sheet of the Estate of the late Mr. Stokes, Charles Henry, deceased at Lindi, January 15, 1895.

DEBIT.		CREDIT.	
	Fr. c.		Fr. c.
Claim of the Director of Finances on account of export duty payable by Stokes on his ivory ..	150,000 00	60 Mausers } Considered as belonging to the German Government	..
Claim of the Transport Department for carriage of ivory from the Upper Itauri to Boma ..	41,066 25	12,000 cartridges {	250 00
		8 Sniders, at 25s. ..	66 66
		640 cartridges, at 1 <i>d.</i> ..	..
		12 Winchesters and Colts, at 90 fr. ..	1,080 00
		55 cap-guns, at 12 fr. ..	660 00
		350 kilog. of powder, at 4 fr. ..	1,400 00
	191,066 25	67,000 caps, at 75 a-hundred ..	462 50
		525 kilog. of pearls, at 1 fr. 50 c. ..	787 50
		900 pieces of white stuff ..	1,220 00
		2 old tents ..	115 00
		6,500 kilog. of fine ivory, at 18 fr. ..	117,000 00
		3,750 kilog. of small ivory, at 10 fr. ..	37,500 00
		8 iron cases ..	80 00
		Pearl necklaces (copper) ..	50 06
		Personal effects sold at Lindi ..	165 00
		220 pieces of various stuffs ..	1,210 00
Total .. .. .		Total .. .. .	163,026 66

The Congo State reserves full right to claim from the estate the amount of customs' dues not paid by deceased on goods imported or exported.

Certified copy :  
The Director of Justice,  
(Signed)

Boma, , 189 .

No. 130.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received September 21.)*

My Lord,

Brussels, September 20, 1896.

THE inclosed extract from the "Belgique Coloniale" of this morning states that a Decree was published the day before yesterday instituting a Commission for the protection of the natives and for the prevention of atrocities in the Congo State.

This Commission will include the Vicar-Apostolic and two Roman Catholic priests, a member of the Baptist Missionary Society and of the American Baptist Union, with Mr. George Grenfell, of the Baptist Mission, as Secretary.

Captain Michel is charged with the supervision of the proper execution of Government orders for the protection of natives in the Upper Congo.

The "Bulletin Officiel" containing these arrangements has not yet reached me.

I have, &c.

(Signed) F. R. PLUNKETT.

## Inclosure in No. 130.

*Extract from "La Belgique Coloniale" of September 20, 1896.*

AU moment de mettre sous presse, nous recevons le numéro du "Bulletin Officiel de l'État Indépendant du Congo" de Septembre. Il contient tout un ensemble de mesures de protection en faveur des indigènes.

C'est d'abord le Décret du 18 Septembre instituant une Commission de protection, ayant pour mission de faire connaître à l'autorité les actes de violence dont seraient victimes les indigènes, et, en outre, de signaler au Gouvernement les mesures à prendre pour prévenir les actes de Traite, pour rendre plus efficace la prohibition ou la restriction du trafic de spiritueux et pour amener progressivement la disparition des coutumes barbares, telles que l'anthropophagie, les sacrifices humains, l'épreuve du poison, &c.

Le "Bulletin" contient en outre le texte coordonné des diverses instructions sur les rapports des agents de l'État avec les indigènes, instructions très minutieuses, défendant notamment tout acte de mauvais traitement et rendant les agents Européens personnellement responsables des actes illicites que commettraient leurs sous-ordres noirs.

M. le Commandant Michel est nommé Inspecteur d'État avec la mission spéciale de surveiller dans le Haut-Congo la stricte exécution des instructions de l'autorité supérieure. Il est muni d'un pouvoir disciplinaire très étendu.

Enfin le "Bulletin" contient un Décret érigeant en délits les actes d'anthropophagie, de mutilation de cadavres et l'épreuve du poison connue sous le nom de N'Kassa.

Nous aurons l'occasion de revenir sur ces mesures qui ne font que continuer l'œuvre humanitaire à laquelle s'est attaché le Gouvernement de l'État Indépendant.

Dès à présent il est permis de se féliciter de voir une opinion publique éclairée, celle dont la Commission instituée par le Roi-Souverain est l'organe, substituée aux malsaines agitations de certaine opinion publique qui sévit en Europe et, à notre honte, en Belgique même.

*Nominations.*—Sont nommés membres de la Commission de Surveillance :—

Mgr. van Ronslé, Évêque de Thymbrum, Vicaire Apostolique du Vicariat du Congo Belge, Président ;

Le Père Van Henxthoven, J., de la Compagnie de Jésus.

Le Père de Cleene, de la Congrégation de Scheut.

M. William Holman Bentley, de la Baptist Missionary Society Corporation ;

M. le Dr. A Sims, de la American Baptist Missionary Union ;

M. George Grenfell, de la Baptist Missionary Society Corporation, Secrétaire.

## No. 131.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, October 21, 1896.*

I TRANSMIT to you a copy of a despatch from Mr. Vice-Consul Arthur, inclosing the result of the inquiry held by him at Boma into the estate of the late Mr. Stokes, together with copies of the correspondence which passed between the Director of Justice and himself on the subject.\*

The statement of assets, which has been accepted by the authorities of the Congo State as correct, shows that the value of the property belonging to Mr. Stokes at the time of his death, which passed into the hands of the Congo State, amounted to 163,026 fr. 66 c. On the other hand, the Government of the State have advanced a claim for 191,066 fr. 25 c., of which 150,000 fr. are said to be due to the Customs for export duties on his ivory, and 41,066 fr. 25 c. are for the transport of his ivory from the interior to Boma.

It appears from Vice-Consul Arthur's despatch that the claim for customs duties is made on account of ivory said to have been exported by Mr. Stokes on previous occasions, and, indeed, it is clear, from the fact that the ivory sold at Boma had not

left the territory of the Congo State, that the claim is not on account of the ivory in Mr. Stokes' possession at the time of his death.

You will recollect that the undertaking given by the Congo State Government, and accepted by Her Majesty's Government in November last, was that all the property connected with Mr. Stokes' estate should be restored;\* and Her Majesty's Government cannot admit that it can be made liable for claims arising out of an alleged previous breach of Customs Regulations, even if there were evidence to show the amount of ivory on which the duties are claimed, and that it was originally collected in and exported from the Congo State in circumstances which would render it liable to duty. Neither can they admit the rights of the Congo State to deduct the cost of transporting the ivory to Boma, which forms the second item of the claim.

I have therefore to request that you will address a note to the Government of the Congo State informing them that Her Majesty's Government have received Vice-Consul Arthur's report on the value of Mr. Stokes' estate as settled by him at Boma with the State authorities, and that Her Majesty's Government request that the amount, namely, 163,026 fr. 66 c., may be paid over to you. You should state that Her Majesty's Government have learnt from Mr. Arthur that counter-claims have been set up against the estate, but that they must hold the Government of the Congo State to the engagement given by M. van Eetvelde in November last for the restoration of all the property.

I am, &c.  
(Signed) SALISBURY.

No. 132.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received November 2.)*

My Lord,

*Brussels, November 1, 1896.*

I HAVE the honour to forward herewith copy of the note which, as instructed by your Lordship's despatch of the 21st ultimo, I addressed to M. van Eetvelde, informing him that Her Majesty's Government had received Vice-Consul Arthur's Report on the value of Mr. Stokes' estate as settled by him at Boma with the local authorities, and that Her Majesty's Government request that the amount of 163,026 fr. 66 c. be paid over to me, as they cannot recognize the counter-claims made against the estate, and must hold his Excellency to the engagement given to me by him in November last for the restitution of all the property.

Last night I received from M. van Eetvelde the note, copy of which is inclosed, and which seems unsatisfactory.

His Excellency says he has sent instructions to the Director of Justice to hand over to Mr. Arthur all the articles belonging to Mr. Stokes' estate, and in case any of these cannot be handed over, to pay him the value at the rate fixed upon it already by Mr. Arthur and the Director of Justice.

M. van Eetvelde calls attention to the fact that among the property are fire-arms, cartridges, &c., which are liable to seizure under Article XII of the Act of Brussels.

His Excellency further inquires what steps are contemplated for refunding the cost of transporting Mr. Stokes' effects from the Upper Congo to Boma.

I have shown this note to Mr. Arthur, who agrees with me that it does not afford an acceptable solution, and, as he returns to-morrow to London, I have asked him to call at the Foreign Office and explain to the African Department his views on the subject.

I have, &c.  
(Signed) F. R. PLUNKETT.

## Inclosure 1 in No. 132.

*Sir F. Plunkett to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, October 27, 1896.*

THE Marquess of Salisbury has carefully examined the Report which Her Britannic Majesty's Vice-Consul at Boma has drawn up on the value of the late Mr. Stokes' estate, as settled by him with the local authorities.

Her Britannic Majesty's Government have noticed with surprise that counter-claims have been set up against the estate, amounting altogether to the sum of 191,066 fr. 25 c., for export duty and for expenses of transport; they cannot admit the justice of these demands, and must insist that the value of Mr. Stokes' property, as it passed into the hands of the Congo State Government, be refunded to them.

Your Excellency will have already received from Boma copies of the correspondence which took place on this subject between Mr. Vice-Consul Arthur and Mr. Walters.

The statement of assets which has been accepted by the authorities at Boma, in concert with Her Britannic Majesty's Vice-Consul, as correct, shows that the value of the property belonging to Mr. Stokes at the time of his death amounted to 163,026 fr. 66 c., and I have been instructed by the Marquess of Salisbury to request your Excellency will be so good as to pay over this amount to me, for Her Britannic Majesty's Government must hold the Government of the Independent State to the engagements given to me last year by your Excellency that restitution would be made of the whole of Mr. Stokes' property.

I avail, &amp;c.

(Signed) F. R. PLUNKETT.

## Inclosure 2 in No. 132.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 31 Octobre, 1896.*

EN réponse à la lettre que votre Excellence a bien voulu m'adresser le 27 courant au sujet de la succession de feu Stokes, j'ai l'honneur de lui faire savoir que je donne à la Direction de la Justice l'ordre de remettre les biens de cette succession à M. le Vice-Consul de Sa Majesté Britannique à Boma. Au cas où certains d'entre eux ne pourraient être remis en nature, il lui en sera versé la valeur, sur la base de l'estimation qui a été admise de commun accord par Mr. Arthur et le Directeur de la Justice.

Il est à remarquer, toutefois, que parmi les effets délaissés figurent un certain nombre d'armes à feu, ainsi que des cartouches, poudre, et capsules, introduites illégalement sur le territoire de l'État et tombant sous l'application de l'Article XII de l'Acte de Bruxelles, qui impose aux Puissances l'obligation de confisquer les armes et munitions saisies.

Il m'est également nécessaire d'aviser la curatelle des successions du mode selon lequel il entre dans les intentions des intéressés de couvrir les frais de transport des biens héréditaires depuis le Haut-Congo jusqu'à Boma, et je serais obligé à votre Excellence de bien vouloir me fixer sur ce point.

Je saisis, &amp;c.

(Signé) E. VAN EETVELDE.

(Translation.)

Sir,

*Brussels, October 31, 1896.*

IN answer to the letter which you were good enough to address to me on the 27th instant respecting the estate of the late Stokes, I have the honour to inform you that I am giving instructions to the Director of Justice to hand over the estate in question to Her Majesty's Vice-Consul at Boma. In the event of there being any goods belonging to the estate which cannot be handed over in kind, the value will be remitted to him, as based on the valuation which has been agreed upon by Mr. Arthur and the Director of Justice.

I have, however, to point out that among the goods left behind figure a certain number of fire-arms as well as cartridges, powder, and caps, which were illegally imported into the State territories and are subject to the provisions of Article XII of the

Brussels Act, by which the Powers are bound to confiscate the arms and ammunition which they seize.

I have also to draw the attention of those administering the estate to the manner in which those interested propose to pay for the expenses of the carriage of the goods forming the estate from the Upper Congo to Boma, and I should be obliged if you would be good enough to give me some information on this point.

I am, &c.  
(Signed) E. VAN EETVELDE.

No. 133.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, November 4, 1896.*

WITH reference to previous correspondence, I transmit to you a Memorandum which contains the views of Her Majesty's Government on the proceedings connected with the trial of Captain Lothaire at Boma and before the Conseil Supérieur at Brussels for the execution of the British subject Charles Henry Stokes, within the jurisdiction of the Congo Free State.

The opinions therein recorded have been arrived at after a careful study of the documents relating to the trials, and I have to request you to give a copy of the Memorandum to M. van Eetvelde.

I am, &c.  
(Signed) SALISBURY.

Inclosure in No. 133.

*Memorandum.*

BY a note addressed on the 3rd November, 1895, to Her Majesty's Minister at Brussels, the Government of the Congo Free State announced their desire to settle in a manner satisfactory to Her Majesty's Government the questions which had arisen in connection with the execution at Lindi in the previous January of Charles Henry Stokes, a British subject. With this view, they engaged that Captain Lothaire, the Judge of the Court which had tried and condemned Mr. Stokes, should be brought before a Tribunal competent to thoroughly investigate the whole question, to adjudicate on the accusations made against Captain Lothaire, and to inflict punishment proportionate to the gravity of the offence, in the event of his guilt being established.

Her Majesty's Government accepted this engagement, and Captain Lothaire was in due course summoned to take his trial before the Court of Appeal at Boma.

The finding of the Court at Boma was a verdict of acquittal. On learning its nature, Her Majesty's Government instructed the Vice-Consul to request the "Public Minister" to exercise the right of appeal. They did so in order to keep alive the right of obtaining a rehearing of the case pending a study of the proceedings at the trial, without which it was impossible to form an opinion as to whether the circumstances were such as to require an appeal. However, on the notice of appeal being received in Brussels, and before the proceedings could be examined by Her Majesty's Government, the date of the 3rd August was fixed for the appeal to be heard. Her Majesty's Government then notified to the Government of the Congo State that they dissociated themselves from any responsibility for a participation in the appeal proceedings; that in view of the early date fixed, they could make no suggestions nor express any opinion as to whether the appeal ought to be proceeded with, or as to the points which it might be desirable to clear up; that the responsibility must rest entirely with the Congo Government; that it would presumably be open to the Court to adjourn the case to a later date on an application by the prosecution, but that whether such application should be made was for the decision of the Congo Government.

The appeal was duly entered, and came before the Conseil Supérieur at Brussels on the 3rd August last.

Her Majesty's Government have now had the advantage of considering the verbatim Reports of the two trials, and they feel it their duty to put on record the opinion they have formed after a careful study of these papers.

The first accounts which reached Her Majesty's Government regarding the

condemnation and execution of Mr. Stokes led them to fear that there had been a serious miscarriage of justice, and they regret that the superficial nature of the inquiries addressed to the accused by the prosecution during the trials has confirmed rather than removed this impression.

Attention has already been called, in the various communications addressed by Her Britannic Majesty's Minister at Brussels to the Secretary of State of the Government of the Congo, to the points which, in the opinion of Her Majesty's Government, demanded elucidation.

The authoritative record of the trial of Mr. Stokes is the *procès-verbal* signed by Captain Lothaire, as Judge of the "Conseil de Guerre" in the Arab zone. The Law establishing the "Conseils de Guerre" requires the presence of a "Greffier." The functions of this official may be purely formal, and it is conceivable that, in moments of overwhelming danger, the Judge of a Court which, though incompetent to administer martial law to non-military persons, was authorized to proceed in a summary manner in certain cases, might hold it to be unnecessary to delay a trial until a "Greffier" could be appointed; but in this case no sufficient evidence has been alleged to show that the trial of Stokes could not have been postponed till the Court could have been constituted strictly in accordance with the law. This defective constitution of the Court was in itself sufficient to create a technical invalidity of all its proceedings. Moreover, in addition to this, there is no evidence that military necessity required the immediate execution of Mr. Stokes. The capture and execution of Kibonghé had quenched the last sparks of Arab resistance to the Congo forces. Neither Mr. Stokes, nor those with him when he was arrested, nor even the remainder of the men belonging to his camp at Kwa Mpini, made the least resistance to Lieutenant Henry.

It must, however, be pointed out that at his trial Mr. Stokes was not accused of any military offence, and that he was not tried by court martial. He was accused—

"1. D'avoir vendu aux bandes Arabes de Kilongalanga, Saïd-ben-Abedi, Kibonghé, de la poudre, fusils, capsules, provenant d'un dépôt établi par lui en Décembre 1892, à M'Kaubi, territoire de l'État Indépendant du Congo.

"2. D'avoir fait vendre par des gens à sa solde, Unyamouesi ou autres, originaires de la Colonie Allemande de Dar-es-Salam, de la poudre, fusils à capsules, capsules, et fusils à cartouches aux dites bandes révoltées contre le Gouvernement de l'État Indépendant du Congo, et ce, aux de mois Novembre et Décembre 1894.

"3. D'avoir vendu lui-même à Kibonghé et à ses bandes et aux bandes de Saïd-ben-Abedi révoltées contre le Gouvernement de l'État Indépendant du Congo, et ce, au mois de Novembre 1894, la poudre, les fusils, et capsules que comportait sa caravane."

These offences, even if proved, were not punishable by death under the laws of the Congo State.

Elaborate attempts were made, both at Boma and at Brussels, to show that the offence of selling arms in times of rebellion amounted to, and in fact was identical with, "inciting to civil war," a crime which, under Congo law, was punishable with death. But the fact remains that this latter offence is not among those with which, according to the *procès-verbal*, Mr. Stokes was charged.

Captain Lothaire stated to the Conseil Supérieur at Brussels that during the preliminary investigation, of which no record was kept, he had specially called Mr. Stokes' attention to the capital charge of inciting to civil war; that Mr. Stokes denied it, saying that he was an ivory merchant, and a man engaged in commercial pursuits, and then asked permission to defend himself in writing. Yet that written defence meets only the minor charge, mentioned in the *procès-verbal*, of selling arms. The concluding words of the defence, "I have acted not with any desire to oppose the Government," coming as they do after many paragraphs designed to meet the charge of selling arms, are not evidence that Mr. Stokes knew of any charges other than those recited at the beginning of his defence. It is indeed incredible that a man should go carefully into the minor charge, and leave the more serious one practically out of account. It is to be observed, moreover, that Captain Lothaire's Report of the trial, addressed to the Governor-General, makes no mention of the fact that a European had been convicted of inciting the natives to make war on the European Government of the Congo. Had Mr. Stokes been allowed the appeal to which the law gave him a right, it is hardly conceivable that the Court of Appeal, and indeed Mr. Stokes himself, would not have perceived the irregularity of condemning him for a crime more serious than that with which, according to the formal record of the trial, he had been charged.

At the trial of Captain Lothaire at Boma, and during the hearing of the appeal by



the Conseil Supérieur, it was argued that Mr. Stokes had no right of appeal, because Captain Lothaire, as Judge, had rightly held him to be a "military person." The original record of the trial at Lindi, as already shown, describes him simply as a British subject engaged in commercial pursuits with natives and Arabs of the East Coast. That a man so described should be held to be a military person, and, as such, subject to more severe penalties than those to which a civilian was liable, would surely be a circumstance of sufficient importance to be mentioned in the record. It is inconceivable that Mr. Stokes should not have made some attempt to answer the allegation that he was a military person. That he had, when he prepared his defence, no knowledge that he was to be treated as a "militaire" is certain from the absence of any allusion to the matter in his defence.

At the trial at Brussels it was sought to prove that his position was that of a leader of an organized band of soldiery. Yet the strange discovery of a white man following the career of Captain of such a body in the heart of Africa is mentioned neither in the *procès-verbal* nor in Captain Lothaire's Report to the Governor-General. On the contrary, Stokes is described in the latter, as in the former document, as a man in commercial relations with the Zanzibar coast. Lieutenant Henry, who arrested Mr. Stokes, and who should have been a capable judge as to whether he was a "militaire," was evidently struck solely with his commercial avidity. Lieutenant Henry's two letters of the 10th January, 1895, speak only of his trading instincts, and the second letter says:—

"Comme vous le verrez sans doute maître Stokes doit être une espèce de vieux Juif, plus bête que méchant. Il est seul de son espèce pour faire le commerce d'ivoire ici, et parcourt les pays par monts et par vaux, profitant de toutes les occasions favorables pour faire chanter à son profit quiconque possède quelques défenses d'éléphant."

It is impossible that Lieutenant Henry could have used this language if he had arrested an individual in command of an organized band of soldiery, and it is clear that he did not look upon Mr. Stokes or his followers in the light of "militaires."

Again, if Mr. Stokes was a military person, why was he condemned to death by hanging, the civil method of execution, instead of by shooting, the manner of inflicting the death penalty on military offenders laid down in the Circular addressed on the 17th February, 1892, to the Judges of the State, including those of the "Conseil de Guerre?"

Captain Lothaire's allegation that hanging was chosen out of respect for Mr. Stokes as being of the white race, because the Kibonghé had been shot a few days before, cannot be treated seriously.

Attempts were made by Captain Lothaire and his defenders to prove the military character of Stokes from the fact that he had Askaris with him; but it is well known that such armed guards accompany every East Coast caravan, and so far from wishing to disguise the fact of their presence, Mr. Stokes refers to his Askaris freely, and without comment or excuse in his written defence.

From the foregoing facts, and from the circumstance that the record of the trial at Lindi makes no mention of any decision by the Judge that Mr. Stokes was a "militaire," Her Majesty's Government are forced to the conclusion that the contention that he had that character, and that he was charged with inciting to civil war, was an afterthought brought in to account for the neglect to accord to Mr. Stokes his right of appeal, and for the infliction of the death penalty.

There is a further point of considerable gravity in connection with the trial at Lindi on which no attempt was made to throw light either at Boma or Brussels.

The *procès-verbal* of the trial signed by Captain Lothaire states that certain Articles of the Decree and Code applicable to the case were read in Court.

But the statements which were made to Sir F. Plunkett by Dr. Michaux (who was present in Court at Lindi during the whole proceedings) and which were laid before the Tribunals at Boma and Brussels are to the effect that he had heard Captain Lothaire express regret that he had no code to consult.

No attempt was made to disprove this statement, which, if correct, would show that the *procès-verbal* was not an accurate record of the proceedings at Lindi.

The perfunctory character of the proceedings of the prosecution at Boma and Brussels evidently made an impression on those in Court, for M<sup>e</sup> Graux, speaking before the Conseil Supérieur at Brussels, could not but say:—

"Tout est étrange en cette affaire. Parmi les surprises qu'elle réservait à l'accusé, la moindre, assurément, n'a pas été celle que lui a causé l'exercice de cette action de la justice criminelle, sans qu'il lui soit possible de rencontrer nulle part un accusateur. J'ai

hésité à prendre la parole et je ne saurais dissimuler la singularité de mon rôle, qui va consister à rivaliser avec M. le Procureur d'État pour démontrer quelques heures encore l'innocence du Commandant Lothaire."

It is, moreover, remarkable that, on the hearing of the appeal from the sentence of acquittal pronounced at Boma, the Procureur d'État, representing the State as Prosecutor, should have moved the Conseil Supérieur not to reverse, but to confirm the sentence.

Her Majesty's Government are aware that the Congo Government issued a Decree on the 30th October, 1895, which removes crimes punishable with death from the cognizance of "Conseils de Guerre" if the accused is of European race. If duly observed this Decree should prevent the recurrence of cases analogous to that which forms the subject of this Memorandum, but Her Majesty's Government cannot conceal from that of the Independent State that their confidence in the conduct of justice within the jurisdiction of the Congo State has been rudely shaken, and they will watch with much anxiety the future administration of the law and regulations of the State as affecting the persons and property of British subjects.

*Foreign Office, October 28, 1896.*

No. 134.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, December 2, 1896.*

I HAVE received your despatch of the 1st ultimo, containing copy of a note in which M. van Eetvelde replies to the communication which you addressed to him on the 27th October relative to the restoration of the property of the late Mr. Charles Stokes.

M. van Eetvelde says that instructions will be given to the Director of Justice to hand over to Her Majesty's Vice-Consul at Boma the property in question, or, if the actual property is not forthcoming, its equivalent in value, at the rates settled between Mr. Arthur and the Director of Justice.

He further remarks that some of the articles are liable to confiscation as having been illegally introduced into Congo territory, and asks what steps the heirs will take to settle the cost of transport of the goods from the Upper Congo to Boma.

I have to request you to inform M. van Eetvelde that the engagement spontaneously given by the Congo State for the restoration of the property was entered into whilst the goods were still at Lindi, and that it was known at the time that Mr. Stokes' representatives could not be nearer than the coast; that neither they nor Her Majesty's Government were consulted as to the best method of disposing of the property, and that in bringing it to Boma the authorities of the State were merely fulfilling the promise already given by their Government for its restoration, which promise, in the circumstances, naturally included the responsibility of safely conveying the property to the coast. Her Majesty's Government are therefore unable to admit that there is any valid claim against the property for expenses in this connection.

As regards the goods, with the exception of the ivory, which are now at Boma, Her Majesty's Government agree that, subject to their being duly identified as having been Mr. Stokes' property, they should be handed over to Her Majesty's Consular Representative at Boma, payment being made for any of those mentioned in the list which are not forthcoming at their assessed value.

With regard to the ivory, the officials of the State admitted to Vice-Consul Arthur that they had no means of identifying the actual tusks which were in Mr. Stokes' possession, and the valuation was made on Lieutenant Henry's report of the weight and quality of the ivory. Her Majesty's Government must therefore request that the amount at which it was valued by the assessors must be paid over in full.

In accepting as correct the valuation of the property which was made on the data supplied by Lieutenant Henry, Her Majesty's Government have been constrained to dispense with corroborative evidence, since Captain Lothaire refused to make any statement on this head when called upon to do so. Being, however, desirous of settling the question, they are prepared to accept this valuation as accurate, but they cannot admit any deductions which purport to be made in respect of alleged violations by Mr. Stokes of Customs Regulations or of the Brussels Act, as there is no proof that he would have refused, or have attempted to evade, payment of any duties legally leviable if he had been asked for them.

I am, &c.

(Signed) SALISBURY.

No. 135.

*Mr. Adam to the Marquess of Salisbury.—(Received December 14.)*

My Lord,

Brussels, December 9, 1896.

I HAVE the honour to transmit herewith a copy of a Memorandum which M. van Eetvelde sent me through his Secretary, General M. de Cuvelier, on the 7th instant.

This document, the contents of which were suggested by an examination of the Memorandum which accompanied your Lordship's despatch of the 4th ultimo, after enumerating the conditions of the Agreement arrived at between Her Majesty's Government and that of the Independent State in November 1895, declares that the payment of 150,000 fr. as compensation for the irregularities in the procedure at Mr. Stokes' trial has entirely removed the irregularities in question from the sphere of diplomatic controversy.

It then proceeds to give at length, while expressly disclaiming any intention to discuss their validity, the arguments used by Captain Lothaire's Counsel in regard to those irregularities (namely, the failure of that officer to afford Mr. Stokes any opportunity for appeal, the absence of a "Greffier," and the general confiscation of Mr. Stokes' property.

Passing on to the obligation entered into by the Congo State to bring Captain Lothaire to trial before a competent Tribunal, the Memorandum points out that all the preliminary questions relating to the trial, as well as the right of Her Majesty's Government to demand an appeal, and the position assigned to Her Majesty's Vice-Consul during the proceedings were settled beforehand between the two Governments, that Vice-Consul Arthur and the Procureur d'État jointly agreed to bring against Captain Lothaire the charge of murder; that the Vice-Consul never raised the slightest objection either against the form of the proceedings, or against the evidence produced, and that in fact his Report testified to the "honourable and conscientious manner" in which the prosecution had been conducted and the Court constituted.

As to the trial on appeal, it is declared to have been arranged entirely by the Conseil Supérieur, to whose discretion was left the date for the hearing of the case.

Stress is laid upon the fact that the trial on appeal took place in the presence of a Representative of Her Majesty's Legation, and that all documents of interest to the case were laid before the Courts both at Boma and at Brussels.

The duty of the Judges it is asserted, was merely to decide whether or no Captain Lothaire was guilty of murder, and not whether the absence of a greffier, the order of confiscation, or the immediate execution of the sentence upon Mr. Stokes constituted violations of the laws of the Congo.

The decision of the Conseil Supérieur is then quoted in full, and the principle that there can be no murder without criminal intention is appealed to, as exculpating Captain Lothaire.

Finally, the perfect freedom of the Ministère Public to demand an acquittal, "in the exercise of its judicial functions," is asserted, and the Congo Government claims credit for having fulfilled its duties impartially throughout the case, and calls attention to the subsequent amendments which it has introduced in the Laws of the Independent State.

I have, &amp;c.

(Signed)

C. F. FREDERICK ADAM.

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 Inclosure in No. 135.
*Memorandum.*

L'EXAMEN du Mémorandum remis le 7 Novembre dernier par son Excellence Sir Francis Plunkett suggère quelques remarques dans la présente note.

Dès Novembre 1895, un arrangement intervint entre les deux Parties, en vue de régler l'affaire qui fait l'objet de ce Mémorandum, de manière à donner satisfaction au Gouvernement de Sa Majesté Britannique.

Cet arrangement comportait un double engagement de la part de l'État Indépendant du Congo : celui de verser au Gouvernement de Sa Majesté Britannique

du chef des irrégularités commises dans la procédure judiciaire suivie à l'égard de Mr. Stokes, une somme de 150,000 fr.; celui aussi de déférer M. Lothaire à un Tribunal compétent pour statuer sur les accusations dont il était l'objet et pour lui infliger une peine proportionnée à la gravité des faits, en cas que sa culpabilité fut prouvée.

La somme fixée de commun accord fut versée sans délai, et sans du reste que l'on fut en possession de données plus complètes sur l'affaire. Elle fut versée, ainsi que le constate la correspondance officielle à titre de réparation pour les irrégularités de la procédure suivie à l'égard de Mr. Stokes.

Par le fait même que ces irrégularités ont reçu la compensation acceptée par le Gouvernement de Sa Majesté Britannique, il va de soi qu'elles n'ont plus, comme telles, à faire ici l'objet de notre part d'un nouvel examen diplomatique, qui serait sans objet.

Ce n'est qu'à titre documentaire qu'il peut encore y avoir utilité à constater de quelle manière au cours des deux instances, les hommes de loi de la défense, à la lumière des renseignements produits aux débats, ont apprécié les irrégularités relevées au début de l'affaire. On se rappellera que celles-ci étaient au nombre de trois: le non exercice du droit d'appel, le défaut de Greffier, le prononcé de la confiscation générale.

En ce qui concerne le droit d'appel, il n'appartenait, a-t-on dit, en vertu de l'Article 27 du Décret sur les Conseils de Guerre, qu'aux civils et pas aux militaires, et, d'après ce que l'on a soutenu au procès, tous les éléments de la cause caractériseraient Mr. Stokes comme un militaire. Et même, abstraction faite de cet Article 27, les lois de la guerre autorisaient l'exécution immédiate d'un chef de bandes armées, en rapport avec des révoltés, alors que le Capitaine Lothaire se trouvant isolé, a'ayant avec lui qu'un nombre peu considérable de soldats noirs, dans une région à peine soumise, au milieu d'Arabes peu sûrs et d'indigènes d'une fidélité incertaine, et qu'il avait acquis, par de nombreux témoignages et la saisie d'une correspondance non douteuse la preuve irréfragable des intelligences de Mr. Stokes. On a rappelé que les autorités Anglaises, elles-mêmes, avaient été à même de constater le caractère militaire des entreprises successives de Mr. Stokes. Au Capitaine Williams, il disait le 30 Novembre, 1891, "Flying as I would the English flag, would Captain Lugard fire on me? If he did, by God, you find Stokes' body in front of his men and lead\* them to death or victory." Le Colonel Colville, auquel il avait offert "to capture Wadelaï" était amené à lui écrire le 29 Juin, 1894: "As regards your personal movements, I am anxious to encourage trade in British territory, but do not wish to do so at the expense of possible complications; I cannot, therefore, help viewing with some uneasiness your 1,000 armed men. . . . I wish to warn you that I can only treat any unauthorized warlike operations as acts of piracy." "I cannot" lui signifiait le 22 Septembre, 1894, Mr. Wilson, "entertain any negotiations with a large armed force which has looted and murdered in British territory." Le missionnaire Pilkington a déclaré aussi et confirmé sous la foi du serment: "Every one in Uganda . . . knew perfectly well that Mr. Stokes had gone on an expedition to Kibongé's country for the purpose of demanding reparation for the murder of his Headman."

Le Mémoire du 28 Octobre fait observer que la question du caractère militaire de l'expédition de Stokes n'aurait été soulevée pour la première fois qu'au cours du procès de Boma. A cet égard, il y a lieu de faire ressortir que d'après les dépositions de M. Michaux et des témoins indigènes entendus à Boma, il est hors de doute que M. Lothaire n'a fait procéder à l'arrestation et à la mise en jugement du condamné que par ce qu'il était sous l'impression que ce dernier s'avancait à la tête de bandes armées pour porter secours aux Arabes révoltés.

Il serait incompatible, a-t-on ajouté encore, avec l'esprit de la loi, de reconnaître à un chef de bandes irrégulières un droit d'appel qui n'appartient pas aux officiers de l'armée régulière; ce serait en effet accorder un traitement de faveur à celui dont l'action militaire s'exerce d'une manière illicite et particulièrement dangereuse au point de vue de la tranquillité publique.

Le défaut de Greffier au Conseil de Guerre de la Lindi constitue une irrégularité qui n'a pas été contestée. Mais en fait, a dit la défense, il ne se trouvait à la Lindi que deux Européens: Lothaire et le Dr. Michaux; celui-ci ayant été assumé comme interprète, était plus nécessaire en cette qualité qu'en celle de Greffier; en droit, et comme le dit du reste le Mémoire du 28 Octobre, la présence du Greffier n'est

pas une formalité essentielle, puisque, au Congo même, des Tribunaux ont pu siéger sans Greffier, dans des cas exceptionnels, lorsque le personnel Européen est insuffisant. Ce qui importe surtout, c'est que l'instruction faite par le Conseil de Guerre soit l'expression de la vérité; or, rien n'établit que cette instruction n'ait pas été sincèrement et fidèlement recueillie, et, à cet égard, le témoignage du Dr. Michaux, tant devant son Excellence Sir Francis Plunkett que devant le Secrétaire du Conseil Supérieur, reconnaît la véracité des dépositions et leur fidèle reproduction.

L'allégation que M. Lothaire n'aurait pas eu de code est contestée par l'intéressé; elle se concilie difficilement avec le fait que tous les chefs d'expédition sont munis d'un recueil complet des lois.

Reste la confiscation générale prononcée par le Jugement du 14 Janvier, 1895, des biens et marchandises diverses du condamné. Ici, l'irrégularité a semblé aux avocats plus apparente que réelle. Des Articles 19 du Decret sur les Conseils de Guerre et 79 du Décret du 26 Mai, 1888, il résulte que les choses formant l'objet de l'infraction, qui ont servi ou ont été destinées à la commettre, ou qui en ont été le produit, sont atteintes par la confiscation spéciale. Or, l'on a fait observer que les biens qui étaient en possession du condamné rentraient tous dans l'une de ces catégories, soit qu'ils fussent l'objet de l'infraction, comme les armes et munitions importées ou vendues illégalement, soit qu'ils en fussent le produit, comme les marchandises acquises par Stokes en échange de ces armes et munitions ou de l'appui promis par lui aux Arabes révoltés.

Pour les raisons données plus haut le Gouvernement de l'État Indépendant du Congo se borne à indiquer ici, sans les apprécier, les arguments mis en avant par la défense.

Il est à voir maintenant la suite qui fut donnée à cet autre engagement de l'État de déférer M. Lothaire à un Tribunal qui sera compétent pour faire une lumière complète sur toute l'affaire, pour statuer sur les accusations dont M. Lothaire est l'objet, et pour infliger une peine proportionnée à la gravité des faits, en cas que sa culpabilité soit prouvée.

C'est d'accord avec le Gouvernement de Sa Majesté Britannique qu'il fut décidé de déférer M. Lothaire au Tribunal d'Appel de Boma, et, en cas d'appel, au Conseil Supérieur à Bruxelles. C'est du reste en connaissance de cause que le Gouvernement de Sa Majesté Britannique c'est décidé pour ces juridictions, car il n'a pas dépendu du Gouvernement de l'État Indépendant du Congo que M. Lothaire comparut devant la justice Belge.

A la demande du Gouvernement Anglais, il fut entendu également que le Ministère Public près du Tribunal de Boma interjeterait appel devant le Conseil Supérieur si le Consul Britannique lui en exprimait le désir.

De même encore, ce fut d'accord entre le Gouvernement Britannique et le Gouvernement de l'État Indépendant du Congo que fut réglé le rôle que M. le Vice-Consul Britannique remplirait aux débats de la Cour de Boma, et les désirs exprimés à ce sujet par son Excellence Sir Francis Plunkett reçurent leur entière réalisation.

M. Arthur, en effet, assista officiellement à tout le procès. Il intervint avec le Procureur d'État pour qualifier les faits reprochés à M. Lothaire, et ce fut de leur avis commun que le prévenu fut poursuivi du chef de "meurtre." Il versa au dossier tous les documents qu'il jugea utiles et eut la faculté de faire telles questions qu'il lui convenait. Il suivit toute la procédure devant la Cour de Boma, dont la composition ne souleva de sa part aucune critique; le Juge d'Appel ayant en effet usé de la latitude que lui donne la loi de s'adjoindre un jury de quatre Assesseurs. Ni au cours du procès, ni par la suite, M. le Vice-Consul Britannique ne souleva d'objection soit quant à la procédure suivie, soit quant à l'impartialité ou à la publicité des débats, soit quant à la sincérité des témoins. Il lui fut délivré tous les documents et pièces qu'il demanda.

Le rapport qu'il adressait le 18 Mai, 1896, à son Gouvernement sur le procès devant la Cour de Boma rendait sans réserve hommage "à la manière honorable et consciencieuse" dont le Ministère Public avait accompli sa tâche, ainsi qu'au mode dont avait été instituée la Cour.

C'est en conformité d'instructions spéciales venues de Londres que le Consul demanda, le 25 Mai, au Procureur d'État d'interjeter l'appel, avant que son rapport sur l'affaire ait pu parvenir à destination; celui-ci fut reçu le 29 Juin au Foreign Office.

L'acte d'appel fut dressé le 8 Juin, et le Conseil Supérieur se trouva ainsi saisi de l'affaire. Cet acte lui parvint le 15 Juillet; dès lors la marche de l'action judiciaire contre M. Lothaire dépendait du Conseil Supérieur seul. Ce fut lui qui

fixa l'affaire au 3 Août, et le Gouvernement de l'État Indépendant du Congo ne put que prendre acte des remarques que suggéra alors au Gouvernement de Sa Majesté cette fixation d'audience qu'il jugeait trop rapprochée, mais qui était une des conséquences naturelles de l'appel demandé par le Vice-Consul Britannique. Il va de soi, d'ailleurs, que la Cour avait le devoir de tenir compte du droit du prévenu, et que celui-ci réclamait, de ne pas rester indéfiniment sous le coup d'une accusation de meurtre.

Les débats devant le Conseil Supérieur eurent lieu, comme ceux du Tribunal de Boma, au grand jour de la publicité, sous le contrôle de l'opinion. Ils se poursuivirent sous les yeux du Représentant de la Légation Britannique. Devant l'une comme devant l'autre juridiction, furent produits tous les documents nécessaires ou utiles à la manifestation de la vérité, notamment les dépositions du Dr. Michaux, dont parle le Mémoire. Tous les griefs dont fut l'objet la conduite de M. Lothaire y furent examinés, et, si le Conseil Supérieur, composé de jurisconsultes et de personnalités éminentes, a confirmé le Jugement rendu par le jury de Boma, on ne peut y voir que l'expression d'une profonde conviction basée sur les faits et sur les éléments de la cause.

Depuis les débuts de l'affaire le Gouvernement de l'État Indépendant du Congo, tout en cherchant à donner satisfaction à l'Angleterre, s'est préoccupé du souci de laisser la justice se mouvoir librement dans la sphère de son indépendance. Respectueux des décisions judiciaires et de l'autorité de la chose jugée, il se borne strictement ici à faire ressortir que toute la procédure suivie contre M. Lothaire l'a été ensuite d'un accord constant entre les deux Gouvernements.

Sans entrer donc dans le fond de l'affaire, il n'est pas toutefois superflu de faire remarquer que la mission qui incombait à la justice était celle de rechercher si M. Lothaire était vis-à-vis de la loi pénale de l'État Indépendant du Congo coupable ou non. Sa tâche n'était pas, comme semble le croire le Mémoire, de statuer en particulier sur chacun des actes dont on a fait grief à M. Lothaire; ces actes en eux-mêmes ne constituent pas des infractions spéciales dont la justice était saisie. Le Tribunal de Boma comme la Cour de Bruxelles avaient leur compétence définie par l'assignation même, libellée, on l'a dit déjà, d'accord avec le Vice-Consul Britannique. Ils avaient à dire si M. Lothaire était coupable de meurtre, et non pas si l'absence du Greffier, le prononcé de la confiscation générale, l'exécution immédiate du jugement constituaient des violations de la loi. Ces éléments, les Juges n'ont eu à s'en préoccuper qu'en tant qu'ils auraient caractérisé la culpabilité de M. Lothaire. Il s'agissait d'établir si, en faisant exécuter Mr. Stokes, dans les circonstances que l'on connaît, M. Lothaire s'était rendu coupable du crime dont il était prévenu. Plusieurs faits ont été mis hors de conteste au cours du procès, notamment les fournitures d'armes par Mr. Stokes aux auteurs des massacres de 1892, ainsi que ses relations suspectes avec Kibonghé en guerre contre l'État; dans ces conditions, peut-on dire que M. Lothaire, en agissant comme il l'a fait, ait eu une intention criminelle? C'est à la question ainsi posée que le Conseil Supérieur a répondu par le Jugement suivant:—

Vu l'assignation à comparaître devant le Tribunal d'Appel de Boma signifiée à l'inculpé le 20 Avril, 1896, à la requête de M. le Procureur d'État;

Vu l'instruction faite devant le dit Tribunal d'Appel et notamment l'instruction aux audiences publiques des 24, 25, et 27 Avril, 1896;

Vu le Jugement rendu par le même Tribunal à l'audience du 27 Avril, 1896;

Vu l'appel interjeté par le Ministère Public suivant déclaration reçu au greffe du Tribunal d'Appel de Boma le 8 Juin, 1896.

Oùï M. le Conseiller Wiener en son Rapport à l'audience publique des 3 et 4 Août, 1896.

Vu l'instruction faite devant la Cour;

Oùï l'inculpé en son interrogatoire;

Oùï M. l'Auditeur Hymans faisant fonctions de Ministère Public en ses réquisitions;

Oùï l'inculpé en ses moyens de défense présentés par M<sup>e</sup> Graux.

Attendu que l'appel est régulier dans la forme;

Attendu que Lothaire est poursuivi du chef de meurtre;

Attendu que le crime de meurtre n'existe pas sans intention criminelle;

Attendu que, d'après la prévention, telle qu'elle est libellée dans l'assignation du 20 Avril, 1896, cette intention criminelle se déduirait de l'inobservation de certaines règles, soit dans la constitution du Conseil de Guerre qui a jugé Stokes, soit dans l'exécution de la sentence rendue par ce Conseil;

Attendu que ces erreurs, en les supposant établies en tout ou en partie, ne prouveraient pas l'intention criminelle ;

Attendu que tous les éléments de la cause concourent à démontrer, au contraire, que Lothaire a voulu agir dans la mesure de ses pouvoirs ; qu'il a apprécié les faits avec conscience et droiture, après une instruction au cours de laquelle Stokes, admis à se justifier en audience publique, a présenté ses moyens de défense par écrit ;

Attendu que Lothaire, en prononçant le jugement à charge de Stokes et en faisant procéder à l'exécution dans les vingt-quatre heures, a été inspiré par la conviction qu'il remplissait son devoir de Juge Militaire, responsable de la sécurité de sa troupe ;

Attendu qu'une pareille conviction est encore élisive de toute mauvaise foi ;

Attendu enfin que l'accusation dirigée contre Lothaire est démentie par tout son passé comme par sa conduite à l'époque des faits incriminés.

Par ces motifs :

La Cour reçoit l'appel du Ministère Public, et y faisant droit, confirme le Jugement dont appel, renvoie Lothaire des fins de la poursuite sans frais.

Au sentiment des plus hautes autorités en droit pénal cette réponse ne pouvait être autre en raison de ce principe proclamé par toutes les Législations et consacré aussi par le droit Anglais,\* que le crime de meurtre n'existe pas sans intention criminelle. L'Arrêt de la Cour a constaté que cette intention criminelle, de par les éléments de la cause n'existait pas dans le chef de M. Lothaire.

Le Mémoire relève que le Ministère Public tant à Boma qu'à Bruxelles, a requis l'acquiescement, et il semble croire que le Gouvernement eut pu exercer quelque influence sur l'accusation. Sur ce point encore, le Gouvernement de l'État Indépendant du Congo, dès les débuts de l'affaire, a exprimé son sentiment au Gouvernement de Sa Majesté et cela sans soulever d'objection : " Pour éviter tout malentendu, je ne puis me dispenser d'ajouter—écrivait le Secrétaire d'État dans sa lettre du 22 Décembre, 1895—que dans l'exercice de ses fonctions judiciaires, le Ministère Public ne relève que de sa conscience et qu'il ne peut s'agir de le contraindre à soutenir des accusations qu'il jugerait non fondées."

Le Parquet de Boma n'a jamais dissimulé sa conviction que les faits reprochés à M. Lothaire ne constituaient pas le crime de meurtre et ne pouvait être puni comme tel. Dès lors, demander au Parquet de requérir une condamnation, c'eût été le mettre en demeure de parler contre sa conscience ou de prendre des conclusions sans fondement juridique. Cette action du Gouvernement n'aurait, en tous cas, pu se faire sentir sur le Ministère Public près du Conseil Supérieur qui, en vertu de la loi, tenait son mandat non pas du Gouvernement, mais de la Cour elle-même.

Le Gouvernement de l'État Indépendant du Congo ne croit pas avoir failli, dans l'espèce, aux devoirs que lui imposait le souci d'une justice impartiale.

Les mesures qu'il a prises depuis lors auront au surplus pour effet de faire juger par les Tribunaux de Boma eux-mêmes, dans les conditions désirables de publicité et de garanties, les infractions de certaine gravité commises par des étrangers. Il a aussi apporté au Code Pénal des modifications qui comblent des lacunes qui s'étaient révélées.

*Bruxelles, le 7 Décembre, 1896.*

(Translation.)

AN examination of the Memorandum which was handed in on the 7th November last by Sir F. Plunkett suggests the following remarks:—

As early as November 1895 an arrangement was come to between the two parties with a view to a settlement of the case which forms the subject of this Memorandum, in such a manner as to satisfy Her Majesty's Government.

\* "When a person of sound memory and discretion unlawfully killeth any reasonable creature in being and under the King's peace with malice aforethought, either express or implied" (Coke, 3 Inst.). "With malice aforethought; this malice prepense (*militia precogitata*), is not so properly spite or malevolence to the deceased in particular as any evil design in general; the dictate of a wicked, depraved, and malignant heart; 'une disposition à faire un male chose'" (Sir William Blackstone). "Murder is unlawful homicide with malice aforethought. Malice aforethought means any one or more of the following states of mind preceding or co-existing with the act or omission by which death is caused . . . (J. Stephen, "Digest of the Criminal Law," Art. 223).

This arrangement involved a double undertaking on the part of the Independent State of the Congo: in the first place, that they would pay over to Her Majesty's Government a sum of 150,000 fr. as indemnity for the irregularities which were committed in the judicial proceedings taken against Mr. Stokes; and in the second, that they would bring M. Lothaire before a Court competent to pronounce sentence with regard to the accusations brought against him, and to inflict on him a penalty in proportion to the gravity of the facts in the event of his being convicted.

The sum agreed on was at once paid, and without waiting for the arrival of further details with regard to the case. It appears from the official correspondence, that it was paid as an indemnity for the irregularities of the proceedings against Mr. Stokes.

From the very fact of compensation having been accepted for these irregularities by the Government of Her Britannic Majesty, it is evident that there is nothing in them as such to call for a fresh diplomatic examination on our part which would have no object.

It is only as documentary evidence that there can still be any use in mentioning the manner in which in the course of the two inquiries the lawyers of the defence have, by the light of the details which came out at the trial, considered the irregularities mentioned at the opening of the case. It will be recollected that they were three in number: the non-exercise of the right of appeal, the absence of a Greffier, and the sentence of general confiscation.

As far as the right of appeal is concerned, it has been observed that in virtue of Article 27 of the Decree on Councils of War it was one which belonged only to civilians and not to soldiers, and that, as was maintained at the trial, all the elements of the case pointed to Mr. Stokes being a soldier. Moreover, even apart from Article 27, the laws of war authorized the immediate execution of a leader of armed bands which had relations with rebels, while Captain Lothaire was alone, accompanied by only a small force of black soldiers, in a country scarcely subjugated, in the midst of Arabs, it was impossible to rely on any natives whose fidelity was uncertain; and while from a number of witnesses and the seizure of an authentic correspondence, he had acquired irrefragable proof of Mr. Stokes' complicity. Attention has been called to the fact that the English authorities themselves had had to admit the military character of Mr. Stokes' successive enterprises. On the 30th November, 1891, he told Captain Williams, "Flying as I would the English flag, would Captain Lugard fire on me? If he did, by God you find Stokes' body in front of his men, and lead them [*sic*] to death or victory." Colonel Colville, to whom he made an offer "to capture Wadelai," found himself obliged to write to him on the 29th June, 1894, "As regards your personal movements, I am anxious to encourage trade in British territory, but do not wish to do so at the expense of possible complications: I cannot therefore help viewing with some uneasiness your 100 armed men. . . . I wish to warn you that I can only treat any unauthorized warlike operations as acts of piracy." "I cannot," Mr. Wilson pointed out to him on the 22nd September, 1894, "entertain any negotiations with a large armed force which has looted and murdered in British territory." The missionary Pilkington has also declared and made oath that: "Everyone in Uganda . . . knew perfectly well that Mr. Stokes had gone on an expedition to Kibonghé's country for the purpose of demanding reparation for the murder of his Headman."

The Memorandum of the 28th October points out that the question of the military character of Stokes' expedition was only raised for the first time in the course of the trial at Boma. With regard to this, it is to be remarked that according to the evidence of M. Michaux and the native witness who were examined at Boma, there can be no doubt that M. Lothaire only proceeded to arrest and try Stokes because he was under the impression that this latter was advancing at the head of an armed force with the object of assisting the rebellious Arabs.

It has been further added that it would be incompatible with the spirit of the law to allow to a chief of irregular bands a right of appeal which is not given to officers of the regular army; to do so would be to accord specially favoured treatment to one whose military action was exercised in a manner at once unlawful and especially dangerous from the point of view of the public peace.

The absence of a Greffier at the Council of War held at Lindi constitutes an irregularity which has not been contested. As a matter of fact, however, according to the defence there were only two Europeans at Lindi—Lothaire and Dr. Michaux; the latter having had his place assigned to him as interpreter was more necessary in that capacity than as a Greffier; in law, as indeed is explained in the Memorandum of the



28th October, the presence of the Greffier is not an essential formality, since even in the Congo Tribunals have been able to sit without one in exceptional cases when the European staff was insufficient. It is, however, especially important that the proceedings of the Council of War should reflect the truth, and there is nothing to show that these proceedings were not honestly and faithfully recorded; Dr. Michaux's evidence, indeed, both before Sir Francis Plunkett and the Secretary of the Conseil Supérieur, recognizes the truth of the evidence, and the faithful way it was reported.

The allegation that M. Lothaire had no Code with him is denied by the person concerned; it is difficult to reconcile it with the fact that all the heads of expeditions are provided with complete copies of the Laws.

There still remains to be considered the general confiscation of the goods, and various effects of the condemned, as set forth in the sentence of the 14th January, 1895. In this instance the lawyers considered the irregularity more apparent than real. It appears from Article 19 of the Decree respecting Councils of War, and Article 79 of the Decree of the 26th May, 1888, that whatever is the object of the offence, or has served or was intended to serve to commit it, or is the result of it, falls within the provisions of a special confiscation; and it has been pointed out that all the goods which were in the prisoner's possession came within one of these categories, either as objects of the offence in the shape of arms and munitions of war imported or sold illegally, or as the result in the shape of goods acquired by Stokes in exchange for the arms and munitions of war, or for the support promised by him to the rebellious Arabs.

For the reasons given above, the Government of the Independent State of the Congo confines itself here to indicating the arguments advanced by the defence, but refrains from in any way pronouncing upon them.

It remains to show what steps were taken by the State, with a view to carrying out its undertaking, to bring M. Lothaire before a Tribunal which should be competent to throw full light upon the whole case, to come to a decision with regard to the accusations brought against M. Lothaire, and to pronounce a sentence proportioned to the gravity of the offence in the event of his being proved guilty.

In accord with Her Britannic Majesty's Government, it was decided to bring M. Lothaire before the Court of Appeal at Boma, and, in the event of an appeal, before the Conseil Supérieur at Brussels. It was, however, with a full knowledge of the facts that the Government of Her Britannic Majesty decided in favour of these two jurisdictions, for M. Lothaire's appearance before a Belgian Court did not depend on the Independent State of the Congo.

At the request of the English Government it was likewise arranged that the Public Ministry in connection with the Tribunal at Boma should appeal to the Conseil Supérieur should the British Consul so desire.

In the same way an agreement was come to between the British Government and the Government of the Independent State of the Congo as to the part that the British Vice-Consul was to take in the proceedings before the Court at Boma, and the wishes expressed on the point by Sir Francis Plunkett were fully met.

As a matter of fact, Mr. Arthur was present in his official capacity throughout the trial. He arranged with the Procureur d'État the nature of the charge to be brought against M. Lothaire, and it was in consequence of a mutual understanding between the two that the prisoner was accused of murder. He supplied the prosecution with such documents as he considered useful, and was allowed to ask any questions he liked. He was present throughout the proceedings before the Boma Court, to the composition of which he did not take any exception, the Judge of Appeal having indeed used the power given him by law of calling in a jury of four Assessors. Neither during the trial nor afterwards did the British Vice-Consul raise any objection either with regard to the mode of procedure adopted or to the impartiality or publicity of the proceedings, or to the good faith of the witnesses. He was supplied with all the documents and papers he asked for.

The Report which he sent in on the 18th May, 1896, to his Government with regard to the trial before the Court at Boma bore the fullest testimony "to the honourable and conscientious manner" in which the Public Ministry had accomplished its task, as also to the manner in which the Court had been constituted.

In conformity with special instructions to that effect from London, the Consul requested the Procureur d'État, on the 25th May, to give notice of appeal before his Report on the case could have reached its destination; it was received at the Foreign Office on the 29th June.

The notice of appeal was drawn up on the 8th June, and the Conseil Supérieur thus became cognizant of the case. The notice was received on the 15th July, and from that date the course of the judicial proceedings against M. Lothaire was a matter which concerned the Conseil Supérieur alone. It was the Conseil Supérieur who fixed the hearing of the case for the 3rd August, and the Government of the Independent State of the Congo could only take act of the remarks that the fixing of the date in question, which they considered too early, drew from Her Majesty's Government; it was, however, one of the natural consequences of the appeal for which the British Vice-Consul had pressed. It is, moreover, obvious that it was the duty of the Court to take into account the rights of the accused, who was anxious not to remain indefinitely under an accusation of murder.

The proceedings before the Conseil Supérieur, like those before the Tribunal at Boma, were quite open, and under the control of public opinion. They were watched by a Representative of the British Legation. All the documents necessary or useful for the eliciting of the truth, more especially the evidence of Dr. Michaux, referred to in the Memorandum, were produced before both Courts alike. All the charges brought against M. Lothaire were inquired into, and if the Conseil Supérieur, composed of jurists and other eminent personages, confirmed the verdict of the jury at Boma, such a result can only be attributed to a profound conviction based on the fundamental facts of the case.

From the first the Government of the Independent State of the Congo, while seeking to satisfy England, have at the same time endeavoured to allow the law to take its course freely within the limits of its proper independence. The Government, desirous of respecting the decisions of a Court of Justice and deferring to the authority of this verdict, wish to confine themselves here to drawing attention to the fact that all the proceedings against M. Lothaire have been taken throughout in consequence of an understanding between the two Governments.

Accordingly, without entering very deeply into the matter, it is not perhaps superfluous to point out that the object which justice had in view was to inquire whether M. Lothaire was guilty or not in the eyes of the criminal law of the Independent State of the Congo. Its business was not, as the Memorandum would appear to believe, to come to a decision with regard to each of the acts with which M. Lothaire has been charged; these acts do not in themselves constitute special offences of which the law had cognizance. The Tribunal of Boma, like the Court at Brussels, had its powers defined by the very terms of the summons which, as has been said, was drawn up in accord with the British Vice-Consul. It had to say whether M. Lothaire was guilty of murder, and not whether the absence of a Greffier, the verdict of general confiscation, and the immediate execution of the sentence, constituted violations of the law. With regard to these points, the Judges had only to take them into consideration in so far as they would have determined M. Lothaire's guilt. The question to be decided was whether, in having Mr. Stokes executed in the circumstances already set forth, M. Lothaire had rendered himself guilty of the crime he was accused of. Many facts have been established beyond dispute during the course of the trial, especially the supplying of arms by Mr. Stokes to the authors of the massacres of 1892, as well as his suspicious relations with Kibonghé while at war with the State; in these circumstances, can it be said that M. Lothaire acted, as he did, with criminal intentions? To the question thus put the Conseil Supérieur had replied by the following verdict:—

In view of the summons to appear before the Tribunal of Appeal at Boma, of which the accused was notified on the 20th April, 1896, at the request of the Public Prosecutor;

In view of the evidence produced before the said Tribunal of Appeal, especially of the evidence at the public sittings of the 24th, 25th, and 27th April, 1896;

In view of the verdict given by the same Tribunal at the sitting of the 27th April, 1896;

In view of the appeal of the Public Ministry, in accordance with the declaration received by the registry of the Tribunal of Appeal at Boma on the 8th June, 1896.

After hearing Counsellor Weiner's Report at the public sitting of the 3rd and 4th August, 1896.

In view of the evidence produced before the Court;

After hearing the accused examined;

After hearing the pleadings of Auditor Hymans, acting for the Public Ministry;

After hearing M. Graux' defence of the accused;

Whereas the appeal is regular in form;

Whereas Lothaire is accused of murder;

Whereas the crime of murder cannot exist without criminal intent;

Whereas according to the indictment, as contained in the summons of the 20th April, 1896, this criminal intention is implied in the non-observance of certain rules, as well in the constitution of the Council of War which condemned Stokes as in the execution of the verdict given by that Council ;

Whereas the errors, even if established, either in whole or in part, would not prove a criminal intent ;

Whereas all the facts of the case tend, on the contrary, to show that Lothaire was desirous of acting within the limits of his powers ; that he considered the facts conscientiously and uprightly, after a trial in the course of which Stokes, allowed to justify himself publicly, put in his defence in writing ;

Whereas Lothaire, in condemning Stokes, and having him executed within twenty-four hours, acted under the conviction that he was fulfilling his duties as a Military Judge who was responsible for the safety of his forces ;

Whereas such a conviction precludes all notion of bad faith ;

Lastly, whereas that the accusation brought against Lothaire is belied by all his past no less than by his conduct at the time of the facts imputed against him.

For these reasons :

The Court receives the appeal of the Public Ministry, and, in giving effect to it, confirms the Judgment appealed from, and acquits Lothaire, without costs.

In the opinion of the highest authorities on criminal law, no other verdict could have been given in view of the principles laid down by all systems of legislation, and consecrated also by English law, that the crime of murder does not exist where there is no criminal intention. The Judgment of the Court lays down that the facts of the case do not show that any such criminal intention existed on M. Lothaire's part.

The Memorandum points out that the Public Ministry, both at Boma and Brussels, called for an acquittal, and it appears to think that the Government might have exercised some influence on the charge. On this point also the Government of the Independent State of the Congo, from the very beginning, expressed its views to Her Majesty's Government, that without being met with any objections : " In order to avoid any misunderstanding, I must add "—the Secretary of State wrote in his letter of the 22nd December, 1895—" that in the discharge of its judicial duties the Public Ministry is guided by its own conscience alone, and that there can be no question of obliging it to support charges which it does not consider well founded."

The Parquet at Boma have never concealed its opinion that the charges brought against M. Lothaire did not amount to murder, and could not be punished as such. Accordingly, to request the Parquet to press for a conviction would have been to oblige it to choose between speaking against its conscience or coming to conclusions that would have no foundation in law. Such action on the part of the Government could, in any case, have had no effect on the Public Ministry in connection with the Conseil Supérieur, which, by virtue of the law, derived its authority, not from the Government, but from the Court itself.

The Government of the Independent State of the Congo cannot admit that, as a matter of fact, it has neglected any of the obligations imposed on it by a regard for impartial justice.

The measures they have since taken will moreover result in the Tribunals of Boma themselves pronouncing upon all offences of a certain gravity committed by foreigners with all the circumstances of publicity and guarantees that can be desired. They have further introduced into the Penal Code such modifications as will supply the gaps which had become apparent.

*Brussels, December 7, 1896.*

No. 136.

*The Marquess of Salisbury to Mr. Adam.*

Sir,

*Foreign Office, December 22, 1896.*

I HAVE received your despatch of the 9th instant, forwarding a copy of the Memorandum communicated to you by the Government of the Congo Free State in reply to the Memorandum containing the observations of Her Majesty's Government on the trial of Captain Lothaire.

Her Majesty's Government do not admit the cogency of the contentions of the Congo Government, but they are of opinion that no practical result will be obtained by continuing the correspondence, and they do not propose to make any reply to the Memorandum of the 7th instant. I have to request you to so inform M. van Eetvelde.

I am, &c.  
(Signed) SALISBURY.

## No. 137.

*Mr. Adam to the Marquess of Salisbury.—(Received December 28.)*

My Lord,

*Brussels, December 26, 1896.*

WITH reference to your Lordship's despatch of the 2nd instant, I have the honour to transmit herewith copy of a note, and its inclosure, which I received yesterday from M. van Eetvelde, in reply to the note which I addressed to him with regard to the restoration of the property of the late Mr. Charles Stokes.

In this communication his Excellency states the readiness of the Government of the Congo Independent State to waive its former claims against Mr. Stokes' estate, and to refund the value of all his goods without distinction, deducting only the export duty upon the ivory, which amounts to 15,450 fr.

This new claim is based upon the Protocol of the 8th April, 1892, between France, Portugal, and the Congo State, regulating the rates of import and export duties in the Western Zone of the Congo Basin, the text of which was published in No. 4 *bis* of the "Official Bulletin" of the Congo Independent State for April 1892.

I have, &c.  
(Signed) C. F. FREDERICK ADAM.

## Inclosure 1 in No. 137.

*M. van Eetvelde to Mr. Adam.*

*Département des Affaires Étrangères de l'État Indépendant  
du Congo, à Bruxelles, le 24 Décembre, 1896.*

M. le Chargé d'Affaires,

COMME suite à votre lettre du 11 Décembre concernant la succession de Mr. Stokes, j'ai l'honneur de faire remarquer que l'engagement pris par l'État de restituer les biens de la succession, tel qu'il est convenu dans la correspondance antérieure, ne comporte pas l'exonération des frais de transport qui devaient les grever, lesquels, à défaut de stipulation contraire, incombent nécessairement à la succession. Néanmoins, le Gouvernement de l'État, dans le but d'être agréable au Gouvernement de Sa Majesté, n'insiste pas davantage, et, pour mettre fin à cette difficulté comme aux autres, il est disposé à rembourser la valeur de tous les biens quelconques de la succession, sans distinction entre l'ivoire et le reste, sur les bases précédemment établies, déduction faite des droits de sortie. Ces droits s'élèvent à 15,450 fr. suivant la note ci-jointe.

Je vous serais obligé, M. le Chargé d'Affaires, de communiquer au Gouvernement Britannique ces intentions, que je réaliserai aussitôt que les biens de la succession seront en possession de l'Administration Centrale.

Je saisis, &c.  
(Signé) EDMOND VAN EETVELDE.

(Translation.)

Sir,

*Congo Foreign Office, December 24, 1896.*

WITH reference to your letter of the 11th December on the subject of the Stokes estate, I have the honour to remark that the undertaking entered into by the State to hand over the effects belonging to it, as agreed on in the previous correspondence, is not to be understood as including a remission of the carriage with which they should be charged, which, in the absence of any stipulation to the contrary, must necessarily come out of the estate. The State Government, however, anxious to be agreeable to Her Majesty's Government, will not insist further on this point, and with a view to settling this

question like the others, are prepared to refund the value of all goods whatever belonging to the estate, without making any distinction between ivory and other articles, on the bases already agreed on, export duty being deducted. This duty amounts to 15,450 fr., as shown in the inclosed account.

I should be obliged if you would inform Her Britannic Majesty's Government of these proposals, which I will carry into execution as soon as the Central Government is in possession of the effects.

I am, &c.  
(Signed) EDMOND VAN EETVELDE.

Inclosure 2 in No. 137.

*Memorandum.*

PROTOCOLE du 8 Avril, 1892, Article 2 :—

“Les produits exportés du Bassin Occidental du Congo acquitteront les droits de sortie suivants :—

“Ivoire .. .. . 10 pour cent de la valeur.”

Projet de liquidation de la succession de Mr. Stokes :—

ACTIF.							Fr.
6,500 kilog. ivoire, à 18 fr.	..	..	..	..	..	..	117,000
3,750 „ „ à 10 fr.	..	..	..	..	..	..	37,500
Total .. .. .							154,500

Droits de sortie de 10 pour cent sur la somme de 154,500 fr., soit 15,450 fr.

(Translation.)

PROTOCOL of the 8th April, 1892, Article 2 :—

“Produce exported from the Western Basin of the Congo shall pay the following export duties.

“Ivory .. .. . 10 per cent. *ad valorem*.”

Draft settlement of the Stokes estate :—

CREDIT.							Fr.
6,500 kilog. of ivory, at 19 fr.	..	..	..	..	..	..	117,000
3,750 „ „ at 10 fr.	..	..	..	..	..	..	37,500
Total .. .. .							154,500

Export duty at 10 per cent. on 154,000 fr. = 15,450 fr.

No. 138.

*Mr. Adam to the Marquess of Salisbury.—(Received January 4.)*

My Lord,

*Brussels, January 2, 1897.*

WITH reference to your Lordship's despatch of the 22nd ultimo, I have the honour to transmit herewith copy of my note to M. van Eetvelde, informing him that Her Majesty's Government do not propose to make any reply to the Memorandum of the Congo Government in answer to the observations of Her Majesty's Government on the trial of Captain Lothaire, which was transmitted to this Legation on the 7th ultimo.

I have, &c.  
(Signed) C. F. FREDERICK ADAM

## Inclosure in No. 138.

*Mr. Adam to M. van Eetvelde.*

M. le Secrétaire d'État,

*Brussels, January 2, 1897.*

WITH reference to the Memorandum communicated to this Legation by the Government of the Congo Independent State, on the 7th ultimo, in reply to the Memorandum containing the observations of Her Majesty's Government on the trial of Captain Lothaire, I have the honour, in compliance with an instruction from the Marquess of Salisbury, to make the following statement to your Excellency.

Her Majesty's Government do not admit the cogency of the contentions of the Congo Government, but they are of opinion that no practical result will be obtained by continuing the correspondence, and they do not, therefore, propose to make any reply to the Memorandum of the 7th ultimo.

I avail, &c.  
(Signed) C. F. FREDERICK ADAM.

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## No. 139.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, January 26, 1897.*

I HAVE had under my consideration Mr. Adam's despatch of the 26th ultimo, inclosing a copy of a note in which M. van Eetvelde replies to the communication which was addressed to him on the 11th ultimo in regard to the restoration of the property of the late Mr. Stokes.

I note with satisfaction M. van Eetvelde's statement that the Government of the Congo State is prepared to repay the value of all the goods of whatever kind belonging to the late Mr. Stokes, and Her Majesty's Government offer no objection to the deduction of the sum of 15,450 fr. on account of export duty on his ivory, on the assumption that the valuation of 154,500 fr. placed on it was on the basis of what the Congo officials, who assessed it, considered that it would fetch, export duty paid.

If the assessment was on the basis of the exporter having to pay the duty, its deduction from the sum of 154,500 fr. would manifestly be unjust towards Mr. Stokes' heirs, and the result would be that the duty would be paid twice over, viz., once out of his estate and again by the eventual exporter.

I am, &c.  
(Signed) SALISBURY.

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## No. 140.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received February 1.)*

My Lord,

*Brussels, January 30, 1897.*

I HAVE the honour to inclose copy of the reply which I have just received from M. van Eetvelde to the communication which I made to him of the substance of your Lordship's despatch of the 26th instant.

His Excellency states that the ivory belonging to the late Mr. Stokes had been valued at the price obtainable in Europe, and therefore is justly liable to export duty. It ought, further, he maintains, to bear the expenses of freight, commission, &c. The Congo State Government, however, do not ask for this, and his Excellency informs me that he will at an early date pay me the sum of 147,550 fr. 30 c., which represents the total value of all the goods belonging to Mr. Stokes' estate, after deduction of the 15,450 fr. for export duty.

This note is the outcome of a conversation which I had with his Excellency this

afternoon in support of my written communication, and will, I trust, be considered satisfactory by your Lordship.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 140.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 30 Janvier, 1897.*

EN réponse à votre lettre en date de ce jour, au sujet du remboursement de la valeur des biens de la succession Stokes, j'ai l'honneur de vous faire savoir que les prix sur lesquels a été basée l'estimation de l'ivoire sont les prix sur le marché d'Europe et comportent par conséquent les droits de sortie. Il n'est donc que juste de déduire de la dite estimation de l'ivoire le montant de ces droits, de même qu'il conviendrait en réalité d'en défalquer le coût du frêt et autres frais accessoires de vente, de commission, et d'assurances, et le bénéfice présumé de l'exportation.

Je ne doute pas, M. le Ministre, qu'en examinant ce point avec son esprit d'équité, le Gouvernement de Sa Majesté Britannique ne perdra pas de vue la charge que s'est imposée l'État en prenant à son compte les frais élevés de transport de l'ivoire depuis Lindi jusqu'à la côte. J'aurai l'honneur de vous faire parvenir prochainement la somme de 147,550 fr. 30 c., qui, déduction faite des 15,450 fr. de droits de sortie, représente la valeur de tous les biens de la succession.

Je saisis, &c.  
(Signed) EDMOND VAN EETVELDE.

(Translation.)

Sir,

*Brussels, January 30, 1897.*

IN answer to your letter of this day's date respecting the repayment of the value of the goods belonging to the Stokes' estate, I have the honour to inform you that the prices on which were based the estimate of the ivory are those ruling in European markets, and they include, therefore, the amount of the export duty. It is only fair, therefore, to deduct the amount of such duty from the said estimate of the ivory, in the same way as it would, in reality, be proper to subtract the cost of freight and other charges, such as sale, commission, and insurance and the anticipated profits of exportation.

I have no doubt that when Her Britannic Majesty's Government examine the question in an equitable spirit, they will not lose sight of the charge the State has taken on itself in defraying the heavy expenses of the carriage of the ivory from Lindi to the coast. I shall shortly have the honour to send you the sum of 147,550 fr. 30 c., which, deducting the 15,450 fr. for export duty, represent the value of all the goods belonging to the estate.

I take, &c.  
(Signed) EDMOND VAN EETVELDE.

No. 141.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, February 3, 1897.*

I HAVE received your despatch of the 30th ultimo, and have to inform you, in reply, that, in view of the fact that the ivory belonging to the late Mr. Stokes' estate was estimated at its value in Europe, Her Majesty's Government accept the offer, which has been made by M. van Eetvelde as therein reported, to hand over a sum of 147,550 fr. 30 c. as representing the total value of all the goods belonging to the estate, after deduction of the amount (15,450 fr.) for export duty on the ivory.

I am, &c.  
(Signed) SALISBURY.

No. 142.

*Sir F. Plunkett to the Marquess of Salisbury.—(Received March 1.)*

My Lord,

*Brussels, February 27, 1897.*

WITH reference to your Lordship's despatch of the 3rd instant, I have the honour to forward herewith a draft on the "Banque Nationale" for 147,550 fr. 30 c., which I have made payable to your Lordship's order, and which I have received from M. van Eetvelde, representing the total value of all the goods belonging to the estate of the late Mr. Charles Stokes, after deduction of the export duty charged by the Independent State on the ivory belonging to the deceased.

Copy of M. van Eetvelde's note to me is also inclosed.

I shall be grateful if your Lordship will furnish me with a receipt for this money, which I can forward to the Congo State Government.

I have, &c.  
(Signed) F. R. PLUNKETT.

Inclosure in No. 142.

*M. van Eetvelde to Sir F. Plunkett.*

M. le Ministre,

*Bruxelles, le 26 Février, 1897.*

COMME suite à la correspondance que j'ai eu l'honneur d'échanger avec vous, les 30 Janvier et 4 Février dernier, au sujet du paiement de la valeur des biens du feu Stokes, je vous fais parvenir sous ce pli un accreditif sur la Banque Nationale de l'import de 147,550 fr. 30 c.

Je saisis, &c.  
(Signé) EDMOND VAN EETVELDE.

(Translation.)

Sir,

*Brussels, February 26, 1897.*

IN continuation of the correspondence which I had the honour to have with you on the 30th January and the 4th February last, with regard to the payment of the value of the property of the late Mr. Stokes, I send you herewith a draft for 147,550 fr. 30 c. on the National Bank.

I take, &c.  
(Signed) EDMOND VAN EETVELDE.

No. 143.

*The Marquess of Salisbury to Sir F. Plunkett.*

Sir,

*Foreign Office, March 5, 1897.*

I HAVE received your despatch of the 27th ultimo, inclosing a draft for 147,550 fr. 30 c. from the Independent State of the Congo, as representing the total value of all the goods belonging to the late Mr. Stokes in their possession, after deduction of export duty.

I inclose a formal receipt for the amount for transmission to M. van Eetvelde.

I am, &c.  
(Signed) SALISBURY.



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P A P E R S

RELATING TO THE

EXECUTION OF MR. STOKES IN THE  
CONGO STATE.

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