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DEPARTMENT OF FOREIGN AFFAIRS

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CORRESPONDENCE EXCHANGED SC

WITH

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60 p. 10.

The Legation of Portugal and the Legation of Brasil

AT LISBON

In regard to the Surrender of the Insurgent Refugees

ON BOARD THE PORTUGUESE CORVETTES

« Mindello » and « Affonso de Albuquerque »



RIO DE JANEIRO

Typ. LEUZINGER - rua d'Ouvidor 31 & 36

1894



DIPLOMATIC AFFAIRS

CORRESPONDENCE EXCHANGED
WITH
The Legation of Portugal and the Legation of Brasil
AT LISBON
IN REGARD TO THE SURRENDER OF THE INSURGENT REFUGEES
ON BOARD THE PORTUGUESE CORVETTES *

Note from the Portuguese Legation to the Brazilian
Government.

Legation of Portugal in Brasil — Rio de Janeiro,
March 15.th 1894.

Most Ill. and Most. Ex. Sir.

I have the honour to inform Your Excellency that, on the morning of the 13.th, a numerous group of insurgents, who, during months, have been in arms in the Bay of Rio de Janeiro, went on board the Portuguese ships of war the *Mindello* and *Affonso de Albuquerque*

(*) On March 12th Sr. Conde de Paraty, being present captain Castilho, handed to Dr. Cassiano do Nascimento, Minister of Exterior Relations, the following proposal:

March 11.th 1894.

The officers of that part of the Liberating Squadron, anchored in this Port, desirous of putting an end to the struggle that for upwards of six months has been drenching the country with blood, have resolved to lay down their arms, under the following conditions:

- 1.st, the retirement to a foreign country of the officers, as well as of their companions, under the guaranty and guard of the Portuguese Nation.
- 2.nd, Guaranty of life to inferior officers and enlisted men, as well as to volunteers who rank with these.
- 3.^d Surrender of fortresses, ships and other material in the state in which they may be found.
- 4.th, restitution of prisoners excepting the officers who may prefer to accompany those of the Squadron.

(Signed) Luiz Philippe de Saldanha da Gama.

*

Dr. Cassiano do Nascimento sent to Sr. conde de Paraty, the following reply to the preceding proposal:

Rio de Janeiro, 12.th March 1894.

Sr. conde de Paraty.

In reply to the proposal made at our conference to-day, it is my duty to say to Your Excellency that the Government cannot accept any proposal coming from military insurgents.

I beg to renew to Your Excellency the assurance of my high regard.

(Signed) Cassiano do Nascimento.

and solicited refuge and asylum which was granted them according to the dictates of international right and to the principles of humanity generally recognized by civilized nations. Not having received the Report of the Commander-in-chief of the two ships, I cannot as yet give you the names and rank of these political emigrants.

I take advantage of the present occasion to reiterate to Your Excellency the assurance of my highest consideration.

His Ex^{cy} Dr. Cassiano do Nascimento

Worthy Minister and Secretary of State for Foreign Affairs.

(Signed) *Count de Paraty.*

*

Answer to the Preceding Note

Rio de Janeiro — Department of Foreign Affairs,
March 15.th 1894.

I acknowledge receipt of the note which Count de Paraty, Chargé d'Affaires of Portugal, was pleased to address to me to-day, communicating to me that, on the morning of March 13th, a numerous group of insurgents solicited and obtained refuge and asylum on board the ships of war of his nation *Mindello* and *Affonso de Albuquerque*.

The Federal Government was already aware of this fact; but, although we are assured that the act of the commanders of the Portuguese men of war was inspired by sentiments of humanity, the Government is compelled to demand the surrender of those individuals, for the reason that criminals being they cannot enjoy the protection thus obtained.

I have the honour to renew to Your Excellency,
the assurance of my very high consideration.

Senhor Conde de Paraty, *Chargé d'Affaires*, etc.

(Signed) *Cassiano do Nascimento*.

*

**Telegram from the Brazilian Government to the
Legation at Lisbon**

Rio de Janeiro, March 15.th 1894.

To Brazilian Minister. — Lisbon.

The Representatives of the Portuguese Government here refuse to surrender military insurgents who sought refuge on board Portuguese ships of war. This is not a case of asylum and besides you know the rebels were declared pirates by Decree of October, for crimes of Depredation and Robbery practised in this port. They do not represent any parcel of political opinion. — Therefore they must be surrendered to us in order to be subjected to the competent Tribunals.

Claim an order from the Government to the end that they be surrendered.

Minister Foreign Affairs.

*

**Note from the Legation at Lisbon dated March 25.th
in reference to the preceding telegram.**

I called without loss of time on the President of the Council and Minister of Foreign Affairs and, after having communicated to him the contents of your telegram, I showed him the convenience, for the continuance of good relations between the two countries, of the surrender of the insurgents, who could not be considered political criminals, seeing that, in virtue of Decree of

October 10.th they had been declared pirates; that a decision of the Portuguese Government to that effect would avoid an occurrence which would be disagreeable and painful to both nations.

His Excellency replied that it did not seem to him that this would be possible as he considered the refugees on Portuguese ships of war as political criminals; that as a duty of conscience and by all the principles of humanity, he did not think he could surrender them, but that, notwithstanding, he would subject his conduct to the same rule of behaviour followed by other men of war that might have given asylum to the insurgents.

After this conference, I sent Your Excellency the following telegram in cypher :

«I have urged claim with energy, but the Government declared it could not but follow the rule adopted by other men of war that had granted asylum to insurgents. »

In reply to this telegram Your Excellency sent me the following :

« All the insurgents to the number of 493, obtained asylum on board Portuguese men of war. None on board the vessels of other nations. Government cannot admit any sovereignty opposed to its own within the port of the Federal Capital itself.

Minister Foreign Affairs.

*

This telegram was delivered to me on the 18.th at 7 P. M. ; at 8 o'clock I called on the Minister of Foreign Affairs and submitted to his consideration the communication that I had just received.

His Excellency, evidently surprized, told me that the information he had received was that the sailing of

the war vessels had been combined amicably, that Your Excellency's telegram astonished him, but that he was going to telegraph to Count de Paraty and would call on me the next day.

I then sent Your Excellency a cypher telegram in the following terms :

« By telegram Paraty Government suppose sailing vessels combined amicably. Surprized your despatch, asked explanations his Representative.

*

Telegram from Minister of Foreign Affairs to the
Chargé d'Affaires of Portugal, at Petropolis

March 16.th 1894.

Senhor Conde de Paraty.

Chargé d'Affaires of Portugal.

Petropolis.

Very Urgent — I am informed that the Portuguese Corvette *Affonso de Albuquerque* is getting ready to leave the port this evening, carrying the military insurgents received by her as well as those in refuge aboard the *Mindello* and as the incident referred to in the notes which I have had the honour to exchange with Your Excellency, has not yet been resolved, I request you in order to avoid further complications, to cause the sailing of the above said corvette to be put off until the final decision of the incident, which is unfortunately in discussion and the solution of which I await.

I renew to Your Excellency the assurance of my high consideration.

Cassiano do Nascimento,
Minister of Foreign Affairs.

*

Reply to the Preceding Telegram.

Petropolis. March, 16.th 1894.

Urgent Telegram.

To Minister of Foreign Affairs.

Rio de Janeiro.

I have not yet been made acquainted with the note to which Your Excellency refers. Nevertheless, I can assure Your Excellency that the commander-in-chief of the *Mindello* became responsible for the guard of political refugees, and will not land them on foreign territory, before the final solution of the diplomatic question. If there be time enough, I shall stop the departure of the men of war which could only be caused by hygienic motives and those of prudence, to avoid pretexts for exciting the public mind. I send a telegram to commander, thus giving further proof of the spirit of conciliation which inspires my Government, I hope that Your Excellency will have the telegram reach its destination and that you will afterwards combine with me the means of protecting the health of those who are aboard the vessels, without prejudice to the question in discussion. The Telegram to the commander of the corvette *Mindello* is the following : « Please delay departure until you confer with me. » — *Paraty.*

*

Note of the Legation of Portugal to the Brazilian Government

Legation of Portugal in Brazil. — Petropolis, March 17.th 1894.

Sir—I have the honour to acknowledge the receipt of Your Excellency's telegram relative to the projected departure of the Portuguese ships of war.

Certain that Your Excellency does not dispute the right which these vessels have to sail wherever the conveniences of His Majesty's service may require, it is my duty to confirm the telegram, which, in reply, I sent to Your Excellency, in the following terms:

« I have not yet been made acquainted with the contents of the note to which Your Excellency refers. In the meantime I can assure you that the commander-in-chief of the *Mindello* became responsible for the guarding of the political refugees, without landing them in foreign territory until the final resolution of the diplomatic question. If there be time, I shall stop the departure of the men of war, which could only be caused by hygienic motives and of prudence, in order to avoid pretexts to excite the public mind. I send a telegram to the commander, thus giving another proof of the spirit of conciliation which inspires my Government, and I hope that Your Excellency will cause my telegram to arrive at its destination and that you will afterwards combine with me the means of defending the health of those who are aboard the ships, without prejudice to the pending question. I take the opportunity to reiterate to Your Excellency the assurance of my highest regard.

To His Excellency, Dr. Cassiano do Nascimento,
Minister of Foreign Affairs, etc., etc.

(Signed) *Count de Paraty.*

*

**Note from the Legation of Portugal to the
Brazilian Government**

Legation of Portugal in Brasil — Petropolis, March
16.th 1894.

Sir — I have the honour to acknowledge the receipt of the note number 13 which Your Excellency had the good-

ness to address me on March 15th, and which reached me at 9 P. M. I refers to the admission of the insurgents on board the Portuguese men of war.

Taking note that Your Excellency will claim the surrender of these individuals, I await the orders of my Government in regard to this, it being my duty to assure Your Excellency that I gave orders, this morning, to the commander of the Corvette *Mindello* not to land them on foreign territory, keeping them on board, until the final settlement of the diplomatic question.

I avail myself of the occasion to have the honour to renew to Your Excellency the assurance of my highest consideration. To His Excellency, Dr. Cassiano do Nascimento, Minister of Foreign Affairs, etc., etc.

(Signed) *Count de Paraty.*

*

Note of the Legation of Portugal to the Brazilian Government

Legation of Portugal in Brasil. — Rio de Janeiro,
March 17.th 1894.

Sir.

I have the honour to hand Your Excellency, as per copy inclosed, the list of the refugees on board the Portuguese corvettes *Mindello* and *Affonso de Albuquerque*, as it has been transmitted to me by commander Castilho.

I avail myself of the opportunity to renew to Your Excellency the assurance of my very high regard.

To Dr. Cassiano do Nascimento,
Minister of Foreign Affairs, etc. etc.

Count de Paraty.

List of the Political Refugees :

Rear-admiral Luiz Felipe Saldanha da Gama.

Post-Captain Eliezer Continho Tavares.

Lieutenants Commander

Emilio Carvalhaes Gomes.

João Velloso de Oliveira.

Lieutenants

Thomaz de Medeiros Pontes.

José Fructuoso Monteiro da Silva.

João Pordens da Costa Lima.

Silvio Pellico Belchior.

José Augusto Vinhaes.

João da Silva Retumba.

Antão Corrêa da Silva.

Antonio Julio de Oliveira Sampaio.

José Libanio Lamenha Lins de Souza.

Alberto Fontoura F. de Andrade.

Arthur de Barros Cobra.

Gabriel de Mello Moraes.

Olympio Pereira Gomes.

Luiz Timotheo Pereira da Rosa.

Adolpho Victor Paulino.

Leonisio Lessa Bastos.

José Liduino Castello Branco.

Alberto Carlos da Cunha.

Tranquilino de Alcantara Diogo.

José Antonio Continho.

Alipio Dias Colonna.

João Huet Bacellar Pinto Guedes

Luiz Carlos de Carvalho.

Oetalicio Nunes de Almeida.

Gentil de Paiva Meira.

Sub-Lieutenants

Carlos Alberto Witte.
José Moreira da Rocha.
Arthur Thompson.
Manoel Ferreira Delamare.
Honorio Delamare Köler.

Midshipmen

Conrado Luiz Heck.
Raphael Brusque.
Augusto Carlos de Souza e Silva.
Alberto Dureo Coelho.
Antonio Dias de Pina Junior.
Armando Cesar Burlamaqui.
Jorge de Castro e Abreu.
Mario Cesar Borman de Borges.
Alberto de Sá Peixoto.
Arthur Torres.
Ignacio Ribeiro.
Joaquim Ribeiro Sobrinho.
Antonio Candido de Carvalho.
Heraelito Gomes de Souza.
Oscar Moniz.
José Joaquim Brandão dos Santos Junior.

Cadets

Herman Carlos Palmeiro.
Octavio Perry.
Ernesto Felipe da Cunha Sobrinho.
Theophilo Oswaldo Pereira e Souza.
Alexandre Coelho Messerdes Junior.
João Antonio da Silva Ribeiro Junior.
Mario Cesar de Castro Menezes.

Othon de Noronha Torrezeo.
Augusto Cesar Burlamaque.
Alvaro Nunes de Carvalho.
Luiz Augusto Muniz Junqueira.
Roque Dias Ribeiro.
Emmanuel Gomes Braga.
Manoel Caetano de Gouvêa Coutinho.
Damaso Pereira de Moraes.
Oscar Gomes Braga.
Theodoreto Henrique de Faria Souto.
Priamo Muniz Telles.
Jonathas Rodrigues Loureiro Fraga.
Oscar Chaves Ferreira Campos.
Joaquim Nunes de Souza.
Francisco José Pereira das Neves.
Henrique Aristides Guilherme.
William Henrique Cunditt.
Luiz Perdigão.
Arthur Brito Pereira.
Braulio de Araujo Braga.
Joaquim Buarque de Lima.
Agenor Monteiro de Souza.
Durval de Aquino Gaspar.
Frederico de Lemos Villar.
Hormidas Maria de Albuquerque.
Candido de Andrade Dortas.
Luiz Cyrillo Fernandes Pinheiro.
Damião Pinto da Silva.
Theodoro Jardim.
Hippolyto Plech Areas.
José de Lima Campello.
Oetalieio Pereira Lima.
Augusto Viotor de Mattos.
Taneredo de Alcantara Gomes.

Carlos Alves de Souza.
 Torquato Diniz Junqueira.
 Heitor de Azevedo Marques.
 Thomaz de Aquino Freitas.
 Octalicio Octaviano Rosa.
 Americo de Azevedo Marques.
 Egas Muniz da Silva.
 Antonio Affonso Monteiro Chaves.
 Luiz Pereira Pinto Galvão.
 Americo José Cardoso.
 José Augusto Souza e Silva.
 José de Siqueira Villa Forte.
 Augusto Durval da Costa Guimarães.
 José Antonio Lacerda.
 Guilherme de Azambuja Neves.
 Engenio Graça.
 José Garcia de O' de Almeida.
 Agrieo Ferreira de Souza.
 Ernesto Alfredo Peixoto Jorema.
 Oscar de Assis Pacheco.
 José Mattoso de Castro e Silva.
 Octavio de Lima e Silva.
 Henrique Santa Rita.
 Roberto de Barros.
 Miguel de Castro Caminha.
 Manoel Nogueira da Gama.
 Mario Carlos Lamcyer.
 Adrião Chaves.

Naval Engineer Benjamin Ribeiro de Mello, having the rank of a Commander.

Dr. José Pereira Guimarães, having the rank of a Rear-Admiral.

Dr. Galdino Cicero de Magalhães, having the rank of a Commander.

Dr. Affonso Henrique de Castro Gomes, having the rank of a Lieutenant.

Dr. Thomaz de Aquino Gaspar, idem.

Druggist Guilherme Koffmann Filho, idem.

Pursers having the rank of Midshipmen :

Annibal de Paula Barros.

Marcionilio Olegario Rodrigues Vaz.

Pursers having the rank of Cadets

Luiz José de Lima Junior.

Juvenal Jardim.

Manoel Marques de Faria.

Jorge Marques Dubouche.

Francisco Marques de Lemos Bastos.

José Mariano de Farias Dias.

Francisco Roberto Barreto.

Naval-Engineers

Targino José dos Anjos, having the rank of a Lieutenant Commander.

Manoel Pereira Vaz, having the rank of a Lieutenant.

João Baptista de Moura, having the rank of a Sub-Lieutenant.

Clemente Lopes de Almeida, idem.

Julio Maria Vello, having the rank of a Midshipman.

Luiz Ferreira da Silva, idem.

João Epiphany da Costa Ferreira, idem,

Seraphim José Soares, idem

Antonio Gonçalves Cruz, idem.

Ismael Dias Braga, idem.

Antonio José Lopes, idem.

Miguel Moreira, idem.

Luiz Lemelle, having the rank of an honorary lieutenant.

Narciso José Vieira, having the rank of an honorary sub-lieutenant.

And furthermore 344 persons, including inferior officers and enlisted sailors, forming a total of 493 persons.

As follows :

Aboard the *Mindello* :

Officers	74	
Inferiors and men	169	
	243	

Aboard the *Affonso de Albuquerque* :

Officers	75	
Inferiors and men	175	
	250	
		493

*

Telegram from the Brazilian Government to the Legation at Lisbon

Rio de Janeiro, 16.th March 1894.

Brazilian Legation — Lisbon.

Paraty communicated on the 15.th A. M. that, on the morning of 13.th, insurgents solicited and obtained asylum *Mindello* and *Affonso de Albuquerque*. Same day told him I claimed their surrender. He replied he would await orders; but he assured me that he had recommended commander Castilho not to land refugees on foreign territory, keeping them always on board, until final settlement of the diplomatic question. Being informed that the *Affonso de Albuquerque* intended to leave port, transporting the rebels, I asked Paraty an order contrary. He replied intention of departure was to refresh crew hygienic] reasons, that if there were yet time he would

send telegraph commander to detain ships declaring nevertheless he was responsible for rebels.

Afterwards in conference, I agreed ships should leave port for three or four days, Paraty making himself responsible for the return of the refugees, for this reason he sent me officially the list of their names and ranks.

(Signed) *Minister Foreign Affairs.*

*

Continuation of the Despatch of the Brazilian
Legation at Lisbon, dated 25.th March

The next day (19) I went to the Department to call on the President of the Council. His Excellency, on getting sight of me, manifested great satisfaction at the two telegrams which he had just received, one from Count de Paraty, wherein he communicated, without any further information, the departure of the corvettes *Mindello* and *Affonso de Albuquerque*, and the other from the Renter Agency to the same effect.....

I sent Your Excellency the following telegram :

Lisbon, March 19.th 1894.

Minister Foreign Affairs.

Rio de Janeiro.

« Minister has just communicated that his Representative at Rio de Janeiro sends information of the sailing this morning of the Portuguese vessels — I beg confirmation. Government Portugal begs me transmit you their great satisfaction and protests of profound recognition. »

The President of the Council had been as much grieved by the communication of Your Excellency's telegram of the 18.th as he was overjoyed by the one he has just received from his Representative, as, said

he, in this way, he sees disappear an incident that might have produced serious complications with a country with which Portugal has ever maintained the best relations and which are bound together by ties of blood and common interests.

Referring to the telegram that was sent, on the 16.th March, to the Legation at Lisbon and received there early on the morning of the 21.st the above said note continues :

Scarcely had I possessed myself of the contents of this telegram, when I wrote to the President of the Council asking him to name an hour at which I could see him. His Excellency replied to me that I might call on him between 11 o'clock and 1 P. M. of that same day. In fact at the hour above mentioned I went to his residence and communicated to him the contents of the above said telegram. His Excellency showed himself utterly ignorant of what I had just told him; he declared to me that he ignored the promise of Count de Paraty; that he had not authorized him to cause the vessels to leave for the purpose of refreshing and still less had he authorized him to compromise himself for their return three or four days afterwards and that in this sense he certainly reproved his procedure. His Excellency added that he would telegraph at once to his *Chargé d'Affaires*, demanding an explanation and requested me to delay for at least 24 hours my reply to Your Excellency.

The next day I received a letter from His Excellency asking me at what hour he might call on me, I replied that I should call at once at his residence, I went and was received immediately.

The President of the Council told me he had just received a telegram from Count de Paraty in which

he confirmed to him the departure of the *Mindello* and *Affonso de Albuquerque*, with the refugees on board, for Buenos-Ayres, where he had ordered them to await orders from the Government of Portugal and not to refresh and return to Rio de Janeiro after three or four days' absence.

Count de Paraty added that the compromise he had given to the Brazilian Government was not to land the refugees on foreign territory and to keep them aboard until the final settlement of the diplomatic claim:— the latter compromise the President of the Council told me that Count de Paraty had taken without awaiting his instructions.

On my continuing to insist on the right that the Brazilian Government had to demand the surrender of the insurgents, for the reason that they could not be possibly considered as political criminals, but only as common criminals, and on my adducing other considerations, the President of the Council declared to me that by the rules of International Law by Art. 6.th of the Extradition Treaty, by the Regulations of all navies and by the duty of humanity and conscience, he could not, by any manner of means, surrender the refugees to the Brazilian Government; that this fact of not being able to satisfy our claim grieved him very greatly; but that it was wholly impossible; that no other Government would have adopted a different rule of conduct and that the public opinion of his country would rise up as one man against an Administration which should deviate from the line of procedure that would be adopted by all nations on a subject of this nature. He concluded by asking me to present all these considerations to Your Excellency and by begging you would desist from the claim, receiving the assurance

that he gave that the refugees should not land on foreign territory ; that they should be transported to Portuguese territory on Portuguese ships ; placed in Military establishments, watched and guarded in such a manner as not to return to Brazil and disturb its peace and tranquillity.

I thereupon sent Your Excellency the following telegram, partly in cypher :

« Lisbon, 22.nd March, 1894.

Minister Foreign Affairs — Rio de Janeiro.

Paraty has just communicated ships left for Buenos Ayres to wait for orders, not returning Rio de Janeiro. He engaged rebels shall not land on foreign territory — and that they shall remain on board until final settlement diplomatic question. Government declares positively will not surrender refugees because contrary international Law, treaty of extradition. They request you will desist from claim, being assured rebels shall only land on Portuguese territory, shall be strictly guarded to prevent return to Brazil ». — *Motta*.

*

Telegram from the Brazilian Government to the Legation at Lisbon in reply to the preceding

« Brazilian Minister — Lisbon, 24.th March 1894.

Marshall does not agree with Portuguese Government case of Refugees. »

Minister Foreign Affairs.

*

Telegram from Brazilian Government to the Legation at Lisbon

Brazilian Minister — Lisbon 29th March, 1894.

Communicate Portuguese Government the following

telegram from Legation at Montevideo : « Saldanha arrived on *Mindello*, wounded in shoulder.

Declares counts on elements to continue the revolution. Eight wounded came, three Midshipmen, five naval Cadets. Some with arms, legs broken. Midshipman Fraga died. It is certain they have landed at Martin Garcia. There are aboard both ships 518 insurgent refugees among officers and sailors. It is reported they design to make an attempt to capture our river fleet on the Uruguay. »

Minister Foreign Affairs.

*

Despatch from the Legation at Lisbon, dated April 7th,
in reference to the preceding telegram

This telegram was delivered to me at 11 A. M. on the 30 ult. At 2 P. M. I succeeded in having an interview with the President of the Council, who, after carefully reading the telegram and asking permission to take a copy, in order to show it to the Minister of Marine, who was then sent for by him, told me that he did not know the refugees had landed at Buenos Ayres as he had received no official information, although the notice had already been published by a newspaper on the previous day ; that the orders transmitted to the *Chargé d'Affaires* and to Commander Castilho had been positive not to land the refugees at any place whatever but to transport them at once to Portuguese territory.

The President of the Council also told me that, in consequence of the great agglomeration of persons on board, of the small capacity of the vessels and of the bad state the vessels were in, the *Mindello* being scarcely able to move, they were attempting to charter a steamer at Buenos Ayres which would fly the Portuguese flag,

would be commanded by Portuguese officers and would transport the refugees to this kingdom.

The Government, added the President of the Council, are thoroughly aware of the responsibility which they have undertaken and, for that purpose, will employ every effort to the end that the emigrants may be brought to Portugal at once and for that purpose will not rest and will only feel tranquil when they are known to be safe in Portuguese territory.

As soon as this conference was over I wired Your Excellency a telegram conceived in these terms :

Lisbon, 31st March, 1894 — 4,45 P. M. Minister Foreign Affairs.

Rio de Janeiro.

Government not aware landing refugees — have just ordered Castilho all possible vigilance, case Argentine Government oblige quarantine on land, ordered charter vessel there to bring immediately refugees.

Motta.

*

Note from the Legation of Portugal to the Brazilian Government

Portuguese Legation — Petropolis — April, 2nd 1894.

Sir : —

Confirming the information which I gave Your Excellency at the reception last Thursday, I have the honour of assuring Your Excellency, duly authorized, that the Government of His Majesty has already given all necessary orders that the Brazilian insurgents, refugees on board the Portuguese men of war, shall be landed, as soon as possible, on Portuguese territory, where, guarded at Military posts, by competent authority, they will be prevented from interfering in the Brazilian political struggle.

I dare to hope that this attitude of the Portuguese Government, harmonizing the duties of a friendly Power, entirely foreign to the civil war, with the most sacred principles of International Law respected by all civilized nations, may contribute to strengthen the cordial relations of friendship already existing between Brasil and Portugal, as is so convenient to the mutual interests of both nations.

I avail myself of the present opportunity to have the honour of reiterating to Your Excellency the assurance of my highest regard.

To His Excellency, Dr. Cassiano do Nascimento, Minister of Foreign Affairs, etc., etc.

Count de Paraty.

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Verbal Communication from the President of the Council of Ministers of Portugal to the Representative of Brasil at Lisbon, according to his despatch dated April 7th 1894.

On the 3^d current month, being in company with the President of the Council of Ministers, His Excellency showed me a telegram from M. Saldanha da Gama, thanking, in his own name and in that of his fellow comrades, the hospitality which the Portuguese Government had granted them, and requesting to be allowed to land at Buenos Ayres, where he counted on a favorable reception from the Argentine Government and people. His Excellency, who had not yet made this telegraphic dispatch known to his colleagues of the Cabinet, having just received it at that moment, told me that his reply would be, as I might suppose, an absolute negative and that, in that sense, he would not only make it known to Saldanha; he would also issue the most positive orders

to Castilho not to land him or any other refugees ; and he would likewise order him to keep far from the quays ; go outside the Bar for three or four days ; enter, go out again and renew this expedient whenever he might think it advisable, but more especially if he should become aware of any attempt whatever to rescue the insurgents until they could be transported to the kingdom of Portugal.

Immediately after this conference I sent to Your Excellency a telegram, partly in cypher, in the following terms :

Lisbon, April 4th 1894, 11 A. M. — Minister Foreign Affairs — Rio.

Government received telegram to-day from Saldanha requesting permission to land with marines; says can count on favourable reception on the part of Argentine Government and people. This Government replied that it was impossible and gave strict orders to Castilho keep far from shore and if advised any attempt at rescue to leave that port going outside of the Bar frequently till arrival of other vessel to bring them to Portugal.

Motta.

*

Note from the Portuguese Legation to the Brazilian Government

Legation of Portugal in Brazil — Petropolis — April 16th 1894.

Sir : —

Having received information from the Government of His Majesty, I had the honour to send to Your Excellency, this morning, a telegram, which was conceived in the following terms :

Count de Paraty's offers his most attentive compliments to H. E. Dr. Cassiano do Nascimento, Minister Foreign

Relations and he has the honour to transmit to him the news that the Portuguese Corvettes, in spite of yellow fever and want of officers left Buenos Ayres and sailed to meet the transports, thus terminating definitively attempts of the refugees. No Brazilian officer escaped.

It appears that the Argentine Government put in a claim against Portugal, based on the excessive zeal of the Portuguese mariners in trying to capture, as in fact they did capture, several Brazilian insurgents who were attempting to get away.

I take advantage of the occasion to renew to Your Excellency the assurance of my high consideration.

To His Excellency, Dr. Cassiano do Nascimento, Minister Foreign Affairs, etc., etc.

Count de Paraty.

*

New communications from the President of the Council of Ministers of Portugal to the Representative of Brasil at Lisbon, recounted by the latter in his Despatch of April 20th.

.....
The President of the Council of Ministers and Minister of Foreign Affairs have continued to inform me of what has been done in the Bay of Buenos Ayres in reference to the insurgent refugees on the Portuguese men of war.

At first the Argentine Government demanded that the insurgents should land to purge quarantine, in view of the great agglomeration of people that there was on board, this fact possibly contributing to the development of the epidemic which was raging at the place whence they had come. The Portuguese Government, having been consulted, refused to permit the landing of the insurgents

any where except on Portuguese soil because they were compromised to this by a promise to the Brazilian Government.

Days afterwards, the yellow fever having appeared on board, the Argentine Government charged the vessels to land the refugees or to leave the port going outside the bar; thereupon, the Portuguese Government, solicitous in keeping their word, ordered the vessels to leave the Bay of the River Plate and to wait outside for the arrival of the *Pedro III*, which had been chartered to receive the fugitives and take them direct to *Ascension Island*, where they would be transferred to the *Angola*, which left here some days ago and which should bring them to Portugal.

When the Portuguese ships were taking in provisions and coal, three or four officers escaped, whose absence was only noted later on. In spite of the vigilance kept on board, as commander Castilho claims, other officers, and these in greater number, attempted to get away, but their absence being discovered in time, and it becoming known that they were on board a small vessel, a guard went after them, arrested them, and forced them to return to the ships. This act was made the foundation of a claim on the part of the Argentine Government, in consequence of the violence used by a foreign force in Argentine waters.

The President of the Council told me on this occasion that he had already received a telegram from his *Chargé d'Affaires*, communicating to him that the S. S. *Pedro III* had received provisions and would leave the port of Buenos Ayres on the 16th, and that on the 17th it would embark the fugitives and would leave for *Ascension Island*, being convoyed for four days by the *Affonso d'Albuquerque*.

Since this interview, which took place, at the Diplo-

matic Reception, on the 17th, I have not met the President of the Council any more and I therefore do not know whether on that day the above mentioned vessels really left for their destination.

.....
Greeting and Fraternity.

To His Excellency, Dr. Alexander Cassiano do Nascimento, Minister of State for Foreign Affairs.

(Signed) *J. P. da Costa Motta.*

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Note from the Brazilian Government to the Legation of Portugal

Department of Foreign Affairs.—Rio de Janeiro, May 13th 1893.

Senhor Conde de Paraty, *Chargé d'Affairs* of Portugal was pleased to communicate to me by note of the 2nd of last month that his Government had sent the necessary orders to the end that the fugitive insurgents on board the corvettes *Mindello* and *Affonso de Albuquerque* should be landed as soon as possible on Portuguese territory, where, guarded at Military Posts, by the competent authorities, they would be prevented from interfering in the Brazilian political struggle.

I have not yet answered this note, because the Vice-President of the Republic considered it necessary to await the issue of the situation created by the voyage of the two corvettes to the River Plate: His Excellency is now in possession of the information that was expected from there.

Out of 493 individuals that took refuge on board the two corvettes only 239 left for Portuguese territory on the S. S. *Pedro III*; all the others got away and with them Admiral Saldanha da Gama.

Therefore, notwithstanding all the assurances given by Count de Paraty and by his Government as well, just what the President of the Republic of Brazil had foreseen has occurred: the rebels disembarked on foreign territory, and a large number, not temporarily to return to their refuge, but as run away who preserve entire freedom of action and may, continuing in rebellion, join their allies in Rio Grande do Sul.

I am sure that this fact took place against the intention of Sr. Augusto de Castilho, but it took place undoubtedly through neglect of vigilance and aggravates the act of granting asylum which, under the circumstances which surrounded it, is considered by Marshal Floriano Peixoto as offensive to the National Sovereignty.

The revolt of the squadron, begun on the 6th of September of last year by Sr. Custodio José de Mello and continued by Sr. Saldanha da Gama, terminated, as Senhor Conde de Paraty is aware, on March 13th of the current year. During those long six months, first the squadron and afterwards the squadron and the forts of Villegaignon and Cobras Island, bombarded daily the forts which had remained faithful to the legal Government of the Republic, the city of Niteroy, capital of the State of Rio de Janeiro, and frequently the Federal Capital, injuring and killing inoffensive people, and destroying public and private property. During this long period, notwithstanding the presence of foreign men of war, the insurgents seized ships and cargoes belonging to natives and foreigners and paralysed commerce, causing incalculable losses. And the Federal Government, deprived of all naval resources, was compelled to suffer these hostilities until, by a very great sacrifice of public treasures, he succeeded in organizing a squadron.

Sr. Saldanha da Gama, who on the 25th Dec. by means of the commanders of the foreign naval forces and of their respective diplomatic agents, threatened to bombard this city with his greatest cannons, on the arrival of that squadron, finding that he could not possibly resist, conceived the idea of a capitulation. Sr. Conde de Paraty knows this well, as it was in his presence that Sr. Castilho gave into my hands the proposal for that purpose after making known to the Vice-President of the Republic the fact of having received this charge. His Excellency's reply was as it should have been prompt and a decided negative, and this I transmitted to Sr. Conde on the 12th.

It is not at all astonishing that Sr. Saldanha da Gama should have conceived the hope of saving himself by means of a capitulation: but it is certainly very strange that the commander of the corvette *Mindello* should undertake to second such a pretension, knowing, since it was public and notorious, that a Decree of the Federal Government had declared the said Sr. Gama to be a deserter and a traitor to his country.

The state of things changed. The rebels passed from besiegers to besieged and Senhor Augusto de Castilho, who, like the other foreign commanders, had respected the first state of affairs in which the rebels had every advantage, should not have sustained them at the moment of the change, above all knowing that his Government had not recognized them as belligerents: but he did uphold them, first by supporting their proposal to capitulate and then by granting them asylum under circumstances which by no means justified him in doing so.

The diplomatic agents of England, Italy, United States of America, France and Portugal, in view of the approach of decisive operations against the rebels, asked, on two different occasions, that, in case of it not being possible

to avoid the bombardment of this city in consequence of provocation, the Government should mark a space of time, of at least forty eight hours, in order that the foreigners residents of the city and the vessels also foreign anchored in the port might provide for their safety. This period of time was granted, and soon afterwards an increase of three hours, the fifty one hours being counted from 12 o'clock M. of March 11.th, and the declaration being made that this concession only referred to the forces on the shore line.

This was as it should be, for the Bar forts and the Nitheroy batteries had ever been in activity and the agreement that the Federal Capital should be considered an open city was only applicable to the guns mounted on the hills of the same.

Active hostilities were going to begin and each one should keep his own position: that of the commanders of foreign squadrons was one of simple spectators entirely neutral in the struggle. The commander of the naval forces of His Most Faithful Majesty however did not so understand his duty.

In strict conformity with the promise of the Government the forces along the shore line kept silence, previous to the expiration of the fifty one hours which had been granted the Bar forts and batteries on the Nitheroy line alone fired on the rebels.

The rebels did not reply to their fire; this, however, was not to be wondered at because already on previous days they had not fired and besides the white flag, distinctive emblem of the revolt, was still flying from all points occupied by rebel forces.

For a very brief period the mistake continued. The rebels did not reply because they had taken refuge on board the Portuguese corvettes. The flying of their flags

was perhaps a stratagem, which Senhor Castilho did not perceive and of which he became doubtless involuntarily an accomplice.

This asylum became effective on the morning of the 13.th as the Count had the goodness to communicate to me in his note dated the 15.th

Thus, before the expiration of the fifty one hours granted and consequently during the partial suspension of military operations, Senhor Castilho interfered, to the detriment of the territorial sovereignty and of public justice, in a question of our internal dominion to which he was and should have remained utterly foreign.

Sr. Conde de Paraty, in the above mentioned note, invoked the dictates of international law and the principles of humanity generally recognized by the civilized world. Brazil is also a civilised nation and it is for this very reason that the Federal Government cannot understand how these principles can possibly profit the rebels, who, without paying any attention whatever to them caused in the most barbarous manner so many victims, firing at random in to this city for upwards of six months, with those same cannon which had been placed in their hands for the preservation of public order and the defence of the country.

Sr. Conde de Paraty alludes to the so-called and ill-defined right of asylum when he invokes the dictates of international law. The Portuguese Government also invoked those dictates, as well as the treaty of extradition, in a verbal reply which the Minister of Foreign Affairs gave to the Brazilian Minister when he also verbally demanded the surrender of the refugees.

The Treaty of Extradition is not applicable to the case in question, because it refers to individuals who may have taken refuge on *real territory*, and not on *that of*

fiction and who there take it without the previous consent of the local authority. The rebels protected by the commander of the naval forces of Portugal were by him received at the gangway and thence distributed between the two corvettes.

It is true that the Treaty makes exception of persons accused of political crimes or those connected with them, but there is a great deal to be said on this subject.

That exception is salutary some cases, but dangerous in others, and it is not at all convenient to leave to the arbitrary judgement of any commander of naval forces the resolution of a question that may, as in the present case, wound the dignity of a friendly country and damage its most sacred interests.

Senhor Augusto de Castilho considered his *protégés* as guilty of a political crime, without paying any attention, he a foreigner and foreign to the question, to the mode by which the Brazilian Government, the only competent judge in the matter, might consider it according to the laws of the country. Amenable to these were they from the very beginning, and subject to pains and penalties and, though they revolted proclaiming political ideas, their conduct degenerated into common crimes by the tenacity with which they continued to oppose the almost unanimous voice of the country and by the cruelty of their hostilities.

Now passing to the principal point of the question I shall show that, whether guilty of common crimes or not, they found refuge on board the Portuguese corvettes in an unwarranted manner.

At the moment of the concession so easily obtained they were, it is well known, surrounded by batteries of this city, by those of Nitheroy, by the Bar forts and by the squadron which ready for action, prevented absolu-

tely their escape. They had to fight or surrender, in the circle of fire which was drawn around them, within the Bay, where the territorial sovereignty is exclusive: they might be considered at once as prisoners.

The Portuguese men of war, which, like all other foreign naval forces, had no other mission than to protect the respective citizens, could not interfere in the struggle, or nullify, whether directly or indirectly the military operations, prepared at so great a cost by the Federal Government, not only to crush the revolt but also to subject its authors to the action of public justice.

The commander of the naval forces of His Most Faithful Majesty gave heed to nothing: he granted asylum to the rebels at the critical moment and thus protected their retreat, which, but for this timely aid, could never have been effected.

I say — *he protected their retreat* — because he did not receive on board a few men, but 493, constituted a large part of the garrisons of two forts and of two or three ships of war, and which would be more than sufficient to man as many vessels.

In fact, from the list, which the Portuguese *Chargé d'Affairs* has furnished me, it is clear that there were in that number one Rear Admiral; one Post-Captain, two commanders, twenty five Lieutenants-commander, five Lieutenants, sixteen Midshipmen, sixty nine first class Cadets, Surgeons Apothecaries, Druggists, Engineers besides persons 344 including Inferior Officers and Sailors.

This was the principal part of the forces who, under Sr. Saldanha da Gama, carried on active hostilities for so long a time against the Legal Government of their country.

Senhor Castilho protected the retreat of the rebels and perhaps is still ignorant of the fact that, before they fled to him for refuge, they destroyed everything that they

possibly could at the two fortresses and on board the vessels of war and armed merchantmen, and left untouched the mines of dynamite with which they had intended to blow up the forts in case they should be occupied by forces of the Legal Government.

But they, who had prepared death to their fellow countrymen and the destruction of a great part of the Capital, were saved!

The Vice-President of the Republic could not look impassively on what was being done so strangely within the port of this city, under the very guns of its batteries, at the moment when he was exercising the right, not of making war, but of putting down a rebellion. His silence would tend to form a deplorable precedent. He claimed therefore the surrender of the fugitives, as a right of the country, making a verbal request to the Portuguese Government in order to obtain it; but he had not deceived himself by any hopes of receiving a favorable reply; he gave an opportunity to that Government to declare that they did not approve the act of the commander of their naval forces at Rio.

In vain he did this. The Government of Portugal, therefore, has assumed the full responsibility for the mode of procedure of the above mentioned commander, from the obsequious concession of asylum within this port until the final escape in the River Plate of a large number of the refugees. That Government has, it is true, dismissed the commanders of the corvettes, but this in no way diminishes its responsibility. Those who grant asylum are bound to provide efficaciously to the end that their *drotégés* may not abuse, directly or indirectly, their asylum to commit hostilities against the Legal Power: Senhor Augusto de Castilho could not, did not know how or did not choose to do his duty.

The Government of His Most Faithful Majesty must answer for him.

Marshal Floriano Peixoto believes that he has given during his administration evident proofs of his sincere desire to maintain and develop the friendship which for so many and for such strong reasons should exist between Brazil and Portugal. It is, therefore, with great grief that he finds himself compelled to suspend diplomatic relations with the Portuguese Government.

I have to-day communicated this resolution to the Brazilian Minister at Lisbon. I have recommended him to transmit it to the Minister of Foreign Affairs, at the same time requesting his Passports and to retire from that country with the *personel* of the Legation under his care.

The presence of Sr. Conde de Paraty being, therefore, unnecessary in this country as *Chargé d' Affaires*, I herewith enclose the necessary Passport in order that he may retire together with the employees of the Legation under his charge.

In fulfilling this painful duty, I avail myself of the present occasion to once again give myself the honour of reiterating to Sr. Conde de Paraty the assurance of my high regard.

To Count de Paraty.

Cassiano do Nascimento.

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Reply of the Portuguese Legation to the Preceding Note

Legation of Portugal in Brazil — Petropolis — May 14th, 1894.

Sir : —

I have the honour to acknowledge the receipt of the note dated 13th Inst., which Your Excellency was pleased

to address me, communicating that H. E. Marshal Floriano Peixoto has judged it his duty to suspend diplomatic relations with Portugal.

It grieves me to be informed of that resolution and, abstaining from examining on the part of Portugal the facts to which the note refers, I hope that History will do justice to the Government of His Majesty and that in a short time relations of friendship may be fully re-established between Portugal and Brasil, which should exist for so many and such powerful reasons.

Thanking Your Excellency for the attentive communication, I avail myself of this last occasion to renew to Your Excellency the assurance of my highest respect.

To His Excellency, Dr. Cassiano do Nascimento, Minister of Foreign Affairs, etc., etc. — *Conde de Paraty.*



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