**TNA FO 10/730/255/66557**

**Vice-Consul Edward Bannister, Boma to W Clayton Pickersgill, Consul at St Paul de Loanda**

**17 June 1894**

British Vice-Consulate,

Congo

June 17, 1894.

Sir,

I have the honour to transmit copies of a correspondence between myself and the Governor General and Public Prosecutor, respecting a case of illtreatment of British Subjects by an officer of the State at Lengi.

2. On April 5th a man named Emanuel Mensah came to the consulate footsore, with swollen legs, a nasty surpassing wound on his head, and his buttocks abominably swollen bearing the marks of a severe flogging. The man told me he had been beaten by the commandant at Lengi, and gave his story as to the reason of such flogging.

I gave him food and kept him quiet in the Consulate that day as he told me he had been seven days travelling through the bush to reach me and lay his complaint. I saw the man was thoroughly worn out, and therefore made him rest and take food.

3. On the 6th April I sent him with a letter to the Chief medical officer of the State, Dr. Reigther??, asking him to examine the man. I now enclose copy of my letter and the doctor's reply.

4. On the 10th April I wrote to the Governor on the subject, the reason of my delay in doing so being caused by illness. I enclose copies of my letter and the Governor's reply thereto.

5. On the evening of the 10th April other thirteen Accra men came to me from Lengi bringing with them arms and ammunition. They complained that on Mensah's flight being discovered they were all paraded and asked if they knew of his whereabouts, and on replying in the negative they were thrown down & flogged, one by one. One of their comrades, a man named Amanquah died, as they say, within twenty four hours after his flogging and this caused them so much fear that they simply ran away in a body, bringing their arms to protect themselves on the road but leaving all their private effects behind them. I kept them at the Consulate that night and provided them with food.

6. The next morning, April 11th, I wrote to the Governor on the subject and received his reply. I enclose copies of both letters.

It will be seen that I lay particular stress on the fact of these men being engaged as labourers, and then being, on their arrival here, summarily drafted as soldiers. When they find themselves told off as recruits and are made to put on the apology for a uniform and be drilled as soldiers they get down hearted, discontented, unwilling, and generally refractory. The use of the chicote is allowed to the black sergeants, and anyone who knows an African (as I know him) knows full well that his great delight is to inflict pain on his fellow creatures whenever he can get the chance, and more especially when he is gifted with a little authority. These sergeants are to be seen daily, walking about with chicote in hand and with, or without provocation using the same unsparingly on anyone they may deem a fit subject to inflict it on.

7. On receipt of the Governor's letter of the 11th April (which was brought to me by the Public Prosecutor, accompanied by an officer who took the men away from the Consulate) I went up and saw him. We had a long conversation on the matter principally sustained by the Governor, who said that until my arrival in the Congo they had had no such trouble with their people, and that my interference in these matters of complaint endangered the discipline of his soldiers. I reminded him that until my arrival the poor fellows had no one to make their complaints to. I also reminded him of the action of Monsieur Fuchs who, as Acting Governor, caused the death of some seven Barbadians by having them fired into when huddled in a mass on board ship, instead of taking his men on board, dividing the Barbadians into batches, and quietly walking them on shore.

I have, since I came here, had hundreds of such refractory people to deal with, who declared they would rather be shot than come ashore at Boma to be made soldiers of. On one such occasion I went on board a German steamer, the “Gretchen Bohlen”, having been sent for by the judge and the Commandant of the forces as they could not induce the men to come ashore. The men, one and all, declared that they were engaged to work on the Railway and would not come ashore at Boma. The Commandant then said he would send for soldiers – I asked him what for? His reply was that he would fire on the men if they would not go ashore! I then said “You may send for your soldiers and fire, but you will have to fire on me, as I shall stand in front of these men. If you do not know how to manage these people without the use of fire-arms I will show you how it can be done.” I then told the Captain to call his officers and Kruboys. I then paraded the men, divided them and called the headman, and asked for his copy of agreement which he flatly refused to show me. I thereupon sent for two policemen and had the man, despite his violent struggles, put ashore and in the lock-up. I then made the second headman produce the agreement and found that they were engaged for the Congo State as labourers.

The agreement was made in the first place “for service on the railway” but these words had been struck out and “The Congo Free State” substituted. This agreement was made by one CHEETHAM at Accra.

I explained to the men that the agreement was made for services in the Congo State, and they must go ashore, but I would see the Governor and ask him to allow them to go on to Matadi. They then went quickly ashore. I saw the Governor and after considerable discussion got him to send the men to Matadi.

8. The Governor then began to speak of the circumstances connected with the collision between British and French troops near Sierra Leone, in which Lieut. Maritz was killed. His opinion was that the English were to blame. I listened to all he had to say, and then courteously said that I could not see what that unfortunate circumstance had to do with the question we were engaged in. It would be better to leave that matter to be settled by the very competent gentlemen, both French and English, who had the case in hand. He then began to speak about a trouble between the Matadi railway people and the British subjects working on the line which occurred about the middle of 1891. He said that an English gun-boat, the “Thrush”, was sent to the Congo by the Governor of Sierra Leone. That he pointed out to her commander that if he proceeded to Matadi it would have the effect of a demonstration on the part of the English in favour of their subjects employed in the State and cause them to persist in their endeavour to break their agreements, and abandon their work on the railway. That he gave the Commander to understand that he would use every means in his power to stop him from going to Matadi; that he had little force at his disposal, but if the Commander insisted on going to Matadi he would use such force as he possessed to prevent him. The Commander then remained in Boma.

Some people were sent for from Matadi and examined as to the circumstances. That these people declared the complaints of the men to be exaggerated, and that the Commander of the “Thrush” expressed himself satisfied that gross misstatements had been made, and after a short delay steamed away from the Congo.

I replied that I had read a good deal about that business, and had heard more from reliable sources, and had my own opinion as to the action of the Commander of the “Thrush” – That I, however, with all due respect to him, declined to be influenced by anything which had occurred previous to my arrival in the Congo, and that I should confine myself strictly to matters which it was my duty to attend to and which I had a personal knowledge of.

9. On the morning of the 26th the fourteen Accra men were brought right in front of the Consulate and I found them all chained. I cannot but think that this was done purposely to try and impress upon me that my interference would not save them. I at once wrote to the governor accusing the Public Prosecutor of a breach of faith. I enclose a copy of my letter.

On the 27th April I received from the Governor, and Public Prosecutor letters of which I enclose copies.

It is plain, from his own words, that the governor gave the Public Prosecutor to understand that he was not to give me any information on the subject of proceedings in the case and that the Public Prosecutor's letter was dictated by the Governor.

I wrote in reply to these letters on the 28th and inclose copies of my replies.

10. When I saw the Governor on this question I said to him that it would be necessary, if we were to arrive at the truth, that I should be present at any inquiry and that it would be well to send for the commandant and the sergeant and have the case examined before me, otherwise the commandant seeing himself of a serious crime, would naturally influence the sergeant (also an Accra man) to keep back the truth, or bring counter charges against the men, and that they would be afraid to speak the truth if they had no one present to encourage them.

The Governor demurred to this, and said the judicial authorities were competent to enquire into the circumstances without my assistance, but at last said I might be present at the preliminary enquiry.

11. On leaving the Governor I accompanied the doctor and Public Prosecutor to examine the men as to the effects of their flogging. When this was over I asked the Public Prosecutor if these men were to be kept in prison or punished in any way before the enquiry was terminated. He clearly and distinctly told me “These men are now under my charge and the military authorities cannot interfere. I will see that they are not punished.”

He now says he never said “that he would not use measures of precaution &c”. This equivocation is so palpable that it requires no comment on my part.

12. The Governor and Public Prosecutor both say that the latter showed me “condescension” in allowing me to be present at the first enquiry.

I replied to the Public Prosecutor that I emphatically protested against any such arbitrary conclusion as his remark implied.

I scarcely think it necessary to explain my meaning in using that phrase, but to avoid any misconception I have to state, that I considered his remark tantamount to an avowal that British subjects could be grossly ill-treated, and when an inquiry was instituted at the Consul's request, the Consul had no right to appear at such inquiry. The ignorant men would in such case feel that they had no one to protect them and consequently would be afraid to tell the truth. I have full proof that such is the case in this instance.

As to the “condescension” I leave my expressed opinion to speak for itself.

13. On May 7th I received from the Governor and Public Prosecutor letters, copies of which I inclose.

The Governor says that he had not said that I was not recognized by him as an authority in the Congo State to interfere in matters concerning the welfare of British subjects employed by the State, and says he has witnesses to prove his assertion.

Unfortunately for him I have the very witnesses he depends on (Officers of the State) to prove that he did say so – my inclosure No. 17 is a proof of this.

14. The Governor goes on to say I had under my care thirteen “deserters” from Lengi during a period of twenty four hours. These men were not twenty four hours under my protection, but even supposing they were they are labourers and not soldiers, if their agreement is worth the paper it is written on, and I deem it a wrong proceeding on the part of the governor to treat these men as soldiers, “deserters from their post”, and put them in chains after their having received a flogging, as if they were Belgian recruits, or slaves, and not British subjects.

15. In my reply to the Public Prosecutor dated 9th May (copy of which I inclose), I make use of very plain language. My only excuse for this is the persistent way in which my statements have been described as “false”, whenever I have had occasion to carry complaints to the Governor or any of his officers. My accusations of untruthfulness on the part of the Public Prosecutor I can prove up to the hilt, and not one of my complaints, or accusations has been made without my having first enquired thoroughly into the case.

The Governor has said where I have complained about the treatment of Elmina men and others and told him they were recently housed, they were ill fed, they had no convenience for cooking, they were not supplied with fuel and consequently had to eat their food half cooked after a hard day's work in a broiling sun, and that many complained that they were suffering from dysentery in consequence; that my statements were “false”.

I must admit I got very indignant at this, as I had personally examined the whole thing and only spoke the truth. In proof of my assertions I may state that after my interview with the Governor he had the place they were lodged in recovered at once with felt; the men were provided with fuel (for a time); one or two men were told off as cooks for the rest; and the sick men sent to hospital. The Governor promised that the men should be employed as labourers according to the term of their agreement and not as soldiers. He kept his word and had them sent to work at the fort. They came on Sundays a few times afterwards to see me, and said they were being much better treated. I suddenly missed them and can only conjecture what became of them.

16. I visited the hospital to see how the sick men were faring. On going into one small ward, where there were some twenty beds, I saw one side flooded with water, and on the other side on each of the beds (?) which do not measure more than 30 to 36 inches across, I found two men.

I remarked to the doctor “You have a lot of water here, I suppose you have been performing an operation and washing down afterwards”. His reply was:- “I do not perform operations here, the operation required here is the repair of that roof (pointing upwards). These poor devils were washed out by the rain last night and are now obliged to sleep two in a bed.”

I expressed my disgust and was met with the reply:- “I have over and over again asked that this place should be properly repaired but I can get no satisfaction.” Much more to the same purpose was said which I will not now repeat. I will, however, give one illustration of the humane manner in which these “Congo Independent State” officials treat their people. At one end of this ward was a living skeleton of a native sitting on his haunches who looked at us as we approached with a vacant, lifeless stare which sent a thrill of horror through me. On looking closer I found he was dressed in an iron collar with a chain attached. My involuntary exclamation was:- “Good God! Doctor, this poor fellow is dying by inches, and you keep him in chains! What for in the name of heaven?” The reply was:- “He was a native sent down from the Upper Congo as a prisoner taken in war with his tribe against the State. I have repeatedly asked for his release, but have always been met with a refusal.”

The next time I visited the place I was told, the man had died in his Congo Free State dress where I had seen him.

17. It was during a personal interview that the Governor made the accusation of falsehood against me, in the presence of the Chief medical officer; the Chief Secretary, and the Commandant of the Force Publique.

He received me with an expression of rage on his face, and during the whole of the time occupied in our conversation he kept me standing. His ungovernable temper and arrogance would not allow him to be even commonly polite. I wished to be conciliatory, otherwise I would have left him at once. His manner and speech were aggravating in the extreme.

18. It will be seen from the copies of the agreements of the Accra men in question (enclosed, with the Public Prosecutor's letter of the 7th May) that they were all engaged as labourers. I found on examination of the copies of agreements that AMANQUAH'S name was not included. I wrote to the Public Prosecutor on the 17th about this, and inclose copy of my letter, and his reply dated the 21st. In the meantime the men are kept in chains.

19. If I may be allowed to follow the Governor's precedent and rake up bygones (recent ones), I have to state that there are two missionaries in England at the present time, Messrs. Balfern and Scrivener, of the English Baptist Missionary Society from the Upper Congo who can give some information concerning the murder (I can call it by no other name), by order of a state officer, of seven out of fourteen native carriers who refused to make a return journey into the interior until they had first returned to their homes, received their pay and had enjoyed a little rest with their relations.

They were forcibly detained in camp by the officer but managed to escape in the night time. A party of soldiers was sent after them and seven were captured. When they were brought back to the camp they were shot, by order of the officer in charge.

20. My inclosure No. 17 is simply a confirmation of my assertion that the Governor did try to intimidate me in the performance of my duty.

I must ask with regard to this letter of Mr. Underwood's, that his name may be suppressed, as he is afraid that if it transpires that he had any hand in proving my case, he and his assistants will be subjected to annoyance and trouble in their business at the hands of the State Authorities.

21. I have been told (in confidence) by a high authority, that the Governor wrote to Brussels complaining of the Public Prosecutor 'having promised me that the men should not be punished summarily' and 'that he would let me know the result of the enquiry'. This came to the ears of the Public Prosecutor who immediately repaired to the Governor to ask for an explanation, and a copy of the letter sent. The Governor refused both, on which the Public Prosecutor said he had asked under his (the Governor's) orders in “denying to me that he had done so (!)” and that if he was to be accused to the home government in this way without having an opportunity given to him to clear himself, he must resign. What has been the outcome of this I cannot say. It is rather a strong vindication of my letter to the Public Prosecutor, of May 9th, inclosure 14.

(June 7 1894)

22. I was at the office of the Public Prosecutor yesterday, who informed me that the case would be enquired into on the morrow and invited me to attend the court. (More condescension.)

23. In the meantime I have been informed that the officer and sergeant from Lengui have been here a considerable time, but owing to the unwillingness of certain high officials of the state, nominated by the Governor, to serve on the Court, he has been unable up to the present time to constitute one.

24. On the morning of the 8th instant I was at the court at 8 a.m. another case was to be tried by court martial first, viz, that of a young officer who was accused of having deserted his post up country. Judge and assessors were all ready with one exception, who had been detained by the

The evidence went to prove that the young fellow had been nearly a month in bed ill with fever, diarrhea, and anemia. His appearance in court bore this out. He was ghastly, and his clothes hung on him as if they were two sizes too large for him. He was attacked by 800 natives. He was put into a hammock by his men and carried to a place of safety and ultimately arrived at Boma where he was put under arrest. The court would have acquitted him, but the assessor (The Director of Finance) who had been detained by the Governor, produced a paper containing several queries and propositions evidently the work of the Governor. The result was the adjournment of the court for the appointment of a commission to proceed to the post in question to make further inquiries. I would give little on that officer's life unless he is invalided home, as the commission cannot possibly do its work under a month at least.

I mention this case as it seems curious to me that a Governor should be able to override the convictions of a court presided over by the Chief Justice.

The case of the Accra men could not be heard then, and I had to go again in the afternoon.

The men were called into court. They were filthy dirty, unkempt and were clad in a small piece of blue baize around their loins.

The Commandant (a very young fellow, – sub-lieutenant) was called in and a chair given to him. He was asked pointed questions and, as it appeared to me, with a view that he should by his answers, exonerate himself and incriminate the men as much as possible.

Six of the men, including a Zanzibari, were charged with rape. The Zanzibari confessed, and pointed out an Accra man as having been guilty of the same thing, in the same village. The Zanzibari did not run away. The other men were asked if they ran away, and each answered “Yes”. When asked why they ran away, they answered that as Mensah had been so severely beaten, and Amanquah had died after his flogging they were afraid and therefore ran away.

There were no witnesses called in defence of the men, and no questions asked, except one suggested by myself, viz:- “How long after the occurrences they were accused of, and for which they were punished by flogging, took place did they run away? This question was put by an Accra man in the Fanti language to one of the most stupid fellows in the batch, and the reply was interpreted as “Immediately”. I requested that this question should be put inasmuch as the sergeant had previously said that the robbery of a duck and the assault on the women had taken place at least a month previous to the wholesale flogging in question, and that the men were punished (also by flogging) at the time the offenses were committed, and that the flogging they received which caused them to run away had nothing to do with the previous one.

In Mansali's case, he was asked why he was beaten and he simply reiterated his original story.

The men were then sentenced, the judge reading from a document evidently prepared beforehand.

The Zanzibari to 5 years for rape.

The Accra man who committed rape to 5 years for that offence and another 5 years for running away. The others got 1 year each. On each year a fine of 100 francs was added, and if they cannot pay they will remain prisoners another month.

This is one of the many bad results of men being sent from our Colonies as labourers to this place. It is alleged these men elected to become soldiers. They, on the other hand, say they never did anything of the kind.

I can do no more for them now. I have worked hard for them, and am sorry to say, at the risk of creating ill feeling against myself.

My anxiety now is to know, if my action will be approved or not. I am quite certain a warped story will be, or has already been, sent to Brussels.

The Commandant was put under arrest for eight days by the Governor's orders, but on what specific charge I do not know. He was fined by the judge twenty francs for having given Mensah twenty lashes more than the “fifty which the law allows” within twenty four hours. There was nothing said about Mensah's broken head! Perhaps it was for that he was put under arrest. Nor was anything done in the matter of the death of Amanquah. The Commandant said that Amanquah died of fever and there was an end of it.

A greater travesty of justice it has never been my lot to witness.

26. I will conclude with an extract from a letter from the Governor, dated June on the subject of duties &c payable by consuls, but which I think confirms what I have already said anent his objection to my interference in matters concerning the treatment of British subjects employed by the State.

Extract: “Il est, en effet, d'usage international que, seuls, les agents diplomatique qui representent un Etat etranger jouissent de la franchise de douane; ce qui exclnt?? evidentment les consuls qui n'ont ancur caractere politique, mais sont seulement des agents charges de veiller avec interests de commerce de leurs nationause”

I have the honour to be

Sir,

Your most obedient humble servant

Ed Bannister.

C. Pickersgill Esq., C.B.

H.B.M. Consul

Loanda

Inclosure No. 1

Boma.

April 6. 1894

Dear Dr. Regtter??,

The bearer of this is Emanuel Mensah.

He was sent to Murjumba?? where he has served the state as labourer and soldier.

He says that about a week ago the Commandant of the Station gave him an order in French which he did not understand. He asked the Commandant to give the order in English on which the officer struck him on the head with a stick and then had him flogged with the chicote. He ran away.

I find he has a cut on the head, and his buttocks appear very much swollen. Will you kindly examine the man and tell me if you think the swollen state of him is the result of flogging.

As the man is now a deserter and may be punished again, I wish to tell you that I intend to lay the case before the Governor.

I await your reply and remain

Dear Dr. Regtter

Yours very truly

(sd) Ed Bannister.