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AS COLLECCOES

DA

EXPEDICAO SCIENTIFICA AFRICANA

ORDENADA PELO

GOVERNO DE PORTUGAL

EM 1851

E

O DIREITO A ELLAS PERANTE OS TRIBUNAES  
EM LONDRES

*B. A. Gomes*

THE COLLECTIONS

OF THE

AFRICAN SCIENTIFICAL EXPEDITION

ORDERED BY THE

PORTUGUESE GOVERNMENT

IN 1851

AND

THE RIGHT OF THIS GOVERNMENT TO THEM, BEFORE  
THE ENGLISH COURTS OF JUSTICE







QUESTÃO WELWITSCH





ALBERT W. BENTLEY



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LISBOA

IMPRESA NACIONAL

1875



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LISBON

NATIONAL PRINTING OFFICE

1875





THE COLLECTIONS

APRIL 1871

FOR THE YEAR 1871

1871

THE NATIONAL ANTHROPOLOGICAL ARCHIVES

1871

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A lei passada em côrtes e decretada em 17 de março de 1851 auctorisou o governo portuguez a mandar ás colonias em exploração um naturalista, arbitrando-lhe para isso 200\$000 réis mensaes (proximamente 44 £) e ainda para instrumentos e mais objectos, de uma só vez, 1:200\$000 réis (quasi 267 £). Para executar a commissão foi nomeado o Dr. Fr. Welwitsch em 10 de abril de 1852. O decreto da nomeação indica para alvo da exploração a provincia de Angola, e como objecto das investigações o que faça conhecer as producções naturaes, com o fim de aproveitar do melhor modo as riquezas que d'ahi derivam. Acrescem as instrucções formuladas pelo conselho ultramarino em 1 de agosto de 1853 e communicadas ao Dr. Welwitsch, regulando as obrigações por elle a cumprir. Estas instrucções referem-se á collecção de plantas e de outros productos, á sua remessa para Lisboa, á communicação e publicação mesmo immediata das observações e notas que fosse effectuando durante a exploração; e em particular recommenda tudo quanto n'estas pesquisas interresse aos progressos da agricultura da provincia africana. Dispensava maior desenvolvimento n'estas instrucções a confiança que inspirava o conhecido saber do explorador e os precedentes por elle

The Portuguese Government were authorised by a law of their parliament dated 17 march 1851 to send a naturalist to the colonies allowing him Rs. 200\$000 monthly (about £ 44) and a sum for instruments and other objects necessary for this journey, amounting to nearly £ 267 or Rs. 1:200\$000. On the 10.<sup>th</sup> of april 1852 Dr. Fr. Welwitsch was appointed for this commission. The royal decree issued thereon indicates the African provinces as the country to be explored, and their natural products and resources as the object of the investigation to the purpose of forwarding their best industrial employment. To this were added instructions from the colonial counsel dated 1 august 1853 and officially communicated to Dr. Welwitsch in order to regulate his commission. These instructions refer to the collection of plants and other products, to their conveyance to Lisbon, to the communication and even immediate publication of the observations and notes taken during the journey, recommending particularly to his care every thing that might be interesting to the agricultural progress of the African provinces. The confidence laid in Dr. Welwitsch's well known scientific capabilities and his previous studies of the Portuguese flora (See Doc. 1, 2, 5 of the Pleadings and Proofs in London)





manifestados nos estudos praticos que havia feito da flora do continente em Portugal (V. doc. 1, 2 e 5 dos autos do processo em Londres).

Depois de uma digressão a Londres, aonde o Dr. Welwitsch julgou conveniente consultar o parecer de Robert Brown e de outros naturalistas sobre o objecto da sua missão, saíu para Angola em agosto de 1853, chegando a Loanda em outubro do mesmo anno. Tocou de passagem na Madeira, em S. Thiago de Cabo Verde, na ilha de S. Thomé e tambem foi a Serra Leoa. No continente africano e na Guiné percorreu a linha de costa desde 5°12' até 18° de latitude sul, e para o interior prolongou as digressões pela extensão de 350 milhas geographicas, comprehendendo n'ellas as regiões de Loango, Angola, Benguella, Mossamedes, ou o antigo Manicongo e actual Guiné Portugueza, até chegar ao Golungo Alto, aonde estacionou. Visitou Ambaca, Pedras da Guinga, o Lucala, o presidio do Duque de Bragança, as margens do Quanza até ás cataratas d'este rio, as ilhas de Calembe, que o viajante chama as ilhas formosas, o Luxillo, Cambambe, e assim percorreu durante tres annos os sertões de Angola. Foi depois a Benguella e a Mossamedes, penetrando no interior até á serra de Chella, na qual attingiu a altura de 6:000 pés, e seguindo pelo littoral até Cabo Negro visitou o porto de Pinda e a bahia dos Tigres. As impressões que n'esta extensa e variada peregrinação o viajante fá recebendo deprehendem-se da sua correspondencia de Africa para os naturalistas e amigos a quem a dirigiu, como póde ver-se, por exemplo, nas cartas publicadas nos volumes 2.º e 5.º do jornal *Proceedings of the Linn. Soc of London*, pag. 182. N'uma d'estas cartas a sir W. Hooker, referindo-se a Pungo Andongo, diz

dispensed with further details in the instructions.

After an excursion to London where Dr. Welwitsch thought proper to seek personally the advice of Robert Brown and other naturalists as to the object of his mission, he set sail for Angola in august 1853, arriving at Loanda in october of that year. In this passage he stopped at Madeira, S. Thiago de Cabo Verde, S. Thomé and went even as far as Serra Leoa. In the African continent he travelled along the coast from the 5°12' to the 18° southern lat., and 350 geog. miles to the interior, including in this range the regions of Loango, Angola, Benguella and Mossamedes, or the ancient Manicongo, actually Portuguese Guinea, down to Golungo Alto where he sojourned. He visited Ambaca, Pedras de Guinga, Lucala, the «Presidio» of the Duke of Bragança, the banks of the Quanza down to the falls of this river, the Islands of Calembe, which he calls the fair islands, the Luxillo and the Cambambe, exploring thus the Angola wilds during three years. He went then to Benguella and Mossamedes, to the mountains of Chella where he attained the height of 6:000 feet; and whence, travelling along the coast to Cabo Negro he visited the harbour of Pinda and the Tiger bay. The impressions he received during this long journey are to be met in his African correspondence with friends and naturalists as may be seen, for instance, in the letters that were published in the vol. 2 and 5 of the journal of the proceedings of the *Linn. Soc.*, pag. 182. In one of these, addressed to sir W. Hooker, he says respecting Pungo-Andongo. «It is a garden, if not an extensive park, where we meet the most in-



elle: «É um jardim, se não extenso parque, aonde se encontram os mais interessantes thesouros de vegetação dos variados districtos da Africa tropical e subtropical, dispostos por grupos do modo o mais gracioso e reunindo ao mesmo tempo consideravel numero de fórmas vegetaes què lhe são de todo privativas». Em carta que me foi dirigida de Loanda em julho de 1860, explica-se do seguinte modo a respeito do alto plano da Huilla: «Em todas as minhas digressões na Europa e na Africa nunca fiquei tão surpreendido, tão encantado como n'estes passeios pelas sempre verdes matas e vizinhas varzeas da Huilla; logar mais bello, mais saudavel, e a todos os respeitos mais conveniente para colonisação europea de certo não ha na Africa tropical, e esta deliciosa planura será, me persuado, um dia destinada a dar entrada nos vastos territorios da Africa austro-tropical, maiormente apoiando-se na costa de Mossamedes que fica contigua a este sertão, destinado pelo clima salubre e fertilidade do terreno a ser o emporio maritimo, o mais adequado d'esta costa entre Loanda e o Cabo da Boa Esperança».

O Dr. Welwitsch permaneceu n'Africa oito annos, regressou á Europa em 1861, as suas collecções em plantas representam, segundo elle, 3:227 especies para Angola, e mais 2:152 para Mossamedes, e acompanham os exemplares todas as observações e notas escriptas da propria mão, que o auctor julgou dever ajuntar-lhes. A collecção principal e a mais completa, enriquecida por essas annotações, e a que os exploradores chamam, assim ordenada, a collecção de estudo, é considerada um modelo do genero; bem como em geral quantos têm manuseado as collecções angolenses dão testemunho da sua riqueza, da perfeição e do optimo es-

teresting treasures of the vegetation of the different African tropical and subtropical districts, grouped in a most gracefull manner and including at the same time a considerable number of vegetable forms peculiar to it». In a letter he wrote us from Loanda dated July 1860 he thus explains himself as to the high plateau of Huilla: «I never was more agreeably surprised in all my European and African excursions than in these ramblings through the evergreen woods and valleys of the Huilla; certainly there is not to be found in all tropical Africa a prettier, healthier and more convenient place for European colonisation than this delightful table land, and I think it pointed out by nature itself as the most natural entry to the vast territories of austro-tropical Africa, especially aided as it is by the neighbouring coast of Mossamedes, whose healthy climate and fertile soil render it the very best maritime settlement between Loanda and the Cape of Good Hope».

Dr. Welwitsch remained eight years in Africa returning 1861 to Europe. His collections, he tells us, contain 3.227 Angola species of plants, 2.152 from Mossamedes, and they are illustrated with the notes and observations from his own hand, which he thought proper to add to them. The principal and most complete set of these specimens enriched with the notes, the so called study set, is considered as a model of the kind, and all who have consulted them agree in acknowledging their richness, the good quality and state of the specimens as well as the care and especial knowledge, with which the adjoining notes were written and of which



tado dos exemplares, do cuidado e conhecimento do objecto, revelados pela redacção das notas que os acompanham. Por serem assim singularmente boas e importantes se tornaram estas collecções o alvo de ambições que nos acarretaram o pleito, que o governo portuguez se viu obrigado a sustentar em Londres para evitar o ir á posse alheia o que por todos os titulos é tanto nosso.

Aindaque a phyto-geographia angolense fosse o objecto mais especial das explorações do Dr. Welwitsch, não deixou elle de attender tambem aos objectos zoologicos, e são ainda dignas de muito apreço as collecções de insectos, especialmente os coleopteros, cujo estudo mais relação tem com o das plantas, e por isso mais attenção costuma merecer aos botanicos. Os molluscos terrestres e fluviateis chegaram a ser objecto de uma muito cuidada monographia do sr. Arthur Morelet, publicada em París com o titulo, *Voyage du Dr. Welwitsch, exécutée par ordre du gouvernement portugais dans le royaume d'Angola et de Benguella, mollusques terrestres et fluviatiles*, obra enriquecida de numerosas estampas coloridas.

A primeira conta official dos resultados da exploração, dada ao governo pelo Dr. Welwitsch, foi publicada nos Annaes do conselho ultramarino no mez de dezembro de 1858, com o titulo, *Apontamentos phyto-geographicos sobre a provincia de Angola*; datou-a de Loanda em julho do mesmo anno, estando o auctor ainda em Angola quando foi remetida. O relatorio assim feito é o esboço ou traçado geral da phyto-geographia das vastas regiões percorridas, e como o proemio do que devia ser mais tarde circumstanciadamente referido, depois das averiguações de outra ordem, unicamente possi-

they are the best proof. It has been precisely the singularly good character of these collections which has awaked ambitious claims to them, driving the government to the extremity of pleading the property of that which belongs to them by so many good titles.

Though the main object of the expedition was the phyto-geography of the Angola provinces, Dr. Welwitsch was solicitous also in collecting zoological specimens, and his contributions of the kind comprising the insects are still most considerable, especially in the section of Coleoptera, whose study being better connected with that of plants, usually excites the attention of the botanist more. His terrestrial and fluvial Mollusca were even matter enough for a especial monography from Mr. Arthur Morelet published in France and entitled *Voyage du Dr. Welwitsch, exécutée par ordre du gouvernement portugais dans le royaume d'Angola et de Benguella, mollusques terrestres et fluviatiles*, a work illustrated with numerous coloured plates.

The first official report on the results of the expedition, which Dr. Welwitsch addressed to the government was published in the *Annaes do conselho ultramarino*, Dec. 1858, with the title *Apontamentos phyto-geographicos sobre a provincia de Angola*. He dated it from Loanda July 1858, thus sending it before his departure from Africa. This report is a general sketch portraying the phyto-geography of the vast regions he had travelled over, and a sort of introduction to the more substantial work on the matter which was to be and could only be undertaken in Europe, after another set of



veis na Europa, mas só por si encerrando já este trabalho uma copia de noticias de bastante valor.

No regresso de Loanda e em Lisboa o Dr. Welwitsch occupava-se sempre de ordenar as collecções; tornando-se porém obvio, não ser possivel fazer o respectivo estudo sem os meios de comparação que só existem nos primeiros museus da Europa, e sem consultar mesmo os homens de sciencia mais auctorisados no assumpto, como se pratica sempre em casos taes para ter n'elle juizes os mais seguros, a ida a esses centros scientificos com os objectos que havia a estudar, era pois uma necessidade. O Dr. Welwitsch foi auctorisado a faze-lo por decreto de 22 de julho de 1863, arbitrando-se-lhe para isso £ 2 por dia durante o tempo da viagem (V. doc. do processo M. 2). Partiu para Londres n'esse mesmo anno de 1863, e ahi permaneceu até á sua morte, a qual teve logar em 20 de outubro de 1872.

Em Londres e desde a sua chegada, progrediu a ordenação e o estudo das collecções angolenses, e o Dr. Welwitsch achou para o fazer o mais franco concurso dos primeiros botanicos, como foi o dos srs. De Candolle, W. Hooker, J. D. Hooker, Bentham, Olliver, Seemann, Reichenbach, Schott, Dove, Hiern e outros, que todos se mostraram empenhados no aproveitamento de tão valioso material scientifico. Resultou d'ahi uma serie de publicações, feitas por meio dos jornaes, de memorias nas sociedades scientificas, ou de outro modo, algumas em nome do proprio Dr. Welwitsch, outras no dos diferentes collaboradores aos quaes elle se dirigia para este estudo, avultando entre todos pela copia das noticias, o *Sertum angolense*, e a *Flora of Tropical Africa*.

O *Sertum angolense*, sive *Stirpium quarundam novarum sive minus cognitarum*

detailed investigations, which are possible only here. It contains nevertheless most valuable and abundant information.

While in Lisbon and after his arrival from Loanda Dr. Welwitsch occupied himself in arranging the collections, but it became quite evident that a thorough study of them required, as is always the case, the scientific means only to be found in the first European museums, and the aid of scientific men of particular authority in the matter, in order to obtain the very best judgement of the materials collected. It became therefore necessary to undertake a voyage to those institutions with the whole of them, and Dr. Welwitsch was authorised to do it by decree dated 22 July 1863, being allowed 2 £ for day during this commission. (See Pleadings and Proofs Doc. M. 2.) He set out for London in that very year and he remained there till his death, which took place on the 20.<sup>th</sup> of October 1872.

Since his arrival at London the study of the collections went on progressing and Dr. Welwitsch saw himself most openly aided in it by first class botanists as Mrs. De Candolle, W. Hooker, J. D. Hooker, Bentham, Olliver, Seemann, Reichenbach, Schott, Dove, Hiern, and others who showed themselves sollicitous in profiting of the valuable material thus gathered. A set of publications was thus undertaken in journals and records of scientific societies, or otherwise; some in the name of Dr. Welwitsch, others in those of different fellow labourers to whom he had addressed himself for the purpose. The *Sertum angolense* and the *Flora of tropical Africa* are the first to be mentioned for the abundance of valuable information.

The *Sertum angolense*, sive *stirpium quarundam novarum sive minus cognita-*



*in itinere per Angolam et Benguellam observatarum descriptio*, foi publicado nos Annaes da sociedade Linneana de Londres e illustrado de magnificas estampas, e memoria esta em que o auctor nada poupou de cuidados e despezas para a tornar digna do objecto. Reuniu n'este trabalho a noticia de tudo quanto julgou existir mais merecedor de escolha ou mais notavel pela novidade nas colleções botanicas angolenses. Sabemos que foi tambem uma satisfação ao seu amor proprio, e resposta áquelles, que lh'o mortificavam, fazendo sentir ao Dr. Welwitsch que, tão bom collector como era, não tinha todavia quanto bastava para a elaboração ultima e mais scientifica dos seus trabalhos; com o desgosto depois de lhe fazer crer a excessiva desconfiança que lhe era tão natural, o não ter sido apreciado quanto merecia o trabalho que tantos disvelos lhe custou; lucta e mortificação de espirito a que me fez quasi assistir na sua correspondencia, na qual tantas vezes me revelou em amisade as tribulações por que passava.

A *Flora of Tropical Africa*, obra ordenada pelo governo inglez e executada pelos professores de Kew, reúne quanto resulta das explorações feitas n'aquellas latitudes, tanto na parte occidental como na oriental e centro africano, e dá uma larga parte ao fructo das investigações angolenses, quasi unicas hoje para tornar conhecida a phyto-geographia da Guiné inferior. E tão importante foi o contingente assim dado á publicação ingleza, que cessou ella com o 2.<sup>o</sup> volume desde que os professores de Kew, auctores da obra, deixaram de ter á sua disposição as colleções da expedição portugueza; ficando mesmo incompletos os dois volumes em certo numero de familias naturaes de plantas, como são as Malvaceas, as

*rum in itinere per Angolam et Benguellam, observatarum descriptio*, was published in the annals of the *Linn. Society of London* with excellent plates, and the whole amount of care necessary to render it from the part of the author worthy of its object. In this work he thought proper himself to put together his most choice material, and to give thus also, as we are informed, the best answer to those who underrating his capabilities mortified him with the opinion that, good as he was as a collector, he failed to be capable of joining to his plants a scientific classification; an excessive mistrust, quite peculiar to him, making him still unhappy with the idea that this very work of his, which had cost him so much care, remained unduly estimated: a sentiment which is to be met with in the letters he addressed to me and in which he complains often in this way.

The *Flora of Tropical Africa*, a work ordered out by the British government and executed by the professors of the Museum at Kew, gathers in a whole the results of all the former expeditions in those latitudes, both as regards eastern and western Africa, and allows an ample part to those of the Angola expedition, unique as they are still in a great measure as regards Inferior Guinea. And such is the value of the contingent thus furnished to this work, that the publication has been interrupted with the appearance of the second vol., since the authors have ceased to have at their disposal the collection of the Portuguese expedition; some even of the natural families included in these first volumes, such



Burseraceas e outras, segundo me avisou o Dr. Welwitsch na sua correspondencia, por estar este doente ou já em divorcio com os auctores da obra, quando ahi coube tratar das ditas familias, e ter elle negado então n'essa parte o concurso das collecções angolenses.

O professor G. Bentham na memoria *Descriptio of some New Genera and Species of Tropical Leguminosae*, inserida no xxv vol. das *Transactions of the Linnean Society*, tambem descreve e figura as Leguminosas angolenses. Assim fez conhecer o professor Olliver as Lentibularias das mesmas regiões, Hegelmaier as Lemnaceas, Alex. Brown as Characeas, Max. Kuhn e W. Hooker os Fetos, Duby os Musgos, Fr. Currie os Fungos, Reichenbach as Orchideas, Muller as Euphorbiaceas, Schott as Aroideas, Munro a unica Bambusacea angolense conhecida, Seemann as Bignoniaceas e as Hederaceas, Alph. Decandolle as Campanulaceas, Hiern as Ebenaceas, R. Caspary as Nymphaeaceas, e assim em monographia particularmente elaborada e ricamente illustrada o sr. Dr. Hooker tornou conhecida a celebre Gnetaacea africana, a que poz o nome *Welwitschia mirabilis*. De todos estes trabalhos, que tanto foram adiantando o conhecimento da *Flora angolense*, demos nós mais circunstanciada noticia a leitores portuguezes no *Jornal de sciencias mathematicas e physicas da academia de Lisboa*, no n.º xiv do anno 1873.

Ao segundo anno de permanencia em Londres o Dr. Welwitsch deu parte ao governo do andamento dos trabalhos, e em resposta lhe foi dito oficialmente em 28 de dezembro de 1864 ser satisfactorio á gloria do Dr. Welwitsch e honroso para o governo o modo como dirigiu esses trabalhos; insistia-se porém na necessidade de ter o mais breve nos nossos estabele-

as the Malvaceae, the Burseraceae and others, having been left incompleated, as Dr. Welwitsch informs us in his letters, on account of his illness or of his being already to that time at variance with the authors, not allowing them access to his collections.

Professor Bentham in his essay *Description of some New Genera and Species of Tropical Leguminosae* inserted on the xxv.<sup>th</sup> vol. of the *Transactions of the Linnean Society*, made us acquainted with the Angola Leguminosae which he describes and illustrates. Professor Olliver undertook the Lentibulariae of the same region, Reichenbach the Orchideae, Seemann the Bignoniaceae and the Hederaceae, Muller the Euphorbiaceae, Schott the Aroideae, Hegelmaier the Lemnaceae, Alp. Decandolle the Campanulaceae, B. Hiern the Ebenaceae Caspary the Nymphaeaceae, Alex. Brown the Characeae, Munro the single Bambusacea of Angola, Max. Kuhn and W. Hooker the Ferns, Duby the Mosses, Fr. Currie the Fungi, and Dr. Hooker in a richly illustrated monography that most curious Gneta cea of the African continent, called by him *Welwitschia mirabilis*. A more detailed enumeration of all these publications, that so much advanced the knowledge of the Angola Flora, was given by us for Portuguese readers in the *Journal of the mathematical and physical sciences of Lisbon*, n.º xiv, 1873.

In the second year of his stay at London Dr. Welwitsch reported to the government upon the state of the labours undertaken and was officially answered on the 28.<sup>th</sup> of december 1864, that the manner in which he had conducted the matter was honourable both to his credits as to those of the Government; but at the same time he was told that it was felt necessa-



cimentos a collecção dos productos naturaes ao solo de Angola, assim como a publicação que os fizesse conhecidos, a fim, acrescentava o officio, de justificar perante as camaras e perante o publico as despesas feitas com a expedição, e evitar a interrupção das que se precisasse continuar (V. doc. do processo n.º 10). Em 20 de dezembro de 1865 outro aviso do governo ordenou ao Dr. Welwitsch o regresso a Lisboa, deixando ao cuidado dos naturalistas encarregados do estudo das collecções aquella parte das mesmas que lhe haviam sido para isso confiadas. Esta ordem tendia a evitar a maior despesa occasionada pela demorada residencia do Dr. Welwitsch em Londres, suppondo possivel a continuação do estudo das collecções pela correspondencia de Lisboa com os naturalistas estrangeiros que o auxiliavam. Por não haver cumprido esta ordem e considerar o governo não ter o Dr. Welwitsch satisfeito, como devia, a outras instrucções, em 16 de fevereiro de 1866 mandou suspender-lhe a gratificação que recebia a datar do principio d'esse mesmo mez de fevereiro, interrompendo assim com elle as outras relações officiaes.

Entre a saída do Dr. Welwitsch para Angola no fim de 1853 e a epocha em que cessaram estas relações officiaes medeiam doze annos, dos quaes passou oito em Angola, tres em Londres e o resto em Lisboa. Em todo este tempo foi o dr. Welwitsch remunerado do seu trabalho pelo governo de Portugal, em Angola recebendo £ 44 mensaes, em Londres £ 60 e em Lisboa £ 22; a isto accresce o que se lhe mandou dar para primeiras despesas no valor de £ 267, importando a totalidade da despesa assim feita proximamente £ 6:355 ou 28:600\$000 réis, moeda portugueza.

ry to have as soon as possible in the Portuguese scientific establishments the collection of all the Angola products, as well as the publication which should make them known in Portugal; in order, as it was added, to justify before the Cortes and before public opinion the expenses of the whole expedition, and avoid any interruption in the allowance of those that were as yet to be made (doc. n.º 10). On the 20.<sup>th</sup> of december 1865 again an official despatch from the government ordered Dr. Welwitsch's return to Lisbon, leaving to the care of the naturalists charged with the study of the Angolan collection, that part of it which had been committed to them for the purpose. These orders tended to avoid the greater outlay occasioned by the prolonged stay of Dr. Welwitsch at London, as it was thought possible to continue the study of the collection by an intercourse with the foreign naturalists that were to help him in it. Not having complied with them, nor, as the government thought, with other instructions, as accurately at least as he ought, his salary was stopped on the 16.<sup>th</sup> of february 1866, from the beginning of the said month, all official intercourse with him remaining suspended.

From the departure of Dr. Welwitsch for Angola at the end of 1853 till the time in which his official relations with the government were thus topped, twelve years passed away. From these eight were passed in Angola, three in London and one in Lisbon. During this whole period Dr. Welwitsch's labours were remunerated by the government who allowed him £ 44 monthly during the stay at Angola, £ 22 during that at Lisbon and 60 during that at London. To this we must add a first outley of £ 267, summing up a total of nearly £ 6.355 or



Quando mais tarde se tentou renovar as relações interrompidas com o governo, depois de uma promessa de regresso a Lisboa, para o que as collecções, livros e mais objectos chegaram em Londres a estar encaixotados e em ordem de partir, mandou-se-lhe mais o subsidio de um mez, £ 60, as quaes recebeu; mas tambem tinha ficado por satisfazer, quando se verificou a ordem de suspender os pagamentos, o mez de dezembro de 1865 e o de janeiro de 1866, importando similhante atrazo em £ 120. Encontrando as duas parcelas vê-se, pois, que ficára em debito ao Dr. Welwitsch £ 60, mas não mais, como erradamente se asseverou; debito aliás insignificante ao pé das quantias recebidas, e que nem era mais do que um atrazo de pagamento, prompto a desaparecer logo que o Dr. Welwitsch chegasse a Lisboa, como se esperava fizesse em breve tempo (V. *Affidavit* de Miguel Eduardo Lobo de Bulhões, a conta dos pagamentos feitos ao Dr. Welwitsch em todo o tempo da sua commissão, ordenada pelo mesmo empregado e chefe da contabilidade do ministerio da marinha, e a ordem de 22 de outubro de 1870 para o regresso a Lisboa com a do pagamento de £ 60, doc. n.º 13 do processo). O Dr. Welwitsch não teve só estes meios á sua disposição durante o largo praso de tempo de que dispoz; em Angola achou alem d'isso todos os auxilios de que precisou, não só da parte das auctoridades, mas dos proprios particulares, que lh'os franquearam sempre o mais-generosamente. Quanto é sabido de outras expedições analogas ordenadas por outros governos, permite afirmar que nenhuma foi mais amplamente socorrida, e poucas o terão sido tanto. Tambem é por ter o Dr. Welwitsch como nenhum outro disposto tanto á sua vontade do tempo e dos meios precisos,

Rs. 28:600\$000. When official relations with the government were desired to be resumed, the sum of £ 60 was further allowed to Dr. Welwitsch after a promised return to Lisbon, for which the collections, books and other objects were so far as packed up in London ready for the voyage. But, on the other side, the salaries of december 1865 and january 1866 not having been paid up to the time that the order of suspension was issued, and making a total of £ 120 it is clear that a sum of, but not more than, £ 60 was due to Dr. Welwitsch, contrary to what has been erroneously asserted in this matter. A quite insignificant sum, as regards the total salaries received, and which cannot but be considered as an arrier of payment which would promptly disappear had Dr. Welwitsch, as it was hoped, arrived in a short time at Lisbon. (V. *Affidavit* of Miguel E. Lobo de Bulhões, the note of payments made to Dr. Welwitsch during his commission, ordered according to the said clerk, chief accountant at the marine office, and the order of returning to Lisbon dated 22 october 1870, together with of the payment the £ 60 (Doc. n.º 13). Dr. Welwitsch did not rely only upon these means during the long period of his labour. He found in Angola all necessary aid, not only from the authorities, but also from private persons who promptly and generously helped him. As far as is known from other expeditions we may assert that no one was more amply promoted and few have been so much as this one. And it must be acknowledged that precisely to the ample means and time thus allowed to Dr. Welwitsch we owe the most valuable material he succeeded in collecting in a country so little accessible to Europeans, and where the Portuguese occupa-



que alcançou reunir um material scientifico de tanto valor em regiões aliás muito pouco accessiveis a europeus, e para as quaes a occupação portugueza tem sido sempre e é tão poderoso auxiliar aos que tentam ahi penetrar.

Depois da interrupção das relações officiaes com o governo o Dr. Welwitsch mostrou desejo de as restabelecer e escreveu-me n'esse sentido; aconselhei-o a que se dirigisse ao ministro respectivo, certo de achar a melhor disposição para lhe acceitar as suas desculpas, comtantoque elle mostrasse da sua parte a de cumprir o que se lhe ordenára, regressando a Lisboa, trazendo as collecções, e cuidando-se o mais breve de proceder ás publicações que as deviam fazer conhecer e apreciar do publico em Portugal. Sob a sua promessa em particular feita, foi-lhe de novo ordenado officialmente o regressar a Lisboa, e é n'esta ordem de 22 de outubro de 1870, assignada pelo marquez de Sá da Bandeira, que ao mesmo tempo se lhe mandou o ultimo subsidio de £ 60. Chegou, como foi dito, a ter tudo enfardado para partir, mas com os embaraços de resolução, que tambem lhe eram muito naturaes, demorou-se em Londres até fallecer dois annos depois da segunda ordem que teve para vir a Lisboa.

Com a noticia da morte veio surprehender a de um testamento feito á ultima hora pelo Dr. Welwitsch, no qual elle dispunha das collecções angolenses, como se fossem proprias, dos livros, instrumentos e mais objectos que tinha em Londres, e assim tambem do que havia deixado em Lisboa, confiado aos cuidados e guarda do consulado de Austria. O testamento é do teor seguinte (V. Doc. n.º 17 do processo):

tion has been and is still of great use in aiding the foreign traveller who tries to explore the interior.

After the interruption of official intercourse with the government Dr. Welwitsch desired to reestablish it, and wrote me to this purpose. I advised him to write to the minister of the colonial department, in whom he would find the best good-will in attending to his excuses, as soon as he would show himself ready to do what had been ordered him, and return to Lisbon with his collections; every thing else being done on both sides in order to hasten the publications which were needed to spread a knowledge in the country of the results of the expedition. Upon his private promise of so doing again an order of returning to Lisbon was issued, signed by the Marquês de Sá da Bandeira and dated 22.<sup>th</sup> october 1870, and with it were forwarded to him the last £ 60 he has received. Having had, as it has been said, every thing ready packed for this return, he still found himself embarrassed in his final resolution (as it was also very naturally the usual case with him) and so he remained in London till his death two years after this second order to return had been issued.

With the news of his death came also the surprising ones of a will made in his last moments in which he disposed of the collections, as if they were his own property, of the books, instruments and other objects he had in London and in Lisbon at the Austrian consulate. The will is as follows. (V. Doc. 17 of the proceeding).



«Will of Dr. Welwitsch dated 17.<sup>th</sup> October 1872.

«The last Will of Dr. Frederick Welwitsch of n.º 15, Fitzroy Street, London, Botanist and Naturalist. I appoint as executors the following Frederick Justen, 37 Soho Square, William Carruthers, of the British Museum, Dr. Schweinfurth, of Berlin, Mr. Hiern, of Kew Gardens. The above named after my death to take a room and to distribute my collections of plants, coleoptera and scientific instruments in the following manners. Firstly my study copy of African Plants to be offered to the British Museum at the rate £ 2 10 s. per century (100 species) subject to one set of Mosses being first selected thereout and given to Mons. Duby of Geneva. Two sets to the Portuguese government gratis. One set to Dr. Schweinfurth of Berlin gratis. One set to Professor A. de Candolle of Geneva gratis. One set to the Botanical Museum at Vienna gratis. One set to the Botanical Museum at Paris gratis. One set to the Botanical Museum at Copenhagen gratis. One set to the Imperial Natural History Museum at Rio de Janeiro gratis. One set to the Museum of Carinthia in Austria gratis. One set to the English government for the use of Kew gardens gratis. Secondly my study copy of my African Entomological Collections and the first choice (one of each description) of my African Mollusca as an offering to the Zoological Museum at Lisbon gratis. A set of African Coleoptera and a set of African Mollusca to Dr. Peters at Berlin as a token of grateful remembrance gratis. A set of African Coleoptera and Mollusca to the Museum of Carinthia gratis. All books, scientific instruments, Bats Hierax, and other zoological objects to the Zoological Museum at Lisbon as an offering gratis. I

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authorise my executors to sell the surplus copies remaining of the African Collection of Plants and Insects and to hand over the moneys arising from the sale to the Portuguese government for the purpose of endowing the office of a Conservador of the collections. I bequeath my General Herbarium and my Portuguese Herbarium at Lisbon to the Royal Academy of Sciences at Lisbon. I make the above disposition of my collections in the hope that all the bequests herein before made to museums may be considered as made to them by the Portuguese government through whose assistance and liberality some of the collections have been made. Dated this 17.<sup>th</sup> day of October 1872.

«Frederick Welwitsch. Signed by the said Frederick Welwitsch the testator as and for his last will in the presence of us present at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names as witnesses.—George Allen, Solicitor—Ja.-Leeminghis Clerk.

«Proved at London 2.<sup>nd</sup> november 1872 by the oaths of Frederick Justen and William Carruthers two of the executors to whom administration was granted. Power reserved of making the like grant to George Schweinfurth, doctor of medecine one other of the executors, William Philip Hiern, the other executor named, in the will, having renounced the probate and execution thereof.»

A legação portugueza em Londres protestou desde logo, como devia, contra a execução do testamento, reclamando as collecções africanas como propriedade portugueza, de que o testador não podia dispor, e o caso passou a ser julgado nos tribunaes inglezes. A luta judicial dura ha tres annos sem resolução; sem duvi-

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The Portuguese Legation at London protested immediately, as they ought, against the execution of the will, claiming the Angolan collections as Portuguese national property, of which the testator could not dispose and the case had to be brought before the British courts of justice. The affair is still pursued, no resolu-



dar porém da justiça que se nos faça n'um paiz como a Inglaterra, e deixando ao processo judicial o desfiar todas as provas pela fórmula longa e fastidiosa n'elles habitual, examinemos a questão perante o tribunal do senso commum, e saibamos o que ella vale.

A primeira impressão produzida pela leitura do testamento não foi só a da surpresa, mas tambem para muitos a da indignação; poupa-se a memoria do Dr. Welwitsch, suppondo-o elle mesmo victima á ultima hora de alguma surpresa, não tendo tido inteira consciencia do que subscreveu. Superabundam os testemunhos, mesmo os da propria escripta que deixou, de nunca ter considerado suas as collecções por elle colhidas n'Africa, antes asseverou sempre, uma e muitas vezes, serem taes collecções do governo portuguez, ao qual, como se viu, não custaram pouco. Dos quatro executores testamentarios, nomeados no testamento, dois os srs. Schweinfurth e Hiern não acceitaram a responsabilidade da testamentaria, e os próprios legatarios para os quaes se appellou a fim de auxiliarem os srs. Carruthers e Justen no empenho de sustentar a execução do testamento, pela maior parte, sabemos que se recusaram a faze-lo. O consulado austriaco em Lisboa, com auctorisação do governo respectivo, entregou o espolio do Dr. Welwitsch que lhe havia sido confiado, na conformidade das ordens recebidas, mas sem nenhuma attenção por semelhante testamento, e tendo-se tido em vista só os interesses dos herdeiros e a vontade por outro modo conhecida do finado. Incluiu-se n'isto certa somma em dinheiro que o Dr. Welwitsch tinha nas mãos do seu banqueiro em Lisboa, e que toda foi entregue aos herdeiros. Esta somma, não pouco importante, e que

tion having been as yet possible during the last three years. Without doubting that justice will at last be made in a country as Great Britain, and setting aside the long and fastidious legal forms of proving the right or wrong in the matter, we shall examine the question before the tribunal of common sense.

The first impression produced on reading the will was not only that of a surprise, but even, for many, that of indignation. To spare Dr. Welwitsch's memory we must think he fele himself a victim of some surprise in his last moments, not having had a complete consciousness as to what he subscribed. There is no want of proofs, even in his own writing and signature, that he never ceased to consider the collections as belonging to the government, to whom they certainly did not cost a small sum. Among the executors of the will two, Mrs. Schweinfurth and Hiern, rejected the responsibility of the office, and most of the legaties who were asked to enforce the execution of the will on behalf of Mrs. Carruthers and Justen, did the same, as we are told. The Austrian consulate, authorised by their government, gave up the property of Dr. Welwitsch with which they had been entrusted, according to the superior orders received, without the least care for the will, and having only in view the interests of the heirs and the otherwise known desire of the deceased. In this property was comprised a sum of money that Dr. Welwitsch had laid in the hands of his banker in Lisbon, and which was delivered to the heir. This not unimportant sum, spared out of his Angolan salaries, was claimed by the executors Mrs. Carruthers and Justen with the rest of the property of Dr. Welwitsch at Lisbon, notwithstanding its not having been included in the Lon-



o Dr. Welwitsch ajuntou das sobras de suas despesas em Angola, apesar de não ser mencionada no testamento, foi reclamada, e assim a outra parte do espolio existente em Lisboa, pelos executores testamentarios, os srs. Carruthers e Justen; mas os depositarios d'esse espolio, que nunca lhes acceitaram a auctoridade, sempre se recusaram á entrega d'elle, feita por este modo.

A primeira disposição do testamento não é um legado, mas a venda ao museu britannico da collecção principal, a unica completa; e que, pelas notas e observações escriptas do naturalista que a organisou, é o documento historico dos seus trabalhos, exprime o fructo de todos elles, serve de base ás publicações que devem seguir-se para o conhecimento de quanto foi commettido ás investigações do Dr. Welwitsch, com relação á Africa tropical portugueza. Em virtude pois d'esta disposição testamentaria, se venderia ao museu britannico, a rasão de 2 £ 10 s. os exemplares de cada 100 especies, o que faz para a collecção toda, que representará 5:000, o valor de £ 150, adquirindo-se assim o que ao governo portuguez custou muito mais de £ 6:000 e este naturalmente destinava sobretudo para o proprio uso do dito governo. Quando o governo portuguez pudesse dispor d'esta collecção para a ceder ao museu britannico, preferiria muito dá-la e não vende-la, pagava-se, entregando-a a um estabelecimento, que faria bom uso d'ella, e abstinha-se de fazer tão indecoroso negocio. Fazemos porém justiça a tão respeitavel instituto, como é o museu britannico, e á sua administração, composta, como costuma ser de cavalheiros da mais eminente posição, acreditando que não acceitariam similhante presente ou venda, feitos com visivel offensa, não

don will, but the trustees of this property, who never acknowledged their right to it, constantly refused to deliver it to them.

The first disposition of the will is not a legacy but a purchase of the principal set or study set to the British Museum; that is of the unique complete set which builds, together with its notes and observations, written by the collecting botanist, the historical document of his labours, the final result of his studies, the foundation to all ensuing publications intended to give notice of the expedition with which he had been charged by the Portuguese government. For £ 2 s. 10. the hundred species do we thus find sold to the British Museum the whole collection, which would make up in this way a sum of but £ 150, supposing it to contain 5.000 species. The British Museum would thus acquire for £ 150 that which has cost more than £ 6.000 to the Portuguese government. If this government could dispose of this collection on behalf of the British Museum they would very much prefer giving it or yielding it up to selling it in such an inconvenient manner, to an establishment which has the means of making a good use of it. We must however be just towards such a respectable institute as the British museum, in believing that this establishment and its higher administration chosen, as usually, out of the most eminent men of science and political and social influence, would refuse accepting such a sale or present when made with evident



só dos interesses, mas do proprio decoro do governo de uma nação amiga. Não é para nós duvidoso, que o museu britannico está longe de ter approvado todos estes manejos, pelos quaes se lhe quer fazer um serviço á custa alheia, assim como ha para nós a certeza de que a sua alta administração em nada contribuiu para elles.

Os exemplares das plantas colligidas são bastantes para fazerem outras collecções, menos completas do que a principal; o testador distribuiu-as quasi todas pelos differentes legatarios que escolheu, sem nos ter em verdade esquecido. Reserva duas para o governo portuguez, e estas, diz o documento, gratis, dispensando-nos ao menos assim de as comprar segunda vez; tambem nos deixa a collecção principal dos insectos, os livros e outros objectos. N'esta enumeração de legatarios vem em ultimo logar o museu e jardim de Kew, para o qual ficaria pois reservada a collecção mais inferior, o que é muito de notar, por ser no seio d'este importante estabelecimento scientifico, chamado pelo proprio Dr. Welwitsch o primeiro do mundo no seu genero, e por ser com o auxilio dos seus professores que elle obteve mais e melhores esclarecimentos no estudo das collecções feito em Londres. Attestam-o as publicações a que já nos referimos dos srs. Hooker, Bentham e Oliver, e o proprio *Sertum angolense* do Dr. Welwitsch, o qual não pôde ainda dispensar o auxilio d'aquelles professores e d'aquelle museu.

Os auctores da *Flora of Tropical Africa* pozeram grande empenho em ter á sua disposição as collecções portuguezas, por serem, conforme affirmam no prefacio da obra, das mais valiosas se não as mais valiosas que lhes aproveitaram; o Dr. Welwitsch franqueando-as, ganhava

disadvantage for the interests and honour of a friendly nation. We are pretty certain that the British Museum is far from having approved these manœuvres by which it is tried to render him service at another's detriment; and that its higher administration has not in any way contributed to it.

The specimens of the plants collected are numerous enough to build up some other sets more or less alike to the study set, and the testator distributes them among his different legators without forgetting, it must be said, the Portuguese government; he gives up two to this government, and this, he says, *gratis*, dispensing us from paying once more for them. He gives us also the collection of insects, his books, with some other objects. In the enunciation of the different legacies we find at the last place the Kew ardens Gand Museum, which would therefore receive the worst of the sets. This deserves the more so to be remarked as it was precisely in this important establishment and with the aid of its professors that Dr. Welwitsch obtained the very best and abundant informations respecting his plants. We have but to recall here what we have already said about the publications of Mrs. Hooker, Bentham and Olliver and about the *Sertum Angolense* itself, to which Dr. Welwitsch could not dispense the powerful aid of those professors and of the collections they dispose of.

The authors of the *Flora of Tropical Africa* laid great weight in having at their disposal the Angolan collections, reckoning them, as they assert in the preface of their work, to the most valuable material which they were able to dispose of for it. Dr. Welwitsch in granting them



o ir obtendo a revisão d'ellas a mais autorizada. Com um sentimento mais nacional, antes que a flora angolense apparecesse em publicação ordenada por governo de outro paiz, figuraria na que o fosse pelo governo portuguez, as instrucções ao Dr. Welwitsch tinham similhante sentido, e nunca se lhe recusaram as despesas que isso exigisse; mas estas questões de prioridade para governos, para os verdadeiros interesses dos paizes respectivos e da sciencia, são objecto secundario, e cedendo de similhante prioridade em satisfação de um governo amigo, tambem se compensava de algum modo o poderoso auxilio que elle nos prestava pelo conselho dos seus professores e pelo modo como se permittia dispor dos seus estabelecimentos scientificos. Entre estes o museu e jardim de Kew foi o primeiro a auxiliar-nos, e tem todo o direito para ser contemplado, não o ultimo, mas o primeiro tambem na distribuição a effectuar das collecções; e se o não foi no testamento é isso talvez a triste represalia de suppositos agravos, que nos ultimos tempos tinham rompido a boa intelligencia que reinára entre os professores de Kew e o Dr. Welwitsch, rompimento de que se quiz tirar partido a favor do museu britannico, aproveitando a occasião favoravel de attrahir a boa vontade do fallecido Dr. Welwitsch á custa dos interesses portuguezes, e tambem dos do museu de Kew.

O Dr. Welwitsch, como tantos outros, distinctos pelo merito e paixão da sciencia, tinha os defeitos das suas qualidades, amor proprio da maior susceptibilidade, desconfiança de tudo e de todos a mais exagerada. Esta disposição trouxe-lhe uma lucta constante, e para elle a mais infeliz, que o não deixava ter pazes com ninguem quasi por muito tempo. Já de um

free access to his herbarium had in return his plants specifically named and his collections successively classified. A more national spirit would prefer having the plants first named in a Portuguese publication before seeing them included in a foreign one, and the instructions given to Dr. Welwitsch were more in this sense, the means for such a work never having been refused. This priority question respecting two governments and the real interests of science and of their countries is however of a very secondary character, and giving it up on behalf of a friendly government the most valuable aid they lent us by means of their professors and scientific men was to a certain extent compensated. The Kew institution had been the first to help us in the matter, and it was but right to contemplate it in the distribution of the collections in a first and not in a last place, and if in the bill nothing like is to be found, the reason is no other than the recent interruption of former friendly relations between the professors at Kew and Dr. Welwitsch; an event which some wished to turn out to the advantage of the British museum, seizing on that favourable occasion of attracting the good will of the late Dr. Welwitsch, at cost of the Portuguese interests in the whole matter, as well as of those of the Kew Museum.

Dr. Welwitsch, like so many other distinguished and passionate men of science, had what is properly called the defects of his good qualities, a most irritable self-love, and a most exaggerated mistrust of every one and every thing. This bad humour was a source of constant annoyance to himself and did not allow him to be at peace with any one. I had already



amigo e respeitador de suas qualidades, o professor Fenzl, de Vienna, eu havia alguma vez ouvido fazer este reparo. Assim saíria elle de sua patria divorciado com amigos seus e compatriotas; se divorciou já em Portugal com a sociedade Unio Itineraria que ali o mandou em exploração scientifica, e de cujos auxilios se viu privado, chegando a estado de abandono o mais lamentavel, no qual foi soccorrido por amigos portuguezes, com os quaes em boa parte tambem acabou por se divorciar. Nas suas relações com o governo portuguez, o qual deu emprego á sua actividade de modo para elle tão lisonjeiro, e que o gratificou tão generosamente, vê-se que não foi mais feliz; não o foi com os professores de Kew, e não o seria com os seus ultimos amigos do British Museum, se o Dr. Welwitsch vivesse mais tempo. E para prova da sorte que a este respeito os esperava repetirei textualmente o que em carta escripta na data de 15 de julho de 1857 me dizia de Londres ácerca de certos agravos que já tivera com alguns dos seus amigos do British Museum. «Os amphibios que colligi durante a minha viagem foram confiados ao Dr. Gunter do British Museum com a *expressa condição* de publicar sobre elles um tratado separado com um preambulo, em que se desse os devidos agradecimentos ao governo portuguez respectivos ao auxilio que me deu, etc., etc., e ao mesmo tempo os duplicados deviam ser mandados a Lisboa á disposição do ministerio da marinha. Foi isso nos principios de 1864. Seguiu-se depois a minha longa doença, e quando (provavelmente contra toda a espectação dos homens zoologicos do British Museum) me apresentei ainda *vivo* no mesmo museu, encontrei as minhas colleções já engolidas e confundidas com as mais respectivas, e a publicação feita com

heard this remark made on him by a friend of his and acknowledger of his good qualities, Dr. Fenzl in Wien. So had he gone away from his country divorced from some of his friends, so had he divorced himself in Portugal from the Unio Itineraria, a society which had commissioned him to this country and on whose financial aid he lived, falling into a most miserable condition when deprived of it and being then relieved by Portuguese friends with some of whom he again grew angry. He was evidently not more happy in his behaviour towards the Portuguese government, who commissioned him in such a distinguished manner and who so generously rewarded his scientific activity. Nor had he a better chance with the Kew professors and neither would he have it with his new friends of the British Museum, had he lived some time longer. I have but to quote a passage of a letter he addressed to me dated 15.<sup>th</sup> July 1857 in which he speaks of these last friends respecting some zoological specimens he had allowed them to examine. «The Amphibia collected during my journey were entrusted to Dr. Gunter of the British Museum, under the explicit condition of publishing them in a separate treaty, with a preface in which due thanks would be given to the Portuguese government for the aid they had spended me, etc.; the duplicates to be at the same time forwarded to Lisbon and placed at the disposal of the marine department. This happened in the beginning of 1864 and was followed by my long illness. When (probably against all expectation of the zoological men of the museum) I presented myself afterwards, still alive, in that establishment, I found my collections already swallowed up and mixed with the like of them, and the publication most poorly



toda a mesquinhez sem meu consentimento e sem a condição fixada no convenio! O que havia eu de fazer contra semelhante acção de um empregado *atrevido*? Levantar uma questão contra um estabelecimento cuja consultação me é necessária tantas vezes a respeito da flora angolense? Não era isso prudente, e assim calei-me e soffri... Mas, meu querido amigo, este acontecimento ficou-me de lição a respeito do modo de conduzir-me com outros estabelecimentos analogos de Inglaterra, resolvendo commigo, que até o Museu de Kew não receberia collecções minhas antes da respectiva publicação, e isto mesmo só depois de ter recebido o governo portuguez as parcellas respectivas. Verdade é que os de Kew já se resentem d'isso, e de vez em quando ouço certas observações; mas sabendo do meu estado, privado de recursos, ainda esperam que a necessidade havia de obrigarme a mudar de rumo, no que se enganam. Nutro o mais profundo reconhecimento para o primeiro estabelecimento botânico do mundo, mas o comportamento do British Museum para commigo aconselha certa cautela ».

O testamento acaba dando testemunho da liberalidade com que o testador havia sido auxiliado pelo governo portuguez, a cuja approvação quasi sujeita os legados feitos, esperando o serem aceites como se d'elle viessem. Mas o que parece assim cohonestar o acto, verdadeiramente só illude. O governo de Portugal não auxiliou unicamente os trabalhos do Dr. Welwitsch, relativamente a algumas das collecções legadas, ordenou-os todos, estipendiou-os, e é o unico senhor do fructo d'elles. Tão pouco auctorizou o testador para fazer doações d'esta propriedade da nação, aindaque seja em nome do governo respectivo. Em consequencia o testamento

edited, without my consent and the promised previous consultation. What ought I to do against such noughty proceedings? It would be imprudent to quarrel about it with an establishment whose consultation is so necessary to me in all that regards the flora of Angola. But this event, my dear friend, turned out a profitable lesson as to the line of conduct I had to adopt in England with other establishments, and I immediately resolved that even the Kew museum would receive no collections of mine before the respective publications being made, and before the Portuguese government being provided with the respective specimens. The Kew museum are already sensible of this, and I hear from time to time certain remarks about it; knowing, however, my helpless situation they still hope to see me take another course in the matter. They mistake themselves. I have the most profound respect for the 1.<sup>st</sup> botanical establishment of the world, but I need be prudent seeing the conduct of the British museum towards me ».

The will ends with acknowledging Portuguese liberality towards the testator, Dr. Welwitsch hoping or seeming to wish that the legacies made by him might be considered as made by the Government. This disposition which seems to cover the testator's behaviour in the matter, is really but illusory. The Portuguese government were not simply liberal towards the testator because of his African collections, they ordered them, they payed for them, they are the only ones entitled to possess them. Nor did they authorise the testator to make legacies of that national property in their or another name. Therefore the will is void in all it contains regarding



é nullo e de nenhum effeito em tudo quanto diz respeito ás collecções africanas, que são todas propriedade portugueza, e de que só a administração do paiz póde dispôr.

Recusando-se a entrega d'esta parte do espolio do Dr. Welwitsch, reclamada em Londres pela legação portugueza, o pleito judicial era inevitavel e começou. No decurso d'elle empenharam-se diligencias particulares, para evitar a continuação, entrando em algum accordo, que os executores testamentarios da sua parte manifestaram desejo de ajustar. Fui eu auctorisado para em Londres concertar este ajuste pela portaria que me foi expedida da secretaria d'estado dos negocios da marinha e do ultramar, na data de 15 de dezembro de 1873. Entrei n'estas diligencias, mas só consegui o desengano de não se alcançar por similhante modo a entrega effectiva das collecções. Os termos de accordo, propostos pelos executores testamentarios, foram os seguintes:

1. The study-set with all the notes made by Dr. Welwitsch not only when he was receiving a salary from the Portuguese government, but during the last seven years of his life, when he was entirely on his own resources shall be given to the Portuguese government.

2. As complete a set as possible, after the study-set shall be presented to the British Museum, together with copies of all the labels belonging to the study-set.

3. The various sets thereafter shall be actually presented by the Portuguese government to the different scientific institutions in accordance with the wishes of Dr. Welwitsch as expressed in his will.

4. The distribution of the plants shall be continued by Mr. Hiern under conjoint the direction of the Portuguese government and of the executors after the

these collections, which are Portuguese property at the disposal of the government only.

The refusal of the executors of the will to deliver this part of the personal estate of Dr. Welwitsch claimed by the Portuguese Embassy at London rendered judicial pleading inevitable, and the case was brought before the court. Some final efforts were made meanwhile to avoid the prosecution of it and to come to an agreement which the executors of the will showed to desire. I was authorised to go to London in order to combine the terms of such an agreement, and I received, dated 15.<sup>th</sup> december 1873, the respective orders from the marine and colonial department. I reaped, however, but the delusion that nothing was to be obtained in this way. The terms proposed by the executors were the following:

1. The study-set with all the notes made by Dr. Welwitsch not only when he was receiving a salary from the Portuguese government, but during the last seven years of his life, when he was entirely on his own resources shall be given to the Portuguese government.

2. As complete a set as possible, after the study-set shall be presented to the British Museum, together with copies of all the labels belonging to the study-set.

3. The various sets thereafter shall be actually presented by the Portuguese government to the different scientific institutions in accordance with the wishes of Dr. Welwitsch as expressed in his will.

4. The distribution of the plants shall be continued by Mr. Hiern under conjoint direction of the Portuguese government and of the executors after the me-



method and in accordance with the instructions of Dr. Welwitsch — this to include the determination and description of all the un-named specimens, so that the study-set may be completely named before being sent to Lisbon.

5. The money necessary to meet the expences thus to be incurred shall be provided by the Portuguese government, because by giving up all the collections to the government the executors are deprived of the funds destined for this work.

6. The executors be secured against the legal responsibilities they are under to the different parties who benefits by the will.

7. All expences incurred in defending the will must be paid by the Portuguese government.

Por este projecto de accordo a collecção principal, motivo maior da questão, seria propriedade portugueza, ficando porém em Londres, e o seu uso para as publicações de que fosse objecto ahi, subordinado á tutela dos executores testamentarios, limitando-se a ingerencia do governo portuguez a pagar os trabalhos a effectuar, e ainda aos executores as custas do processo. Tinha-se tido no museu de Kew uma cooperação tanto e mais efficaç, sem nenhuma exigencia pecuniaria, e sem estar fóra da posse do emissario portuguez, o Dr. Welwitsch, o material das collecções que se ía revendo, mais tempo do que o preciso para essa revisão. As condições da entrega, que tarde se effectuaria, se viesse a effectuar-se, pareceram inaceitaveis, algumas até humilhantes, sendo por isso rejeitadas. Devemos, porém, declarar que n'esta rejeição nada havia que prejudicasse o apreço que faziamos da cooperação do sr. Hiern no estudo e classificação dos objectos da flora angolense, fomos os primeiros a lembrar

method and in accordance with the instructions of Dr. Welwitsch — this to include the determination and description of all the un-named specimens, so that the study-set may be completely named before being sent to Lisbon.

5. The money necessary to meet the expences thus to be incurred shall be provided by the Portuguese government, because by giving up all the collections to the government the executors are deprived of the funds destined for this work.

6. The executors be secured against the legal responsibilities they are under to the different parties who benefits by the will.

7. All expences incurred in defending the will must be paid by the Portuguese government.

In this terms the study set would be Portuguese property, but it would remain in London, and its use for the intended publications would be regulated by the executors of the will, the government having only to pay the labours they would require. Such a cooperation or a more real one had been obtained from the Kew museum without any pecuniary demand, and without having the collections out of the hands of the Portuguese commissary, Dr. Welwitsch, for more than the time necessary for the study of the specimens. The conditions of a final and probably distant, if real, delivering up of them seemed unacceptable, some even offensive to the dignity of the government, and were therefore rejected. There was however nothing in this rejection which might impart our good opinion of the proposed cooperation of Dr. Hiern in the study and classification of the objects of the Angola collections. I was the first to point out the convenience of the cooperation of a gentleman whose science and



a conveniencia da cooperação de um cavalheiro, cuja sciencia e caracter não tinhamos senão motivos para respeitar. Deviamos-lhe a attenção e o testemunho de bom senso que deu, não acceitando a responsabilidade da testamentaria, sendo aliás um dos executores nomeados, e devemos, alem d'isso, o serviço de haver já contribuido para aquelle estudo da flora angolense, pela revisão que fez das Ebenaceas d'esta flora na excellente monographia que publicou d'esta ordem de plantas, e de que devemos á sua benevolencia a remessa de um exemplar. A cooperação do sr. Hiern, por nós lembrada, não podia ser, porém, a que excluise a de outros botanicos, não menos distinctos, que já nos haviam prestado valiosos serviços n'aquella revisão e estudo, e que se mostravam benevolmente dispostos a continua-los. Este monopolio scientifico, que seria bom para satisfazer rivalidades de motivo talvez elevado, mas que de outro modo nada justifica, é que não era de interesse nem da dignidade do governo portuguez acceitar, e por isso foi rejeitado.

Os termos de convenção, por nós offeridos, eram do teor seguinte:

1. That the right of the Portuguese government to the collections be known or accepted these collections being the fruit of the exploration commanded by the said government and executed with the money of the nation.

2. It will be declared that the Portuguese government in the possession of the above mentioned collection reserves to themselves the principal of them (study-set) as an inalienable property, which, being the more complete and containing all the notes and remarks of Dr. Welwitsch, represents in its essence the result of the exploration.

character we had only motives to respect, and I felt indebted to bear him this good testimony as he attentiously and very properly declined responsibilities in the execution of the will, notwithstanding he had been appointed one of the executors; and as we owed him a first contribution for the study of the Angola plants, by the revision he made of the Ebenaceae in the excellent monography he published on this order of plants, and of which he kindly offered us a copy. This suggested cooperation of Dr. Hiern implied however in no way the rejection of all the one that might be obtained from other not less distinguished botanists, who had already rendered us most valuable services in that revision and study, and who kindly offered to continue them. This proposed scientific monopoly might perhaps satisfy some high sense of rivalry, but in no way the interests and dignity of the government; therefore being found unacceptable.

The terms on which we offered to agree were the following.

1. That the right of the Portuguese government to the collections be known or accepted, these collections being the fruits of the exploration commanded by the said government and executed with the money of the nation.

2. It will be declared that the Portuguese government in the possession of the above mentioned collection reserves to themselves the principal of them (study-set) as an inalienable property, which, being the more complete and containing all the notes and remarks of Dr. Welwitsch, represents in its essence the results of the exploration.





3. That the distribution of the other collections, however may be verified according to the dispositions of the will of Dr. Welwitsch, it will be nevertheless considered as a volunteer gift on the part of the government, which by doing so wishes to honor the memory of the said Doctor, and at the same time to gratify those spoken of by him.

4. It will be accorded to the British Museum one of the best collections, excepting of course the principal (study-set) and the museum shall be able to profit of this during its stay in London, or when it is removed to Lisbon, by the notes and observations annexed to.

Tambem não agradou á parte contraria a nossa proposta, e por isso, rotas as negociações, não houve senão appellar para a continuação do processo. Serviu a ida a Londres para apreciar melhor a natureza e os motivos do processo, a tenção de illudir por todos os modos a entrega efectiva das collecções, o que fez preparar melhor os meios da nossa defeza, utilizando-se para isso a correspondencia que sustentámos sempre com o Dr. Welwitsch e na qual tinhamos a historia toda dos trabalhos d'este naturalista, e a expressão genuina dos seus sentimentos e vontade em tudo que respeita á missão africana que lhe foi confiada pelo governo portuguez.

Algumas d'estas cartas foram transcritas no processo, aonde formam os documentos L, M, N, O.; em todos o Dr. Welwitsch falla do seu regresso a Lisboa, de depositar as collecções nos respectivos museus, e se refere ás publicações que devem constituir a edição portugueza da flora angolense. Com todos os motivos que o vexavam, incluindo a suspensão do salario que recebia, a respeito do que desabafa em amisade, não se considerava

3. That the distribution of the other collections, however, may be realised according to the dispositions of the will of Dr. Welwitsch, it will be nevertheless considered as a volunteer gift on the part of the government, which by doing so wishes to honor the memory of the said Doctor, and at the same time to gratify those spoken of by him.

4. It will be accorded to the British Museum one of the best collections, excepting of course the principal (study-set), and the museum shall be able to profit of this during its stay in London, or when it is removed to Lisbon, by the notes and observations annexed to.

These terms also were not agreed to by our opponents, and therefore, giving up all useless efforts, we had only to allow the case to be judicially brought to its conclusion. This London commission served however to make us more aware of the nature and motives of the will, and to enable us to prepare some of the means of defense of the Portuguese interests, by having recourse to the correspondance I always maintained with Dr. Welwitsch in which we have the whole history of the labours of this naturalist, and his very sentiments and desires as regards the appointment he held from the Portuguese government.

Some of these letters were inserted in the pleadings and proofs of the case, where they are to be found under the letters L, M, N, O. In all of them Dr. Welwitsch writes of his return to Lisbon, of handing over the collections to the Portuguese museums, and of the publications which shall build the Portuguese edition of the *Flora Angolensis*. Notwithstanding all the motives of his dissatisfaction, even as regards the stopping of



menos no dever de restituir essas colleções no estado de ordenação e de estudo a que tinham chegado, dando sempre claro testemunho da natureza da sua missão a Angola, do legitimo destino de quanto era o fructo d'ella, e ao qual se considerava obrigado. Póde ver-se o mesmo na carta dirigida ao marquez de Sá da Bandeira, documento K do processo; n'esta carta o Dr. Welwitsch falla como verdadeiro subordinado, dando conta de todos os seus trabalhos em Londres, enumera todas as obras ou escriptos, nos quaes se fám registando successivamente os estudos feitos sobre a flora angolense, e para se justificar da accusação já antes feita de deixar desconhecer a origem da sua missão a Angola, cita todas as publicações em que expressamente é declarado ter sido esta commissão ordenada e estipendiada pelo governo de Portugal, como se vê do que estampou nos jornaes com o titulo *Iter angolense*, do que foi impresso em Genebra pelo sr. A. De Candolle, pelo srs. Bentham em Londres, Reichenbach em Hamburgo, Fenzl em Vienna, Morelet em París, e ainda consta de outros impressos. É conforme o que se deduz das cartas aos srs. Olliver, W. Hooker e Saunders, escriptas de Loanda e de Lisboa, e nas quaes a missão scientifica do Dr. Welwitsch e o destino das colleções como missão e propriedade portuguezas, apparecem sempre do modo o menos duvidoso. Declaração semelhante é feita pela fórma a mais explicita no prefacio da ultima publicação do Dr. Welwitsch, o *Sertum angolense*, aonde elle diz: «I now dedicate this to the most august king and to the people of Portugal, whose very powerful aid which during all my journey was given to me I thus beg publicly and gratefully to acknowledge».

Se aos testemunhos assim escriptos

his salary, to which he alludes in friendly confidence, he thought himself not the less obliged to deliver his collections in the state of classification to which they had been brought; giving always a clear testimony of the nature of his appointment, and of the legitimate way of disposing with them all. The same is to be seen from the letter addressed to the marquez de Sá da Bandeira, doc. K of the proofs. In this letter Dr. Welwitsch writes really as a commissioned official to his superior, giving an account of all his labours in London, enumerating all the publications in which the results of the Angola expedition had been inserted, and justifying himself against some assertions as to his not having avowed the origin of his mission, he cites all the publications in which it is declared as having been ordered and paid by the Portuguese government, such as the *Iter angolense*, in several journals, the Genebra publications of Mr. De Candolle, those of Mr. Bentham in London, Reichenbach in Hamburg, Fenzl in Wien, Morelet in Paris, and others. This is still confirmed by the letters addressed to Mrs. Olliver, W. Hooker and Saunders, writen from Loanda and Lisbon, and in which the scientific commission of Dr. Welwitsch and the use to be made of his collections are only referred to as Portuguese commission and Portuguese property, in the most clear terms. Such a clear declaration is also to be read in the preface of the *Sertum Angolense*, where he says. «I now dedicate this to the most august king and to the people of Portugal, whose very powerful aid which during all my journey was given to me I thus beg publicly and gratefully to acknowledge».

If we are to add to these proofs those



ajuntarmos os que ainda abundam no processo e foram dados por occasião d'este, citaremos o do respeitavel juriscônsulto portuguez, Dr. Saraiva, o qual no depoimento que pronunciou, atesta como pela legislação do seu paiz as collecções angolenses não podem senão ser consideradas propriedade portugueza. Mencionaremos os do secretario da legação portugueza em Londres, barão de Sant'Anna, do chefe da contabilidade do ministerio da marinha e ultramar, Miguel Eduardo Lobo de Bulhões, os quaes pelas suas posições officiaes estavam no caso de certificar quanto respeita á ordenação pelo governo portuguez da expedição scientifica a Angola e aos pagamentos feitos por motivo d'ella ao Dr. Welwitsch; e referiremos o que fez constar o nosso proprio testemunho (V. *affidavits* do Dr. Saraiva, do barão de Sant'Anna, do Dr. Gomes, de Bulhões, e account of payments made to Dr. Welwitsch by the portuguese government, que vem juntos ao processo).

Citaremos tambem os valiosos testemunhos, que de modo tão benevolo como espontaneo vieram prestar á causa do governo portuguez o director do museu e jardim de Kew, o sr. Dr. J. D. Hooker, os distinctos professores do mesmo estabelecimento, os srs. David Olliver e George Bentham, o presidente da sociedade Linnæana de Londres, o sr. William Saunders, o director da sociedade real de agricultura, o reverendo Miln Joseph Berkeley, quer dizer tudo quanto ha de mais distincto em Londres nas sciencias phytologicas, os quaes affirmam todos pelos seus depoimentos o direito d'aquelle governo á posse das collecções. O Dr. Hooker, que n'esta defeza desenvolveu zêlo e dedicação que muito nos penhoram, pela interessante historia de expedições analogas, ordenadas pelos governos de outros

collected abundantly during the pleadings, we must cite the opinion of Dr. Saraiva, a Portuguese lawyer of a very respectable character, who in his affidavit asserts that by the laws of his country the Angola collections are to be considered Portuguese property in the whole. We will mention the *affidavits* of Baron Sant'Anna, Secretary to the Portuguese Legation in London, of Mr. Miguel de Bulhões, chief accountable in the marine and colonial office, who by their official positions were much in the case of proving the Portuguese nature of the expedition and its payment to Dr. Welwitsch. And we will record our own to the same purpose. (V. *affidavits* of Dr. Saraiva, Baron de Sant'Anna, Dr. Gomes, Bulhões, and the account of payments made to Dr. Welwitsch by the Portuguese government, inserted in the proceedings).

We shall allude also to the valuable testimonies kindly and spontaneously given to the cause of the Portuguese Government by the Director of Kew gardens, Dr. J. D. Hooker, and its professors, Mrs. Daniel Olliver and George Bentham, by the President of the Linnæan Society, H. Saunders, the Director of the Royal Horticultural Society, the Rev. Miln Joseph Berkeley, all eminent men in botanical science, and who all affirm the right of the Portuguese government to the collections. Dr. Hooker, whose zealous behaviour in this cause is much to be acknowledged, resumes the interesting story of like expeditions ordered by other governments, and deduces the respective jurisprudence, generally confirmed by use, as regards the disposing of the collected objects. He refers to the



paizes, formula a jurisprudencia consagrada geralmente pelo uso, quanto ao destino das collecções assim feitas. Refere as expedições em que elle proprio era parte como naturalista, feitas á região antarctica e a Borneo; a de Allan Cunningham á Australia e ao Brazil, de Purdie ás West Indias e á Nova Granada, de Milne á Australia, de Barter e Mann á Africa occidental, de Oldam e Wilford aos mares do Japão, de Vogel ao Niger, de Mafune e Bowie ao Cabo da Boa Esperança, affirmando com a longa experiencia que tem d'estes negocios, não se recordar de um só caso de expedições assim ordenadas e estipendiadas pelos governos respectivos, em que as collecções feitas não fossem sempre consideradas pertencerem a estes governos, e não fosse mesmo defezo aos exploradores o disporem por outra fórma de qualquer parte d'ellas.

Com esta abundancia, se não luxo de provas, foi a causa presente ao tribunal em Londres no dia 22 de maio do corrente anno. O magistrado seguindo estylos do fóro inglez, antes de ter conhecimento do processo todo, e só instruido pelo libello da reclamação portugueza e primeira resposta relativa da parte contraria, suggeriu a idéa de um accordo entre os litigantes e adiou a audiencia para que este procedesse sendo possivel effectuar-se. A impossibilidade para nós já existia provada pelas diligencias feitas em melhor occasião, e quando nos poupavam as delongas e despezas do processo. Vieram todavia a Lisboa propostas para um similhante accordo, mas não revelaram ellas se não a tactica já antes empregada de aparentar justiça, prometendo entregar as collecções, mas de facto não deixando esperar que essa entrega se effectuasse. Sem fallar de um projecto de accordo dos executores testamentarios, da

expeditions in which he took part himself as a naturalist and which were directed to the antartic region and to Borneo, to those of Allan Cunningham in Australia and Brasil, those of Purdie in the West Indies and New Granada, those of Milne in Australasia, those of Barter and Mann in occidental Africa, of Oldham and Wilford to the Japanese waters, of Vogel to the Niger, of Mafune and Bowie to the Cape; asserting with the long experience he has of these affairs that he has no record of a single expedition, thus ordered by the respective government, in which the collections were considered as not belonging to the government, and in which the explorers had been allowed to dispose otherwise of any part of them.

With this abundance, if not excess of proofs, the cause was brought to the court at London the 22.<sup>th</sup> of may 1875. The judge, according to English judicial customs, before taking notice of the pleadings and proofs in all their parts, and only informed by the Portuguese bill claiming the collections and the opponent's first answer, thought proper to propose a compromise between the plaintiff and the Defendants, and adjourned therefore the cause in the hope of obtaining what was thus proposed. However we were already aware of the impossibility of such a compromise by the efforts previously made to arrive, at a better period, to such a conclusion of the whole affair; when the greater trouble and the cost of the suit might have been spared. Proposals to this purpose arrived nevertheless at Lisbon, but they only revealed the already formerly employed tactic of seeming to acknowledge Government's right, pro-



maior inconveniência pela forma e pelas exigências, que o proprio conselho dos advogados em Londres repelliu, mandou-se outra proposta, feita por este conselho nos termos seguintes:

1. His Majesty to have the study set.
2. The next set with a full copy of the notes to be given to the Defendants.
3. His Majesty to have all the other sets of African plants.
4. The Defendants to give up all claim to the general Herbarium and the Portuguese Herbarium belonging to Dr. Welwitsch which were in Portugal at the time of his death.
5. His Majesty to have the best set, being complete in all specimens of the conchological and entomological parts of Dr. Welwitsch zoological collection.
6. The plants other than the African plants now in the possession of the Defendants, all duplicates and further specimens of the conchological and entomological collection now in possession of the Defendants, all the other zoological collections now in possession of the Defendants, and all the books and scientific instruments now in possession of the Defendants to be reclaimed by them.
7. £ 180 for arrears of salary to be paid to the Defendants.
8. £ 500 in satisfaction for all other demands to be paid to the Defendants.
9. Both these sums to be paid to the Defendants at the same time as they hand over to His Majesty all or the last of the collections which by this arrangement His Majesty is to receive.
10. The set of African plants to be given to the Defendants to be selected

missing to deliver up the collections to them, and in fact not allowing us to hope for a prompt surrendering of them. Putting aside a most inconvenient proposal made by the executors of the will, and which the council of advocates in London were the first to abandon, such were the terms of the compromise which were sent to Lisbon in the name of that council.

1. His Majesty to have the study set.
2. The next set with a full copy of the notes to be given to the Defendants.
3. His Majesty to have all the other sets of African plants.
4. The Defendants to give up all claim to the general Herbarium and the Portuguese Herbarium belonging to Dr. Welwitsch which were in Portugal at the time of his death.
5. His Majesty to have the best set, being complete in all specimens of the conchological and entomological parts, of Dr. Welwitsch zoological collection.
6. The plants other than the African plants now in the possession of the Defendants, all duplicates and further specimens of the conchological and entomological collection now in possession of the Defendants, all the other zoological collections now in possession of the Defendants, and all the books and scientific instruments now in possession of the Defendants to be reclaimed by them.
7. £ 180 for arrears of salary to be paid to the Defendants.
8. £ 500 in satisfaction for all other demands to be paid to the Defendants.
9. Both these sums to be paid to the Defendants at the same time as they hand over to His Majesty all or the last of the collections which by this arrangement His Majesty is to receive.
10. The set of African plants to be given to the Defendants to be selected



before the collections leave England by Mr. Hiern on the part of the Defendants and some person to be nominated by His Majesty on his behalf. The set of the conchological and entomological collection to be received by His Majesty to be selected by some person to be nominated by His Majesty on his behalf and some person to be nominated by the Defendants on their behalf.

In case of any difference arising in the selection of either of these collections an umpire to be nominated by the Judge in Chambers to decide. A room or rooms to be taken for the purposes of these selections. Each party to pay the person or persons appointed by them and one half of the costs of the room or rooms; and the Defendants to pay the costs of making their copy of the notes to the study set.

11. This compromise to be embodied in a decree to be made in the suit and His Majesty not to ask for costs.

Por este projecto de accordo as collecções zoologicas, que são tanto propriedade portugueza como as botanicas, passariam á parte contraria; a collecção de estudo e principal seria nossa, mas ficando em Londres, e nós a respeito do uso d'ella á mercê por tempo indefinido dos srs. executores testamentarios. Para isto teriamos ainda de pagar o aluguer de uma casa que recebesse as collecções, e um fiscal representante dos interesses portuguezes, mas que de facto não seria senão o dependente d'aquelles senhores executores; e ainda poupando aos contrarios as custas do processo, seriamos nós quasi os obrigados a pagar as despezas por elles feitas durante o litigio. Os advogados em seu conselho julgando comprar-n'os assim bem a justiça que se nos deve, são os proprios a terem considerado a questão pelo

before the collections leave England by Mr. Hiern on the part of the Defendants and some person to be nominated by His Majesty on his behalf. The set of the conchological and entomological collection to be received by His Majesty to be selected by some person to be nominated by His Majesty on his behalf and some person to be nominated by the Defendants on their behalf.

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In such terms the zoological collections, which are as much Portuguese property as the botanical ones, would be delivered to the opponents; the study set would be ours, but it would be detained in London and we should remain the whole time dependent for it on the good pleasure of the executors of the will. We should have also to hire a house in order to keep there the collections, and we should be obliged to have somebody appointed as a keeper or representative of our interests by them, but really a mere dependant of the executors of the will. And we should have still to pay ourselves the costs of our opponents in the suit. The council of advocates thus thinking we might gain to our advantage a justice which is simply due to us, is the self same who have named our case a strong



nosso lado uma causa bem fundamentada, chamando-lhe *a strong case*, e o que prova o seu projecto de accordo, é haver sido surprehendida a boa fé da respeitavel corporação, como se quiz surprehender a nossa quando fomos a Londres, imaginando-se poder illudir a justiça que não se ousa negar-nos. N'esta situação pelo ministerio da marinha mandou-se rejeitar similhantes projectos de accordo, sustentar o pleno direito ás collecções, e solicitar do tribunal a prompta entrega d'ellas.

Foi promettida uma collecção de plantas africanas, das mais completas, ao museu britannico, da mesma maneira como se promettêra outra ao estabelecimento de Kew. Ha tenção de distribuir as mais a differentes museus da Europa segundo as indicações do testamento. A collecção de estudo, reservada como é natural para o nosso paiz, será posta no museu nacional á disposição dos que mais possam adiantar os nossos conhecimentos relativamente aos objectos que contém. O governo fará simplesmente seu dever em tudo isto, procedendo como governo illustrado; mas sem precisar de o fazer como condição para obter a justiça que lhe é devida. A tanto deve chegar a confiança n'elle.

N'estes termos foi a causa de novo levada á presença do tribunal em audiencia de 7 de julho. D'esta vez a parte contraria, mostrando mais desejo de pôr termo á questão, annuia á prompta entrega da collecção principal, a que as outras collecções fossem distribuidas em nome do governo portuguez, e assim uma das melhores ao museu britannico; pagando porém o governo portuguez aos executores testamentarios £ 1:200 a titulo de suppostos salarios em divida ao Dr. Welwitsch. Esta proposta é do teor seguinte:

1. The study set to be given up to the Portuguese government.

one; and their proposed compromise means only that their good faith was put to a trial, just as it happened with me when I was in London, there being still a hope to render illusory that justice which is not denied to us. In such terms, therefore, the proposals were necessarily rejected, the full right to the collections had to be and has been further claimed, and a prompt delivery of them has been solicited from the court.

A collection of Angola plants, chosen among the best, has been promised to the British Museum, just as another had been promised to the Kew institution. It is intended to distribute others to different other European Museums, according to the indications of the will. The study set itself, reserved as it must be for our country, shall be placed in the national museum at the disposal of those who may better be able to advance our knowledge in all it contains. Government will simply do their duty about all this, acting as an enlightened government, but not needing to do it as a condition to obtain justice in their cause. So far must confidence be granted to them.

In these terms the suit was brought a new before the court on the 7.<sup>th</sup> of July, when the opponents, showing a great desire to get the case settled, at once offered to give up the study set, allowing Government to distribute the remaining ones in their own name, one of the best to be given to the British Museum; the sum of £ 1:200 to be paid however by government to the executors of the will, under the head of supposed salaries due to Dr. Welwitsch. This compromise is as follows:

1. The study set to be given up to the Portuguese government.



2. The next best to go to the British Museum.

3. The other sets to be distributed as mentioned in the will (including two to the Portuguese government) but in the name of the Portuguese government.

4. The Government to pay the executors one fourth of the arrears of salary from the time of its suspension until Dr. Welwitsch's death, viz. about £ 1:200.

5. Each party to pay his own costs.

O juiz insistindo sempre pelo accordo fez que os advogados do governo acquiescessem a este projecto ou formulassem o que por elles fosse julgado mais proprio, sendo tudo de novo submettido á approvaçã do governo portuguez, do qual, na falta d'esta approvaçã, se esperaria um contra projecto que o tribunal houvesse de considerar. O projecto de accordo, formulado entã pelos advogados do governo portuguez é o seguinte:

1. All the collections claimed and all the property bequeathed by the will to the Government to be given up to them.

2. The Government of its own grace and favour to give to the British Museum the second (or third) best copy of the collection and to distribute the other collections among the legatees in such order as it may think proper.

3. The Government to pay to the executors a benef. sum in full of any claims for arrears of salary, etc., £ 1:000.

4. Each party to pay his own costs.

Este projecto de accordo, que firma melhor que todos os outros o pleno direito do governo na questã sujeita, teve pelo telegrapho a resposta official do seguinte teor:

O governo acceta o projecto de accordo do conselho dos advogados, excepto o artigo da indemnisaçã por atrazo de salarios ao Dr. Welwitsch, divida que elle não reconhece.

2. The next best to go to the British Museum.

3. The other sets to be distributed as mentioned in the will (including two to the Portuguese government) but in the name of the Portuguese government.

4. The Government to pay the executors one fourth of the arrears of salary from the time of its suspension until Dr. Welwitsch's death, viz. about £ 1:200.

5. Each party to pay his own costs.

The judge insisting upon the convenience of an agreement pressed upon the advocates to adopt such a proposal or to make a better one submitting it to the government, who should still be enabled to present a counter proposal when not satisfied with either of the two. The terms agreed on by the advocates of the Government were the following:

1. All the collections claimed and all the property bequeathed by the will to the Government to be given up to them.

2. The Government of its own grace and favour to give to the British Museum the second (or third) best copy of the collections and to distribute the other collections among the legatees in such order as it may think proper.

3. The Government to pay to the executors a benef. sum in full of any claims for arrears of salary, etc., say £ 1:000.

4. Each party to pay his own costs.

This proposal which asserts better than any other of the succeeding ones the full right of Government in the whole matter was thus answered by telegraph:

Government accepts the proposed agreement made by the advocates up to the payment of salaries supposed due to Dr. Welwitsch, a debt it does not acknowledge.



Este accordo não foi acceito pelos advogados dos executores testamentarios, e nas ultimas audiencias de julho o juiz tornou a adiar o processo para depois das ferias, em novembro.

De quanto precede póde-se deprehen-der o ter quasi chegado, não sem custo e sem tempo, ao termo da questão. O que se teria alcançado, de modo mais definitivo e immediato, do juizo do magistrado, quiz este ir conquistando á vontade dos litigantes por meio de reciprocas e successivas concessões; ha n'isto um motivo de delicadeza e de attenção por uns e por outros, que não deve desconhecer-se, e que não póde ser senão muito respeitad- do; e indica elle tambem certo receio, assumindo o magistrado só por si a responsabilidade do julgamento, de ferir os legitimos interesses de qualquer dos dois litigantes em questão tão privativa, e em verdade menos facil de apreciar só pelo commum das provas juridicas. Se o tribunal não conseguiu porém resolver d'este modo a questão, terá ao menos preparado assim o julgamento por meio do qual elle o faça com plena consciencia do caso; sendo para desejar ver de qualquer modo o termo de uma questão, que dura ha tres annos, e não póde protrahir-se sem grave prejuizo dos interessados e dos fructos scientificos de uma expedição que tantos sacrificios tem custado ao governo portuguez.

O direito do governo portuguez ás collecções tanto botanicas como zoologicas da expedição africana, que elle ordenou e tão generosamente estipendiou, pouco foi contestado, ou quasi desde o principio da contenda judicial fôra elle reconhecido. A entrega immediata d'estas collecções, aliás muito contestada, ou embaraçada por condições de execução que a illudiam, tambem parece objecto resolvido. O haver, não só com o museu britannico,

This proposition was not accepted by the advocates of the executors of the will, and in the last days of july the judge once more adjourned the suit for the month of november after the holydays.

It is evident from the whole of the matter here published that the cause is drawing very near to its conclusion, not indeed without much trouble and time allowed. The judge wishes, as it seems, to obtain from the two parts, by reciprocal concessions, succeedingly made, what he more precisely and directly might have settled by a judicial decision; there being in such a line of conduct much of a delicate attention paid to both parties, which must be acknowledged. It indicates also on the part of the magistrate some fear of offending the legitimate interests of the two sides in a case so particular and indeed less easy to appreciate by common judicial proofs. If in this terms it has not however been settled, a fully conscient and final decision has nevertheless been thus prepared; it being at all events desirable to see the end of a suit that has lasted already three years, and cannot continue without serious damage to the interests therein engaged and to the scientific results of an expedition which has cost so many sacrifices to the Portuguese Government.

The right of this Government to both botanical and zoological collections of the African expedition, ordered and generously paid by them, has been but little contested, or nearly agreed on from the beginning. The surrender of the collections, which has been much contested or embarrassed by illusory conditions, seems also to be resolved upon. A fair and attentious part to be allowed not only to the British Museum, but also to that of Kew in the



mas com o de Kew, todas as atenções na repartição das collecções a distribuir e no uso mesmo das que ficam reservadas para os museus de Portugal, é objecto já muito promettido, e de que não era preciso fazer condição para a justiça que se nos deve; vae n'isso não só o dever, mas a propria conveniencia do governo portuguez, pelos valiosos serviços que tem recebido e espera continuar a receber de tão importantes estabelecimentos, e no seu genero os primeiros, como são os dois museus inglezes. O que resta pois de tão porfiada lucta, como esta tem sido, para a ver resolvida. Ao que parece apenas o satisfazer a algumas exigencias pecuniaras, o que deve embarçar já pouco o magistrado que tenha a pronunciar o ultimo julgamento.

Pede-se a isenção no pagamento das custas ou que cada um dos litigantes pague só as suas; o governo portuguez não faz d'isso difficuldade. Pede-se mais uma indemnisação, paga aos executores testamentarios, de suppostos salarios em divida ao Dr. Welwitsch, a isso o governo não annue, e por mais de uma rasão. Duas vezes teve o Dr. Welwitsch ordem de regressar a Lisboa com as collecções, havia elle mesmo promettido faze-lo, faltou porém ás ordens e á promessa, o governo interrompeu as relações officiaes e suspendeu-lhe os vencimentos que recebia; tinha o direito e o dever de assim o praticar. Desde então e até á sua morte, seis annos depois, que permaneceu em Londres, nada ficou a dever-se-lhe. É isto objecto amplamente esclarecido no processo. Se hoje fosse reconhecida por qualquer fórma semelhante divida teria o governo de a pagar duas vezes, e n'uma d'ellas aos herdeiros do Dr. Welwitsch, dos quaes pendeu em Lisboa uma reclamação, feita por intermedio do governo austriaco a res-

distribution of the collections and even in the use of those reserved to Portugal, is a much promised object, which should not however be insisted upon as a condition of the justice which is due to us. It is not only the duty, but also the convenience of the Portuguese government to acknowledge in this way the important services which they have obtained and still hope to obtain from such important establishment as those two first rate museums. What is then still to be resolved in this very contended cause? Some pecuniary demands, as it seems, which should not much embarrass the magistrate who has to give the final decision.

Each party to pay his own costs. The Government has no difficulty in admitting it. An indemnisation to be paid to the executors for supposed salaries due to Dr. Welwitsch. This must be put aside for two good reasons. Twice was Dr. Welwitsch summoned to return to Lisbon with the collections, having even promised to do it. He disobeyed, he disavowed his own promise. Government broke with him their official relations and suspended his salary, having both right and duty to do it. Nothing remained due to him, as it is amply proved in the proceedings, from that time down to his death six years afterwards. If such a debt had to be acknowledged Government had to pay it twice, and first to the heirs of Dr. Welwitsch who through the Austrian government set up a claim at Lisbon to all that might be due to Dr. Welwitsch and might be in the hands of Government, the answer to this claim having been that nothing had remained due to him. But if the Government cannot agree in such pay-



peito de quanto fosse do finado doutor e estivesse ainda na posse do governo portuguez, reclamação a que foi respondido que nada se lhe ficára devendo. Mas se o governo não annue a este pagamento feito aos executores testamentarios, porque em materia de direito e de dignidade propria continuará disposto a nada ceder, não terá talvez duvida, para facilitar o termo do litigio, de fazer mais algum sacrificio pecuniario a favor dos executores testamentarios, uma vez que elle não offenda nem aquelle direito nem aquella dignidade; e para isso vemos nós motivo plausivel nos cuidados que tenham tido pela guarda e conservação dos objectos que têm a entregar, e quando os entreguem todos.

As collecções de objectos de historia natural são muito deterioraveis, sem os cuidados precisos, e ainda com elles os vermes facilmente os arruinam; não sabemos o que terão soffrido d'esse modo as collecções de Angola, ainda na certeza que existe, de haverem sido guardadas no museu britannico com os cuidados devidos a taes objectos; mas basta não terem sido manuseados ha tanto tempo na qualidade de simples deposito que ali têm para se terem damnificado e continuarem a sê-lo. Alem d'isso estão assim perdidos para a sciencia, paralyzados como ficaram todos os trabalhos que essas collecções tinham em andamento, e de que apenas citaremos, por ser publicação ingleza, a *Flora of Tropical Africa*, obra na qual estão empenhados os primeiros botanicos e professores de Kew, o proprio governo britannico que a ordenou, e quantos esperam com anciedade as revelações phyto-geographicas de regiões tão inhospitas e a esse respeito tão pouco conhecidas, como têm sido as da zona tropical e africana. Esta importante obra, que parou no segundo volume da publicação, espera para

ment being made to the executors of the will, not admitting any compromise as regards their right and self dignity, they will, perhaps, have no difficulty to make some allowance to those gentlemen, in order to put an easier end to the case, under the condition however of no offence being made to that right and dignity; there being, it seems to us, a plausible ground for this allowance in the cares dispensed by the executors for the conservation and keeping of the objects they have to deliver, and in case they deliver them all in good order.

The collections of this kind are very subject to much deterioration when not cared for, and even under care easily fall a prey to insects. We are not aware of what the Angola collections have suffered in this way notwithstanding our knowing their judicious confinement in the British Museum; but being as they are simply deposited in that establishment, it is enough to have had them such a long time secluded, to injoin much damage to them and this can only go on increasing. In the meanwhile they remain lost to science; all studies and publications regarding them being paralysed. We shall here mention only, because of its English origin, the *Flora of Tropical Africa*, a work undertaken by the first botanists and professors of Kew, ordered by the English government, and interesting all who feel anxious for information respecting regions so little known and accessible as those of tropical Africa. This important work has remained uncontinued from the publication of the 2.<sup>nd</sup> volume, and waits for the restitution of the collections to the Portuguese government, being as they are a



continuar a libertação e a restituição ao governo portuguez das collecções angolenses, que têm sido e continuarão a ser a parte mais copiosa das noticias que a enriquecem.

Tudo está pedindo pois a mais prompta solução da questão; e não podemos se não esperar da sabedoria e do proprio decoro da magistratura britannica, aos quaes se acha confiada, que informada como hoje póde estar de todas as circumstancias do caso, porá em fim termo a ulteriores dilações, julgando a causa conforme as legitimas conveniencias e a justiça devida ao governo de Portugal, o de uma nação amiga.

Para assentar similhante julgamento os termos d'esta questão são, quanto a nós, simples e claros. O governo portuguez reclamou como suas as collecções de uma expedição que elle ordenára, as quaes apparecem legadas em testamento e por vontade alheia. Julga ter exuberantemente provado a legitimidade d'aquella posse. Se esta legitimidade é reconhecida, o testamento é nullo na parte respectiva, e as collecções deveriam ser entregues sem delongas nem embaraços a quem de direito pertencem; se o não é, o testamento vigora na sua integra e o governo portuguez terá de se sujeitar, porque não possa fazer melhor, aos effeitos da sua plena execução. Este modo ultimo de resolver o caso, offendendo o supposto direito e lesando os interesses a elle ligados, em nosso entender prejudica menos do que o fariam a maior parte dos alvitres suggeridos no processo, e que parecendo fazer justiça ao governo portuguez, só conseguiriam illudi-la.

O Delegado do Governo Portuguez,

*Dr. B. A. Gomes.*

most abundant supply of information to that *Flora*.

A prompt decision is thus much to be wished, and we can only hope to see the English court of justice, in their full wisdom and dignity, informed as they are to day, of all the circumstances of the cause put an end to the long debate, attending all legitimate conveniences of the matter and the justice due to the Government of a friendly nation.

The terms in which the matter is to be resolved seem to us clear and simple. The Portuguese government reclaimed as their own property the collections of an expedition which they had ordered; the said collections having been through another's will disposed of in a testament. Government think that their right has been fully established in the pleadings. If it be so judged, the will of Dr. Welwitsch is annulled in every thing respecting these collections, which ought then to be given up to them without delay and hinderance. If not, the will is fully to be accepted and Government shall have but to submit to it in the impossibility of doing otherwise. This last mode of settling the case, offensive to our supposed right and interests, seems to us less disadvantageous than all the compromises proposed, which would only render illusory any acknowledgment of that right.

The Delegate of the Portuguese Government,

*Dr. B. A. Gomes.*



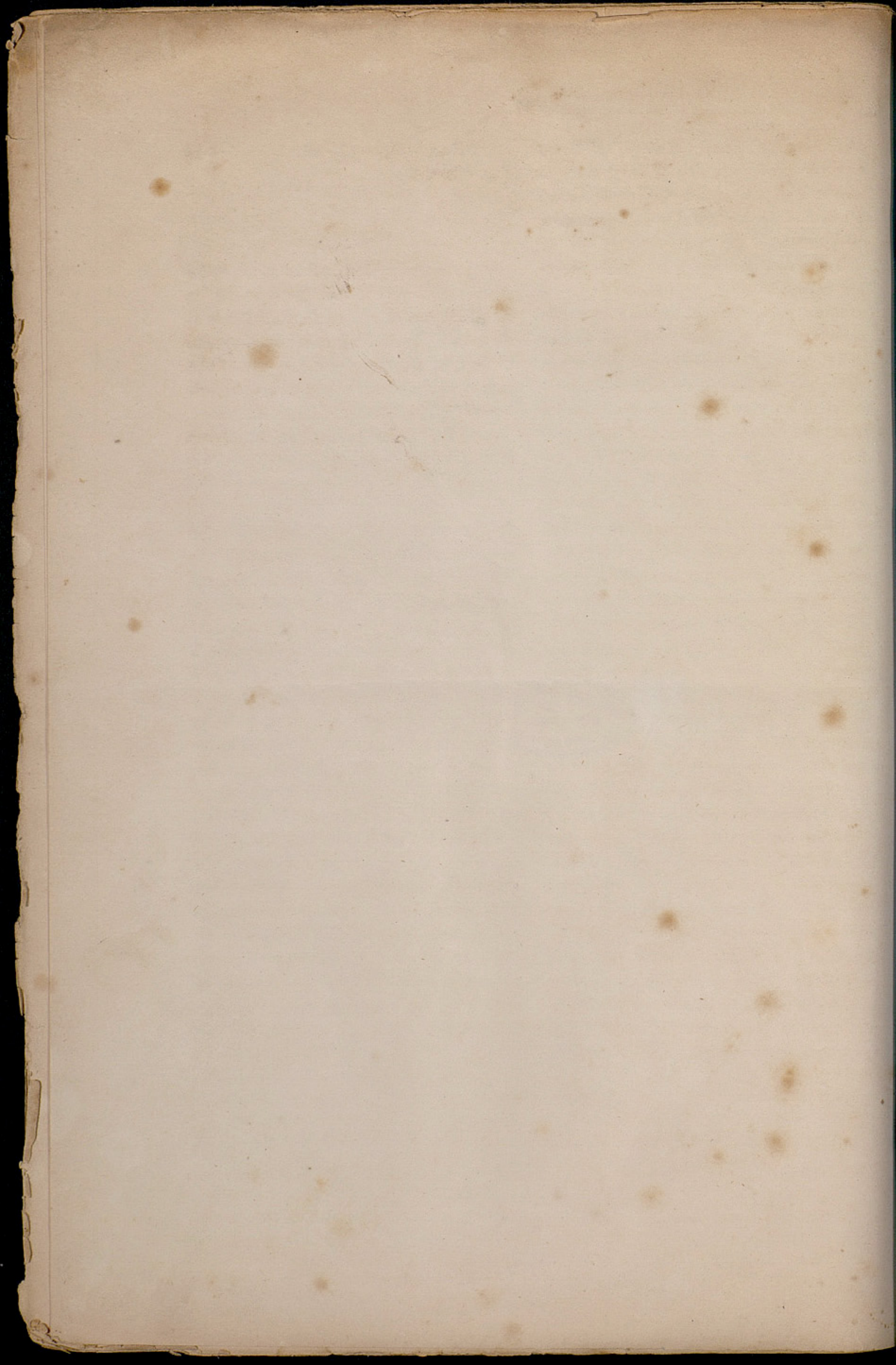




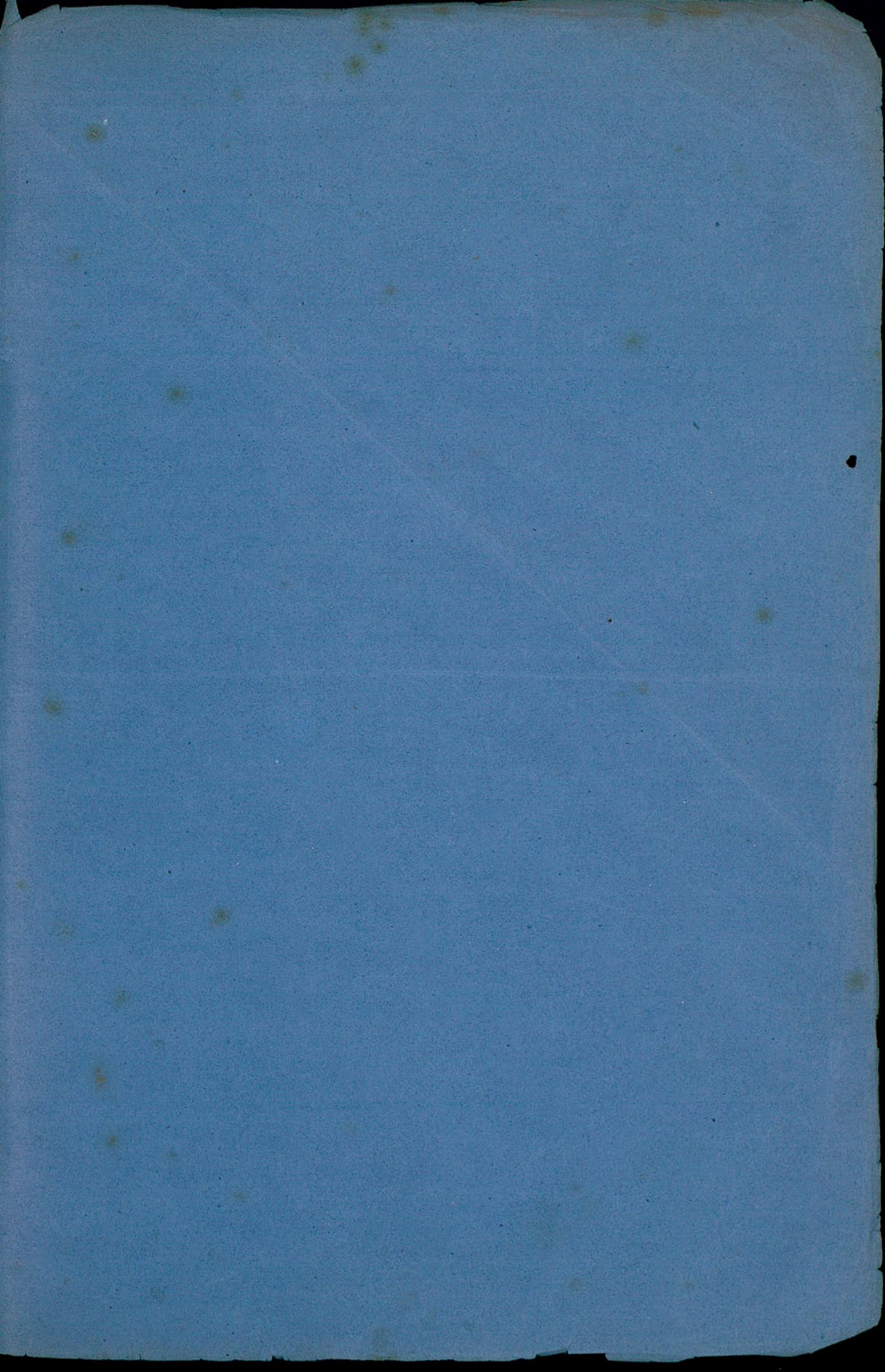














A decorative floral border with intricate scrollwork and leaf patterns, framing the central text.

LISBOA  
— IMPRENSA NACIONAL —  
1875