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[1 February 1858]**

Foreign Office, February 1, 1858.

Sir,

I have the honour to acquaint you that Her Majesty's Government have taken advantage of the return to his post of Mr. Wodehouse, the Governor of Her Majesty's Colony of British Guiana, to charge him with the duty of making known to the Venezuelan Government their views on the question as to the boundaries between the two territories and with authority to enter into a negotiation with the Venezuelan Government for settling this long-pending question.

Mr. Wodehouse will leave this country for Venezuela in the course of next month; and I have only to add that under ordinary circumstances Her Majesty's Government would not have decided upon taking this step without having previously ascertained the readiness of the Venezuelan Government to enter into negotiations upon the boundary question; but that question is one which it is so obviously the interest of both Governments to settle as early as possible, that Her Majesty's Government were unwilling for the sake of any mere formality to postpone what they considered a favourable opportunity for bringing it forward.

(Signed) CLARENDON

**674. THE EARL OF CLARENDON, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO MR. RICHARD BINGHAM, BRITISH CHARGÉ D'AFFAIRES IN CARACAS
[11 February 1858]**

Foreign Office, February 11, 1858.

Sir,

I have to state to you that Her Majesty's Government have taken advantage of the return to his post of Mr. Wodehouse, the Governor of Her Majesty's Colony of British Guiana, to charge him with making known to the Venezuelan Government their view on the question as to the boundaries between the two territories and with the negotiation of a Treaty for settling this long-pending question.

I have now to instruct you to make known to the Venezuelan Government the objects for

which Mr. Wodehouse is about to visit Venezuela, and you will state that Her Majesty's Government have little doubt that the Government of Venezuela will learn with pleasure the step thus taken by Her Majesty's Government with a view to put an end to a cause of difference between the two Governments.

You will also state that under ordinary circumstances Her Majesty's Government would not have decided upon taking this step without having previously ascertained the readiness of the Venezuelan Government to enter into negotiations upon the boundary question; but that question is one which it is so obviously the interest of both Governments to settle as early as possible, that Her Majesty's Government were unwilling for the sake of any mere formality to postpone what they considered an opportunity of bringing it forward so convenient as that of the return of the Governor of British Guiana to his post.

Mr. Wodehouse will leave this country by the mail of the 2nd March, and the Admiral on the West India Station has been instructed to take steps for facilitating his journey; and I have now only to instruct you to give to Mr. Wodehouse on his arrival in Venezuela every assistance in your power towards fulfilling the objects which Her Majesty's Government have in view.

(Signed) CLARENDON

675. THE EARL OF CLARENDON, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO MR. PHILIP WODEHOUSE, GOVERNOR OF BRITISH GUIANA

[22 February 1858]

Foreign Office, February 22, 1858.

Sir,

As you are about to resume your duties as Governor of Her Majesty's Colony of British Guiana, Her Majesty's Government conceive that it may be highly beneficial to the public service that you should on the way to the seat of your Government pay a visit to Caracas, where you may have an opportunity of conferring with the Government of Venezuela with a view to bring about a settlement as to the disputed boundary between Venezuela and British Guiana.

I will acquaint Mr. Bingham, Her Majesty's Charge d'Affaires, by the next mail, with the nature of your mission, and will at the same time instruct him to make known to the Venezuelan Government the object for which you are about to visit Venezuela; and Mr. Bingham will at the same time be instructed to give you all the assistance in his power for the accomplishment of the objects which Her Majesty's Government have in view, and to which your attention will be more particularly directed in a further despatch from me.

You will use your own discretion as to the length of your stay at Caracas, and judge for yourself whether there is on the part of the Venezuelan Government a *boná fide* disposition to negotiate; but you will at once inform the Venezuelan Government that your time is limited, as you have important duties to perform in the Colony of which you are Governor.

I am necessarily unable at present to form an opinion whether the result of your communications with the Venezuelan Government may be such as to enable you forthwith to negotiate a

Treaty with that Government; but I think it best at once to place in your hands the inclosed full powers which will enable you to enter upon the negotiation of a Treaty.

You will understand that the negotiation now confided to you will be with Venezuela alone, on matters about which the Government of that country has a right to treat; but, there may also be matters connected with the boundary towards Brazil, and bearing on commercial relations with New Granada, which it will be your duty to bear in mind, and respecting which I shall be glad to receive reports from you. . . .

(Signed) CLARENDON

676. MR. PHILIP WODEHOUSE, GOVERNOR OF BRITISH GUIANA TO MR. RICHARD BINGHAM, BRITISH CHARGÉ D'AFFAIRES IN CARACAS
[14 April 1858]

"Tartar", at La Guayra Roads, April 14, 1858.

Sir,

I have the honour to inform you of my having arrived here under instructions from Her Majesty's Government, with which I believe you have been made acquainted, to endeavour to negotiate a Treaty with the Government of Venezuela for the determination of the boundary between that State and British Guiana.

The Captain of Her Majesty's ship "Tartar" has been instructed to provide me with a passage from La Guayra to Demerara, and as his movements must be guided by the probable length of my stay at Caracas, I shall lose no time in proceeding thither, in the hope that you will be good enough to take an early opportunity of placing me in communication with the proper officers of the Venezuelan Government, and that you will afford me the benefit of your advice and assistance in carrying out the objects of my mission.

(Signed) P. E. WODEHOUSE

677. MR. RICHARD BINGHAM, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO MR. PHILIP WODEHOUSE, GOVERNOR OF BRITISH GUIANA
[18 April 1858]

Caracas, April 18, 1858.

Sir,

I have the honour to acknowledge the receipt of your Excellency's letter dated La Guayra Roads, the 14th April, 1858, informing me that you had arrived there, under instructions from Her Majesty's Government, to endeavour to negotiate a Treaty with the Venezuelan Government for the determination of the boundary between that State and British Guiana, and requesting me to take an early opportunity of placing you in communication with the proper officers of the

Venezuelan Government.

In reply, I regret extremely to have to inform your Excellency, first, that the present Government of Venezuela is merely provisional; and, secondly, that serious differences have arisen between Her Majesty's Legation at Caracas and that Government, which have placed me in the disagreeable necessity of suspending diplomatic relations with this country, and that accordingly, I am deprived of the satisfaction which I should otherwise have had in affording to you my cordial assistance in carrying out the object of your mission.

(Signed) RICHARD BINGHAM

678. MR. PHILIP WODEHOUSE, GOVERNOR OF BRITISH GUIANA, TO THE EARL OF MALMESBURY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

Caracas, April 19, 1858.

Mr Lord,

The intelligence which has been conveyed to your Lordship by the last two packets respecting the state of public affairs in this country will have fully prepared you to receive from me information of my having found it wholly impracticable to carry out the mission with which Her Majesty's Government were pleased to intrust me.

On reaching La Guayra on the 14th instant, I informed Mr. Bingham of my arrival, and requested he would be good enough to take an early opportunity of presenting me to the proper officer of the Government. But in a very short space of time I discovered that there was little or no probability of obtaining from the Provisional Government any settlement of the boundary question. This day I received from Mr. Bingham an official intimation of his having broken off all relations with them. And this day, likewise, a Proclamation has been issued summoning a General Convention for the 5th July, with a view to the election of a President and the revision of the Constitution.

Your Lordship will, under such circumstances, expect me to return at once to Demerara, and that I propose to do in a few days, after the arrival of the mail from England, expected in this week.

In conclusion, I have only to express my sincere regret at having been thus unexpectedly prevented from promoting the settlement of a question which may possibly prove very troublesome at some future period.

(Signed) P. E. WODEHOUSE

679. MR. RICHARD BINGHAM, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO THE EARL OF MALMESBURY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[20 April 1858]

Caracas, April 20, 1858.

My Lord,

With reference to the Earl of Clarendon's despatch of the 11th February last on the subject of the contemplated mission to this country of Mr. Wodehouse, the Governor of Her Majesty's British Colony of Guiana, I have the honour to inclose herewith copies of two letters which have passed between that functionary and myself, whereby your Lordship will be sorry to perceive that Mr. Wodehouse is prevented by the unfortunate state of affairs in Venezuela from fulfilling now the objects which Her Majesty's Government had in view.

(Signed) RICHARD BINGHAM

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Inclosure 1: Mr. Philip Wodehouse, Governor of British Guiana, to Mr. Richard Bingham, British Chargé d'Affaires in Caracas, 14 April 1858 [Document No. 676 above]

Inclosure 2: 677. Mr. Richard Bingham, British Chargé d'Affaires in Caracas, to Mr. Philip Wodehouse, Governor of British Guiana, 18 April 1858 [Document No. 677 above]

680. THE EARL OF MALMESBURY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO MR. ORME OF THE BRITISH LEGATION IN CARACAS

Foreign Office, July 19, 1858.

Sir,

In my despatch of the 15th May I explained to you the circumstances under which Mr. Wodehouse had been instructed to proceed to Venezuela for the purpose of entering into negotiations with the Venezuelan Government as to the boundary between British Guiana and Venezuela.

I have now to state to you that Mr. Wodehouse was prevented from entering upon this negotiation owing to the late political events in Venezuela, and that he has accordingly returned to British Guiana.

As it is not impossible that the Venezuelan Government may advert to this matter in their communications with you, I have to instruct you in such case to state that you are without instructions from me on the subject, but that you will be happy to be the means of transmitting to Her Majesty's Government any communication which the Venezuelan Government may wish to make regarding it. . .

(Signed) MALMESBURY

681. MR. R. EDUARDES, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO EARL RUSSELL, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[9 October 1865]

Caracas, October 9, 1865.

My Lord,

In the course of conversation the other day General Guzman said he had a grave subject upon which he desired to talk with me, but that previously to doing so he wished to make himself master of it. He alluded to the boundary of British Guiana, and said that lately we had encroached upon the limits hitherto observed, and in a casual manner he mentioned the arrangement proposed by Lord Aberdeen, ending by saying that as soon as he was prepared he would talk with me upon it.

I told his Excellency that I had received no communication upon the subject from any quarter.

General Guzman has not recurred to the question since, and I dare say will not do so, as he is no longer in charge of the Foreign Department.

(Signed) R. EDWARDES

682. MR. RICHARD WHITFIELD, BARRISTER-AT-LAW, TO THE PRESIDENT OF THE REPUBLIC OF VENEZUELA, ANTONIO GUZMAN BLANCO

[26 December 1874]

Georgetown, British Guiana, December 26, 1874.

May it please your Excellency,

I feel it my duty, as the advocate retained for the defence before the Supreme Court of Criminal Justice of British Guiana of one Thomas Garrett on a charge of murder, to lay the following statement before your Excellency, and respectfully to solicit that your Excellency's the Government of the Republic of Venezuela may take such steps as may be advisable.

This Thomas Garrett, so charged with murder, was on Saturday, the 17th October, 1874, while living in the house, or "logie", of one Robert Welsh, a citizen, I am informed, of the Republic of Venezuela, at Amoracoora, when between the hours of 10 and 11 o'clock at night the house, or "logie", of Welsh was forcibly entered by three men armed with revolvers, named respectively Christian and Lind, who are police constables in the service of the Government of this Colony, and the third one Mushett.

Thomas Garrett was then lying asleep in a hammock; it was a slight moonlight, when these three men jumped upon Thomas Garrett, presented their revolvers, seized and handcuffed him; they then put him into a batteau, and launched the batteau in the River Amoracoora, a tributary of the Orinoco.

They also, in addition to handcuffing him, fettered and tied him by the feet, keeping him in the bottom of the batteau while on their way to Georgetown, in this Colony.

They were eight days on their journey, from one Saturday to another, during all which time Thomas Garrett was fettered and tied as described. They stopped at some places during their

journey: first at the station on the Barima River, where they landed Thomas Garrett, fettered and tied as described, and where they remained for about six hours; next they rested, or stopped, at a higher point of the Barima River, where they stopped for about ten or twelve hours. They continued their journey, taking Thomas Garrett through the River Mooroowannie, thence to the Wijnie River, and thence through the Moroca to Georgetown.

I beg very respectfully to direct the attention of your Excellency and your Excellency's Government to the fact that the greater part of this route is through Venezuelan territory, and that the original seizure or arrest of Thomas Garrett was made far within the limits of the Venezuelan Republic, and that such seizure is a violation of the territory of Venezuela, and an infraction of international law.

Should your Excellency be please to honour this communication with your attention, your Excellency can readily ascertain by inquiry on the spot the truth of this statement; and I would very respectfully urge upon your Excellency that, the arrest in question being a violation of Venezuelan territory, the Government of this Colony are responsible for the same, and is bound to deliver Thomas Garrett, described as having been arrested as aforesaid, on the application of the Government of the Republic for his rendition.

And I would very respectfully solicit your Excellency and the Government of the Republic of Venezuela, as representing the Republic, to communicate to that effect to the Government of British Guiana.

M. Ledony, the Consul of the Republic in this Colony, has done me the favour to forward this communication, to which I most urgently and respectfully crave your Excellency's early attention, as the trial is fixed for January next, and a human life depends upon the issue. . . .

(Signed) RICHARD. H. WHITFIELD
Barrister-at-Law

**683. SEÑOR JESUS BLANCO, VENEZUELAN MINISTER OF FOREIGN AFFAIRS,
TO MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS
[8 January 1875]**

(Translation – Original: French)

*Caracas, January 8, 1874**

According to the accompanying statement which I have the honour of sending to your Excellency, the Venezuelan territory was violated in order to capture one Thomas Garrett.

In the name of my Government I call the attention of your Excellency to this grave subject; but want of time does not permit me to go into detail, as the steamer leaves tomorrow morning for Trinidad, and I limit myself to soliciting of your Excellency that you will be pleased to intervene with the object of suspending judgement against Garrett, at least whilst the acts alleged by the lawyer, Señor Richard H. Whitfield, are investigated. . .

(Signed) JESUS MA. BLANCO

[* *Sic* in original. Should be 1875]

**684. MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO SEÑOR JESUS BLANCO, VENEZUELAN MINISTER OF FOREIGN AFFAIRS
[8 January 1875]**

(Translation: Original – French)

Caracas, January 8, 1875.

M. le Ministre,

I have the honour to inform your Excellency, in reply to your Excellency's note of this day's date respecting the case of Thomas Garrett, that I shall inform her Majesty's Government of the same.

With regard to my intervening in order to obtain a suspension of the proceedings instituted against Thomas Garrett, as suggested by your Excellency in your note above referred to, such suspension could not fail to ensue upon his advocate furnishing proof of his arrest having been effected within Venezuelan territory, and having been consequently illegal. . . .

(Signed) R. T. C. MIDDLETON

685. MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

Caracas, January 12, 1875.

My Lord,

I have the honour to inclose a note, in copy and translation, addressed to me by Señor Blanco, soliciting my intervention in order to obtain a suspension of the proceedings instituted at Georgetown, British Guiana, against a man named Thomas Garrett, who, as stated in a letter inclosed in Senor Blanco's note to the President of this Republic from the advocate retained for Thomas Garrett's defence, was arrested upon a charge of murder within Venezuelan territory by constables in the service of the Government of British Guiana, the greater part of the journey, occupying eight days, which had to be performed in conveying Thomas Garrett in custody to Georgetown having been made, according to Mr. Whitfield's further statement, through Venezuelan territory.

I have limited myself in my reply to Señor Blanco's note, copy of which I have also the honour to inclose, to informing his Excellency that I should bring its contents to the knowledge of Her Majesty's Government, and to stating that the suspension of proceedings against Thomas Garrett solicited by his Excellency could not fail to ensue upon Mr. Whitfield furnishing proof of his arrest having been effected within Venezuelan territory and having been, consequently, ille-

gal.

(Signed) R. T. C. MIDDLETON

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Inclosure 1: Señor Jesus Blanco, Venezuelan Minister of Foreign Affairs, to Mr. R. Middleton, British Chargé d’Affaires in Caracas, 8 January 1875 [Document No. 683 above].

Inclosure 2: Mr. R. Middleton, British Chargé d’Affaires in Caracas, to Señor Jesus Blanco, Venezuelan Minister of Foreign Affairs, 8 January 1875 [Document No. 684 above].

Inclosure 3: Mr. Richard Whitfield, Barrister-at-Law, to the President of the Republic of Venezuela, Antonio Guzman Blanco, 26 December 1874 [Document No. 682 above].

686. SEÑOR D. DE MONTBRUN, CONSUL-GENERAL OF VENEZUELA IN PORT OF SPAIN, TO GOVERNOR J. LONGDEN OF BRITISH GUIANA
[23 January 1875]

(Translation – Original: French)

Consulate-General of the United States of Venezuela, in the British West Indies, Port of Spain, January 23, 1875.

(14 of the 16th Law of the Federation).

Sir,

The Government of the Republic of Venezuela, which I have the honour to represent in the British West Indies, has given me a peremptory order to express to your Excellency without delay the profound regret with which they have heard that the police officers of that Colony, by name Christian, Lind, and Mushet, going beyond the limits which divide British Guiana from Venezuela, entered into Venezuelan territory and there exercised acts of jurisdiction, arresting and fettering with chains and handcuffs citizen Thomas Garrett, who was at the house of Robert Welsh, under the protection and safety enjoyed by every individual who places his foot on the territory of the Republic whilst he is not guilty of any offence against the laws of the country.

On the night of the 17th October, 1874, Thomas Garrett, being in the house of Welsh, in Manora Coora, as my Government has been informed, asleep in a hammock, between 11 and 12 o'clock of the said night, Christian, Lind, and Mushet, police officers of the Colony of British Guiana, entered and rushed on Thomas Garrett, putting their revolvers to his chest, declared him their prisoner in the name of Her Majesty the Queen of Great Britain, put him in irons and chains, and threw him into a boat in the River Amacura. From thence they continued their voyage, just stopping at the station of the River Barima, where they disembarked Thomas Garrett, still loaded with chains, and where they remained about six hours, and afterwards at a point of

the River Barima, where they remained more than ten hours, proceeding on their journey by the River Moorovanne and the River Wynee, and from thence by the River Maruca to Georgetown.

It being thus shown that Thomas Garrett was manacled, chained, and fettered by police officers of that Colony, within the territory of Venezuela, an outrage in violation of the sovereignty of the Republic, which solely and alone has the right of exercising jurisdiction on its own territory, and a violent infraction having been committed of international laws, which imperiously order every nation to respect the limits of others, especially when friendly and commercial relations and fraternity exist with them, it is the bounden duty of my Government (which by the Constitution and Laws of the Republic is obliged to make its territory respected, and to protect and consider as innocent every individual who takes refuge beneath the shelter and protection of its flag) to protest, as it does protest, through me, against the action at the above-mentioned police officers, Christian, Lind, and Mushet, and against any authority whatever of that Colony who may have ordered or consented to the violation of the territory of the Republic, and exercised therein acts of jurisdiction which only the Sovereign has a right to exercise, that is to say, the authorities of Venezuela.

Furthermore, I am ordered by my Government to request that your Excellency will please to order the necessary measures to the end that the police of the Colony shall take back Thomas Garrett to the place where they arrested him, and once there, deliver him over to the authority of the Republic under whose protection and safeguard he, the said Thomas Garrett, was on the night of the 17th October, 1874 on which he was arrested by the police, violating the Republic's territory, and exercising jurisdiction therein.

Great Britain, with energy worthy of being applauded and admired, has always sustained the inviolability of her territory, and of her right to protect, with all her power, the individual or the individuals who seek her territory in search of free and generous hospitality, and my Government confidently hopes that your Excellency, inspired with such noble sentiments, as well as with the duty incumbent on your Excellency, will please to condemn the arrest of Garrett as an outrage on and as an offence against the sovereignty of the Republic, and do justice to her demand. . .

(Signed) D. MONTBRUN
Consul-General of Venezuela

**687. GOVERNOR J. LONGDEN OF BRITISH GUIANA TO MR. R. MIDDLETON,
BRITISH CHARGÉ D'AFFAIRES IN CARACAS**
[30 January 1875]

Government House, Georgetown, January 30, 1875.

Sir,

I have the honour to inclose herewith a copy of a letter which I have received from Dr. Montbrun, the Venezuelan Consul-General for the British West India Islands, residing in Trinidad, protesting in the name of the Republic of Venezuela against the violation of the Venezuelan territory by three police constables of this Government, who, he alleges, pursued a criminal

across the frontier and arrested him in the territories of the Republic.

2. As Dr. Montbrun lays great stress on the alleged violation of the territory of the Republic, it is perhaps not out of place that I should commence by disclaiming, and formally disavowing in the most emphatic manner, any intention or attempt whatever on the part of this Government to violate in any way whatsoever the sovereignty of the Venezuelan Republic, or to enter the Venezuelan territory unlawfully.

3. Dr. Montbrun holds no Consular appointment in this Colony, and I do not therefore feel myself authorized to enter upon a correspondence with him respecting the actions of this Government; but as he states that he has written by the authority of the Venezuelan Government, I lose no time in placing your Excellency in possession of all the facts of the case, in order that you may be in a position to give any explanations to the Venezuelan Government which you may think proper.

4. The facts of the case are these: on the 7th September, 1874, a coloured creole girl of this town, named Sarah Brathwaite, was murdered in a cold-blooded way in the city of Georgetown by another coloured creole, named Thomas Garrett. Both the murdered girl and the man who murdered her were British subjects, residing in Georgetown.

Immediately on the perpetration of the crime an alarm was given, but in the darkness the criminal managed to baffle the pursuit of the police and escaped out of Georgetown. The Coroner held the usual inquest, and a verdict of "Wilful Murder" was returned against Garrett. Thereupon the Government offered a reward for such information as would lead to his apprehension, and the police soon after received intelligence that he had escaped into the wild unsettled country lying to the north-west of the Pomeroon River. A party of constables was sent in pursuit of the murderer, and he was apprehended in a house on the banks of the Amacura River, or of some creek between the Amacura and the Barima Rivers. It is exceedingly difficult to reconcile the accounts which the constables give with the existing maps of the district, which maps are inconsistent with each other, and probably equally incorrect. The country appears to be a wilderness, and the possession of it is claimed by Great Britain and by Venezuela alike. It is in fact a part of the disputed territory referred to by Colonel Wilson in his despatch to Lord Palmerston of the 30th December, 1850, with regard to which he exchanged declarations with the Venezuelan Government that "neither Government should occupy or encroach upon the territory in dispute." As far as this Government is concerned, this declaration has been carefully observed, and there are no resident British authorities within the district. But I apprehend that in agreeing to this declaration Her Majesty's Government never surrendered, or intended to surrender, their claim to any part of the disputed territory, unless the boundaries of Venezuela and British Guiana should be finally adjusted, as proposed by the Earl of Aberdeen in 1844. And I would in support of this refer your Excellency to the Earl of Clarendon's despatch to the honourable Mr. Bingham, dated the 16th December, 1857, a copy of which was sent to my predecessor, Sir Philip Wodehouse, for his information. In that despatch Lord Clarendon observed that "the Venezuelan Government, in not returning any answer to the proposals made by Her Majesty's Government in 1844, is responsible for any inconvenience which has resulted from the question of boundary being left still undetermined."

5. The criminal Garrett was, as I have said, arrested in the wilderness, in a country the possession of which has by the agreement of 1850 been acknowledged to be in dispute between Venezuela and Great Britain, and which both countries have agreed "neither to occupy or en-

croach upon." But I believe that I should do Her Majesty's Government and the Government of the Republic equal injustice if I should suppose that either of them, when agreeing to this provisional settlement of the dispute, contemplated that the disputed territory should be made a sanctuary for criminals to flee into from either country, and obtain impunity from their crimes.

6. If it were clear that Garrett were arrested within the Venezuelan frontier, as alleged by Dr. Montbrun, there would be a justification for demanding that he should be formally surrendered to the Venezuelan authorities. But believing as I must do from the evidence before me that the man was arrested on the territory which Her Majesty's Government claim as part of British Guiana, I could not for a moment comply Dr. Montbrun's requisition. The criminal was arrested on the banks of the Amacura River. That river was indeed proposed by Sir Robert Schomburgk for adoption as the boundary-line between the Republic and this Colony, but the proposition was never accepted, and the frontier is still undetermined, the limits of the ancient Dutch Colony being claimed by Great Britain as the boundaries of the present Colony.

7. I have confined myself to a narrative of the case without replying to Dr. Montbrun's language. His statements are evidently based on the assumption, without evidence, that Garrett was arrested by the authority or connivance of this Government on the acknowledged territory the Republic. On this assumption alone his language can be justified. He appears to be in total ignorance of the fact that the territory in which Garrett was arrested is by the admission of the Venezuelan Government itself disputed territory.

8. With regard to the murder itself, I inclose authenticated copies of the sworn depositions which were taken before the Magistrate who committed Garrett for trial, which will show your Excellency and the Venezuelan Government that the crime is one of great atrocity, such as would entitle any Government to demand the extradition of the criminal from another country under Extradition Treaties.

9. I trust that when the Venezuelan Government are made acquainted with the real facts of the case they will at once perceive that no intention ever existed on the part of the Government to infringe in the slightest degree on the sovereign rights of the Republic, and I hope they will withdraw the demands made in Dr. Montbrun's letter.

10. I ought not to omit to add that the friends and counsel of the accused have made the most strenuous efforts to represent his arrest as an outrage to Venezuela, in the hope that by this means he will be enabled to escape from justice, but I cannot suppose that the Venezuelan Government, when fully informed of the whole case, will allow such representations to obstruct the course of justice. . .

(Signed) J. R. LONGDEN

688. MR. WILLIAM YOUNG, GOVERNMENT SECRETARY OF BRITISH GUIANA, TO SEÑOR D. DE MONTBRUN, CONSUL-GENERAL OF VENEZUELA IN PORT OF SPAIN.

[4 February 1875]

Government Secretary's Office, Georgetown, February 4, 1875.

Sir,

I am desired by the Governor to acknowledge the receipt of your letter dated the 23rd January, 1875, upon the subject of the apprehension by the police officers of this Colony of one Thomas Garrett.

2. As the Governor has no authority to recognize you in any capacity as representing in this Colony the Government of the Republic of Venezuela, his Excellency can only regret that it is not in his power to correspond with you on any matters affecting the relations subsisting between this Government and the Government of Venezuela.

3. The Governor, however, directs me to inform you that Thomas Garrett committed a foul murder in the city of Georgetown, in this Colony, on the night of the 7th September last, and a verdict of "Wilful Murder" was returned against him by a Coroner's jury; and the Governor has communicated all the particulars of the case to Her Majesty's Minister at Caracas, to enable him, should it be requisite, to afford full and authentic information upon the subject to the Government of Venezuela, and to remove any erroneous impression that may possibly exist that, in effecting the arrest of the murderer in the unsettled districts of this Colony, any violation of the territory of a neighbouring friendly State was either contemplated or committed.

(Signed) WILLIAM A. G. YOUNG

**689. EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS,
TO MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS
[20 February 1875]**

Foreign Office, February 20, 1875.

Sir,

I approve your answer to the Venezuelan Minister for Foreign Affairs, copy of which is inclosed in your despatch of the 12th ultimo, in reply to his Excellency's application for a suspension of the proceedings instituted at Georgetown, British Guiana, against Thomas Garrett, who is accused of murder, and whose arrest is alleged by his advocate to have been effected in Venezuelan territory. . .

(Signed) DERBY

**690. GOVERNOR J. LONGDEN OF BRITISH GUIANA TO THE EARL OF
CARNARVON, SECRETARY OF STATE FOR THE COLONIES
[22 February 1875]**

Government House, Georgetown, February 22, 1875.

My Lord,

I have the honour to inclose herewith a copy of a letter which I have addressed to Mr. Mid-

dleton, Her Majesty's Charge d'Affaires at Caracas, relative to the arrest of a criminal on the north-western frontier of this Colony, in territory the sovereignty of which has always been claimed by Great Britain, but to which claim is also advanced by the Republic of Venezuela.

2. The facts of the case are these: on the night of the 7th September, 1874, a coloured creole girl of Georgetown, named Sarah Brathwaite, was shot dead by a young man, also a coloured creole of Georgetown, named Thomas Garrett. Both the murderer and his victim were, as their names indicate, British subjects. Directly after the perpetration of the deed the murderer ran away and was pursued, but baffled the police in the darkness, and got away in a boat. All trace of him was lost for a time. An inquest was held on the murdered woman, and a verdict of "Wilful Murder" against Garrett was returned. Thereupon, as usual in such cases, I directed a reward to be offered for such information as would tend to the apprehension of Garrett. Intelligence was soon after brought to the police that Garrett had escaped across the Pomeroon River into the wild unsettled country between the Pomeroon and Orinoco. A party of three constables was sent by the Inspector-General of Police, under the command of a sergeant of police, who, under the guidance of the informer, arrested Garrett on the banks of the Amacura River, and brought him to Georgetown, where an investigation was held by the Police Magistrate, and Garrett was formally committed to the Supreme Court for trial.

3. From what I have since learned, I have reason to believe that the counsel engaged for the accused, who has many friends, and for whom much misplaced sympathy has been excited, communicated with some Venezuelan authorities, and with a view of rescuing Garrett from justice, informed them that he had been arrested upon the Venezuelan territory. In January last I received from Dr. Montbrun, the Consul-General for Venezuela in Trinidad, a letter, of which I inclose a copy and translation "protesting" in the most energetic language, against the arrest of Garrett within the Venezuelan territory, which he apparently assumed – no doubt upon the evidence given to him – was an undoubted fact. As Dr. Montbrun holds no Consular appointment in this Colony, I did not feel authorised to enter upon a correspondence with him, but I lost no time in laying the facts of the case before Mr. Middleton at Caracas for the satisfaction of the Venezuelan Government, and I caused Dr. Montbrun to be informed that I had done so.

4. Garrett was arrested on the banks of the Amacura River, the river which was proposed by Sir Robert Schomburgk in 1841 as the boundary between Venezuela and British Guiana, but which boundary was not accepted by the Venezuelan Government, and is not acknowledged by either Government. The boundary claimed by the old Dutch Colony, namely, a line from Point Barima, where an old Dutch post subsisted, to the Dutch post on the Cuyuni (opposite to the ancient fort marked on the map as the "most easterly Spanish post – Humboldt"), is the boundary which I understand to have been always claimed by Great Britain. This boundary is indicated by a line on the large map of British Guiana constructed from Sir Robert Schomburgk's surveys, and corrected to the present time by Messrs. Chalmers and Sawkins, and published in 1872. Garrett was most certainly arrested within this line, which includes both banks of the Amacura River.

5. The proposition made by the Earl of Aberdeen in 1844 for a settlement of the boundary question having been entirely disregarded by the Venezuelan Government, difficulties arose as to frontier questions, which were settled in 1850 by declarations exchanged between Colonel Wilson, then Her Majesty's Charge d'Affaires in Caracas, and the Venezuelan Government, to the effect that "neither Government should occupy or encroach upon the territory in dispute between

them." (Colonel Wilson's despatches to Lord Palmerston, dated the 30th December, 1850.)

6. The sole question, therefore, connected with Garrett's arrest which seems to admit of doubt is whether the declaration of 1850 does or does not preclude either Great Britain or Venezuela from entering upon the territory in dispute between them to arrest a criminal flying from either territory to evade justice. Feeling that there may be a doubt upon this point, I caused the trial of Garrett to be postponed. I inclose a copy of a Confidential letter which I have addressed to Mr. Middleton, informing him that the trial is put off for the settlement of this question.

7. It would be a misfortune to both countries if it should be held that the territory lying between them is a sanctuary for criminals from both to flee to, and so escape the punishment due to their crimes. It is already sufficiently common in this Colony for criminals to escape capture in the vast wildernesses which surround the settlements, but the men who so escape know that they are subject to capture at any moment; but if it be publicly held that no criminal can be arrested in the disputed territory, it is only in reason to expect that crime will be encouraged by the immunity from the punishment which may be so easily secured.

(Signed) J. R. LONGDEN

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Inclosure 1: Governor J. Longden of British Guiana, to Mr. R. Middleton, British Chargé d'Affaires in Caracas, 30 January 1875 [Document No. 687 above].

Inclosure 2: Señor D. De Montbrun, Consul-General of Venezuela in Port of Spain, to Governor J. Longden of British Guiana, 23 January 1875 [Document No. 686 above].

Inclosure 3: Mr. William Young, Government Secretary of British Guiana, to Señor D. De Montbrun, Consul-General of Venezuela in Port of Spain, 4 February 1875 [Document No. 688 above].

**691. EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS,
TO MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS**

[8 March 1875]

Foreign Office, March 8, 1875.

Sir,

With reference to my despatch of the 20th ultimo, I transmit to you a copy of a letter from the Colonial Office, stating that the Governor of British Guiana has been instructed to report upon the case of Thomas Garrett, alleged to have been arrested in Venezuelan territory by constables in the service of British Guiana.

You will inform the Venezuelan Government of the steps that have been taken by Her Majesty's Secretary of State for the Colonies.

(Signed) DERBY

692. MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO GOVERNOR J. LONGDEN OF BRITISH GUIANA

[11 March 1875]

Caracas, March 11, 1875.

Sir,

In acknowledging the receipt of your Excellency's two despatches, one marked Confidential, of the 4th ultimo, I have the honour to state that I shall endeavour to conform to the views expressed by your Excellency in regard to the arrest of Thomas Garrett.

(Signed) R. T. C. MIDDLETON

693. MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO SEÑOR JESUS BLANCO, VENEZUELAN MINISTER OF FOREIGN AFFAIRS

[23 March 1875]

(Translation – Original: French)

Caracas, March 23, 1875.

M. le Ministre,

In connection with my note of the 8th January last, I have the honour to inform your Excellency that, according to information received by me from his Excellency the Governor of British Guiana, it appears that Thomas Garrett was not arrested by the police of Georgetown within the territory of Venezuela, but upon the wild and unsettled country lying to the north-west of the Pomaroon River, the possession of which is claimed by Great Britain and Venezuela alike – a disputed territory respecting which declarations were exchanged by this Legation and the Venezuelan Government in the year 1850 to the effect that neither Government should occupy the territory in dispute or encroach upon it, which declarations, as far as they regard the Government of British Guiana, have been carefully observed, there being no resident British authorities within the territory referred to. Still, however, I would appeal to your Excellency's impartial judgment, in submitting to your consideration whether it would not be almost doing an equal injustice both to Her Majesty's Government and to the Government of Venezuela to suppose that either one or the other, when exchanging the declarations referred to, could have contemplated the disputed territory referred to being made a sanctuary for criminals fleeing into it from either one country or the other, and thus obtaining impunity for their crimes.

Having been informed by your Excellency's note of the 8th January last that the advocate engaged for Thomas Garrett's defence had, probably on account of the difficulties presented by it, adopted the most unprecedented course of writing to his Excellency the President of the Republic, not only calling his Excellency's attention to the violation of Venezuelan territory com-

mitted by his arrest within it, as assumed by him, and the only matter in reality open to controversy, but also seeking to arouse his Excellency's humane sentiments in Thomas Garrett's behalf, and thereby hoping to induce his Excellency to endeavour unknowingly to obstruct the course of justice, I have the honour to state that, as I have been informed by his Excellency Governor Longden, a girl named Sarah Brathwaite was, on the 7th September last, murdered in the city of Georgetown by Thomas Garrett under circumstances of great atrocity, both being British subjects residing in the city above referred to, and Thomas Garrett, owing to the darkness of the night, having contrived to baffle the pursuit of the police and effect his escape, and, upon the inquest, the Minutes of which have been furnished me by his Excellency Governor Longden, and which are at your Excellency's disposal, being held upon the body of the murdered girl, a verdict of "Wilful Murder" was returned against Thomas Garrett; nor could it have been possible for the jury, in view of the evidence of the witnesses summoned, to have returned any other verdict consistently with the oaths they had taken.

Thereupon the Government offered a reward for such information as would lead to the apprehension of Thomas Garrett, and, having received intelligence that he had escaped into the wild and unsettled country above alluded to, a party of constables were sent after him, he having been apprehended in a house on the bank of the Amacura River, or of some creek between the Amacura and the Barima Rivers, within the disputed territory before alluded to.

In my note of the 8th January last I had the honour of assuring your Excellency that I should inform Her Majesty's Government of the representations conveyed to me by your Excellency's note of the same date in the case of Thomas Garret, and also stating that a suspension of the proceedings against him could not fail to ensue were proof brought forward of his arrest having been illegal; but notwithstanding such assurances, it appears that the Venezuelan Government, acting as it would appear solely upon the statement made to his Excellency the President of the Republic by Thomas Garrett's advocate, considered it expedient to instruct Dr. Montbrun, their Consul-General in the British Antilles, of which I have the honour to add British Guiana forms no part, to address an official communication to his Excellency the Governor of that Colony protesting against the violation of Venezuelan territory by the arrest of Thomas Garrett within it, and after enlarging in terms of extreme violence, and of a nature which cannot be interpreted otherwise than as involving the supposition of his Excellency the Governor of British Guiana having connived at least at, if he did not countenance, a violation of the sovereignty of Venezuela by an unlawful entry upon her acknowledged territory, concludes by requesting his Excellency, as he states, by orders received from his Government, to be pleased to order that Thomas Garrett should be conveyed by the police back to the place where he was arrested, there to be delivered over to the authority of his Republic.

I entertain the confident hope, however, that the real facts of Thomas Garrett's arrest having been now brought to your Excellency's knowledge, that the request contained in Dr. Montbrun's letter referred to, and preferred, as stated by him, by order of the Venezuelan Government, namely, that he be taken back to the disputed territory, and delivered up to what is erroneously termed the authority of the Republic upon it, may be withdrawn, so that the trial of Thomas Garrett, now postponed at the request of his Excellency Governor Longden to the Attorney-General of British Guiana, may at once take place.

Deeds of violence being common in Georgetown, as I have been informed by his Excellency Governor Longden, and as the course of justice to which promptitude imparts efficiency is mo-

mentarily impeded owing to the circumstances I have had the honour of detailing to your Excellency, I would solicit the honour of an answer at your Excellency's earliest convenience.

(Signed) R. T. C. MIDDLETON

694. GOVERNOR J. LONGDEN OF BRITISH GUIANA TO THE EARL OF CARNARVON, SECRETARY OF STATE FOR THE COLONIES

[24 March 1875]

Government House, Georgetown, March 24, 1875.

My Lord,

I have the honour to acknowledge your Lordship's despatch of the 1st instant, calling upon me for a report on a despatch addressed by Her Majesty's Minister at Caracas to the Secretary of State for Foreign Affairs relative to the arrest of Thomas Garrett, by British policemen, in territory alleged to belong to the Republic of Venezuela.

2. I have fully reported on the events which led to this correspondence in my despatch of the 22nd February, which must be already in your Lordship's hand, and I would beg leave to refer to that despatch for the required explanation.

3. The only point in the correspondence inclosed in your Lordship's despatch which appears to require an additional remark is the statement made in Mr. Whitfield's letter to the President of Venezuela, that the greater part of the route by which Garrett was brought from the place of his arrest to Georgetown is through the Venezuelan territory. This is not the case. From the moment of his arrest he was carried through territory which has always been claimed by Great Britain. It is true that to a part of this territory claims have also been advanced by the Government of Venezuela, but those claims have never been acknowledged, and the declarations exchanged between the Venezuelan Government and Her Majesty's Charge d'Affaires in Caracas in 1850, to which I referred in my despatch on this subject, apply not only to the actual spot where the arrest took place, but also to the territory which Mr. Whitfield erroneously supposes to be Venezuelan territory.

(Signed) J. R. LONGDEN

695. EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS

[2 April 1875]

Foreign Office, April 2, 1875.

Sir,

With reference to my despatch of the 8th ultimo, I transmit to you for your information, copy of a despatch from the Governor of British Guiana,* relative to the arrest by the police of that

country, in what was alleged to be Venezuelan territory of Thomas Garrett, a British subject, who is accused of having committed a murder in British territory.

It appears from Governor Longden's despatch that the arrest of Garrett took place on territory claimed by Great Britain as well as by Venezuela, and that the two Governments having failed to come to an agreement on the boundary question, declarations were exchanged in 1850 between Colonel Wilson, then Her Majesty's Charge d'Affaires at Caracas, and the Venezuelan Government, to the effect that "neither Government should occupy or encroach upon the territory in dispute between them."

I have informed Her Majesty's Secretary of State for the Colonies that in my opinion it could not have been intended that this agreement should preclude either Government from arresting criminals in the disputed territory, and that it would be most undesirable that it should have that effect.

I have also expressed to his Lordship my opinion that for the above reasons – assuming Governor Longden to be right in stating that Garrett was arrested in the disputed territory, and not within Venezuelan jurisdiction – the trial should be at once proceeded with.

Lord Carnarvon has concurred in this view, and instructions in accordance therewith have been sent to the Governor of British Guiana.

I have to instruct you to inform the Venezuelan Government of the decision of Her Majesty's Government in this matter.

In doing so, you will be careful to assure the Venezuelan Government that nothing could be further from the intention of Her Majesty's Government than to sanction any infringement of the territorial rights of Venezuela. You will point out the very grave misfortune that it would be to Venezuela, as well as to the Colony of British Guiana, if the disputed territory lying between them were allowed to become a sanctuary in which criminals from both countries might take refuge and so escape the punishment due to their crimes; and you will state that Her Majesty's Government feel confident that, on full consideration of the matter, the Venezuelan Government will recognize the justice and expediency of the decision which you are instructed to communicate to them.

(Signed) DERBY

[* Document 690 above]

696. MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO SEÑOR JESUS BLANCO, VENEZUELAN MINISTER OF FOREIGN AFFAIRS

[6 April 1875]

(Translation – Original: French)

Caracas, April 6, 1875.

M. le Ministre,

In connection with my note of the 23rd ultimo, and by instructions just received from the

Earl of Derby, Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform your Excellency that the Governor of British Guiana was instructed upon the 1st ultimo by Her Majesty's Secretary of State for the Colonies to report upon the case of Thomas Garrett.

(Signed) R. T. C. MIDDLETON

697. MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[6 April 1875]

Caracas, April 6, 1875.

My Lord,

In connection with your Lordship's despatch of the 20th February, I have the honour to inclose a note in copy which I addressed to Señor Blanco, upon my receiving the despatch, copy of which and its inclosure, as well as a translation of the latter, I have also the honour to inclose from the Governor of British Guiana, reporting to me that Dr. Montbrun, Venezuelan Consul-General in the British Antilles, but no ways in British Guiana, had addressed his Excellency protesting, in the name of his Government, and in violent terms, against the violation of Venezuelan territory by the arrest upon it of Thomas Garrett by the police of Georgetown, and requesting that he might be taken back to the place where such arrest was effected, and delivered up to the Venezuelan authority; such a pretension having been advanced almost without a doubt solely upon the information supplied by the letter of the lawyer engaged for Thomas Garrett's defence to the President at this Republic, to which I had the honour of drawing your Lordship's attention in my despatch of the 12th January last, and which contains no allusion whatever to the right to the territory to which Thomas Garret fled having ever even been a subject of controversy between Her Majesty's Government and that of Venezuela, much less to such territory being, according to the particulars furnished by Governor Longden, a part of that in dispute between them.

I have the honour to inclose a copy of my despatch to Governor Longden, acknowledging the receipt of that of his Excellency, as well as the copy of a note addressed by me to Señor Blanco in pursuance of the instructions conveyed to me by your Lordship's despatch of the 8th ultimo, informing his Excellency of Governor Longden having been instructed by Her Majesty's Principal Secretary of State for the Colonies to report upon the case of Thomas Garrett.

I have not considered it necessary to forward to your Lordship copies of the Minutes of the inquest held upon the body of Sarah Brathwaite inclosed to me by Governor Longden, and which inquest resulted in a verdict of "Wilful Murder" being returned against Thomas Garrett.

(Signed) R. T. C. MIDDLETON

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Inclosure 1: Mr. R. Middleton, British Chargé d’Affaires in Caracas, to Señor Jesus Blanco, Venezuelan Minister of Foreign Affairs, 23 March 1875 [Document No. 693 above].

Inclosure 2: Governor J. Longden of British Guiana to Mr. R. Middleton, British Chargé d’Affaires in Caracas, 30 January 1875 [Document No. 687 above].

Inclosure 3: Señor D. De Montbrun, Consul-General of Venezuela in Port of Spain, to Governor J. Longden of British Guiana, 23 January 1875 [Document No. 686 above].

Inclosure 4: Mr. R. Middleton, British Chargé d’Affaires in Caracas, to Governor J. Longden of British Guiana, 11 March 1875 [Document No. 692 above].

Inclosure 5: Mr. R. Middleton, British Chargé d’Affaires in Caracas, to Señor Jesus Blanco, Venezuelan Minister of Foreign Affairs, 6 April 1875 [Document No. 696 above].

698. THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO MR. R. MIDDLETON, BRITISH CHARGÉ D’AFFAIRES IN CARACAS
[22 April 1875]

Foreign Office, April 22, 1875.

Sir,

With reference to my despatch of the 2nd instant, I transmit to you a copy of a despatch from the Governor of British Guiana,* which has been communicated to me by Her Majesty’s Secretary of State for the Colonies, stating that Thomas Garrett was not conveyed through Venezuelan territory while being taken to Georgetown.

You will communicate the substance of this despatch to the Venezuelan Minister for Foreign Affairs.

(Signed) DERBY

[* *Document No. 694 above*]

699. MR. R. MIDDLETON, BRITISH CHARGÉ D’AFFAIRES IN CARACAS, TO SEÑOR JESUS BLANCO, VENEZUELAN MINISTER OF FOREIGN AFFAIRS
[10 May 1875]

(Translation – Original: French)

Caracas, April [? May] 10, 1875.

M. le Ministre,

Referring to my note of the 6th ultimo, I have the honour to inform your Excellency that, from a despatch addressed to the Earl of Carnarvon, Her Majesty's Principal Secretary of State for the Colonies, by his Excellency the Governor of British Guiana, Her Majesty's Government entertain no doubt of Thomas Garrett having been arrested by the police of that country on territory claimed by Great Britain as well as by Venezuela, the two Governments, as I had the honour of reminding your Excellency in my note of the 23rd March last, having failed to come to an agreement on the boundary question; and declarations having been exchanged in 1850 between Her Majesty's Charge d'Affaires at Caracas and the Venezuelan Government to the effect that "neither Government should occupy or encroach upon the territory in dispute between them."

I have further the honour to inform your Excellency that, in the opinion of Her Majesty's Government, it could not have been intended that the agreement referred to should preclude either Government from arresting criminals in the disputed territory, and that it would be most undesirable that it should have that effect.

I have consequently the honour further to inform your Excellency, by the instructions of the Earl of Derby, that Thomas Garrett, having been arrested in the disputed territory, and not within Venezuelan jurisdiction, Her Majesty's Government have come to the decision that his trial should be at once proceeded with, and that instructions in accordance therewith have been sent to his Excellency the Governor of British Guiana by the Earl of Carnarvon.

I have the honour to add that I have also received instructions from the Earl of Derby to assure the Government of Venezuela in communicating to your Excellency the decision of Her Majesty's Government in this matter, that nothing could be further from the intentions of Her Majesty's Government than to sanction any infringement of the territorial rights of Venezuela, and have also received his Lordship's instructions to point out the very grave misfortune that it would be to Venezuela, as well as to the Colony of British Guiana, if the disputed territory lying between them were allowed to become a sanctuary in which criminals from both countries might take refuge, and so escape the punishment due to their crimes; and have further been instructed by his Lordship to state that Her Majesty's Government feel confident that on full consideration of the matter the Venezuelan Government will recognize the justice and expediency of the decision which I have been instructed to communicate to them.

(Signed) R. T. C. MIDDLETON

**700. SEÑOR JESUS BLANCO, VENEZUELAN MINISTER OF FOREIGN AFFAIRS,
TO MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS**

[10 May 1875]

(Translation – Original: French)

Caracas, May 10, 1875.

The Undersigned, Minister of Foreign Relations, has the honour to address himself to the Honourable Minister Resident of Great Britain in answer to his Excellency's note of the 23rd

March last relative to the capture of Thomas Garrett.

His Excellency will observe that the assertion has not been contradicted that the said Garrett was arrested in Amacura, a place situated in Venezuelan territory to the west of Barima, and it appears from various acts that, far from the said territory having been disputed to Venezuela, the Government of Her Majesty has acknowledged it to belong to the Republic.

In 1836 the Charge d'Affaires of Great Britain claimed from the Government of Venezuela that it should place lighthouses and other signals upon the Barima Point, and light-ship at the great mouth of the Orinoco.

In the same year the Governor of Demerara, in a despatch of the 1st September (1838 Parliamentary Papers), says that the River Pomeroon, to the west of the Essequibo (and to the south of the Moroco), might be taken as a limit.

In 1840 a British subject was brought to trial in Demerara for having killed an Indian, and the defendant having proved that the act had been perpetrated upon the Moroco Delta, which lies to the south-east, and very far from Amacura, the Tribunal declared itself incompetent as the crime had been committed in foreign territory.

In 1841 the Commissioner Schomburgk fixed the English flag upon the Barima Point, and in consequence of the complaint made by the Legation of

Venezuela in London, the British Government, under date of the 31st January, 1842, ordered the Governor of English Guiana to cause the marks placed by Mr. Schomburgk to be destroyed, and so it was done.

In the conferences upon boundaries held by M. Fortique and Lord Aberdeen, the latter proposed, as northern limit on the coast, the River Guaima from its mouth to the River Mora, the course of the latter to the Barama, the River Barama upwards up to the 60th meridian to the west of Greenwich, etc., and before this proposition was discussed, the English Ministry itself modified it thus: –

“From the mouth of the Moroco, a straight line up to the point at which the River Barama unites itself with the Guaima, from thence by the Barama upstream”, etc.

From what has been shown his Excellency will see, as the Undersigned has had the honour to lay down, the Amacura, which is situated to the north-east [*sic*] of Moroco has never formed part of the disputed territory, which is that situated to the south-east of the said Moroco, and to the north-east of the Pomeroon.

But in the inadmissible case that Amacura were in the disputed territory, the Undersigned hopes that his Excellency will be pleased to allow that neither of the two Governments could, without the agreement of the other, exercise jurisdiction there, and that therefore, even on such an hypothesis, the arrest of Garrett was illegal.

The Government of the Undersigned does not doubt that that of Her Britannic Majesty, in its acknowledged wisdom and rectitude, will be pleased to decide that in the case of Thomas Garrett the Venezuelan territory has been violated, and that therefore he should be given back to the authorities of the Republic, as the Undersigned has the honour to solicit, by order of the Government, through his Excellency's honourable intervention.

(Signed) JESUS MA. BLANCO

701. MR. R. MIDDLETON, BRITISH CHARGÉ D'AFFAIRES IN CARACAS, TO THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS
[21 May 1875]

Caracas, May 21, 1875.

My Lord,

Upon the receipt of your Lordship's despatch of the 2nd ultimo, I addressed the note, of which I have the honour to inclose a copy, to Señor Blanco, imparting to his Excellency the decision of Her Majesty's Government that the trial of Thomas Garrett must be proceeded with, he having been captured upon territory in dispute between the two countries, and not upon that of Venezuela; the note of Señor Blanco, in answer to mine to his Excellency of the 23rd March last, which I have the honour to inclose in copy and translation, having crossed the one from me to his Excellency first alluded to.

His Excellency therein tells me to observe that no denial has been made of Thomas Garrett having been captured in Amacura, a territory which, as lying to the north-east [*sic*] of the Moroco Delta, never formed part of the territory in dispute; and which, moreover, Her Majesty's Government acknowledged to belong to Venezuela, in proof of which his Excellency mentions a claim which was made in 1836 upon the Government of Venezuela by them for lighthouses and other signals to be erected upon the Barima Point, and for light vessels to be placed at the great mouth of the Orinoco; and that the Governor of Demerara said, in the same year, that the River Pomeroun, to the west of the Essequibo (and to the south of the Moroco) might be taken as a limit; his Excellency also alluding to a British subject having been brought to trial in 1840 in Demerara for murder, and to the Tribunal having declared itself incompetent, the crime having been committed upon the Morocco Delta, to the south-east and very far from Amacura, and thus having been committed in foreign territory; Her Majesty's Government having also, according to Señor Blanco's assertion, ordered, in the year 1842, and in virtue of remonstrances made by the Venezuelan Legation in London, the English flag which had been placed upon the Barima Point by Commissioner Schomburgk to be taken down; and the Earl of Aberdeen having proposed to Señor Fortique as northern limit on the coast the River Guaima, from its mouth to the River Mora, the course of the latter to the Barama, the River Barama upwards to the 60th meridian west of Greenwich, etc., such proposition having been subsequently modified by his Lordship as follows: "from the mouth of the Moroco, a straight line up to the point at which the River Barama unites itself with the Guaima, from thence by the Barama upstream", etc., Señor Blanco then proceeding to assert that even in the hypothesis of Amacura being situated within the disputed territory, neither of the two Governments could possess the right of exercising jurisdiction within it without the agreement of the other, and that, consequently, the arrest of Thomas Garrett must be illegal; his Excellency then reviewing his former proposal that Her Majesty's Government should cause him to be given over to the authorities of the Republic.

(Signed) R. T. C. MIDDLETON

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Inclosure 1: Mr. R. Middleton, British Chargé d'Affaires in Caracas, to Señor Jesus

Blanco, Venezuelan Minister of Foreign Affairs, 10 May 1875 [Document No. 699 above].

Inclosure 2: Señor Jesus Blanco, Venezuelan Minister of Foreign Affairs, to Mr. R. Middleton, British Chargé d’Affaires in Caracas [Document No. 700 above]

702. SEÑOR D. DE MONTBRUN, CONSUL-GENERAL OF VENEZUELA IN PORT OF SPAIN, TO THE COLONIAL SECRETARY, BRITISH GUIANA
[9 June 1875]

(Translation – Original: French)

Consulate-General of Venezuela, British West Indies, Port of Spain, June 9, 1875.

Sir,

By order of his Excellency the Minister of Foreign Affairs of Venezuela, I have the honour to forward to you a copy of a communication from his Excellency to Her Britannic Majesty’s Minister Resident in Caracas, which you will kindly read to his Excellency the Governor of British Guiana. . .

(Signed) D. MONTBRUN

703. GOVERNOR J. LONGDEN OF BRITISH GUIANA TO THE EARL OF CARNARVON, SECRETARY OF STATE FOR THE COLONIES
[20 July 1875]

Government House, Georgetown, July 20, 1875.

(Extract)

I have the honour to transmit herewith a copy and translation of a letter addressed to this Government by the Consul-General of Venezuela in Trinidad, inclosing a copy of a note addressed by the Venezuelan Minister of Foreign Affairs to the British Minister Resident at Caracas relative to the arrest of Garrett in the disputed territory lying between this Colony and the Republic of Venezuela.

2. As I have no authority to enter into any diplomatic correspondence with the Venezuelan Government through Consul-General Montbrun, I limited my reply to a courteous acknowledgment of his communication.

3. The Venezuelan Minister in his note states that the English Government have acknowledged the territory in which Garrett was arrested to belong to the Republic. In proof of this, the Minister states that in 1836 the Charge d’Affaires of Great Britain called upon the Government of Venezuela to erect lighthouses and other signals in Punta-Barima and *balizos* at Great Bocas

of the Orinoco.

4. This appears to refer to a letter, addressed under date the 26th May, 1836, by Sir Robert Ker Porter to the Venezuelan Minister of Foreign Affairs, requesting the Venezuelan Government to cause a beacon to be erected on Point Rarima. The only knowledge I have of this letter is contained in a despatch from Colonel Belford Wilson to Lord Palmerston, dated the 30th December, 1850, which Colonel Wilson communicated to my predecessor, Sir Henry Barkly. In this despatch Colonel Wilson suggests "the expediency of placing on record in the Legation (of Caracas) some expression of the *non-concurrence* of the Foreign Office in Sir R. Ker Porter's notes to the Venezuelan Government upon this subject." I do not know what steps were taken in consequence of this despatch. I inclose for convenience of reference a copy of the despatch.

5. The Minister next states that "in the same year (?) his Excellency the Governor of Demerara, in a despatch dated the 1st September, 1838 (Parliamentary Papers), says the Pomeroon River to the west of the Essequibo and, to the south of the Maruca could be taken as a boundary."

6. I have been unable to find the Parliamentary Paper referred to by the Minister; but I have read over in the record book the entry of the despatch, dated the 1st September, 1838, addressed by Sir Henry Light to Lord Glenelg, and I venture to quote the whole paragraph in which the words referred to by the Venezuelan Minister occur. It is the opening paragraph of the despatch:

"My Lord, – Though the country over which I have lately passed has no variety of surface and may be represented as one great flat intersected by creeks, rivers, and trenches, yet I think it my duty to attempt some description of it that may enable your Lordship to form perhaps, with the aid of the accompanying map, a more correct idea of the various locations of the cultivation, past and present, and of the future means of increasing this cultivation, and thence judge of the value of this important Colony to Great Britain if supported by the capital of the mother-country and the protection of the Governments, a protection never withheld, but more peculiarly required where the field for the improvement of the resources of the country is so wide and so capable of adding to the treasures of the parent State. The three great rivers, Berbice, Demerara, and Essequibo, may be considered the source of all the alluvial soil now in cultivation, peculiarly British; the Corentyne, being the boundary of British Guiana, is said to be claimed by the Dutch as part of the Colony of Surinam; but it contributes plainly to the richness of the soil on the Corentyne coast of Berbice. Into all these rivers flow what are misnamed creeks, which may rather be considered tributary streams taking their rise at greater or less distances amongst the great marshy savannahs of the interior. The Pomeroon River at the western extremity of Essequibo may be taken as a limit to the country, though there is a Mission supported by the Colony on the Moruca River or Creek, a short distance westward, where 500 Spanish Indians are collected in a Settlement under a Roman Catholic priest recommended from Trinidad, where he is reported to be effecting much good."

7. I have quoted the paragraph entire, even at, I fear, wearisome length, because it shows that Sir Henry Light's intention was *not* to discuss the boundaries, but to give a general view, which he proceeds to do in the despatch, of the general state of that part of the Colony which in his time was cultivated.

8. So far from recognizing the Pomeroon as a boundary with Venezuela, Sir Henry Light, in

a subsequent part of the very same despatch, in apparent ignorance of the actual boundary claimed by Great Britain, speaks of the country "between the Pomeroon and Orinoco as unoccupied by any Power, and not under any authority." I ask your Lordship's leave to quote Sir Henry Light's words: –

"It may be proper here to draw your Lordship's attention to the west coast of Essequibo. Behind the Capoey Creek, west of the river, there are lakes communicating with the Tapacooma, by which small craft may descend the Pomeroon, proceed up the Moroco, and, through the savannah at the head, descend to the mouth of the Orinoco by the River Barima. This communication has been long made by the Indians and vagabonds of all colours for the purposes of smuggling and piracy. The labourers on the estates have thus at their command a means of settling on a coast of 100 miles between the Pomeroon and the Orinoco, unoccupied by any person or under any authority . . . The Spaniards have no post on this coast, and it seems to be considered neutral ground."

In this state it has, under the agreement come to in 1850, remained ever since – a country which both the Republic and the Government of Great Britain have agreed not to occupy or encroach upon.

9. It appears to me that Sir Henry Light's despatch is entirely opposed to the idea that the Pomeroon is the boundary of *Venezuela*.

10. The Venezuelan Minister next proceeds to state that "in 1840 a British subject was indicted in Demerara for having caused the death of an Indian, and his advocate having proved that the act had been committed in Cano Moroco, which lies to the south-east, and far distant from the Amacuroa, the Court decided that they had no jurisdiction, the crime having been perpetrated in a foreign country."

11. I referred this statement to the Registrar of the Supreme Court, and requested him to cause a search to be made in the records of the Supreme Court for the papers in this case. Mr. Hitzler, the Registrar, in reply, stated: "The only indictment in 1840 in which an Indian was the party aggrieved is against John Maul, or Mole, for shooting at one, Belisarius, an Indian, with intent to maim. It was presented at the November Sessions, and, on the motion of the Attorney-General, postponed to the following Sessions, when, on the 24th February, 1841, he was found 'Not Guilty.' The only record I have is a large book in which this indictment and the verdict and the sentence are recorded. The depositions were not at that time placed on record, and the Judge's notes were retained by them. It was before jury trials were introduced."

The Government Secretary, in a Minute, states: "I have looked up the newspapers of the period, and I can find no mention to connect the case with that referred to by the Venezuelan Minister. In the absence of some more definite reference to the case, the name of the injured man, or of him who injured him, or some other particular, I am afraid it will be difficult to identify the case."

12. The next argument advanced by the Minister is that "in 1841 the Commissioner Schomburgk planted the British Standard in Punta Barima, and by virtue of the demands made by the Venezuelan Legation in London, the British Government ordered, under date of the 31st January, 1842, the Governor of British Guiana to have destroyed the marks which had been put up by Schomburgk, which was done accordingly."

13. I have made a diligent search for this despatch among the records here, but I have not

been able to find it. That the orders referred to by the Venezuelan Minister were actually given is clear from other despatches, but it does not appear that in ordering the posts set up by Sir Robert Schomburgk to be removed, the British Government renounced its rights, for the question of the right to Point Barima is discussed in the subsequent despatches *in the same year*. Mr. O'Leary, also, as Charge d'Affaires, writes from Caracas, in a letter dated the 4th April, 1842: "The question of right *remains unaltered*, and there is every probability that the claim of Great Britain to Barima will finally be justified and enforced."

14 The Venezuelan Minister then proceeds to refer to the abortive conferences which took place in London between the Earl of Aberdeen and the Venezuelan Minister for the settlement of the boundary. On this question I can only say that I believe it would be an advantage to both countries, and especially to this Colony, if the question of boundary could be settled.

702. COLONIAL OFFICE TO FOREIGN OFFICE

[30 August 1875]

(Extract)

Downing Street, August 30, 1875.

With reference to the letter from this Office of the 1st April and to previous correspondence on the subject, I am directed by the Earl of Carnarvon to transmit to you, to be laid before the Earl of Derby, extract of a further despatch and its inclosure from the Governor of British Guiana relative to the arrest of Thomas Garrett in the disputed territory between British Guiana and Venezuela.

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Inclosure 1: Governor J. Longden of British Guiana to the Earl of Carnarvon, Secretary of State for the Colonies, 20 July 1875 [Document No. 702 above].

Inclosure 2: Señor D. De Montbrun, Consul-General of Venezuela in Port of Spain, to the Colonial Secretary, British Guiana, 9 June 1875 [Document No. 703 above].

703. SEÑOR EDUARDO CALCAÑO, VENEZUELAN MINISTER OF FOREIGN AFFAIRS, TO THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[14 November 1876]

(Translation – Original: French)

Ministry for Foreign Affairs, Caracas, November 14, 1876.

The Undersigned, Minister for Foreign Affairs of the United States of Venezuela, has received orders from the illustrious American Regenerator and President of the Republic to address his Excellency the Earl of Derby, Her Britannic Majesty's Principal Secretary of State, and Minister in the Department of Foreign Affairs, in order to explain to his Excellency the rights of the Republic in the pending question concerning the boundaries between Venezuelan Guiana and English Guiana. This he proceeds at once to do, first of all assuring his Excellency the Earl of Derby that the President of Venezuela is induced to delay no longer the action which he is now taking, not only by his zeal for the rights of the nation, but also by his confidence in the cordial friendship of Great Britain, and in his Excellency's disposition to preserve the harmonious relations between the two countries unchanged, from which he anticipates the speedy and favourable termination of questions which it is urgently necessary to bring to a satisfactory solution, so that the inviolable peace which the two nations have, with sincere friendship, happily maintained hitherto may not in future be endangered.

From the year 1841 to 1844 the two Governments were engaged in the interesting task of settling in cordial co-operation the boundaries between Venezuela and the English possessions in Guiana, and it was on the occasion of this negotiation that the English Commissioner, Mr. Schomburgk, invaded the Venezuelan territory and set up posts, monograms, and the British flag in the dominions of the Republic, though Her Majesty's Government had only directed him to make scientific explorations for the purpose of ascertaining the boundaries of English Guiana. His Excellency's Government, animated by the feelings of justice that are peculiar to it, ordered, after complaint from Venezuela, the removal of the posts and other signs which had justly alarmed the Venezuelan people. Then it was felt necessary to prevent further difficulties by the conclusion of a definitive Boundary Treaty, the negotiation for which unfortunately remained unfinished at that time on account of the lamentable death of Señor Dr. Alejo Fortique, the Plenipotentiary of Venezuela in London.

For the purpose of renewing that negotiation, and carrying it to the desired termination, and naturally convinced of the favourable dispositions thereto which must be entertained by Her Britannic Majesty's Government, seeing it was the said Government that raised the question at the time referred to by the Undersigned, the Regenerator President of the Republic has now directed this Ministry to address that over which your Excellency so worthily presides, and to make the following statement: –

The right of Spain to the territory of America has always been indisputable in the eyes of all the nations of the world. She discovered and occupied it before any other nation. These are titles universally admitted for the assertion of dominion, and as effectual at least as any which the law of nations has recognized as good. Thus, never has there been an instance of an attack on the right of Spain to these regions, which was sanctioned by the unanimous assent of all nations by the express recognition of some, and the tacit recognition of the rest, and in favour of which she might even adduce the Bull of Pope Alexander VI, which now amounts at least to a fresh and most valuable recognition, whilst at that time it was of decisive significance. And if in applying these grounds for Spanish dominion throughout the American territory to the coasts of Guiana, which are the subject of the present question, the very noteworthy circumstance be borne in mind that they were precisely the part where Columbus first hit upon the American Continent; that there Alonzo de Ojeda began the discovery and conquest of Venezuela; that the government of those lands was that which the Emperor Charles V granted to Diego de Hordas; and that it was in

those very lands that the said Hordas, Herera, Hotal, Cedeño, and others carried out their laborious explorations at the beginning of the sixteenth century, there can be no hesitation whatever in recognizing the then perfect right of Spain to those extended regions, and that of Venezuela now as her legitimate successor.

The spirit of hostility to Spain on the part of her armed enemies in the European war of those times, in combination with the greed excited by the accounts circulated there of the immense auriferous wealth of the new continent, led to the attack and invasion of these territories, which were assailed, ravaged, and taken possession of, in fact, by those who were nothing but depredators, in opposition to every recognized principle. Nor had they even the tolerance of Spain in their favour, for she had to chase them away at various times with energy, and to destroy their intruded establishments so far as the serious affairs, which engaged her attention in Europe allowed her to do so. This was the case in 1595, when she drove the Dutch from the Essequibo, and in 1665, when the inhabitants of the second city of St. Thomas, aided by those of the Province of Caracas, again ejected the Dutch, who, in alliance with the Carib and Araucan Indians, had succeeded in surprising them.

Spain, meanwhile, was strengthening, if it could be strengthened, her right as discoverer and first occupier, by founding towns and establishing Missions for the civilization of the natives in the light of the Gospel, and it is to be noted here that England herself concluded various Treaties with her in which that right was tacitly acknowledged, and even engaged in 1713 and in 1721 to maintain her in possession of the territories which she possessed in the time of Charles II, which extended to the greater part of the new continent.

If at the date of the Treaty of Munster all the American territory was not under the acknowledged dominion of Spain, it was not because the invasions effected and the establishments founded in some parts of it by other European nations deprived His Catholic Majesty of his rights, but because Spain had sanctioned that ownership which they claimed by means of Treaties in which she expressly renounced her own.

The primitive right of Spain to the whole of the American territory being thus established on such a solid foundation, it is incumbent on those who would contest any part thereof to furnish authentic proof of their intervening claim, so as to substantiate an exception to the general rule.

Venezuela, as the legitimate successor of Spain in her rights over the territory of Guiana, just as England is the successor of Holland in regard to the Cape of Good Hope, Essequibo, Berbice, and Demerara, by the Treaty of London and Paris of the 13th August, 1814, is in every way entitled to claim as her own those possessions which Holland – the originator of, Great Britain's right – recognized as hers by the Treaty of Munster, concluded in 1648, and which England herself engaged to preserve to Spain in all their integrity, by Article VIII of the Treaty of Utrecht, which those two nations concluded on the 13th July, 1713; inasmuch as Holland could not cede what did not belong to her, and what she knew did not belong to her – to England; not can Venezuela suppose, without an insult of which she is incapable, that the dignified and honourable English nation can in any manner, or at any time, disown its pledged word and the observance of its stipulations.

By the Treaty of Munster, before referred to, in which King Philip IV acknowledged the freedom, independence, and sovereignty of the United Provinces, and renounced all his rights to them, it was agreed that the Contracting Parties should remain in possession of the countries, forts, factories, etc., which they occupied in the East and West Indies, without power of exten-

sion, and the subjects of the States-General were to abstain from frequenting the places in which the Spaniards were established. That neither the Spaniards nor the subjects of the United Provinces respectively could either navigate or trade in the bays, ports, fortified localities, settlements with castles, or generally in any other place in possession of the other party in the West Indies. Such is the context of Articles V and VI.

The exact tenour of Article VIII of the Treaty of Utrecht, cited in the second place, is as follows: –

“And in order that the navigation and trade of the West Indies may be more stable and profitable, it has been resolved and agreed that neither the Catholic King, nor his heirs or successors, shall cede, mortgage, transfer, or in any other way, or in any respect, alienate from himself and from the Crown of Spain the districts, dominions, or territories of America which by right belong to him, or any part thereof, in favour of France or of any other nation. And for her part, the Queen of Great Britain, in order that the territories of America, which are under the rule of Spain, may be preserved in their integrity, promises that she will do what she can, and assist the Spaniards to re-establish the ancient limits of their American territories, and to settle them as they existed in the time of the above-mentioned Catholic King Charles II, if it shall be ascertained that they have been in any way or under any pretext violated or altered in any part thereof since the death of the said King Charles II.”

Well, then, the boundaries up to which the possessions of Holland in the territory of Guiana extended in 1648, the date of the Treaty of Munster, are those alone which that nation can have ceded to England, because after that year no concession, sale, or acknowledgment of any kind on the part of Spain has augmented the Dutch dominions in the American regions.

Now, what were the limits which Spain was entitled to at the time when Charles II died in 1700, which, moreover, Great Britain undertook to preserve to her in all their integrity, even by affording assistance to rectify them in case they should have been infringed. This is the most important point to be ascertained, in order to throw full light on the matter, and to settle the question definitively in regard to the respective rights of the two countries.

The Undersigned will not stop here to avail himself of the valuable testimony of Herrera, the celebrated historian of Spain and the Indies, of which he wrote the “*Decades*” in the reign of Philip V, nor that of Father Pedro Murillo Velarde, who wrote in 1752, who, in concurrence with other writers of the epoch, unanimously assign to Spain the ownership of all Guiana; nor will he appeal to the public Treaty concluded in 1750 between Spain, and Portugal, in which, both nations binding themselves to aid and assist each other until they were in peaceful enjoyment of their dominions in South America, the obligation on the part of Portugal is extended from the Amazons, or Marañon, to the borders of the Orinoco on both sides; nor to that of the Royal Decree issued at Aranjuez on the 5th March, 1768, in which it is stated, in reference to the primitive limits of Spanish Guiana, that on the south they reach to the Amazons, and on the east to the Atlantic Ocean. The undersigned, inspired by the cordial disposition of the President of the Republic to propound the question in the light most favourable to Great Britain, so far as the rights of Venezuela allow, and most favourable to the friendly settlement which he desires to attain, without injury to the evident claims of the Republic, therefore restricts himself to adduce the authorities and documents which confine our dominions in the regions of Guiana to the narrowest bounds, provided that they are in any reasonable way deserving of serious attention.

Taking this course, then, it is found that such documents and quotations of the kind that are

least favourable to the right of Venezuela fix the River Essequibo as the most advanced limit of the Dutch possessions, and the boundary between the them and the Spanish dominions. The truth of this is verified by maps published in England, in France, and in Spain, by the opinions of geographers and historians, and by official acts of the Peninsular Government.

The learned La Condamine writes: –

“Dutch Guiana begins at the River Marawine, and ends at the Essequibo; for Spanish Guiana there remains the country comprised between the Essequibo, where the Dutch Colony ends, and the Orinoco.”

T. W. Norie, an English geographer, in his “Routier for the Coast of Guiana,” printed in London in the year 1828, expresses himself thus: –

“British Guiana extends from the River Couranie to the north-west up to the Essequibo.”

And he adds: –

“This was the real extent of the Colony arranged between the Spaniards and Dutch by the Treaty of Munster in 1648, and *which has never been revoked since then*; but the owners of English and Dutch plantations, having formed establishments to the north of these boundaries, and settled themselves on the banks of the Poumaron, and beyond Cape Nassau, the boundaries claimed by the English now extend to the meridian of Cape Barima, *although that, in reality, constitutes what ought to be railed Spanish or Columbian Guiana.*”

Father Caulin, in his “*Chorographic History of New Andalusia*,” Book iii, chap. 31, corroborates the statement of Norie, in the following words: –

“The Dutch got possession of the River Essequibo, established Colonies, and founded towns and large plantations, whilst they were carrying on illegal traffic, until they were ejected from thence in 1595; but they returned afterwards, *and spread themselves into the Spanish territory*, until they founded New Middleburgh on the River Poumaron.”

And De Alcalá, in his “*Manual of Geography*”, printed in London, writing in 1837, still asserts at that date, in referring to British Guiana, that “on the banks of the River Essequibo is the establishment of this name, belonging to England.”

The Columbian historian, Señor José Manuel Restrepo, in explanation of the atlas which accompanies his “History of the Revolution of Columbia”, uses these significant words: “Those (the limits) of the Guiana, now English, are traced so as to give to Spain the country up to the River Essequibo, as they are also marked in the best maps published in England itself.”

The following quotation from Reynal is worthy of special attention; it is from his “*Philosophical History of the Two Indies*”, tom. vi, lib. 12, No. 25, p.282 *et seq.* of the Paris edition, 1820: –

“The Colony of Essequibo, situated near the river of this name, is 20 leagues distant from that of Berbice; the Dutch first settled in it; they, like other Europeans, swarmed into Guiana at the end of the sixteenth century, in the hope of finding gold. It is not known at what epoch they settled in Essequibo, though it is proved that the Spaniards drove them from thence in 1595. They afterwards returned to their post, but were expelled again by the English in 1666. This establishment was of little importance, and in 1740, after it was retaken, its productions hardly formed a ship’s freight. Two or three years afterwards some colonists of Essequibo cast their eyes on the adjacent banks of the Demerara, which were found very fertile, and this discovery had very favourable consequences. After some time the works at Surinam were suspended on account of the bloody and ruinous war that had to be carried on with the negroes who had fled

into the woods. Berbice was at the same time agitated by the insurrection of the slaves. Such was the origin of the three Colonies successively formed by the Dutch in Guiana.”

So it appears from Reynal’s historical sketch that, in 1648, the date of the Treaty of Munster, the Dutch had been driven to the Essequibo, and that it was two years after 1740, that is, forty-two years from the death of Charles II, that some colonists of Essequibo had to cast their eyes upon the adjacent banks of the Demerara.

“I do not think,” says M. Dauxion Lavaysse, “that there is in the world a country more healthy, better watered, more fertile, and more agreeable for habitation than that situated, on one side between the Essequibo, and on the other between the Caroni and the Orinoco. This country, *which forms a considerable part of Spanish Guiana*, is more than 45 leagues from north to south, and 70 from east to west, and its extent is a sixth part of this Guiana.”

It was in this country that Spain founded her numerous Missions, which, by the testimony of all the historians who have treated of the labours of the Observantine Fathers, and by the demarcations contained in the Royal Decrees for the institution of Missions, embraced in Rio Negro an extent of 50 leagues, whilst the Catalonian Capuchins occupied the space between the Orinoco and Cape Nassau, and between the sea and the River Caroni, extending from the eastern banks of this and of the Paragua to the shores of the Imataca, of the Cumuru, and of the Cuyuni. At the south-east; they bordered upon Dutch Guiana, or the Colony of Essequibo, this river being the dividing line; on the south they bordered on the desert banks of the Paragua and, Paraguari; and crossing the mountain range of Pacaraino, they came on to the Portuguese Colonies of the River Branco.

On this point there is conclusive force in the acknowledged fact of the resistance which the Government of the Spanish peninsula continually opposed to the invasions of the Dutch on the western shore of the Essequibo, at an epoch long subsequent to the Treaty of Munster. This appears in the instructions which the Intendant of Caracas, Don José de Abalos, issued on the 4th February, 1779, and in which he laid down rules for settling in the Province of Guiana, for the purpose of securing the limits of that territory. Article 2 of the said instructions is to the following effect: –

“The aforesaid Dutch Colony of Essequibo, and the others which the States-General possess on these coasts, are generally on the borders of the rivers near the sea-shore, and they do not penetrate far into the interior of the country; and therefore at the back of Essequibo, and the other Dutch possessions, *going on to the East as far as French Guiana, and to the south as far as the River Amazons*, the ground is *unencumbered on their part*, and only occupied by the heathen Indians and a large number of fugitive negroes, slaves from the Dutch possessions, and also from the plantations of French Guiana. The Commissioners will therefore endeavour to occupy those lands, as belonging to Spain, their first discoverer, and never ceded since, *nor occupied at present by any other Power, nor has any Power a right to do so*; they will extend the occupation as much as possible to the east until it reaches French Guiana, and also as far as possible to the south until it arrives at the Portuguese boundaries.”

Article 4 of the instructions says: –

“It would be most expedient that the aforesaid occupation of the lands and the population thereof should commence in the rear of the Dutch establishments close to French Guiana, and especially at the rivers to which the names of Oyapok and Aprovak have been given.”

The part of the instructions here copied received still more force from the corroboration

thereof by the Royal Order of the 13th April, 1779.

The position of the Peninsular Government in regard to its dominion in the territory comprised between the Orinoco and the Essequibo, and its constant resistance to the invasions attempted by the Dutch, are, if possible, still more clearly and energetically shown in the Confidential Royal Order of the 1st October, 1780, by which Don José Felipe de Inciarte, officer of the Spanish navy, is charged to attack a fort which the Dutch had dared to construct on the bank of the River Moruca (Moroco) 2½ to 3 leagues distant from the Moracabuco Fall to N.E. ¼ E., and concerning which the said Inciarte had laid information the year before. In communicating his instructions to that officer, the Minister Don José Galves writes the following words in the Royal Order: "It is well understood that if the Director-General or Governor Essequibo should complain of this act, the answer is to be that the proceedings in the matter have been and are taken in accordance with laws and general instructions for the advantageous government of our Indies, *which do not allow of such intrusions by foreigners in the Spanish dominions, as those territories are*; the same will be said here if the States-General of Holland should make any complaints or representations."

Thus far have we proceeded in developing the strict, trustworthy, and incontestable demonstration not only of Spain's lawful right to possess, but of the *fact* that she actually did possess up to 1779, as sole Sovereign thereof, all the territories comprised between the Orinoco and the River Essequibo; and if, as the Undersigned has already said above, it was sufficient to know what were the Spanish possessions which, in the Treaty of Munster in 1648, Holland, the founder of Great Britain's right, recognized as belonging to the Peninsula, the proof has been superabundant, for it has been brought down a century and a third later.

And if the Essequibo was still the boundary of the dominions of the two nations in 1779, with all the more reason it was so in 1648, whence it is clear that so it was also in 1700, the year of the death of King Charles II, referred to in Great Britain's engagement, taken in the year 1713, to which the Undersigned has alluded.

But there is something still more decisive, something of insuperable demonstrative force as derived from the mutual testimony of both parties, of Spain and of Holland, in the Convention which they signed at Aranjuez on the 23rd June, 1791 for the reciprocal restitution of deserters and fugitives from their American Colonies. Article I thereof is to the following effect: "It is agreed that there shall be reciprocal restitution of fugitives; white or black, between all the Spanish possessions in America and the Dutch Colonies, especially between those in which the complaints of desertion have been most frequent, namely, between *Porto Rico and St. Eustace, Coro, and Curaçao; the Spanish establishments in Orinoco and Essequibo, Berbice, and Surinam.*" Where it is clearly expressed that, just as *Porto Rico* is Spanish and *St. Eustace* Dutch, *Coro* Spanish and *Curaçao* Dutch, so all the establishments of the Orinoco are Spanish, and how far? As far as the other boundary which designates what is Dutch, as far as the Essequibo, Berbice, and Surinam.

Here it is settled by Holland herself that her limits with Spain to the north only reach as far as the River Essequibo, already mentioned so often. And if this was so after the lapse of 143 years, is it not still more evident that it would have been so 143 years before, that is to say, at the date of the Treaty of Munster, and also almost a century earlier, at the date of the death of Charles II?

Every subsequent occupation of territory that should not have respected this limit would be an offence against all law, and achieved in manifest violation of Treaties made on the good faith

of the nations, safeguarded by the honour of the people who concluded them, and forming the most respected law that Governments acknowledge for their acts and relations. Usurpations of this kind, far from serving as matter for arguments of prescription – which would be untenable and absurd, in the first place, because it is not admitted between nations, and, in the second, because even in the light of the civil law it would be devoid of all the conditions which this requires for its validity – would rather offer fertile theme for claims on account of serious injuries, or for complaints, at least fully justified, for which it is not prudent to afford grounds when friendship is sincere and harmony earnestly desired.

This solid foundation upon which Venezuela supports her right to place the boundary of her possessions by the coast of Guiana in the mouth of the River Essequibo, and the well-grounded confidence which the President of the Republic entertains in the strict feeling of justice which is natural to Her Majesty the Queen of Great Britain, lead him to hope that the solution of this question, already for so many years delayed, will be a work of very speedy and cordial agreement. . .

(Signed) EDUARDO CALCAÑO

704. SEÑOR JOSÉ DE ROJAS, VENEZUELAN MINISTER IN LONDON, TO THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS

[13 February 1877]

94, Gloucester Place, Portman Square, February 13, 1877.

My Lord,

I am instructed by my Government to call your Lordship's attention to the convenience of determining by Treaty the boundaries between British Guiana and the Republic of Venezuela.

This question was discussed by Her Majesty's Government in the years 1841 to 1844 without any definitive result, because the proposal of a Conventional Line submitted to the Venezuelan Minister at this Court by the Honourable Lord Aberdeen, Secretary of State for Foreign Affairs, in his despatch of the 30th March 1844, could not be accepted by my Government for the following reasons: –

1. That the proposed line was exceedingly prejudicial to some Venezuelan settlements in that region, and was offered at the same time to my Government on behalf of the British Crown as a concession out of friendly regard to Venezuela, and not as a right which we thought we were entitled to demand.

2. Because the condition establishing that the Venezuelan Government should enter into an engagement with the British Government, that no portion of that territory should be alienated at any time to any foreign Power, was considered by my Government as detrimental to the independence and sovereignty of the Republic. By our Constitution not a single inch of territory can be sold to a foreign Power, and if any Government in Venezuela should attempt to do it, they would be considered as traitors, and immediately overthrown. But this prescription of our internal and Constitutional law has a different character if it is imposed by a foreign Power.

We are disposed, my Lord, to settle this long-pending question in the most amicable manner,

and to decide it according to what Her Majesty's Government may deem most convenient, that is to say, either accepting as a boundary the line which may result according to the titles, maps, documents, and proofs which either party shall present, emanating from the Spanish and Dutch authorities, up to the time that they intervened in this matter, or accepting a conventional line, fixed by mutual accord between the Governments of Venezuela and Great Britain, after a careful and friendly consideration of the case, keeping in view the documents presented by both parties, solely with the object of reconciling their mutual interests, and to fix a boundary as equitable as possible.

I beg to state here that my Government is in possession of the most effective and authentic titles which prove that up to the time before alluded to the River Essequibo was the eastern limit of the Spanish possessions on that coast; and if I make this assertion, the correctness of which we can establish, if the day arrives, I have not had the slightest desire of putting forward a claim which my Government do not intend to maintain, for reasons of particular consideration towards the British Government, but only to impress upon your Lordship's mind the convenience of adopting the plan of a Conventional line mutually satisfactory, to prevent the occurrence of serious differences in the future, particularly as Guiana is attracting the general attention of the world, on account of the immense riches which are daily being discovered there.

If Her Majesty's Government concurs in these views, I shall be very happy to know if your Lordship deems it convenient to proceed to the adjustment of the proposed Treaty at once, or if it be considered more convenient to appoint a Mixed Commission by both Governments to survey with the least possible delay certain points of the territory in dispute, in order to ascertain if, by adopting a Conventional line, we can establish, on behalf of both countries, a natural boundary.

At the same time I shall be very happy if your Lordship should accept the tenour of this note with the same spirit of goodwill and consideration with which it has been written in obedience to the especial orders of my Government.

(Signed) JOSÉ M. ROJAS

704. THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO SEÑOR EDUARDO CALCAÑO, VENEZUELAN MINISTER OF FOREIGN AFFAIRS

[16 February 1877]

(Translation – Original: French)

Foreign Office, February 16, 1877.

M. le Ministre,

I have the honour to acknowledge the receipt of two despatches from your Excellency dated the 14th November last, two dated the 2nd December,* one dated the 9th December, and one dated the 11th December,* relating to various questions between the Governments of Her Majesty and that of the Republic of Venezuela.

I have also had the honour to receive a further despatch from your Excellency, dated the 11th

December, informing me of the appointment of Señor Dr. José Maria Rojas as Minister Resident of the Republic of Venezuela at this Court.

Señor Rojas, who has since arrived in England, has been received in audience by Her Majesty the Queen, and has entered upon his functions as Venezuelan Minister; and as I presume that he will be furnished with instructions upon the matters to which your Lordship's above-mentioned despatches relate, it is unnecessary that I should say more in reply to those despatches than that Her Majesty's Government will always be happy to receive and will give the most earnest attention to any representations which the Venezuelan Government may think fit to address to them, either through Señor Rojas or through Mr. Middleton, Her Majesty's Minister Resident at Caracas.

(Signed) DERBY

[* Not referring to the boundary question]

**705. THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO SEÑOR JOSÉ DE ROJAS, VENEZUELAN MINISTER IN LONDON
[17 February 1877]**

(Translation - Original: French)
Foreign Office, February 17, 1877.

M. le Ministre,

I have the honour to acknowledge the receipt of your letter of the 13th instant, in which you urge that steps should be taken for determining by Treaty the boundaries between the Republic of Venezuela and the Colony of British Guiana.

I beg leave to assure you that the contents of your letter will be carefully considered by Her Majesty's Government, and as soon as a decision upon the subject, is arrived at I shall have the honour of making a further communication to you.

(Signed) DERBY

**706. THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO SEÑOR JOSÉ DE ROJAS, VENEZUELAN MINISTER IN LONDON
[24 March 1877]**

(Translation - Original: French)

Foreign Office, March 24, 1877.

M. le Ministre,

With reference to my letter of the 17th ultimo upon the subject of your proposal that steps should be taken to arrive at an agreement between Her Majesty's Government and that of Venezuela with regard to the boundary-line between Venezuela and the Colony of British Guiana, I have the honour to state that as Sir James Longden, the Governor of that Colony, is shortly expected in this country, Her Majesty's Secretary of State for the Colonies is anxious to await his arrival before taking any steps in the matter.

I have to add that after Sir J. Longden's arrival a further communication will be made to you on the subject.

(Signed) DERBY

707. SEÑOR JOSÉ DE ROJAS, VENEZUELAN MINISTER IN LONDON, TO THE EARL OF DERBY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS
[30 March 1877]

(Translation – Original: French)

*Legation of the United States of Venezuela,
15, Place de la Madeleine, Paris, March 30, 1877.*

My Lord,

I have the honour to acknowledge the receipt of your Lordship's letter of the 24th instant, acquainting me that Her Majesty's Secretary of State for the Colonies is anxious to await the arrival of Sir James Longden, the Governor of the Colony of British Guiana, shortly expected in London, before taking any steps to arrive at an agreement upon the subject of the boundary-line between Venezuela and that Colony, and that a further communication will be made to me in the matter after Sir James Longden's arrival.

I have only to state, in reply, that I shall be very much pleased to receive the said communication when the opportunity arrives.

(Signed) J. M. DE ROJAS

708. SEÑOR JOSÉ DE ROJAS, VENEZUELAN MINISTER IN LONDON, TO THE MARQUESS OF SALISBURY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS
[19 May 1879]

(Translation – Original: French)

*Legation of the United States of Venezuela,
Grosvenor Hotel, Belgravia, London, May 19, 1879.*

My Lord,

In February 1877 I had the honour of addressing Her Britannic Majesty's Secretary of State for Foreign Affairs, suggesting to him, on behalf of my Government, the expediency of fixing the boundaries between Venezuelan Guiana and British Guiana by means of a Treaty.

I stated to Her Britannic Majesty's Government then that the line of accommodation proposed by Lord Aberdeen, Her Britannic Majesty's Secretary of State for Foreign Affairs, in March 1844, to the Plenipotentiary of Venezuela at this Court, had not been accepted by my Government, both because the demarcation thus proposed was prejudicial to Venezuelan interests, and because the condition imposed on my Government for its acceptance of the line appeared to it very inappropriate.

To the overture that I made in 1877, Lord Derby, Her Britannic Majesty's Secretary of State, answered that, as Sir James Longden, Governor of British Guiana, was expected in London soon, the Secretary for the Colonies was awaiting his arrival, to confer with him previous to forming any resolution, but that, when he came, another communication would be made to me on the subject; no such communication has been received up to the present date.

My Government wishes, my Lord, to obtain, by means of a Treaty, a definitive settlement of this affair, and is disposed to proceed to the demarcation of the divisional line between the two Guianas in a spirit of conciliation and true friendship towards Her Britannic Majesty's Government.

The Boundary Treaty may be based either on the acceptance of the line of strict right as shown by the records, documents, and other authentic proofs which each party may exhibit, or on the acceptance at once by both Governments of a frontier of accommodation which shall satisfy the respective interests of the two countries.

If Her Majesty's Government should prefer the line of strict right, it is obvious that each party will have to produce its documentary claims, and that the line of demarcation shall be that which those documentary claims determine in a clear and evident manner. Those which Venezuela has in her possession prove to conviction that the River Essequibo is the eastern boundary of Venezuelan Guiana, starting from the date of the Treaty of Munster in 1648, from which no one disputed the right of Spain to those territories up to 1814, when the Dutch Colony passed into the possession of the British Crown. If Her Britannic Majesty's Government should wish to conclude the Treaty on the basis of adopting the line of strict right, I have received orders to solicit in such case that your Excellency would be pleased, if you think fit, to appoint a Plenipotentiary to open the Conferences with me.

If Her Britannic Majesty's Government should prefer the frontier of accommodation or convenience, then it would be desirable that it should vouchsafe to make a proposition of an arrangement, on the understanding that, in order to obviate future difficulties, and to give Great Britain the fullest proof of the consideration and friendship which Venezuela professes for her, my Government would not hesitate to accept a demarcation that should satisfy as far as possible the interests of the Republic.

At all events, my Lord, something will have to be done to prevent this question from pending any longer.

Thirty-eight years ago my Government wrote, urging Her Majesty's Government to have the Boundary Treaty concluded, and now this affair is still in the same position as in 1841, without

any settlement; meanwhile Guiana has become of more importance than it was then, by reason of the large deposits of gold which have been and still are met with in that region.

My Government hopes that Her Britannic Majesty's Government will receive these intimations in a kindly spirit; and if it considers them reasonable, will be pleased to honour the Venezuelan Government with a satisfactory answer.

(Signed) J. M. DE ROJAS

709. THE MARQUESS OF SALISBURY, BRITISH SECRETARY OF STATE FOR FOREIGN AFFAIRS, TO SEÑOR JOSÉ DE ROJAS, VENEZUELAN MINISTER IN LONDON

[2 June 1879]

(Translation – Original: French)

Foreign Office, June 2, 1879.

M. le Ministre,

I have the honour to acknowledge the receipt of your letter of the 19th ultimo, in which you urge the conclusion of a treaty defining the boundaries of Venezuela and British Guiana.

In reply, I beg leave to state that I shall not fail to place myself in communicating with Her Majesty's Secretary of State for the Colonies on the subject, and that an answer shall be returned to you as soon as possible.

(Signed) SALISBURY
