

## **Tewodros II and the Regime of Extra-Territoriality under the Anglo-Abyssinian Treaty of 1849**

### **Introduction**

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Tewodros II of Ethiopia is probably among those leaders whose names are associated with as much curses as praises. One of those acts for which he definitely deserves praise is his refusal to give in to British extra-territorial right which was bequeathed to him through his victory over Ras Ali.\* In its simplest sense the regime of extra-territoriality was meant to serve as a vehicle of guaranting aliens to live under the protection of their national laws even when they are in a territory other than their own.

The pretext for such an arrangement has varied through the ages. It was religious difference at first and as the years went by the protection of other interests such as commerce and trade crept into the list. Such a special protection was needed, so it was alleged by the lackeys of the regime, because the host countries with their inferior and retarded civilization lacked legal institutions for the protection of foreigners in a manner consistent with the requirements of civilization.<sup>1</sup>

The regime of extra-territoriality, therefore, generally involved a so-called civilized state on the one hand and a backward one on the other. In such a deal, however, it was the so-called backward state, that was invariably the loser as it was expected to make concessions on its sovereign right in return for nothing.

The striking of such a derogative deal with one power was enough to extend the scope of the treaty to include other states not party to it. This was generally achieved through the application of the most favoured nation treatment clause contained either in previous treaties or in newly concluded ones.<sup>2</sup> Such an arrangement was, obviously, a limitation of the sovereignty of the conceding state in more than one way. It meant, in many respects, the exclusion, of the alien community from the jurisdiction of the state in which they reside or work. It also enabled the consul or diplomatic staff of a foreign power not only to usurp the judicial power of the host state, but also to apply his own legal system in a country which at least in theory, is sovereign and independent.

Since a good part of the trade and commercial activities were conducted by foreigners, such a treaty had also the additional effect of legislating such sectors out of the control of the host state. It was, in short, a prelude to a bigger loss which in many instances had resulted in the relegation of the host state into a status of a colony or a protectorate.<sup>3</sup>

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\* See letters of Tewodros and the treaty of 1849 which are reprinted following the article as relevant background documents (Editor)

Not all leaders of the victim states were unaware of the heinous nature of such an arrangement. Emperor Tewodros II of Ethiopia who reigned from 1855-1868 was one of those leaders who foresaw the evil consequences of such a deal and stood squarely to oppose it. It was the first and the earliest attempt to impose such an affront on the independence of Ethiopia. His consistency was so remarkable in that he preferred death in his own hand, rather than capitulate to British dictation.

### **Background to the Treaty of 1849**

An outline of the history of the treaty, or that of Emperor Tewodros is beyond the scope of this short paper. What is intended here is to discuss and point out some of the salient elements in the Anglo-Abyssinian Treaty of 1849 regarding extra-territoriality and to touch on some of the objections which were raised by the Emperor. But to do that a sketchy presentation of the background of the treaty as well as the personalities that were closely involved with it would first be in order.

The history of the Anglo-Abyssinian Treaty of 1849 is in a way a history of Walter Chichele Plowden. Walter Plowden was born on August 9, 1820. He went to India at the age of 19 and joined the firm of Carr, Tagore & Co., of Calcutta which job he gave up 4 years later with a view to return to England. On his arrival at Suez, sometime in 1843, he met Mr. John Bell, an ex-naval officer in the British army, and on the spur of the moment decided to join Mr. Bell in an expedition into Abyssinia with the aim of discovering the source of the White Nile. He remained in Abyssinia till 1846 when he decided to go back to England via Massawa, and reached London in August 1847. His nearly five years travel in Ethiopia had gained him the acquaintance and, indeed, the confidence of some of the prominent chieftains of the time. Ras Ali and Dejach Wube were among them. These two powerful chieftains were competing for the position of king-maker—a position that not only gave the powerful Ras to decide on who should be the king but also to act in the name of the king without even caring to consult him. Circumstances were in favour of Ali in the struggle, and upon his departure in 1846 Plowden undertook to act as Ali's emissary to Britain. He was accompanied by Aleka Desta as an envoy who, it is said, refused to proceed to London from Cairo after his bitter experience of shipwreck in the Red Sea.<sup>4</sup>

Ras Ali's message was not serious in content, so much so that he did not see the need even to put it on paper. With the envoy unwilling to go to England and with the small presents intended for the Queen laying in the bottom of the Red Sea, the task of conveying the oral message to great Britain was entirely left to Plowden. The purpose of the mission, as far as Ras Ali was concerned, did not pass from a mere expression of courtesy. This is evident from Plowden's own memorandum, which states in part,<sup>5</sup>

It is not to be supposed that the Ras could have in view any more definite result than a certain interchange of courtesy, the consequent facilities and protection that would be afforded by him to English travellers.

But from the point of view of Plowden the mission had definite intent and result. In the first place it had enabled him to travel to England and back at the expense of the British government. In the second place it had augmented his chance of having audience with the high ranking officials of the Foreign Office providing him thereby with the residual opportunity to advance his own views on what Britain should do about Ethiopia and possibly to press for it. In the end it was Plowden the British and not Plowden Ali's envoy that emerged. Great Britain was quick to act. Sometime in 1847 Palmerstone had decided to appoint Mr. Plowden British Consul in Abyssinia with his residence at Massawa.

After further consultation Plowden was given his directives and assignments and was dispatched in January 1848 to Abyssinia, via Massawa, with a letter for Ras Ali and draft of the treaty to be concluded "without any material alterations". Plowden was thus expected to accomplish mainly two tasks. The first was to establish British consulate in Massawa and to serve as the first British consul in Ethiopia from there; and the second was to get Ras Ali to agree to the terms of the treaty "drawn up in the name of the Emperor or in the joint name of the Emperor and the Ras" and to have it "signed by both".<sup>6</sup> Plowden had equally succeeded and failed in both. His task was a success vis-a-vis Ras Ali, but it was a complete failure vis-a-vis Emperor Tewodros.

In as much as the establishment of the Consulate as well as the designation of a Consul did not arise from any bilateral accord between the two countries, it was a unilateral act of Great Britain. The effect was, however, greatly mitigated by the fact that the Consulate was to operate from Massawa, a territory then under Turkish jurisdiction.

Although Plowden was appointed the first Consul he was by no means the first to advance the idea of Consulate in Abyssinia. Charles Beke claims the credit for having put forward the idea as far back as 1846. According to him the "idea did not originate in any political object but in consequence of a suggestion made by me in 1846 as to the obtaining of agricultural labourers from Abyssinia".<sup>7</sup> Palmerston hinges the reason on trade, and when Plowden insisted that the Consulate be established on Ethiopian soil, he is said to have rejected the proposal in these words: "All we want is trade and land is not necessary for trade."<sup>8</sup>

But, the purpose for establishing the Consulate, or the tasks assigned to the Consul, seem to be far from non political or simplistic as claimed by Beke and Palmerston. Past and subsequent events provide ample evidence to suggest otherwise. The inter European rivalry, specially between Britain and France,

which was evident from the intense diplomatic as well as religious activities in the courts of several chieftains from Shewa to Tegraï had no doubt their share to play. This was how Viscount Valentia, formerly Sir George Annesly, raised the alarm as early as 1804 for Great Britain against the impending French expansion in the region.

The crescent of Mohammed no longer indeed, forebodes danger to christianity but the equally terrible eagles of regenerated France threaten universal destruction to ancient establishments, and it is apparent that their formidable master has more particularly formed his plans against the eastern Empire of England. It was for the furtherance of this object that Egypt was conquered - and it is a continuation... to cultivate the friendship of the Arab powers. Abyssinia is of infinitely more importance than these, but fortunately, France knew not that Abyssinia was accessible.<sup>9</sup>

The Viscount urged Great Britain to take advantage as the first comer by establishing relation with Abyssinia which in his words "will forever shut out the French, but if we should neglect the opportunity, they will profit by our folly..." The taking of Aden by the British in 1839, and the entrenchment of the Catholic Mission in northern Abyssinia as well as the intense activity of the French around Zeyla and Tajura were not signs that could help to mitigate the feud either.

This is also what one learns from the indignant reply of Plowden's brother against charges of breach of duty levelled at Plowden posthumously by officials of the Foreign Office. According to him,

"The duties of the Consul were to watch and counteract foreign intrigue-that of France especially, to keep peace between Abyssinia and Egypt; to obtain the abolition of slavery and to establish and promote commercial intercourse between Great Britain and Abyssinia."<sup>10</sup>

At any rate, whatever may be the motive, Plowden was back at Gondar early in 1848 not as a traveller as theretofore he was, but as Consul of the British Government, and of course with a definite assignment.

Plowden's report to the Foreign Office indicates that he did not meet any difficulty in presenting the gifts he was carrying for the Ras or in having himself accepted as British Consul in Abyssinia. Nor was he challenged on the content of the treaty which was unilaterally drafted by the Foreign Office.

One problem in connection with it was to track down Ras Ali to enlighten him on the purpose and content of the treaty. Plowden states that he was greatly assisted by his fellow countrymen John Bell who, having earlier enrolled himself in the service of the Ras, was holding a position of some prominence.

Finally, after 8 months of wandering with the Ras accompanying him on his various campaigns, Plowden was able to have the treaty signed by the Ras and not by the King as directed by the Foreign Office on November 2, 1849, at a place called Ennawga, in the province of Gojam. This led Plowden to suggest to the Foreign Office that a ratification of the treaty be addressed to Ras Ali "to impress him with the reality of the transaction" and as a result the letter of ratification was received by Ali on 1 March 1852<sup>11</sup>.

The occasion of the signing of the treaty is vividly portrayed by Plowden as follows:

... one morning, I went into his inner tent and has the treaty read to him by my scribe.

... He kept talking to his favourite shoomeree about a horse that was tied in the tent and that was nearly treading me under foot half a dozen times (we all sat on the ground, the Ras inclusive). On asking me some trifling question in answer, I begged his attention to what was being read, to which he assented, and yawned exceedingly - however, it was got through some points having been explained and dwelt upon by me. Where upon, the Ras said that he saw no harm whatever in the document: on the contrary, that it was excellent, but appeared to him exceedingly useless, in as much as he did not suppose as Abyssinia was then constituted, that one English merchant would or could enter it in ten years. He then sealed the two copies, and gave his own to a favourite debtara, with orders to take it to Debre Tabor, and lock it up there."<sup>12</sup>

But Ali was not there to stay for long. He did not stay long enough even "to publicly proclaim the Consulate and the principal points of the Treaty" much less witness its implementation. His demise came swiftly when his soldiers were beaten successively by the forces of Kassa, his son-in-law, who was soon to become Emperor Tewodros II King of Kings of Abyssinia. The succession of events and the incredible decline of the Ras, who had signed the Treaty with the assumed title of 'Ali-Neguse Abesha' only four years ago was so fast as to lead Plowden to inform the<sup>13</sup> Foreign Office that the Treaty with Ras Ali was "likely to become a nullity". Ali knocked out of the scene soon after, Kassa and Wube emerged as the principal contenders to fill the place vacated by him. That too was not a duel which lasted long.

The battle of Deresge between the forces of Kassa and Wube of February 1855 sealed off the fate of Wube and that of the Zemene mesafint (alias the Era of the Princess, the period between 1769 - 1855 in Ethiopian history). Kassa, who emerged victorious in successive battles, was not content with the assumption of the fictitious title of King-Maker, so much vaunted and fought for by his predecessors. He was intent to deal with it decisively and to do that he had to pierce the veil that separated the puppet king from the strong chieftain and unite them in the personality of one leader. And that was precisely what he did when he was crowned and declared himself Tewodros II king of kings of Abyssinia on or around 11 February 1855 at the church of Deresge. It was the beginning of the end of an old era and the commencement of new one.

With Kassa installed as Tewodros at the helm of state power and with the consequent confusion resulting from the war plowden saw it fit to remind Tewodros of the Treaty he had signed with Ras Ali and of his position as British consul in Abyssinia.

He was at the court of Tewodros in June 1855 at the behest of John Bel who having changed side was even better off under his new master.

### **The Treaty of 1849**

But before proceeding into that, a quick survey of the relevant part of the treaty would first be in order.

The Anglo - Abyssinian Treaty of 1849 was concluded between the two countries as a Treaty of Commerce and Friendship.<sup>14</sup>

It consisted of 19 Articles of which the first 16 and the last Articles were substantially identical with the 16 Articles that constituted the Anglo-Shewan Treaty signed on November 16, 1841<sup>15</sup> between Sahle silassie king of Shewa and Captain W.C. Harris at the Shewan Capital of Angolella.

These Articles mainly dealt with matters regarding the exchange of diplomatic agents and the manner of conducting commercial relations between the two countries as well as the amount of duties to be levied on imports and the manner and the place of paying same.

But the basis of the relations between the two countries as stipulated in these Articles were far from being reciprocal containing thinly veiled capitulatory terms in favour of British interest in Ethiopia. The most derogative part of the Treaty is, however, that provided under the magic<sup>16</sup> number 17.

The original text of the treaty was made in *English* and Amharic with both versions appearing side by side on the same pages. The treaty contains no clause or clue as to which of the two versions should prevail in case of conflict.

But conflict, there surely was ! And that appeared in the very heart of Art. 17 in a manner that compromised the judicial power of the British consul.

The beginning and the last parts of the Article are remarkably in agreement in both languages. But as if by design, the part dealing with the second jurisdictional power of the consul appearing in the middle of Article 17 of the Amharic text was simply the antithesis of the English version. According to the Amharic text was simply the antithesis of the English version. According to the Amharic version that part ran as follows:

... and in all cases when disputes or differences shall arise between British subjects or between British subjects and the subjects of Abyssinia or between British subjects and the subjects of any other foreign power within the dominions of His Majesty of Abyssinia, the Consul of *His Majesty of Abyssinia* or other duly appointed officer, shall have power to hear and decide the same. ( Emphasis added.)

Two consuls seem to have been anticipated according to the Amharic version of Article 17.

The first an English Consul, to try and adjudicate any crime committed by a British subject any where in Abyssinia, and the second a consul of His Majesty of Abyssinia to hear and decide disputes or differences involving British subjects inter se or between British subjects and the subjects of the Abyssinian king or between British subjects and the subjects of any other foreign power.

Construed strictly this allocation of judicial power came close to drawing a line between criminal and civil jurisdictions. Accordingly, the judicial power of the British Consul went as far as and no further than hearing and deciding criminal cases in which British subjects are involved. Shorn of his jurisdiction over civil cases the British Consul as portrayed in the Amharic version, is by far weaker and meeker compared to what was anticipated in the English version.

The hero or the crook responsible for this disparity is not known for certain. Whether it is a mistranslation, a slip of the pen or a purposeful deviation to persuade Ali, or to accomodate his wishes is equally unknown.

Plowden's account of the signing ceremony does not shed much light on this problem. What is more, one finds no allusion to this disparity in the subsequent communication between the two government regarding the Treaty.

But then, the following points may, among others help to hint that the disparity was a result of mistranslation or at any rate one not intended by Plowden

1. In the first place the Treaty was prepared in English and Plowden's mandate was to have it signed by Abyssinian rulers "without any material alternations." The Amharic version, if an intended one, is clearly beyond that mandate.
2. The appointment of an Abyssinian Consul by the Abyssinian King as to hear and decide civil matters with British subjects appearing

paties is by all means reasonable and plausible. But the designation of such a person as consul and much more licensing him to carry out his duties,

... without any interference molestation or hinderance on the part of any authority of Abyssinia either before, during or after the litigation... especially by an international treaty sounds a bit too outlandish. It is difficult to anticipate other possibilities as the Treaty nowhere obliges the Abyssinian king to designate an expatriate as a consul or to reappoint British Consuls to do the job for him.

3. Plowden, who worked so hard to get the Treaty signed by Ali had it translated into Amharic by his own secretary. He also used the service of his secretary to have the Treaty read to Ali.

Obviously that was a golden opportunity for Plowden not only to put forward to Ali the Treaty as proposed in its English version but also to persuade or beseech Ali to accept it.

This being the case it is hard to imagine that Plowden, of his own free will, would, right from the start, weaken his negotiating position by authorizing or instructing his secretary to soften and weaken the Amharic translation of Article 17.

4. There is equally no hint or evidence to suggest that the Amharic rendition of Article 17 is a result of a compromise between the two contracting parties. Ali, who apparently sought no aid from his councillors on the matter was, if anything unenthusiastic and least interested in the whole idea of a treaty. He had to be begged by Plowden during the discussion not to engage in trifling questions and attend to the Treaty while it was being read to him by Plowden's scribe. Having been read to Ali the Treaty

... was got through some points having been explained and dwelt upon by me where upon the Ras said that he saw no problem whatever in the document... He then sealed the two copies and gave his own to a favourite debtera, with order to take it to Debra Tabor and lock it up there.

What Plowden explained to Ali, or whether his explanation touched upon Article 17 is difficult to say. It is equally hard to say whether there was a meeting of the minds between the two parties on Article 17 as Ali was affixing his seal at the foot of the Treaty, even though that may not have been a point significant enough to perturb Ali's passive mind. But as for Plowden he may safely assume that when he walked out of the inner tent of Ali with his sealed copy at hand, it must have been with a feeling of self-accomplishment following the treaty 'got through' exactly as directed. The English version of Article 17 reads as follows:



His Majesty of Abyssinia agrees that in all cases when a British subject shall be accused of any crime committed in any part of His Majesty's dominions, the accused shall be tried and adjudged by the British Consul or other officer duly appointed for that purpose by Her Britannic Majesty; and in all cases when disputes or differences shall arise between British subjects, or between British subjects and the subjects of His Majesty of Abyssinia, or between British subjects and the subjects of any other foreign power, within the dominions of His Majesty of Abyssinia, Her Britannic Majesty's Consul, or other duly appointed Officer, shall have power to hear and decide the same, without any interference, molestation or hinderance on the part of any authority of Abyssinia, either before, during or after the litigation.

According to the provisions of this Article the British consul or other British Officer duly appointed by Her Britannic Majesty for that purpose is empowered:-

1. To try and adjudicate all cases when a British subject shall be accused of any crime committed in any part of the dominions of His Majesty of Abyssinia.
2. To hear and decide all "disputes or differences," within the dominions of His Majesty of Abyssinia.
  - (a) involving British subjects interse.
  - (b) between British subjects and the subjects of His Majesty of Abyssinia, and
  - (c) between British subjects and the subjects of any other foreign power.

One apparent loophole in this Article is its failure to specifically provide the venue where a British subject should take his complaint in the event he is a victim of crime instead of its perpetrator. Considering the scope intended to be covered by the Treaty the loophole seems to have resulted from an oversight rather than an act of deference to the local judicial system.

At any rate it would be most unlikely to expect that the narrow expression of the first part of this Article would have had the effect of limiting the jurisdiction of the Consul considering the fact that he was made by the Treaty an 'arbitrator' over all "disputes or differences" to which a British subject is a party.

Obviously, and for understandable reason, the Treaty is silent with regard to civil cases in which a British subject and the Abyssinian State are involved as parties.

The assumption of jurisdiction by the British Consul or any other designate over cases listed under Article 17 has the additional implication of deciding what law to apply. In as much as nothing is provided with regard to the law he is tacitly empowered to dispose all cases that appear before him in accordance with his own national law. That in short means a total disregard of the prevailing custom or legal system.

The insulation effect which results from such an arrangement for British subjects especially with regard to criminal offences is obvious. An act or omission becomes a crime not because the local law or custom makes it so, but because such conduct is declared crime under the British legal system. The net result is, therefore, not only one of jurisdictional competence to the British consul but also the application of the British standard of conduct in a locality with completely different setting. In short, a British citizen is allowed to live in Abyssinia under the legal norms of England simply because he is British, and by that fact alone he is absolved from observing the Abyssinian norm of conduct to the extent that such norm does not correspond to the British one.

This leaves no incentive to the British litigant to avail himself either of the local law or of such developed custom as resorting to shimagles ( elders) to arbitrate issues involving civil or criminal cases.

The rest three instances over which the British Consul or other designate is given jurisdiction appear to foresee civil cases as the terms " disputes or differences" contained in the latter part of the Article seem to suggest.

Of these the last two give to the British Consul the right to pass judgement over disputes that directly affect the rights of persons that are not British citizens. Accordingly, the claim to jurisdiction by the British Consul over such cases is made contingent on whether one of the parties is a British subject. Hence the citizenship of the other parties as well as whether they appear as plaintiffs or respondents in the case is totally disregarded. Implied in this is also the fact that the non-British litigant had to travel to the locality where the British consul resides in order to present his case instead of availing himself of the local dispute settling mechanism. This in all probability would have had the tendency to deter several Abyssinian plaintiffs from pursuing a case against a British subject either from fear of incurring more expenses for the travel or to avoid the complications they would likely face before an alien judge. Here again the Treaty contains no hurdle to limit the discretion of the consul to apply the British legal system in the adjudication of the "disputes or differences" that are brought before him.

That part of the Treaty which purports to give jurisdiction to the British consul on nationals neither Abyssinian nor British goes even beyond the scope of capitulation as it touches upon the interests of a third power.

The Treaty, which fails to provide the applicable law, is also silent on whether or not appeal is possible from the decisions of the consul. Nor does it

provide who hears such an appeal if one were allowed. Since the consul is given the power to hear and decide cases that fall under his jurisdiction

without any interference, molestation or hinderance on the part of any authority of Abyssinia either before, during or after the litigation . . . . .

it may be reasonable to conclude that neither an appellate jurisdiction nor appeal from the decision of the Consul was anticipated by the Treaty. In addition, the wording of this provision seems to conveniently extend the jurisdiction of the Consul far beyond the realm of adjudication and stretch it deep into the sphere of execution.

- .. The Consul is further empowered by Article 18 of the Treaty
  - ... To take charge of papers and property of a deceased British subject for the benefit of his lawful heirs and creditors without any interference of the Abyssinian authority . . . . .

Here again no regard is made as to the citizenship of the heirs and creditors of the deceased British subject. The British Consul is once more again authorized to apply possibly the British legal system in matters that are likely to involve issues of conflict of laws.

Finally the strict observance of this lopsided arrangement is made by Article 19 the basis of the "continuance of lasting and permanent friendship between the contracting Sovereigns." How long the Treaty was supposed to remain in force, or the manner of contracting out of the Treaty has not been provided by it.

That being the case, nothing less than mutual agreement would have ended it. And to strike such an accord one has to rely on the generosity of Great Britain which was most unlikely to be forthcoming in the circumstances.

### **Tewodros and the Treaty of 1849**

Plowden apparently met no problem in extracting such a major concession from Ras Ali.<sup>17</sup> He was at the Court of Tewodros in 1855 not with a view to renegotiate the 1849 Treaty or even to seek the new sovereign's confirmation on it. As far as Plowden was concerned the Anglo - Abyssinian Treaty was *une chose fait accompli* and Tewodros was duty bound to honour it. This is what one gathers from Plowden's report of June 25, 1855 to the Foreign Office. The relevant part of that letter reads:

The evening before the day fixed for my departure the King sent to me to know the object of my coming. I replied that I had not come on the part of the government or in any official capacity but that as I was about to visit England, it was important that I should know and report His Majesty's desposition respecting

the establishment of a Consulate and friendly relations generally, I hinted also at what had been arranged with Ras Ali. <sup>18</sup>

Plowden must have been taken by surprise by what the king had to say in reply to his assertive statement.

"I know nothing", retorted Tewodros, « of what Ras Ali may have done . . . I have never heard of a Consulate under the former kings of Abyssinia and this matter must be referred to my council and the principal people of my court " <sup>19</sup>

Thus Tewodros had made his position about the Treaty very clear in an extremely precise manner.

His reply at once invokes negative as well as positive grounds as his defence. Negatively, he was disclaiming responsibility for a treaty of which he was unaware or to which he was not a party in the first place. The circumstances were such that it was possible for Tewodros to be literally unaware of the Treaty. <sup>20</sup>

Even if he were aware of it Tewodros was not ready to honour it because he was not bound by what "Ras Ali may have done." This is understandable because Tewodros, who replaced Ali by force of arms, was not *ipso jure* bound by a treaty obligation of the deposed Ras as if he had succeeded to him through normal constitutional process. Even if this latter argument of succession were to be disregarded Tewodros was not prepared to recognize the Treaty because he has "never heard of a Consulate under the former kings of Abyssinia". In short he refused the request for Consulate because it appeared to him to be an "innovation" not known in the history of Abyssinia.

Thus Tewodros' disclaimer to be bound by what Ras Ali may have done as well as his refusal to accept an institution theretofore unknown in the history of Abyssinia struck hard at once at both ends leaving thereby no room for Plowden to manoeuvre.

Some of the points made by Tewodros were so anticipatory as to even counter future British accusations. Thus writing on October 5, 1865 to Colonel Staton Earl Russel states that the king,

so far from insisting on the observance of the Treaty of 1849 refused altogether to recognize that Treaty. Consul Plowden was told by the British Government in 1857 that the Emperor was bound in good faith to recognize that Treaty and if he objected to any of its provisions he should propose modifications. <sup>21</sup>

But there are no hints to justify this statement from Emperor's reply as reported by Plowden two years earlier; Tewodros was unequivocal about his objections to the Treaty. He had made it crystal clear in these words:

I can not consent to a consulate as I find in the history of our institutions no such thing.

The message of this firm stand was clearly received by Plowden, who took it to mean "Tewodros feared the clause conferring jurisdiction on the consul as trenching on his prerogative" as reported to the Foreign office in Plowden's despatch of June 25, 1855.

No effort was spared by Plowden to extract the Emperor's approval of the Treaty as far back as 1855. Intermediaries, in the personalities of John Bell, and Abuna Selama,<sup>22</sup> Head of the Ethiopian Church, were used. Direct negotiation between Plowden and the Emperor was attempted. And even territorial concession was offered. Thus Plowden states,

I had ventured to hint that the sea-coast and Massawa might possibly be given up to him on his consent.

All this to retain the Anglo-Abyssinian Treaty of 1849 *lock-stock and barrel*.

But Tewodros' position was one of principle. He was prepared and willing to be on friendly terms with Great Britain. He, in fact had proposed to send Ambassadors to the great powers of Europe. But to this he attached one very important condition and that was "to treat with them on equal terms."<sup>23</sup>

In view of some of the measures taken by Tewodros soon after his accession to power, his claim to parity seems to have drawn a sympathetic stance even from Walter Plowden. Thus in his report to the Foreign Office Plowden observed,

He has abolished the barbarous practice of delivering over murderers to the relatives of the deceased, handing over offenders in public to his own executioners to be shot or decapitated . . . .

He has placed the soldiers of the different provinces under the command of his own trusted followers, to whom he had given high titles but no power to judge or to punish, thus in fact creating generals in place of feudal chieftains more proud of their birth than of their monarch.

As regard commerce, he has put an end to a number of vexatious exactions, and has ordered that duties shall be levied only at three places in his dominions.

All these matters cannot yet be perfect . . . He has declared that he will convert sword and lances into ploughshares and reaping-hooks, and cause a plough-ox to be sold dearer than the noblest war-horse.<sup>24</sup>

The implication of this testimony by no other person than the British Consul himself does not help to justify Britain's claim to extra-territoriality for its subjects. On the contrary, it implicitly removes the *raison-d'etre* for such an arrangement by minimizing the need to give special protection to aliens living

in Abyssinia. This meant that once in Abyssinia aliens, including Britons, were expected to live and be judged in accordance with the norms of conduct prevailing then in the country. Understandably Tewodros was not also prepared to confer on a foreign Consul the very judicial authority which he even denied his trusted generals to exercise.

In addition his refusal to acknowledge the Consul's jurisdictional right was also a direct corollary of his claim to relations with foreign powers on terms of equality. He had made it clear time and again that he would settle for nothing less than equality. Thus Plowden observed in his report to the Foreign Office.

He is peculiarly jealous as may be expected of his sovereign right and any thing that appears to trench on them.

Plowden's observation is further buttressed by a statement which Tewodros once made, presumably in jest, regarding his deal with God on this point.

I have made a bargain with God. He has promised not to descend on earth to strike me and I have promised not to ascend into heaven to fight with him.<sup>25</sup>

The demands for extra-territorial right to British Consul was manifestly inconsistent with the Emperor's determination to exercise his sovereign right to the exclusion of others including even God.

The Emperor was also not unaware of the ultimate implications of such an arrangement as well as the excesses and abuses that result from it. Thus writing early in 1866 Charles Beke, who was highly knowledgeable about Abyssinia, justified the Emperor's refusal to accede to British terms in these words.

From his own subjects who had visited Egypt and the Holy Land as well as from travellers of other nations, he had heard of the abnormal privileges enjoyed by European Consuls in those countries and of the abuses they have often given rise to, and he was determined, and no one can blame him for it that within his dominions an *imperium in imperio*, like that within the Turkish dominions should not exist.<sup>26</sup>

To prove the veracity of Beke's observation one need only quote from the Emperor's own speech which he made around September 1863 on the occasion of expelling M. Lejean, the French Consul in Abyssinia, as reported by the Consul himself.

I know the tactics of European governments when they wish to acquire possession of oriental states. They first send missionaries then Consuls to support the missionaries then armies to support the Con-

suls. I am not a Rajah of Hindustan to be hanged in that fashion. I prefer having at once to do with the armies.<sup>27</sup>

This was of course nearly three years after the tragic and untimely death of Walter Plowden in 1860 who, having failed to strike an amicable deal with Tewodros, was on his way out to Massawa and possibly from thence to England. His departure was undoubtedly with an extremely heavy heart considering the fact that in five years he did not even manage to be acknowledged as a Consul by Tewodros much less secure any of the judicial and commercial privileges embodied in the treaty of 1849.

The post vacated by Plowden was filled by Captain Charles Duncan Cameron whose appointment as "Her Majesty's Consul in Abyssinia" was announced in London on June 24th 1860.

#### *The Negotiation of a new Anglo-Abyssinian Treaty*

The new Consul was despatched to Abyssinia with an introductory letter dated February 20, 1862 to the King from Earl Russell. The letter failed to make even a prefatory reference to the controversial Treaty beyond introducing the bearer as the new Consul succeeding the late Walter Plowden.<sup>28</sup>

Even though the new Consul was to take up matters where the late Consul had left them subsequent British backsliding with regard to its policy on Ethiopia must have made things a bit complicated for Cameron to revive the discussion on the matter with full force and certainty. Then suddenly an opportunity presented itself to Cameron sometime in October 1862 while he was still in Gojam. It was a letter from Emperor Tewodros urging Cameron to leave for Massawa to find out and inform the Emperor whether he could "be able or not to pass certain Ambassadors or Messengers" which the Emperor was anxious to send to England. Cameron was quick in replying and this he did by a letter dated October 22, 1862 written in Gojam. He also seized the opportunity to revive the issue with regard to the Treaty, which had remained practically a dead letter since its signature thirteen odd years ago.

The new proposal, which Cameron put forward, was based on an entirely new approach that called not for the confirmation but for the renegotiation of the 1849 Treaty.

The relevant part of that letter which is quoted at some length below reads as follows:

Having given your Majesty my opinion with regard to an Embassy . . . there is only one point further to discuss with your Majesty; viz., whether your Majesty wishes to avail yourself of my being here to make out a draft of a Treaty for the consideration of my Queen, which if your Majesty thinks proper, can be signed conditionally, and notice of it now sent on by me while the draft itself, with the provisional signatures, can accompany your Ambassador.

I have a copy of the Treaty made through Ras Ali, with the former Emperor, which can be made the base of such a document if your Majesty wishes; and I now send it you, with certain alterations for your Majesty's consideration.

I may observe at once that I know that the points on which your Majesty made a difficulty with Mr. Plowden on this subject were:-

1. The acceptance of a Consul.
2. If he were accepted, whether he should have jurisdiction as agreed in the former Emperor's Treaty.

On the first point, I can only ask your Majesty whether Mr. Plowden's stay here was not a positive advantage in so far as he acted as a mediator and friend generally, but particularly as a protector to the unfortunate Abyssinian Tribes laid open to Egypt... whether he did not testify his anxiety by word and deed that your Majesty... should become the sole master; lastly whether he ever showed a disposition to do any thing contrary to the interest, honour or independence of Abyssinia. I feel certain, too, that if English artisans were to come here, as I have heard is your Majesty's wish, it would be impossible for them to stay unless there was an officer of some kind either Envoy or Consul to look after them.

As regards a Consul's flying a flag, this is by no means necessary nor would my government even wish it if as I hear, your people might misunderstand it.

In regard to jurisdiction by a Consul, this is in your Majesty's hand, not ours, to decide. England wants to ensure justice and good treatment to her subjects and nothing more.

If your Majesty can explain to our government what I believe to be your Majesty's opinion viz., that such separate jurisdiction would be impossible to carry out and is also unnecessary where the laws are so mild as in Abyssinia this would be sufficient for the present.

But it seems to me that a few hours' conversation could settle these matters either one way or the other.<sup>29</sup>

Henceforth the issue was not whether the Emperor was willing to acknowledge the Anglo-Abyssinian Treaty of 1849 but whether or not he was willing to negotiate a new treaty with Great Britain. No preconditions were set for the new deal. Nor was any reference made to the provisions of the old Treaty to oblige him to negotiate a new one. As a matter of fact the new proposal suggested that the provisions of the old Treaty with some alterations be used as a base for the new treaty and that if "His Majesty so wishes." Thus the new proposal which Consul Cameron put on the table was independent from and in no way connected to the Anglo-Abyssinian Treaty of 1849. Implicit in Cameron's



new offer was, therefore, his acceptance of the lack of force of the old Treaty on the Emperor. That was, indeed, a major concession on the part of the government which the Consul represented and a major victory for Tewodros as well.

But the march of events did not help to see the new approach through to success. The Anglo-French alignment with Turkey—a Moslem state, against Russia—a Christian power, in the Crimean war had already made Tewodros question his simplistic view that these two European Christian powers were his natural allies in his relation with Turkey. Subsequent events did not help Tewodros to regain his confidence on these powers. In fact from 1863 onwards there were ample indications to suggest that the pendulum in British policy had swung far enough to favour Egypt and Turkey at the expense of Abyssinia.

Such vacillation in British foreign policy had even led some British officials to question the wisdom of having any treaty relationship with Abyssinia. It was at this unfortunate moment of confusion that Tewodros despatched his letter through Consul Cameron to the Queen of England.<sup>30</sup>

The Consul having despatched the Imperial letter to the Queen via Aden undertook late in 1862 on an extended excursion to northern Abyssinia which also took him to the frontier territories of Egypt. Upon his return the air was rife with rumours about Egyptian armies approaching the frontiers of Abyssinia along those points. Yet, nearly nine months after its despatch, there was no answer in reply to the letter which Tewodros sent through Consul Cameron to Queen Victoria. Unknown to both Tewodros and Cameron Britain had in fact decided to ignore the letter, and leave it unanswered.<sup>31</sup> The atmosphere was thus sour with suspicion and sense of insult on the part of Tewodros when Cameron returned from his excursion around July 1863. And as if to add insult to injury Cameron, under pressure from the Foreign Office, chose that unfortunate moment to present his request to the King for permission to leave for Massawa. It was on that occasion that the King is said to have confronted the Consul with questions to the following effect.<sup>32</sup>

"Where have you been since you parted from Samuel<sup>(33)</sup> in Bogos?"

"Into the frontier province of Sudan."

"What for?"

"To see about cotton and trade and so forth."

"Who told you to go there?"

"The British Government."

"Have you brought me an answer from the Queen of England?"

"No?"

"Why not?"

"Because I have not received any communication from the Government on the subject."

"Why then do you come to me now?"

"To request permission to return to Massawa.

"What for?"

"Because I have been ordered by the Government to go there."

"So your Queen can give you orders to go and visit my enemies the Turks and then to return to Massawa, but she cannot send a civil answer to my letter to her. You shall not leave me till that answer comes."

Meanwhile the Emperor's effort to unite and reform the country had also resulted in rebellions in many parts of his dominions. All this combined to lead Tewodros to take desperate actions that resulted in far reaching consequences. The extreme measure which he took in this regard was, however, the taking of hostages of foreign nationals including Consul Cameron who was chained on January 3, 1864, on charges of complicity with Egypt as well as for his failure to produce a letter from the Queen in reply to his message. From then on the issue was once more again changed from one of negotiating a new treaty to one of securing the release of the hostages.

Several attempts were made by Great Britain to heal the rupture for which it was partly to blame. The Queen wrote twice to Tewodros as if to atone for past errors. An Emissary consisting of three men with Hormuzd Rassam at its head was sent to negotiate the release of the hostages. Great Britain even displayed a softened heart to negotiate a new treaty should Tewodros be willing to release his hostages. But the concessions by Great Britain either did not go far enough or had come too late to convince Tewodros to relax his hardened position. As a result even Rassam and his colleagues soon found themselves sharing the fate of the very prisoners whose release they were supposed to secure.

Ironically Tewodros indicated at one point that the hostages, Cameron included, would be charged for their offences and be convicted in accordance with the provisions of the *Fetha Negest*.<sup>34</sup> Thus the Treaty which purported to exclude British subjects from the Abyssinian legal system and judiciary lacked even the authority to save the very Consul who was supposed to be far beyond the reach of Abyssinian law.

In this Cameron fared no better than Plowden for he too was home bound without enjoying the status of a consul much less secure for his country the realisation of the consular and commercial privileges contained in the Treaty of 1849.

As a matter of fact Great Britain made no official reference to the Treaty of 1849 in its dealing with Tewodros regarding the hostages' case. It made no attempt to indicate to Tewodros that the taking of hostage of the British Consul and other British subjects was a clear violation of the terms of that Treaty. Nor did Britain invoke the provisions of the Treaty as a justification for the measure which it subsequently took to effect the release of the hostages

None of the Queen's two letters to Tewodros made specific reference to the Treaty. The first letter, which may be termed an act of intercession pure and simple on the part of the Queen, called upon Tewodros, to release his hostages as proof of this friendship towards Britain. The relevant part of the Queen's letter ran as follows,

Your Majesty can give no better proof of the sincerity of the sentiment which you profess towards us, nor ensure more effectually a continuance of our friendship and good will than by dismissing our servant Cameron . . . from your court . . .<sup>35</sup>

By the time the Queen wrote her second and last letter to Tewodros on October 4, 1866 the drift of events had taken a turn for the worst. As a result Tewodros simply ignored the promise which he had recently made to release the hostages, and detained all foreigners including Rassam and company.

The Queen, therefore, invoked this time moral as well as legal grounds to justify her request for the release of the hostages. That letter which combined persuasion with dignified reproof read in part,

Your Majesty must be aware that it is the sacred duty of sovereigns scrupulously to fulfil engagements into which they may have entered and that the persons of Ambassadors such as our servant Rassam and those by whom they are accompanied are among all nations assuming to be civilized invariably, held sacred. (We) invite Your Majesty to prove to the world that you rightly understand your position among sovereigns.<sup>36</sup>

The Treaty which was ignored by the politicians was not resurrected by men of war either. Thus we find Napier making no mention of the Treaty either in his pre-emptive letter "To Theodorus king of Abyssinia" or in his proclamation "To the Governors, the Chiefs, the Religious Orders and the people of Abyssinia."<sup>37</sup>

The hostages case was finally resolved by the famous battle of Meqdela\* of April 10, 1868 between the forces of Tewodros and the expeditionary force of great Britain under the leadership of General Napier. Napier's expedition was a natural sequence in the chain of events as far as Tewodros was concerned and could not have come as surprise for him. He was then at his lowest ebb both in morale and men. What he had was also no match both in number and quality to the superior expeditionary force which had travelled all the way from Bombay with a resolve to conquer. With all odds pressing hard on him the option left to Tewodros was either to meet Napier's army in battle or to meet Napier and avoid the battle. Tewodros opted for the former and proved in deed his preference 'to do at once with the armies rather than to be hanged' ins to slow submission through peaceful and yet capitulatory process.<sup>38</sup>

\* Field Marshall Robert Napier was honoured with a statute at Queens Gate, in London bearing the additional title Lord Napier of Maqdala, beneath it.

As could be expected it was Tewodros who lost the battle. But in losing it he did not make himself available to the British Army to exercise that most coveted right of dictating the wishes of the victor over the vanquished.

With hind sight, it is possible that British dictation could have included the imposition of some sort of ignominious or capitulatory arrangement in Ethiopia. But Tewodros chose death in his own hands and late on the afternoon of April 13, 1868 committed suicide rather than submit to the invading army as a loser.

### Conclusion

Yet Tewodros was not a lone loser, nor one who lost something for nothing either. His resolve had forced Great Britain to field 42,000 men supported by 17943 mules and ponies, 2538 horses, 1759 donkeys 8975 bullocks, 5735 camels and 44 elephants at an appalling cost of nearly £9 million i.e., £5 million above what was estimated, against less than 7000 men of his own.<sup>39</sup> In a very practical way he had made the British realize that it takes the mutual and considered consent of at least two parties to make an equitable treaty. He also had under-scored his resolve that Abyssinia was serious in its claim to treat with European powers, Britain included, on terms of equality and reciprocity.

In short his death signified at once his resolve and his defiance. These messages did not pass unnoticed by Great Britain. Thus writing soon after the war Napier stated,

The British Government (are) resolved not to retain any consular Officer in Africa for the purpose of maintaining communications with the rulers of Abyssinia. . .<sup>40</sup>

And as Rubenson rightly observed " aware of how dearly they had paid for the attempt of their Consuls to plant the British flag in Abyssinia and so anxious to avoid similar cases in the future " we find Great Britain actually withdrawing its consular tentacles from Abyssinia and its frontiers.<sup>41</sup>

Tewodros was dead. But dead too was the Treaty of 1849 along with British ambitions in Abyssinia. The diplomatic activity of Great Britain that spanned over a period of two decades had thus ended in failure. But the failure had not been decisive enough to permanently deter Great Britain from seeking extra- territorial rights for its consulate in Abyssinia.

And when Great Britain finally succeeded in securing such a right some forty years later via the so called Klobukowski Treaty of 1908 it did so coming under the shadow of France<sup>42</sup> and had to settle for terms that were far humbler and modest than those contained in the Treaty of 1849.

## FOOT NOTES

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1. C.H. Alexandrowicz; *An Introduction To the History of the Law of Nations in the East India*, (Oxford, 1967), pp. 97-101.
2. Thus the Franco-Ethiopian Treaty of 1908 alias "The Klobukowski Treaty" provided extra-territorial right only to the French Consul in Ethiopia. But in the 1920's no fewer than ten consulates of European powers were maintaining consular courts in the country, by merely invoking the MFN clause contained in treaties which Ethiopia concluded with their respective countries.
3. J.L. Briarley; *The Law of Nations* (Oxford 6th eds. 1967) pp. 173-174.
4. W.G. Plowden; *Travels in Abyssinia and the Galla country*. (London, 1861), p. vii.
5. Foreign Office (FO) 401/1 pp. 7-D, quoted by Swen Rubenson; *The Survival of Ethiopian Independence*, Norwich, 1978), p. 12D.
6. RD 401/1 pp. 1-2, quoted by Rubenson, *ibid*, p. 129.
7. Charles Beke; *The British captives in Abyssinia* (Longmans, London 1867), p. 19.
8. Quoted by Rubenson p.121.
9. George Annesley; *Voyages and Travels to India. Abyssinia* (London, 1808), Vol. III, pp. 263-264.
10. Quoted by Beke, *op. cit.*, pp. 55-56.
11. Rubenson. *op. cit.*, p. 131.
12. Plowden, *op.cit.*, pp. 420-421.
13. Quoted by Rubenson. *op.cit.*, p. 137.
14. For the English Text of the Treaty see Clive Parry; *The consolidated Treaty series*, Vol. 103, pp. 299-303.
15. *Ibid*, Vol. 92, pp. 272-276.

16. "Magic" because it was the disagreement on the provision of the 17th Article of the Italo-Ethiopian Treaty, alias the *Wichule Treaty* of 1889 that paved the way for the famous battle of Adwa between the two countries.
17. In fact as an expression of his delight with the presents Ali rewarded plowden by giving him two villages. Plowden, *op.cit.*, pp. 396-399.
18. Report of June 25, 1855, quoted by Beke, *op.cit.*, p. 48.
19. *Ibid.* f
20. This is evident from Plowden's narration which states: " He (Ali) sealed the two copies (of the 1849 Treaty) and gave his own to a favourite debetera with orders to take it to Debra Tabor and lock it up there. Now it is probably destroyed, the Ras's house having been plundered and burnt by Dejjaj Kassai in 1853.,, plowden, *op. cit.*, p. 421.
21. Quoted by Beke, *op. cit.*, p. 52.
22. According to Charles Beke " Abba Salama ( a copt from Alexandria) was an un compomising supporter of the protestant party (i.e. British interest ) in Abyssinia in opposition to that of the Church of Rome ( i.e. French interest ) and he is understood to have been for several years a pensioner of that party through Consul Cameron ... and after his death for a short time through ... his agent at Massawa.,, Beke, *op.cit.*, pp. 16-17.
23. Plowden's Report of June 25, 1855, quoted by Beke. *op. cit.*, p. 37.
24. *Ibid.*, pp.35-38.
25. *Ibid.*, p. 43
26. *Ibid.*, p.54-55.
27. *Ibid.*, p. 98.
28. *Ibid.*, p. 67-68.
29. The letter is reproduced by Beke, *op. cit.*, pp. 312-316.
30. The letter which was written on Oct. 29, 1862 in Yebaba, Gojjam, is reproduced both in Amharic and English in  
Girma Selassie Asfaw et al.; *The Amharic Letters of Emperor Theodore of Ethiopia to Queen Victoria and Her Special Envoy* (oxford University press, 1979), pp. 3a-3d. f
31. The Emperor's letter was received by the Foreign Office in Feb., 1863 from where it was forwarded to the India Office three months later. It remained there untill a year later and was returned on 11 May 1864 by the India Office to the Foreign office without any comment  
*Ibid.*, p. xii.
32. Beke, *op. cit.*, pp. 93-94.
33. Samuel was one of the King's interpreters who accompanied Cameron during his journey to Messewa.
34. *Ibid.*, p. 235. Waldmeier describes what took place a little before this at a judicial conference in Rassam's tent soon after the prisoners were temporarily released into the custody of Rassam.

Last week there was a kind of assize in Mr. Rassam's tent at the order of the king, to which we of Gaffat that is Flad and our brethern, together with the liberated prisoners, were called. The written accusations of the king against Captain Cameron, M. Bardel and the missioneries Messrs. Stern and Rosenthal, were Publicly read, upon which the accused admitted their guilt before the whole audience. Mr. Stern, especially said in the name of all of them, "We have done wrong against the King and we have received our just reward. We thank the King for having pardoned us and we pray to God that He may prolong the life of His Majesty, prosper his kingdom and subdue his enemies under him." Tewodross did not attend the proceeding. Quoted by Beke, *op. cit.*, p.210-211.

35. Alan Moorehead; *The Blue Nile* (1980), p. 218.
36. *Ibid*, p. 232.
37. *Ibid*, pp. 244, 245.
38. When Napier demanded that Tewodros surrender his person to the commander-in-chief as a condition to the king's peaceful overture, after the first encounter between the two Armies Tewodros rejected Napier's condition outrightly in these words:
- "A warrior who has dandled strong men in his arms like enfants will never suffer himself to be dandled in the arms of others."
- Quoted by Rubenson, *cit.*, p p. 265.
39. Rubenson, *op. cit.*, p. 257.
40. Quoted by Rubenson, *Ibid*, p. 273.
41. *Ibid*.
42. See note 2 supra. For the text of the Treaty see A. Gingold Duprey; *De l'invasion A'la Libreeation De L'Ethiopie* (Paris, 1955) Vol. I, pp. 426-428.
- From *The Amharic Letters of Emperor Theodore of Ethiopia to Queen Victoria and Her Special Envoy*, by Girma Selassie Asfaw & David I. Appleyard in collaboration with Edward Ullendorff (Published for the British Academy by Oxford University Press, Oxford, 1979) pp. 1b, 2b, 4-5b. Copyright © 1979 The British Academy. Reprinted by permission of The British Academy.
- We reproduced the letters here because we think they are good background documents to the matter discussed in the main article (EDITOR).

**The Amharic Letters of Emperor Theodros of Ethiopia  
to Queen Victoria and her Special Envoy. \*\***

1. FO 1/10, fol. 161. Theodros to Victoria, n.d.

In June 1855 Plowden had travelled to Gondar to undertake negotiations with Theodore, in particular to try and persuade him to recognize the 1849 treaty signed by Britain and Ras Ali <sup>(1)</sup>. Amongst other things the treaty had sought to provide for the formal appointment of a British Consul to the Ethiopian Court. Theodore, however, refused to recognize the treaty "on the ground that it conferred judicial powers on Her Majesty's consul" <sup>(2)</sup>. Nevertheless, Plowden continued to press for recognition of the treaty, though without success. By September 1857, he had even been instructed that the clause about judicial powers could be dropped if necessary, but this, too, proved to be of no avail. In November Plowden enclosed with his despatches the following letter from king Theodros to Queen Victoria in which the Emperor still avoided calling him consul.

" This letter which (is) sent by the King of Kings, Theodore of Ethiopia- May it reach the Queen of England, Victoria <sup>(3)</sup>. How are you ? Are you well ? I, glory be to God, am well.

I have received Mr. Plowden with love and friendship, understanding that he is your envoy. That I have not sent a message until today is because I have had neither rest nor tranquillity. But now, as you are a child of Christ and I am a child of Christ, for the sake of Christ I am seeking amity and friendship. Now since Christ makes me rejoice when we are at peace, I shall communicate all my joy through Mr. Plowden, attaching to him a man of trust, so that we may rejoice together. "

2. Fo 1/11, fol. 226, Theodore to Baroni, n.d.

The death of Plowden, at the hands of the rebel chief Garred <sup>(1)</sup>, early in 1860 had been followed, less than a year later, by the death in battle of Theodore's other principal European companion and adviser, John Bell, known as *liqa-makwas* Yohannes <sup>(2)</sup>. The following letter, written to Plowden's agent at Massawa, Raffaele Baroni <sup>(3)</sup>, speaks of the avenging of the deaths of the two Europeans, the defeat of Theodore's main rival in the north, *dajazmach* <sup>(4)</sup> Neguse, and reiterates the Emperor's intention of sending envoys.

In the name of the Father and of the Son and of the Holy Ghost, one God King of kings Theodore: May it reach Mr. Baroni <sup>(5)</sup>. How have you been ?

---

(1) Theodore's cousin (pace Rubenson, p. 189, who describes Garred Kenfu as Theodore's nephew) - cf. Walda Maryam (ed. Mendon Vidithet, pp. 22-3).



} I, glory be to God, am well.

Good tidings; by the power of God, things have gone well for me. I have done away with the men who killed my friends, Plowden and John (Bell), and, by the power of God, I have destroyed all I found on the battlefield, excepting the women; not one did I spare. I at once pursued, went across, and, by the power of God, killed the thief Neguse (6) along with his army in the plain at Aksum. As for you, come to me quickly. I am a man who will send the news, of my happiness which God has done for me to my friend the Queen of England; so come to me at once, as you are the one who will take the message on my behalf. That I have kept until now *liqà - Mākwas* Yohannes's and Mr. Plowden's men is because I intended that they should go together with you and with my men " (7)

3. Fo 95/721, fol. 126, Theodore to Victoria, 29 October 1862.

In the autumn of 1862, Theodore was faced with the growing threat of a Turkish presence on three fronts. The border with the Sudan was under pressure from the Egyptians - the defeat of Neguse had brought Theodore face to face with Turkish expansion along the Red Sea coast- and in Jerusalem the Turkish authorities had sided with the Copts in a quarrel over the Ethiopian convent there. Theodore felt he had to retaliate and to defend his country and his faith. The new British consul to Ethiopia, Captain Duncan Cameron, tried, however, to deter him from taking any action that would endanger the peace and hinted that there was an understanding between Turkey and France, the latter hoping to establish a base at Tajura. In order to clarify the situation and state his case, the Emperor decided to write to several European rulers. The following is the letter that was sent to Queen Victoria and which Cameron was meant to deliver:

" In the name of the Father and of the Son and of the Holy Ghost, one God, King of kings, Theodore of Ethiopia, whom God in oneness and in Trinity has chosen and enthroned.

(2) See, p. xii, footnote 1.

(3) See his entry in *Chi'e dell'Eritrea*.

(4) 'Commander of the Door'; senior dignitary, court official.

(5) አቶ ቦረኒ ጳጳስ

(6) Of. *Chi'e dell'Eritrea*, pp. 219-20.  
Walda Maryam, pp. 23-4.

(7) Received 23 January 186.  
*correspondence*, no 315, Baroni to Russell.

May it reach Victoria, Queen of England. How are you ? I, glory be to God, am well.

Since my ancestors, the kings, have until now offended our creator. He had handed their kingdom over to the Gallas and the Turks. But now, ever since I was born my Creator has raised me from the dust and given me power and placed me over the kingdom of my ancestors. By the power of God, I have dislodged the Gallas. But when I told the Turks to relinquish the soil of my fathers they refused; and so, by the power of God, here I am about to struggle against them.

I formed a great liking for Mr. Plowden and for, *liqa - makwas* Yohannes when they told me there was a Christian monarch, a person, who loved ( fellow) Christians, and that they would introduce me to her, and when I thought that I had found your friendship.

Death is unavoidable, and so some men who hated me, intending to vex me, killed them ( i.e. Plowden and Bell). But I, by the power of God, have exterminated them, my mortal enemies, without leaving a single one, my own kinsmen (1). By the power of God, when seeking relations with you, I was troubled by the Turks holding the sea and refusing passage to my envoy; then Consul Cameron came to me with a letter and gifts of friendship.

By the power of God, I rejoiced greatly when I heard of your well being and your friendship. I have received the gifts of friendships which you sent me; may God reward you on my behalf!

But now, preventing me from sending my envoy, together with Consul Cameron, with gifts of friendship, the Turks will not let him cross the sea. So now, send to me a message that someone should receive the gifts at such-and-such a place. Consul Cameron should come with the answer for me.

You have to come forward to my aid when the Muslims intend to oppress me, the Christian (2).

Written in 7355, in the year of Luke, on the 20th day of the month of Tekemt (3) in the town of Yebaba (4), in Gojjam.

(1) Of. Letter 2 above.

(2) An English translation in the PRO, attached to this letter, renders this difficult sentence as "See how the Islam (sic) oppress the Christian", which ignores the structure of the Amharic sentence. Rubenson, *Survival*, p. 222, gives the translation. "You too, allow yourself to be oppressed with me (i.e. share my sufferings) when the Muslims try to oppress me, the Christian", but see Ullendorff's review of Rubenson in the *Times Literary Supplement* of 31 December 1976 where this rendering is questioned.

A French translation of a copy of this letter addressed to Napoleon III has "Majeste, verrez-vous froidement les musulmans oppriment les Chretiens."

In our opinion ተገልጿልኝ can, in the present context, only be an imperative, while አጠቃቀ (list sg. prefix-conj.) is the direct speech element introduced by ቢለኝ. Once these aspects are appreciated, the rest falls into place: "When the Muslim says to me, the Christian. "I shall attack you', you have to come forward to my aid".

(3) 29 October 1862.

(4) Yebab (or Ibaba) lies between the districts of Agawmeder and Damot. Isenberg, *Dictionary*, p. 203; Pankhurst, p. 142; Dabbara Zanab, *Yu-Tewodros tarik*, p. 28:19.

Reference FO93/2/1

XCA26336

The Abyssynian date the 24th day of Tekimit 1842.-

In Witness whereof His

Majesty of Abyssynia has hereunto affixed his seal this first day of March in the year of our Lord 1852. Corresponding with the Abyssynian date the twenty-second day of Yekatteet in the year of our Lord 1844.

Treaty  
of  
Amity and Commerce  
between  
Great Britain and Abyssynia

Whereas commerce is a source of great wealth and prosperity to all those nations who are firmly united in the bonds of reciprocal friendship; and whereas the conclusion of a Treaty of perpetual Amity and Commerce between Abyssynia and Great Britain, which has already been desired by their respective Sovereigns would tend to the mutual advantages of both countries; and whereas it is desirable that the conditions should be specified whereupon the Commercial intercourse betwixt the two nations should be conducted; now it is hereby declared done and agreed as follows; between Welter Charles Metcalfe Plowden Esquire, He Brittanick Majesty Consul to His Majesty of Abyssynia duely empowered to that effect by Her Britanick Majesty and by His said Majesty of Abyssynia on the other part.

Article I

A firm free, and lasting friendship, shall between His Majesty of Abyssynia and His Successors on the one part, and Her Most Gracious Majesty Queen of the United kingdom of Great Britain and Ireland, and Her Successors on the other part.

Article II.

For the purpose of preserving and strengthening the friendly relations subsisting between the two nations His Majesty of Abyssynia and His Successors shall receive and protect any Ambassador, Envoy, or Consul, whom Her Brittanick Majesty or Her Successors may see fit to appoint; and shall preserve inviolate all the rights and privileges of such Ambassador, Envoy or Consul.

Article III.

Her Brittanick Majesty and Her Successors will in the issue manner receive and protect any Ambassador, Envoy, or Consul, whom His Majesty of Abyssynia, or successors may see fit to appoint, and will equally preserve inviolate all the rights and privileges of such Ambassador Envoy, or Consul.

Article IV.

His Majesty of Abyssynia engages to grant to the subjects of Her Brittanick Majesty, in and to the produce and commerce of Her Dominions all favours,

privileges, advantages, or immunities, either as regards duties, imports or charges or in any other respect whatever which His Majesty of Abyssynia has already granted or may hereafter grant to the subjects, produce or commerce of any other foreign country.

Article V.

An import duty of five for every hundred and no more may be levied and received by His Majesty of Abyssynia and His Successors upon all goods and merchandize imported by British subjects into the kingdom of Abyssynia for sale either therein or in the countries beyond.

Article VI.

This import duty of five for every hundred shall be assessed upon the current value of the merchandize at the market place of Gondar and shall be paid at the rate of five for every hundred either in kind or in specie at the option of the merchant.

Article VII.

When said import duty shall have been duly paid, the importing merchant shall be at full liberty to dispose of this goods at any place or places within the territories of Abyssynia without any license being required for the removals of the same and without any prohibition restraint or further duty or import of any kind being imposed upon the buyer, and the importing merchant may if he pleases carry away such goods to any other country or place, without any license being required for the removal of the same and without restraint or molestation or the payment of any further duty or import whatever.

Article VIII.

British Merchants shall be at liberty to purchase without the territories of Abyssynia all such commodities as they may think proper to buy whether such commodities are the produce of those territories or have been imported into those territories from other countries; and the said merchants may freely export the same without the payment of any duty whatever.

Article IX.

The subjects of His Majesty of Abyssynia shall have in the United Kingdom the advantages which are already enjoyed or which may hereafter be enjoyed by the subjects of the most favoured nation; and no higher or other duties shall be imposed on the importation into the United Kingdom of goods the produce of Abyssynia, than or shall be payable upon the like goods the produce of any other foreign country imported in.

## Article X.

A commercial intercourse shall be delivered and encouraged betwixt the subjects of Abyssynia and of the countries beyond that kingdom on the one hand and the subjects of Great Britain on the other.

## Article XI.

In order to increase and promote commerce between Abyssynia and Great Britain, His Majesty of Abyssynia and His Successors shall encourage Merchants of all Nations to bring the produce of the interior of Africa into the Dominions of Abyssynia.

## Article XII.

With a like view Her Brittanick Majesty and Her Successors will protect British Merchants in importing into Abyssynia such articles as may be needed therein.

## Article XIII.

For the better security of Merchants and their property His Majesty of Abyssynia and His Successors and Her Britannick Majesty and Her Successors, will respectively to the best of their power endeavour to keep and to secure the avenues of approach betwixt the sea coast and Abyssynia.

## Article XIV.

With a view to promote and encourage reciprocal intercourse between the subjects of the Two Nations respectively, His Majesty of Abyssynia engages for himself and His Successors that no hindrance or molestation shall be offered to British travellers whether residing within the territories of Abyssynia or passing through them for the purpose of visiting the countries beyond but such travellers shall be protected both as to their persons and as to their property.

## Article XV.

The effects belonging to such travellers, and not intended for sale shall not be liable to duty of any sort, and shall in every respect be held to be their personal property and to be inviolable.

## Article XVI.

The subjects of His Majesty of Abyssynia shall meet with no hindrance or obstruction whilst residing in any part of the dominions of Her Britannick Majesty and shall not be prevented from proceeding beyond these dominions at their pleasure.

## Article XVII.

His Majesty of Abyssynia agrees that in all cases when a British subject shall be accused of any crime committed in any part of His Majesty's dominions, the accused shall be tried and adjudged by the British Consul or the officer duly appointed for that purpose by Her Britannick Majesty and in all cases when disputes or differences shall arise between British subjects or between British subjects and the subjects of His Majesty of Abyssynia or between British subjects and the subjects of any other Foreign power, within the Dominions of His Majesty of Abyssynia Her Britannick Majesty's Consul or other duly appointed officer shall have power to hear and decide the same without any interference, molestation or hindrance on the part of any authority of Abyssynia either before, during, or after the litigation.

## Article XVIII.

If any British subject shall die in the territories of His, The British Consul or in his absence his representative shall have the right to take charge of the papers and property of the deceased for the benefit of his lawful heirs or creditors without any interference on the part of the Abyssynian authorities.

## Article XIX.

Finally it is agreed that upon a strict observance of all the foregoing articles and conditions shall depend the continuance of a lasting and permanent friendship between the contracting sovereigns.

In witness whereof the present Treaty has been signed and sealed by the above named Water Charles Metcalfe Plowden Esquire and by His Majesty of Abyssynia.

Done at Ennowga the second day of November in the year of our Lord one thousand eight hundred and forty-nine corresponding with the Abyssynian date, the twenty-fourth day of Tekumt in the year of our Lord one thousand eight hundred and forty-two.

Walter Plowden.

His Majesty of Abyssynia hereby certifies that he had received from Walter Charles Metcalfe Plowden Esquire Her Britannick Majesty's Consul in Abyssynia, the Ratification, by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, of the Treaty of Friendship and Commerce concluded and signed between Her Britannick Majesty and His Majesty of Abyssynia on the 2nd day of November 1849 corresponding with the Abyssynia date the 24th day of Tekumit 1842.

In Witness whereof His Majesty of Abyssynia has hereunto affixed his Seal this the First day of March in the year of our Lord 1852, corresponding with the Abyssynian date the twenty-second day of Yekkatet in the year of our Lord 1844.