

subjects and flags of both Powers shall be treated, in all circumstances, on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the Zambesi, and vice versâ, but for the great and small coasting trade, and for boat trade on the course of the river. Consequently, on all the course and mouths of the Zambesi there will be no differential treatment of the subjects of the two Powers; and no exclusive privilege of navigation will be conceded by either to Companies, Corporations, or private persons.

The navigation of the Zambesi shall not be subject to any restriction or obligation based merely on the fact of navigation. It shall not be exposed to any obligation in regard to landing-station or depôt, or for breaking bulk, or for compulsory entry into port. In all the extent of the Zambesi the ships and goods in process of transit on the river shall be submitted to no transit dues, whatever their starting-place or destination. No maritime or river toll shall be levied based on the sole fact of navigation, nor any tax on goods on board of ships. There shall only be collected taxes or duties which shall be an equivalent for services rendered to navigation itself. The tariff of these taxes or duties shall not warrant any differential treatment.

The affluents of the Zambesi shall be in all respects subject to the same rules as the river of which they are tributaries.

The roads, paths, railways, or lateral canals which may be constructed with the special object of obviating the innavigability or correcting the imperfections of the river route on certain sections of the course of the Zambesi, its affluents, branches, and outlets, shall be considered, in their quality of means of communication, as dependencies of this river, and as equally open to the traffic of both Powers. And, as on the river itself, so there shall be collected on these roads, railways, and canals only tolls calculated on the cost of construction, maintenance, and management, and on the profits due to the promoters. As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

Portugal undertakes to apply the principles of freedom of navigation enunciated in this Article on so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence. The rules which she may establish for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant-ships.

Great Britain accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence.

Any questions arising out of the provisions of this Article shall be referred to a Joint Commission, and, in case of disagreement, to arbitration.

Another system for the administration and control of the Zambesi may be substituted for the above arrangements by common consent of the Riverain Powers.

Portugal will, on application from Great Britain, grant to a Company a lease for one hundred years of 10 acres at the mouth of the Chindé, for purposes of transshipment. The ground so leased shall not in any case be fortified.

#### ARTICLE XIV.

In the interest of both Powers, Portugal agrees

to grant absolute freedom of passage between the British sphere of influence and Pungwé Bay for merchandise of every description, and to give the necessary facilities for the improvement of the means of communication. She undertakes to construct a railway to serve this region within a period fixed by surveys which shall be completed with the least possible delay. An Engineer named by the British Government shall take part in these surveys, which shall commence within a period of four months from the signature of this Convention. In case these conditions should not be precisely carried out, Portugal will grant to a Joint Company under the control of Portuguese and British Directors, and with seats in Lisbon and London, with the least possible delay, a concession for the construction of a railway, with all requisite facilities for the acquisition of land, cutting timber, and free importation and supply of materials and labour.

It is understood that no dues shall be levied at the port of entry or exit on goods in transit exceeding the maximum of 3 per cent. under the conditions stipulated in Article XI.

It is further understood that the same provision as to goods in transit applies to the Limpopo, the Save, and all other navigable rivers flowing to the coast of the Portuguese spheres in East or West Africa, with the exception of the Zambesi.

#### ARTICLE XV.

Great Britain and Portugal engage to facilitate telegraphic communication in their respective spheres.

The stipulations contained in Article XIV as regards the construction of a railway from Pungwé Bay to the interior shall be applicable in all respects to the construction of a telegraph-line for communication between the coast and the British sphere south of the Zambesi. Questions as to the points of departure and termination of the line, and as to other details, if not arranged by common consent shall be submitted to the arbitration of experts under the prescribed conditions.

Portugal engages to maintain telegraphic service between the coast and the River Ruo, which shall be open to the use of the subjects of the two Powers without any differential treatment.

Great Britain and Portugal engage to give every facility for the connection of telegraphic lines constructed in their respective spheres.

Details in respect to such connection, and in respect to questions relating to the settlement of through tariffs and other charges, shall, if not settled by common consent, be referred to the arbitration of experts under the prescribed conditions.

#### ARTICLE XVI.

All differences not specifically mentioned in the preceding Articles which may arise between the two Governments with regard to this Convention shall be submitted to arbitration.

#### ARTICLE XVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seals of their arms.

Done in duplicate at London, the twentieth day of August, in the year of our Lord one thousand eight hundred and ninety.

(L.S.) SALISBURY.

(L.S.) BARJONA DE FREITAS.