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## **The Dutch and the Portuguese in West Africa : empire building and Atlantic system (1580-1674)**

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### **Citation**

Ribeiro da Silva, F. I. (2009, June 24). *The Dutch and the Portuguese in West Africa : empire building and Atlantic system (1580-1674)*. Retrieved from <https://hdl.handle.net/1887/13867>

Version: Not Applicable (or Unknown)

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## CHAPTER ONE: BUILDING INSTITUTIONS

When the Dutch and the Portuguese initiated their Atlantic enterprises they had in mind a clear set of goals. In both cases, the first three aims were to guarantee an efficient government of the posts and settlements, to safeguard their commercial activities on these grounds and to provide military protection to these territories. Their fourth common objective was to ensure judicial aid to the people living in their Atlantic territories to solve judicial conflicts locally, especially those related to economic activities. But, most of all, these two European sea powers aimed to profit from the trade, either directly via engagement in the commerce or indirectly via the taxation of the trading activities of private businessmen operating within the institutional framework of the royal monopolies of the Portuguese Crown and the State-sponsored companies.

To achieve these aims the Dutch and the Portuguese transferred various institutions from the home countries to their posts and settlements overseas. Despite the similarities between the Dutch and the Portuguese objectives, different institutional solutions were implemented. These differences were determined by the institutional frameworks in use in the Republic and Portugal. Over time, changes in the home countries' institutions also affected the overseas institutions and the course of history in the Dutch and the Portuguese posts and settlements.

For instance, the collegial tradition of the Dutch institutions caused many delays in the decision making process both in the Republic and the overseas territories having severe consequences for the settlements in critical moments. In contrast, in the Portuguese settlements the strength of the municipalities, regarded by the historiography up to now as an obstacle to the policies of the Portuguese Crown, was of great help to guarantee the resistance against the Dutch in the first half of the 17<sup>th</sup> century. Differences in military organization and experience of the Dutch and the Portuguese both in Europe and in the overseas territories also had a deep impact on the outcomes of the naval and military campaigns in West Africa and Brazil. In addition, the general policies of the States General, the WIC and the Portuguese Crown regarding their Atlantic possessions also had their impact over institutions and their functioning overseas. For example, the different policies of migration and settlement followed by the Dutch and the Portuguese had a deep impact

over the administrative, military and judicial institutions of the posts and settlements and played a key role on the Atlantic world of the 17<sup>th</sup> century in general.

In short, the different institutional frameworks implemented by the Dutch and the Portuguese brought on different results in terms of settlement, cooperation with the Africans and other Europeans and in terms of commerce, both on a local, regional and international levels.

Chapter 1 will provide an insight into the institutions transferred by the Dutch and the Portuguese from their home countries to their Atlantic posts and settlements and will debate the impact of the functioning problems of these institutions in the building of the Dutch and the Portuguese Atlantic empires.

Regarding the objectives of the Dutch and the Portuguese listed above, we will start by examining the administrative, military and judicial institutions. The commercial and fiscal institutions will follow.

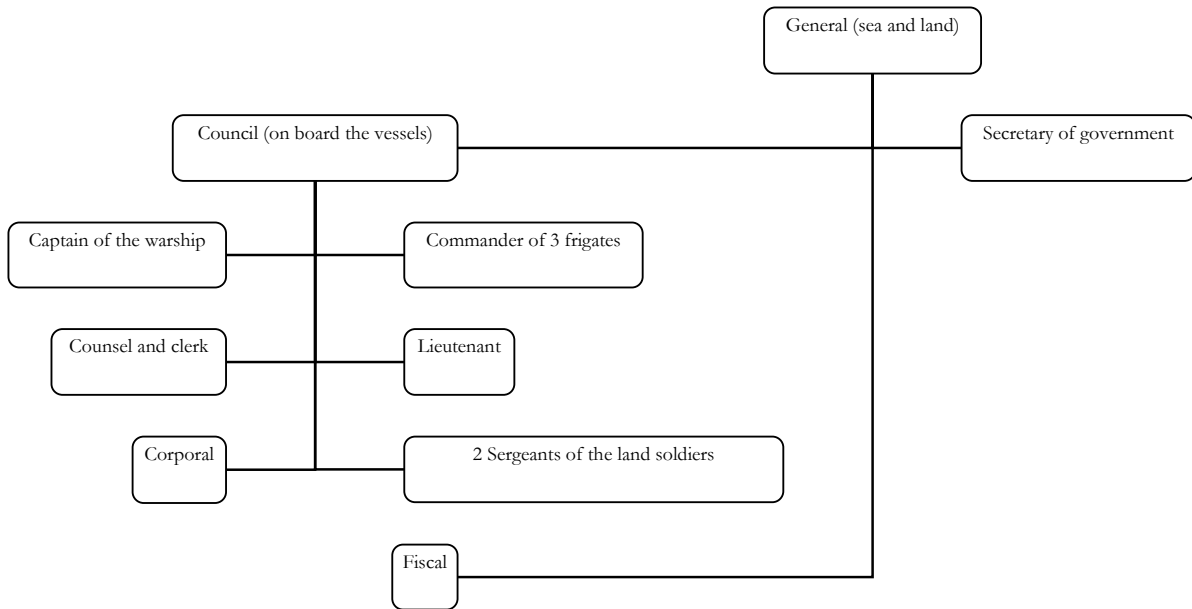
#### 1. Administrative institutions

In order to develop trade and grant military protection to the merchants, both the Dutch and the Portuguese established several posts and settlements in the West Africa. To manage these places, different forms of government were exported from the Republic and Portugal. Nevertheless, both institutional frameworks presented identical problems. The several functioning problems in Europe and West Africa were mostly generated by the conflict of interests between the different actors, affecting the establishment and functioning of other ad hoc institutions and the formation of both empires.

In 1598 and 1599, the Dutch attempted for the first time to establish a post in West Africa by taking over the settlements of São Tomé and Príncipe from the Portuguese settlers. However, these settlements only remained under Dutch control for a few months. The government of these small and temporary settlements must have been set based on the administrative tradition of the Republic and they were the first form of administrative intuitions transferred from the Republic to West Africa. However, due to lack of detailed information we cannot reconstruct the organization and functioning of these early governments. In fact, only with the establishment of Fort Nassau at Mori in 1612 we came to know the first administrative institution transferred from the Republic to West Africa.

Due to the military character of the settlement, the States General organized a government based on maritime and military law. In fact, the administration of the fort was based on the military command of the first war fleet sent by the States General to Mori in 1611 to negotiate the final details for the construction of the fort. The war fleet included three frigates and a warship. The command of the fleet was given to General Jacob Andriaensen Clantius with jurisdiction over all personnel on sea and on land. However, the government of the fleet was in the hands of a Council. The Council meetings were convened by the general and usually took place on the admiral's ship. The council included the commanders of the three frigates, the captain of the warship, the lieutenant, and the corporal, the two sergeants of the land soldiers and a counsel and clerk. Presiding over the Council was the general. Both the general and the council were assisted by a secretary of government and the fiscal (see Diagram 1).<sup>1</sup>

Diagram 1: Government of the first war fleet sent by the States General to Mori (1611)



Sources<sup>2</sup>

A similar structure was followed in organising the administration at fort Nassau. The government of the fort was under the direct control of the States General in the Republic (see Diagram 2). The major difference was the jurisdiction of the general. This high military official, appointed by the States General, was the highest representative of

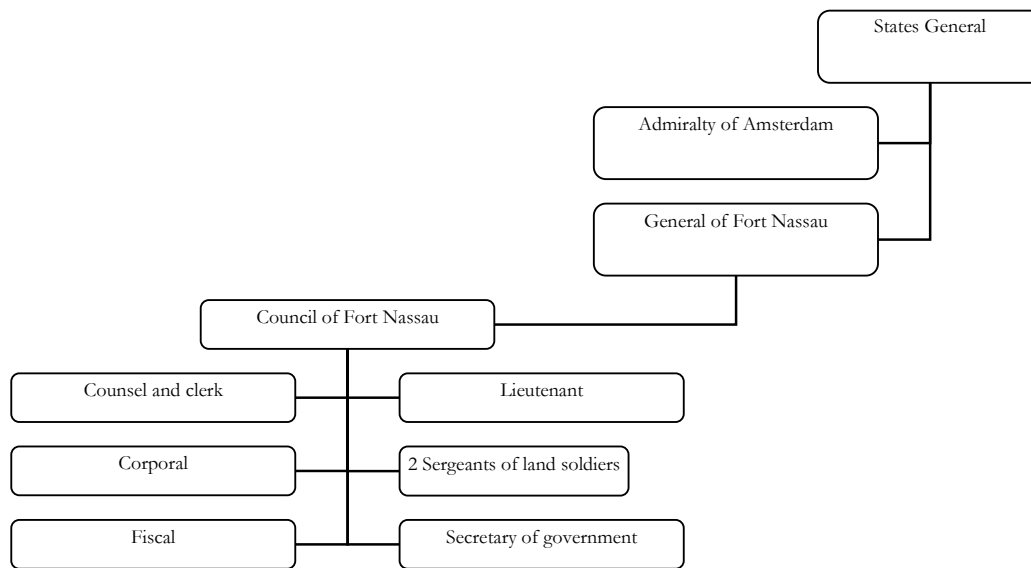
<sup>1</sup> J. K. J. de Jonge, *De Oorsprong van Nederland's Bezittingen op de Kust van Guinea in herinnering gebracht uit de oorspronkelijke stukken naar aanleiding van een voorgenomen afstand dier bezittingen aan Groot-Britannië* ('s-Gravenhage: Martinus Nijhoff, 1871), pp. 16 & 40-43.

<sup>2</sup> J. K. J. de Jonge, *De Oorsprong van Neerland's Bezittingen*, pp. 16 & 40-43.

their authority on the coast, with power to negotiate with the neighbouring African rulers and with jurisdiction over the military and civilian staff of the fort. The crews of the Dutch vessels operating in the coast were also under his authority.<sup>3</sup> This organization was based on the *artikelbrieven* which regulated the functioning of the war and the merchant fleets from the Republic.<sup>4</sup>

Since the early 1600s, several merchants from the Republic, either Dutch or foreigners, operating in areas of West Africa under effective military control of the Portuguese Crown, such as the Gold Coast, had advocated the establishment of a commercial company with a monopoly over the Atlantic trade. However, numerous businessmen of the Republic operating in West Africa and other Atlantic regions not controlled by the Portuguese Crown or where trade was not a monopoly of the Portuguese Crown, as was the case of Brazil, strongly opposed this idea. Nevertheless, in 1606, the project for the creation of a monopoly company started to be discussed in the assembly of the States General and became a reality on 3 June 1621, when the States General accepted the proposal of the States of Holland and chartered the Dutch WIC.

Diagram 2: Government in Fort Nassau (1612-1623)



Sources<sup>5</sup>

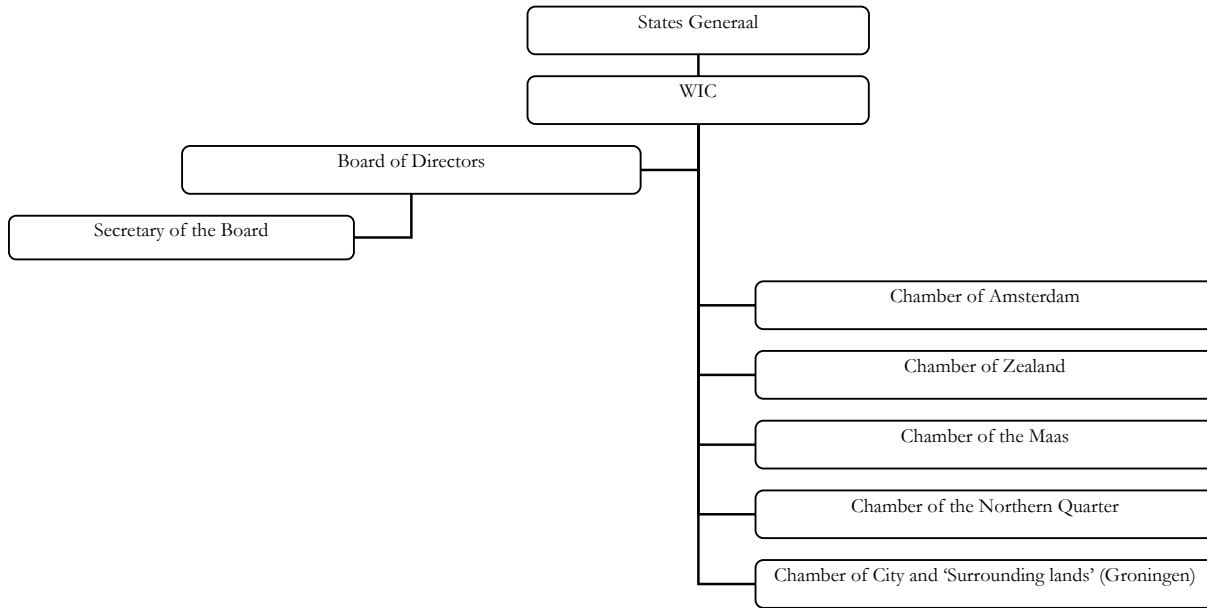
<sup>3</sup> J. K. J. de Jonge, *De Oorsprong van Nederland's Bezittingen*, pp. 16 & 41. General: Jacob Andriaensen Clantius; Secretary of government: Hendrick Joosten; Fiscal: Willem Ploos; Counsel and Clerk: Guillaume van de Perre; Captain of the warship: Hendrick Diericxs Sluiter. The staff of the first war fleet sent by the States General to the Guinea Coast to build Fort Nassau also included: clerks, secretaries, scribes, *contrerolleurs*, bottlers (*bottelliers*), general crew members and soldiers.

<sup>4</sup> On this subject see for example: Hendrik Hoogenberk, *De rechtsvoorschriften voor de vaart op Oost-Indië, 1595-1620* (Utrecht: Kemink, 1940).

<sup>5</sup> J. K. J. de Jonge, *De Oorsprong van Nederland's Bezittingen*, pp. 16 & 41.

The inner structure of the Company reflected the political and administrative frameworks of the Republic. Five Chambers were established: Amsterdam, Zealand, Northern Quarter, Maas and the Chamber of City and ‘surrounding land’ (see Diagram 3).<sup>6</sup>

Diagram 3: Organization of the WIC (1624-1674)



Sources<sup>7</sup>

The Chamber of Amsterdam represented exclusively the interests of Amsterdam; the Chamber of Zealand defended those of Middelburg, Vlissingen, Veere and Tholen. The Chamber of the Northern Quarter represented the cities of Rotterdam, Delft and Dordrecht; and the Chamber of City and the ‘surrounding land’, represented Groningen and its hinterland. The influence of each Chamber within the Company was determined by the amount of capital invested and the political and economic power held by the provinces and the cities they represented. Amsterdam held 4/9 of the Company capital; Zealand held 2/9; while the other three Chambers held 1/9 each. Consequently, Amsterdam and

<sup>6</sup> H. den Heijer, ‘Directores, Stadhouderes e Conselhos de administração’ in M. Wiesebron (ed.), *O Brasil em arquivos neerlandeses (1624-1654): Brasilie in de Nederlandse archieven (1624-1654)* (Leiden: CNWS, 2005), pp. 17-43; *idem*, *Goud, woor en slaven: scheepvaart en handel van de Tweede Westindische Compagnie op Afrika, 1674-1740* (Zuipen: Walburg Pers, 1997); *idem*, *De geschiedenis van der WIC* (Zuipen: Walburg Pers, 1994); P. C. Emmer, ‘The West India Company, 1621-1791: Dutch or Atlantic’ in Leonard Blussé and Femme Gaastra (eds.), *Companies and trade* (Leiden: Leiden University Press, 1981), pp. 71-95.

<sup>7</sup> H. den Heijer, ‘Directores, Stadhouderes e Conselhos de administração’ in M. Wiesebron (ed.), *O Brasil em arquivos neerlandeses*, pp. 21-26; H. den Heijer, *De geschiedenis van der WIC*, pp. 28-34; P. C. Emmer, ‘The West India Company’ in Leonard Blussé and Femme Gaastra (eds.), *Companies and trade*, pp. 71-95.

Zealand were the most powerful Chambers. The difference in capital and prestige of the provinces and cities determined the influence of each Chamber on the decision-making process within the Company, since they decided the number of directors. Amsterdam had 20 directors; Zealand had 12 directors; while each of the other three Chambers had 14 each. These men were chosen among the most powerful investors of each province and city.

The direction of the Company was given to an assembly – the Board of Directors – formed by 19 directors – ‘Gentlemen Nineteen’ – from the different Chambers. Once again, the number of directors per Chamber depended on the capital and the political and economic power of the provinces and cities. Amsterdam had eight directors and Zealand had four directors on the Board, while the other three Chambers had two each. A member of the States General had also a chair in this assembly. The Board was chaired either by the Chamber of Amsterdam or Zealand. Amsterdam held the presidency for six consecutive years and Zealand for two. The Gentlemen Nineteen gathered in assembly twice or three times a year to decide on the administrative policies of the Company for the coming months. They were also in charge of the finances of the WIC and the distribution of dividends among shareholders. The Board also had authority to form commissions to study certain matters. The members of such commissions were chosen among the directors and once again their number was proportional to the capital and the power of each Chamber. The Chambers, on the other hand, were responsible for putting these policies into practice.

Fort Nassau was transferred to the direct administration of the WIC in 1624, but its administrative structure did not undergo many changes, since the Board of Directors considered this form of government sufficient to administer the isolated fortresses of the Company.<sup>8</sup> After 1637, the headquarters of the WIC government in the Gold Coast were transferred to Elmina and this government acquired jurisdiction over all the other fortresses, entrepôts and lodges in the Gold Coast, the so-called ‘Guinea Coast’ in the Dutch primary sources.

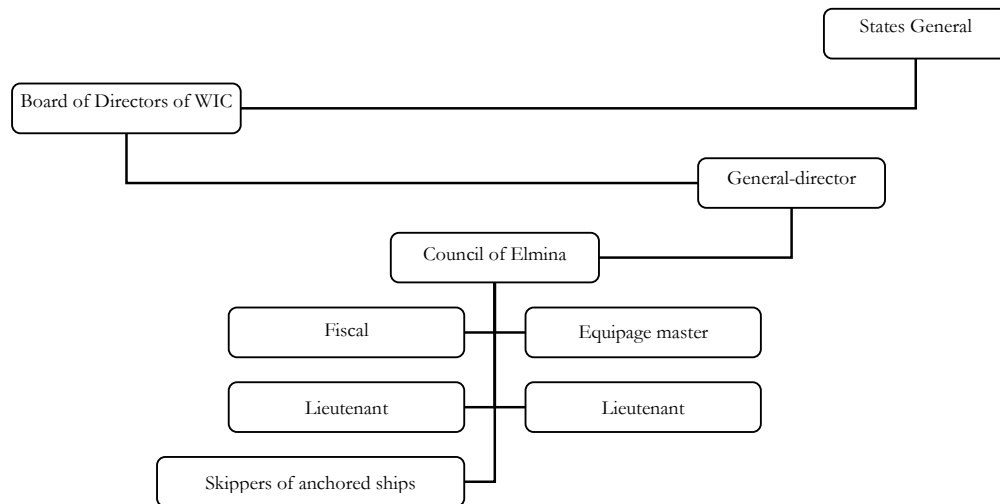
The WIC government of the ‘Guinea Coast’ was under the direct control of the Board of Directors. A director, also called the general-director, appointed by the Gentlemen Nineteen and confirmed by the States General, was the head of the government. He was the highest representative of the States General and the WIC in West Africa. The director held the power to sign treaties in the name of the Company and the

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<sup>8</sup> J. A. Schiltkamp, ‘Legislation, jurisprudence, and law in the Dutch West Indian colonies: The order of government of 1629’, *Pro Memoria*, 5.2 (2003), pp. 320-321; H. den Heijer, ‘Directores, Stadhouderes e Conselhos de administração’ in M. Wiesebron (ed.), *O Brasil em arquivos neerlandeses*, pp. 17-43; *idem*, *De Geschiedenis van der WIC*, pp. 69-80.

States General with the local African authorities as well as with other Europeans settled on the African coast. He also represented the WIC in issues concerning the Company employees and other Europeans settlers on the coast. In most cases, the second in rank was the fiscal, though it could also be oldest chief-merchant or chief-factor at Elmina, a military person or a skipper. However, as in the earlier period, and in theory, the administrative power was in the hands of the Council of Elmina and all decisions should be officially taken by this assembly, where the director should act like the leader of the government. The council also had an obligation to report the political and administrative situation on the Coast to the Board of Directors.<sup>9</sup> The council was chaired by the director and included the fiscal, the chief-merchants or chief-factors of Elmina, Fort Nassau and Accra, as well as the chief-merchants on board the vessels of the coastal fleet. The equipage-master and the lieutenant were also part of the Council. For the discussion of general matters, the skippers of the vessels funded at Elmina should also participate in the meetings of the council (see Diagram 4).<sup>10</sup>

Diagram 4: WIC Government of the Gold Coast or the 'Guinea Coast' (1624-1674)



Sources<sup>11</sup>

During the 1630s the Company came in control of other regions in West Africa, namely the fort on Gorée Island and the ports of Rufisque, Joal (present-day Joal Fadiouth, Senegal), Saly and Portudal (present-day Saly-Portudal, Senegal) in the Petite Côte of

<sup>9</sup> J. A. Schiltkamp, 'Legislation, jurisprudence, and law in the Dutch West Indian colonies', p. 334; H. den Heijer, 'Directores, Stadhouderes e Conselhos de administração' in M. Wiesebron (ed.), *O Brasil em arquivos neerlandeses*, pp. 17-43.

<sup>10</sup> Klaas Ratelband (ed.), *Vijf dagregisters van het kasteel São Jorge da Mina (Elmina) aan de Goudkust (1645-1647)* (s-Gravenhage: Nijhoff, 1953), pp. lvii-xci.

<sup>11</sup> Klaas Ratelband (ed.), *Vijf Dagregisters*, pp. lvii-xci & 335-360.



Senegal, as well as the fort on Arguin Island and the trading posts at Cape Blanco. None of these commercial areas and garrisons were under the jurisdiction of the government at the Gold Coast or under the direct administration of the Gentlemen Nineteen. The reasoning behind this decision is unclear to us, but it is likely that these areas of West Africa were not of much interest to the Gentlemen Nineteen regarding the main policy of the Company: to disrupt the economic power of the Spanish Habsburg King in the Atlantic by attacking the Spanish and Portuguese possessions and fleets. Portugal did not have any formal possessions in these areas of West Africa. The only possible activity was trade. Therefore, the government and commerce in these areas was granted by the Gentlemen Nineteen to the Chambers.

In fact, these two areas had their own governments. The governments at Fort Gorée and Fort Arguin were under the supervision of the Chambers of Amsterdam and Zealand, respectively. However, in contrast with the Gold Coast, the primary sources do not refer any council of government and justice. In both cases, there was a commander responsible for the garrison, and a chief-merchant in charge of the trade. The former had jurisdiction over military matters and the personnel and the latter over the commercial staff and their activities (see Diagram 5).<sup>12</sup>

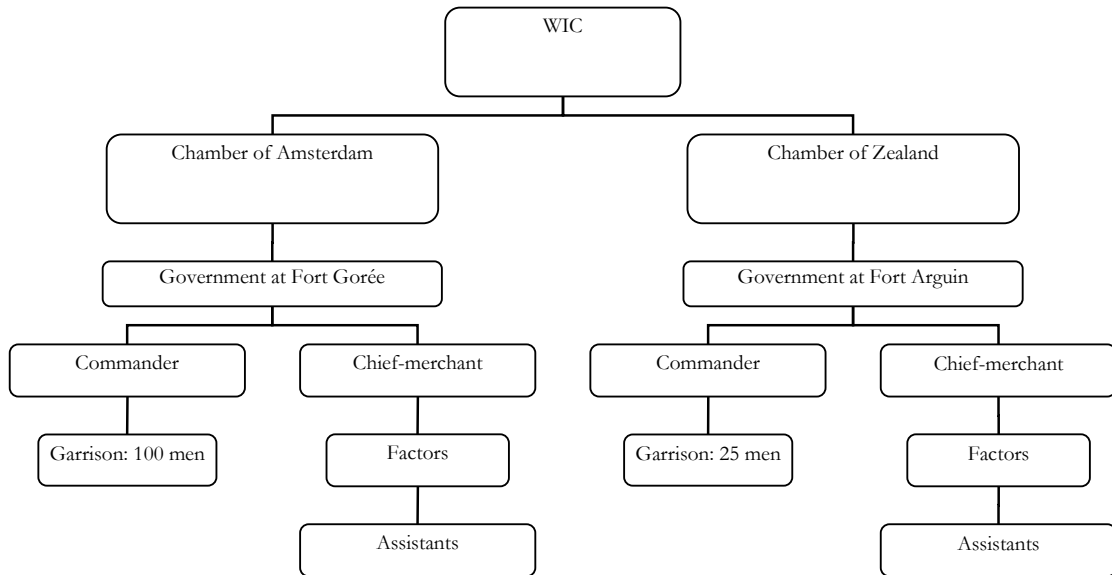
Besides the forts, entrêpôts and lodges in the Senegal and the Mauritania regions and the Gold Coast, the Company had trading activities in other areas, such as the Gambia River, the Grain Coast, Sierra Leone, the Loango, Soho and Kongo. In the former three regions there was never a formal government since the presence of the Company had only a temporary character. The three latter regions were under the jurisdiction of the Central Government of the Dutch West Indies established by the Order of 1629 and based in Brazil since 1630.<sup>13</sup> These regions were under the jurisdiction of this government due to the strong commercial links between these territories.<sup>14</sup>

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<sup>12</sup> Gemeente Archief Rotterdam, hereafter GAR, Handel nr. 83: S. van Brakel: 'Enne Memorie over den handel der WIC, 1670' in Albert van Dantzig (ed.), *The Dutch and the Guinea Coast, 1674-1742. A collection of documents from the General State Archive at The Hague* (Accra: GAAS, 1978), doc. 1, pp. 10-12. Gemeente Archief Amsterdam, hereafter GAA, Notarial Archieven, hereafter NA, 2791/549: 1669-10-11; 2791/709: 1669-10-24.

<sup>13</sup> The idea of establishing a Central Government for the Dutch West Indies emerged when the Company laid clear plans to occupy extensive masses of land, such as Brazil, Angola and São Tomé. For the first time, the Board of Directors – the Gentlemen Nineteen – considered the *artikellbrieven* inappropriate to rule these vast territories. When the Company launched the second attack on Brazil, more precisely on the captaincy of Pernambuco in 1629-1630, the Board of Directors, with the permission of the States General and the Count Maurits of Nassau, started to prepare a diploma defining a new central government for the Dutch West Indies settlements, including regulations concerning commercial, military, judicial, administrative and fiscal organization – the so-called *Orde van regieringe soo in policie als justitie, inde plaetsen veroverd, ende te veroveren in West-Indien*, later known as the Order of Government of 1629. The Company's main goal was to give an

Diagram 5: Governments at Fort Gorée (1624-1663 & 1664-1677) and Fort Arguin (1634-1678)



Sources<sup>15</sup>

administrative, military, judicial, commercial and fiscal unity to the government of the Atlantic colonies, by establishing a head of government in Brazil with supervisory power over the other local governments. According to this diploma the central government of the Dutch West Indies was to be based in Brazil. The head of government was a Board of nine councillors and a secretary, who was, at the same time, a lawyer and a notary. All of them had to be born or have been citizens of the Republic for more than seven years and members of the New Reformed Church. The board of councillors had supreme powers in all matters concerning finances, justice and military issues. The board was also responsible for the defence of the new colonies, the provision of people, ammunitions and foodstuffs. The councillors also held the power to legislate in issues regarding daily life, such as the regulation of markets and business activities. This central government was to have control over all colonies and settlements of the Dutch West Indies. Each settlement or group of settlements would have its local government comprising a Council of Government and Justice or two separate councils. These councils should include the high civilian and military officials of the Company. Each settlement would also have a governor, who was to be the head official of both councils. These governors and local governments would also have full powers including power to solve economic and financial problems in the areas under their jurisdiction. However, they subordinated to the central government and the Board of Directors of the Company. The governors would have access to the meetings of the local governments as advisors. In fact, they should always be present whenever the local governments discussed issues related to war, construction of defensive structures, and the organization of military expeditions. The council should be independent from the general-director, who should act like the leader of the government. The Council also had an obligation to report on the administrative situation in the settlement to the Board of Directors. Usually, all decisions regarding economic issues should only be taken in the presence of all members of the councils. After the loss of Angola (1648), São Tomé (1648) and Brazil (1654), the Company changed its main plans for the Atlantic, and the project of the central government had to be abandoned and partly adapted to the new reality. After that, the colonies remained separate and the instructions, rules and regulations were imposed by the Board of Directors and the States General. In each colony was established a council of government, which was the local head of government. The political head of the council was entitled commander, director or director-general according to the importance of the colony. In some cases he could also have the title of governor. J. A. Schiltkamp, 'Legislation, jurisprudence, and law in the Dutch West Indian colonies', pp. 320-334.

<sup>14</sup> Nationaal Archief, hereafter NA, Oude WestIndische Compagnie, hereafter OWIC 8: 1640-12-18: 'Les XIX au gouverneur et au conseil de Recife' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola 1639-1655 d'après les archives romaines, portugaises, néerlandaises et espagnoles* I (Bruxelles/Rome: Institut Historique Belge de Rome, 1975), doc. 9, p. 11.

<sup>15</sup> GAR, Handel nr. 83, also in Albert van Dantzig (ed.), *The Dutch and the Guinea Coast*, doc. 1, pp. 10-12.

The high demand for slaves in Dutch Brazil was used by the Central Government as the main reason to organize an expedition to take over Angola and São Tomé from the Portuguese. The plan received the approval of the Board of Directors and the States General, but for different reasons. In fact, both the Gentlemen Nineteen and the States General were hoping that the Company would gain from the Portuguese as many possessions as possible in the shortest period of time.

The Portuguese Restoration of 1640 put an end to the dual Iberian monarchy and the Portuguese King João IV (1640-1656) opened diplomatic negotiations with the Dutch Republic to end the economic embargoes against the Dutch vessels in the Portuguese Kingdom and to negotiate a truce period for the war in the Empire.<sup>16</sup> Therefore, neither the Company nor the States General could claim that Portugal was an enemy state for much longer. In fact, the ten-year truce had already been signed in the beginning of 1641. Hence, it was in the interest of the States General and the Company that Angola and São Tomé should be occupied before the official announcement of the truce arrived in these settlements.

The different reasons behind the sponsoring of the expedition of Admiral Jol against Angola and São Tomé gave place to an institutional conflict between the Central Government of the Dutch West Indies led by the governor of Brazil, Count Maurits of Nassau, the Gentlemen Nineteen and the States General. Immediately after the occupation of these two settlements, Count Maurits of Nassau and the Central government of Brazil advocated to the States General that these territories should be under the jurisdiction of Brazil, given the high demand for slave labour in the colony and since all the supplies of exchange goods, provisions and ammunitions to the 'Angola Coast' had been sent via Brazil since 1630. The States General wrote them a 'Memory' on this issue and submitted it to the Board of Directors of the Company for appreciation. To study the matter, the Gentlemen Nineteen organized a commission. In a report dated 6 February 1642, the commission voted in favour of the States General proposal. According to them, Angola

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<sup>16</sup> On 12 June 1641, a Truce Treaty valid for a period of 10 years was signed in The Hague between the Dutch Republic and Portugal and ratified by the Portuguese King in Lisbon on 12 November 1641. According to this Treaty, the Dutch Republic and Portugal established a truce of 10 years, to start in Europe immediately after the diploma has been ratified, one year after in India and six months after the arrival of the news in Brazil. In Asia and Europe the Dutch had freedom of navigation and commerce; however, the Portuguese ships did not have access to the Dutch Brazilian ports. For an overview of the peace negotiations between the Dutch Republic and Portugal see: Cátia Antunes, 'Diplomats behind economics' in *idem*, *Globalisation in the early modern period: The economic relations between Amsterdam and Lisboa: 1640-1705* (Amsterdam: Aksant, 2004); Eduardo Brazão, *A diplomacia portuguesa nos séculos XVII e XVIII*, I (1640-1700) (Lisboa: Editorial Resistência, 1979); Jorge Borges de Macedo, *História Diplomática Portuguesa: Constantes e linhas de força*, (Lisboa: Rev. Nação e Defesa, 1987).

should be under the direct administration of the Gentlemen Nineteen. The colony should be directly supplied from the Republic with provisions and exchange goods. Therefore, it should be separate from Brazil, as it was during the rule of the Portuguese. According to them, it did not make sense to supply Angola and São Tomé via Brazil, since this colony was also supplied by the Republic. Besides, the voyages between Brazil and Luanda were, according to them, longer than the route between the Republic and Angola. In addition, Brazil already had financial problems and administering another colony would be too costly for Dutch Brazil.<sup>17</sup>

On the opinion of the commission, Angola and São Tomé should be supplied directly from the Republic and all instructions should be sent by the Gentlemen Nineteen, because, on the one hand, the need for slave labour in Brazil was not a solid argument to give the government of Angola and São Tomé to the government in Dutch Brazil, since other colonies that the Company might occupy in the future might also need to import slaves. Besides, although the slave trade was the principal trade in Angola, there were other commercial branches in this area that the Company wanted to develop. On the other hand, Brazil could not supply Angola and São Tomé without the supplies sent from the Republic and time had shown that this re-distribution role had not been done properly, since the Company employees in Angola were having multiple difficulties with lack of foodstuffs, ammunitions, provisions, etc., despite the higher quantities of provisions sent to Brazil. In addition, the transport of the troops from the Republic or from Brazil to Angola resulted in the same problem. The troops sent to Brazil were, in fact, kept in this territory, while in Angola and São Tomé there was no rotation of soldiers, despite the number of troops sent to Brazil. The colony failed to re-distribute these military to the West African settlements. These arguments were presented to the States General on 4 March 1642.<sup>18</sup>

The States General accepted the arguments of the commission and, in opposition to Count Maurits of Nassau and the Central Government of Brazil, separated the governments of São Tomé and Angola from Brazil, established a new administrative division for the WIC posts in West Africa and gave instructions to the Gentlemen Nineteen to inform the Company directors on the spot and elaborate an instruction for the future government of the Southern District of West Africa.

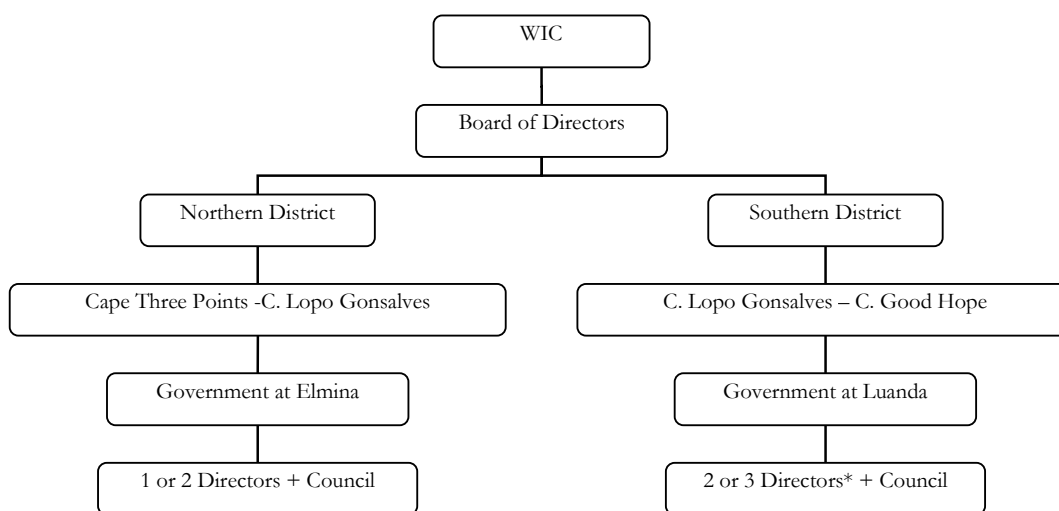
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<sup>17</sup> NA, Staten Generaal, hereafter SG, nr. 5773: 1642-02-06: 'Rapport de la commission formé par les XIX pour étudier le pro et le contre de la separation de Loanda avec le Brésil' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 76, pp. 200-202.

<sup>18</sup> NA, SG, nr. 5773: 1642-03-04: 'Arguments des commissaires de XIX contre un mémoire des États-Généraux sur le gouvernement des nouvelles conquêtes d'Afrique' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 84, pp. 237-239.

According to the new organization, the West Coast of Africa was to be divided in two districts with separate governments. The Northern district included the coastal areas between the Cape of Three Points and the Cape Lopo Gonçaves (present-day Cape Lopez); while the Southern district encompassed the coastal regions from Cape Lopo Gonçaves until the Cape of Good Hope, as well as the islands in the Gulf of Guinea. The government of the former district was based at Elmina and the latter at Luanda. Each government had jurisdiction on administrative, judicial, commercial and religious affairs.<sup>19</sup> The announcement of this new division sent to the director of the Northern district followed strictly the decision of the States General (see Diagram 6).<sup>20</sup>

Diagram 6: Administrative division of the West Coast of Africa ordered by the States General



Sources and Observations<sup>21</sup>

The instructions sent to the directors of the Southern district two months later were slightly different. The directors at Luanda were informed that the Gentlemen Nineteen had divided the West Coast of Africa into three districts with different

<sup>19</sup> 'VV. HH. Puissances, par leur lettre du 13 courant, nous ont chargés de hâter l'élaboration de l'instruction sur le gouvernement du district sud de la côte d'Afrique. Il s'étendra du sud de la ligne de l'Equateur au cap de Bonne-Espérance, et comprendra notamment São Paulo de Loanda et l'île de São Tomé. Nous avons établi cette instruction ici, à la réunion de ce 19, selon votre demande, et nous en envoyons ci-joint la copie à VV. HH. Puissance.', NA, SG, nr. 5773: 1642-03-19: 'Les XIX aux États-Généraux' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 96, pp. 250-251.

<sup>20</sup> NA, OWIC 9: 1642-04-19: 'Les XIX à Jacob Ruychaver, commandeur à la Guinée' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 101, p. 271.

<sup>21</sup> NA, SG, nr. 5773: 1642-03-19: 'Les XIX aux États-Généraux' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 96, pp. 250-251; NA, OWIC 9: 1642-04-19: 'Les XIX à Jacob Ruychaver, commandeur à la Guinée' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 101, p. 271. Observations: \* Due to the lack of military and naval officers willing to serve the Company in this area of West Africa, there were often just one or two directors.

governments. To the two districts mentioned earlier the Board of Directors added a third one: São Tomé with its own government. The island was supposed to be a bridge between the two other districts.<sup>22</sup> All these facts tell us much about the effective power of the Company vis-à-vis the States General and about the difficulties for the State of imposing its will on these distant territories.

This third district did not last long: by 1645 the islands of São Tomé were incorporated into the Northern district, though keeping their own government. The structure of these governments was identical to that of Elmina. The major difference was the existence of two directors and a government secretary. The two directors would be the highest authority in the colony and the representatives of the States General. They should conduct together the government of all matters. However, they should always take advice from a council, as in all other Dutch posts. The two directors had the power to call and preside over the Council but alternated in the presidency of the government.<sup>23</sup>

After the loss of Angola and São Tomé (1648), the government of the Southern district was dissolved and the entrepôts and lodges located in the Loango, Sohoio and Kongo regions came under the jurisdiction of the director of the Northern district at Elmina. However, the administration of West Africa remained divided into three main governments based at Gorée, Arguin and Elmina until the bankruptcy of the Company (1674). These places were all forts entrenched in profitable commercial areas of West Africa, which could be used to defend militarily the commercial interests of the WIC in the regions.

This administrative framework had several functioning problems. First, there were conflicts within the governments of the settlements, and second, there were disputes between the different Company governments on the coast. In conflicts within the governments, there was usually a conflict between the council and the directors. Although the council was supposed to be in control of the administration of the settlements, often this assembly was only called to inform them of the decisions of the directors, or to ask their advice on a few matters. This practice caused many conflicts, especially between the military command and the directors, who were in most of the cases civilians. These clashes

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<sup>22</sup> NA, OWIC 9: 1642-06-14: 'Les XIX aux directeurs de Loanda' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 112, pp. 296-302.

<sup>23</sup> NA, OWIC bundle 56, nr. 23: 1641-05-28: "Instruction du comte de Nassau et du conseil secret du Brésil pour l'admiral Jol, P. Moortamer, C. Nieulant and J. Henderson" in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 27, pp. 34-42.

between civilian and military authorities within the Company framework were especially acute in the settlements of São Tomé and Angola between 1641 and 1648.<sup>24</sup>

Regarding the different conflicts between the several governments of the West African posts and settlements, we find mainly a certain rivalry between the directors of the different areas, especially between the governments at Elmina, Luanda and São Tomé. This rivalry often led to a clear refusal to cooperate and to aid the other governments in cases of emergency. In several occasions, both the director of São Tomé and the directors of Angola only managed to obtain aid from Elmina with clear orders given by the Board of Directors of the Company in the Republic.<sup>25</sup>

In addition, the governments of the different areas were under the jurisdiction of different institutions: the Board of Directors of the WIC, the Chambers of the Company or the Central Government of the Dutch West Indies. This division of jurisdiction and the interference of the States General in the administrative matters of the WIC due to their political and diplomatic implications for the Dutch Republic made for multiple conflicts that ended in most of the cases in a loss for the governments of the posts and settlements in West Africa and other areas of the Atlantic. On the one hand, the irregular supply of exchange goods to the forts in West Africa by the aforementioned institutions caused commercial losses.<sup>26</sup> On the other hand, the insufficient supply of foodstuffs and ammunitions, as well as the deficient rotation of the troops controlled by the institutions mentioned earlier, ended for the military in territorial losses not only in West Africa, but also in Brazil.<sup>27</sup> Together they disrupted the financial situation of the Company. Furthermore, although the States General kept granting extraordinary subsidies to the Company, the finances of the WIC never recovered from the loss of those Atlantic territories.<sup>28</sup> These administrative and logistical problems on a local, regional and international level had a great impact on the other institutions established by the Dutch in West Africa.

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<sup>24</sup> These disputes will be examined in more detail further in this chapter when dealing with the military institutions and their functioning problems.

<sup>25</sup> Multiple examples of the conflicts between the directors of Elmina, São Tomé and Angola as well as the quarrels between the civil and military officials of the WIC may be found in Louis Jadin (ed.), *L'Ancien Congo et l'Angola* I-III.

<sup>26</sup> The military losses will be discussed later in this Chapter.

<sup>27</sup> For further information on the disputes between the Chambers of Amsterdam and Zeeland regarding the investments in Brazil and the sponsoring of the military conflicts with the Portuguese in this colony, see for example: P. C. Emmer, 'The West India Company' in Leonard Blussé and Femme Gaastra (eds.), *Companies and trade*, pp. 71-95; J. G. van Dillen, *Van rijkdom en regenten, handboek tot de economische en sociale geschiedenis van Nederland tijdens de Republiek*, (S-Gravenhage: Martinus Nijhoff, 1970), pp. 160-170.

<sup>28</sup> M. de Jong, 'Staat van oorlog': *Wapenbedrijf en militaire hervorming in de Republiek der Verenigde Nederlanden, 1585-1621* (Hilversum: Verloren, 2005), pp. 127-152.

In the Portuguese settlements in West Africa, in contrast, there was a more complex administrative framework, which showed a clear conflict between the public administration of the Portuguese Crown, the private management of noble and wealthy landlords, and the interests of the local city councils controlled by the Portuguese settlers.

The fortress- and the floating-factories in the Guinea-Bissau region, Arguin and the Gold Coast were under the direct administration of the Crown; while the governance of Cape Verde, São Tomé and Angola were granted by the Crown to private entrepreneurs – the so-called *donatarias* and *capitanias-donatarias*.<sup>29</sup>

The royal administration at São Jorge da Mina (present-day Elmina, Ghana) had jurisdiction over the fortresses of Axim and Shama and the commercial entrepôts in the Gold Coast and the Slave Coast. The fortress of Arguin had its own government. These royal governments had a similar structure. Usually, at the head of the government was a captain appointed by the king.<sup>30</sup> He held supervisory power over all matters, including administration, military defence, justice, trade and finances. Therefore, all institutions and

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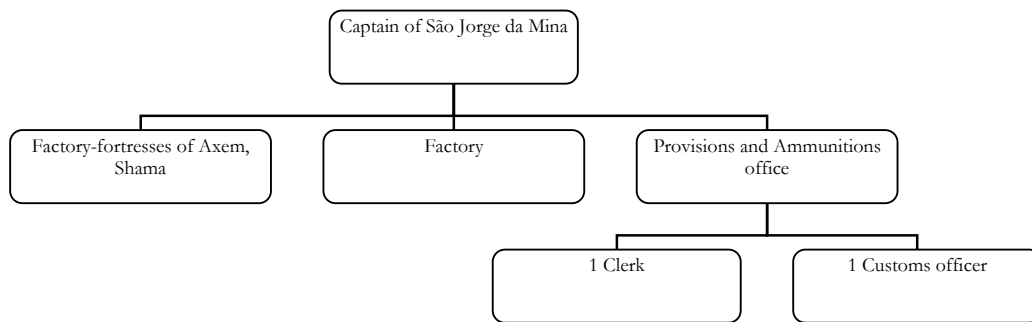
<sup>29</sup> The *Donataria* was a royal donation of the ownership of land to a nobleman as a reward for serving the Crown. In most cases, it could be inherited by the descendants of the landowner, after royal confirmation. The *Donatário* had the power to administer the land and to exploit it economically. In order to do so, he often divided the land into several *capitanias-donatarias*, territorial administrative divisions. In general, these noblemen did not settle in their *Donatarias* and *Capitanias-donatarias*. The rule of each of these areas was given to a *capitão-donatário*: in general, a member of the *donatário* noble house. The Captain had administrative, judicial, economic and military power to organize the territory in the name of the real owner. The *capitanias-donatarias*, as well as the function of *capitão-donatário*, were also donated in the form of inheritance right to the descendants of the beneficiary. A similar administrative system had already been used in Portugal during the Middle Ages. In order to populate, protect and promote economic growth on the areas bordering the Spanish and the Muslim kingdoms, the king attributed vast territories to noblemen, religious and military orders with political, judicial and economic power. The success of this solution led the Crown to use it in the new overseas areas in the Atlantic. First, it was tried with success in Madeira and Azores and from there was transplanted to Cape Verde, São Tomé, Angola and Brazil. Given this fact, the early Portuguese administration of the Atlantic had a medieval character. Cristina Maria Seuanes Serafim, *As Ilhas de São Tomé no século XVII* (Lisboa: Centro de História de Além-Mar, Universidade Nova de Lisboa, Faculdade de Ciências Sociais e Humanas, 2000), pp. 9-14 & 48-49; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola: século XVII I* (unpublished MA thesis, Universidade de Lisboa, 1996), pp. 300-314; Ângela Domingues, 'Administração e instituições: transplante, adaptação e funcionamento' in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde I* (Lisboa/Praia: Centro de Estudos de História e Cartografia Antiga, Instituto Nacional da Cultura de Cabo Verde, 1991), pp. 41-62; Luís de Albuquerque, 'A colonização de São Tomé e Príncipe: os capitães do século XV', Luís de Albuquerque (dir.), *Portugal no Mundo II* (Lisboa: Publicações Alfa, 1989), pp. 189-190; Artur Teodoro de Matos, 'Aspectos da administração das colónias portuguesas nos séculos XVI e XVII' in Luís de Albuquerque (dir.), *Portugal no Mundo IV*, pp. 311-314; Maria Manuel Torrão, 'Colonização de Cabo Verde: meios e objectivos' in Luís de Albuquerque (dir.), *Portugal no Mundo II*, pp. 152-154. For a general overview see: Francisco Bethencourt, 'Political configurations and Local powers' in Francisco Bethencourt & Diogo Ramada Curto, *Portuguese Oceanic expansion, 1400-1800* (Cambridge: Cambridge University Press, 2007), pp. 197-254; António de Vasconcelos de Saldanha, *As capitanias e o regime senhorial na expansão ultramarina portuguesa* (Funchal: Secretaria Regional do Turismo, Centro de Estudos de História do Atlântico, 1992).

<sup>30</sup> In the 'Guinea district' the captain often held the posts of factor and high judicial official – *ouvidor*. The judicial and commercial jurisdiction of the captain will be analysed in sections three and four of this chapter. Zelinda Cohen, 'Administração das ilhas de Cabo Verde e o seu distrito no segundo século de colonização (1560-1640)' in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde II*, pp. 189-224; Jorge de Faro, 'A organização administrativa da Guiné de 1615 a 1676', *Boletim Cultural da Guiné Portuguesa* (hereafter BCGP), 14/53 (1959), pp. 97-122.



royal officials were subordinate to the captain.<sup>31</sup> He also held the power to punish any official in cases of disobedience and negligence in the exercise of his functions. (see Diagram 7) However, the most important duty of the captain was to establish and keep peaceful and friendly relationships with the African authorities and serve as an intermediary in conflicts between the indigenous kingships. This diplomatic role granted the Portuguese an influential position in the local political scene as well as the economic cooperation of the local rulers – indispensable for the success of business.

Diagram 7: Government of the fortress-factory of Mina: as an example



Sources<sup>32</sup>

However, during the 16<sup>th</sup> century, the Portuguese Crown made efforts to bring the territories of Cape Verde, São Tomé and Angola under its direct administration. The first sign of this policy was the reduction of the life span of the donations. From the early 16<sup>th</sup> century onwards, the donations granted by the Crown were valid only during the lifetime of the beneficiary or during two or three lifetimes, returning to the administration of the Crown afterwards.<sup>33</sup> Another reflection of this policy was the shifting from donations to selling and renting contracts.<sup>34</sup> On the other hand, the king stopped confirming the

<sup>31</sup> The military and judicial authority of the captain will be examined on sections two and three of this chapter. Maria Teresa da Silva Diaz de Seabra, *Análise organizacional de S. Jorge da Mina: Perspectivas da colonização Portuguesa na Costa Ocidental Africana* (unpublished MA thesis, Universidade de Lisboa, 2000), pp. 80-94; J. Bato' Ora Ballong-Wen-Mewuda, *São Jorge da Mina: 1482-1637: la vie d'un comptoir en Afrique Occidentale I* (Lisbonne/Paris: Fondation Calouste Gulbenkian, 1993), pp. 207-270; Jorge de Faro, 'Estêvão da Gama capitão de S. Jorge da Mina e a sua organização administrativa em 1529', *BCGP*, 12/47 (1957), pp. 385-442.

<sup>32</sup> Maria Teresa da Silva Diaz de Seabra, *Análise organizacional de S. Jorge da Mina*, pp. 80-94; J. Bato' Ora Ballong-Wen-Mewuda, *São Jorge da Mina I*, pp. 207-270; Jorge de Faro, 'Estêvão da Gama capitão de S. Jorge da Mina', pp. 385-442.

<sup>33</sup> The islands of Fogo and Maio, for instance, were donated only during a lifetime in 1504.

<sup>34</sup> In 1504, the islands of Sal, Brava, Santa Luzia and the small islands of Branco and Raso were rented by King Manuel I (1495-1521), while the island of Santo Antão was sold to João da Fonseca.

donations granted previously and claimed jurisdiction over the overseas areas.<sup>35</sup> These measures were part of a general policy to sponsor centralization and enforce the power of the State both in Portugal and the Empire.

To replace the representatives of the *donatário*, the Crown sent royal officials with the authority to organize the royal administrative structure in each post or settlement. They had wide powers to replace most of the royal administrative officials of the settlements in case of inefficiency or death. It was also their function to reduce the administrative authority of powerful noblemen, the Church and the missionaries, such as the Jesuits. These royal officials, named captain-general, captain-judicial supervisor or captain-auditor, were appointed by the king and chosen from among the members of the Court bureaucratic apparatus.<sup>36</sup> This transition from private to royal administration took place in the main islands of Cape Verde and São Tomé and in Angola after mid-16<sup>th</sup> century.<sup>37</sup>

Between 1587 and 1607, the Portuguese Crown established royal governments in Cape Verde, São Tomé and Angola.<sup>38</sup> The royal government of Cape Verde had jurisdiction over the islands of Santiago and Fogo and the ‘Guinea district’.<sup>39</sup> The government of São Tomé, on the other hand, had only jurisdiction over the island.<sup>40</sup> In Angola, the government included not only the captaincy of Paulo Dias de Novais, but also the Portuguese settlements in the Kingdom of Kongo and Benguela.<sup>41</sup> At the head of these

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<sup>35</sup> Nevertheless, small areas remained under the administration of private noble landlords until the 18<sup>th</sup> century.

<sup>36</sup> For the Portuguese terminology see Glossary.

<sup>37</sup> Cristina Maria Seuanes Serafim, *As Ilhas de São Tomé*, pp. 9-18 & 48-49; Zelinda Cohen, ‘Administração das ilhas de Cabo Verde’ in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde II*, pp. 191-194; Luís de Albuquerque, ‘A colonização de São Tomé’ in *idem* (dir.), *Portugal no Mundo II*, p. 197; Maria Manuel Torrão, ‘Colonização de Cabo Verde’ in Luís de Albuquerque (dir.), *Portugal no Mundo II*, pp. 155-156; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 22-27.

<sup>38</sup> Cristina Maria Seuanes Serafim, *As Ilhas de São Tomé*, pp. 49-66; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 39-94, 142-158 & 198-200; Zelinda Cohen, ‘Administração das ilhas de Cabo Verde’ in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde II*, pp. 189-224; Artur Teodoro de Matos, *O império colonial português no início do século XVII: Elementos para um estudo comparativo das suas estruturas económicas e administrativas* (Ponta Delgada, Açores: Universidade dos Açores, 1995).

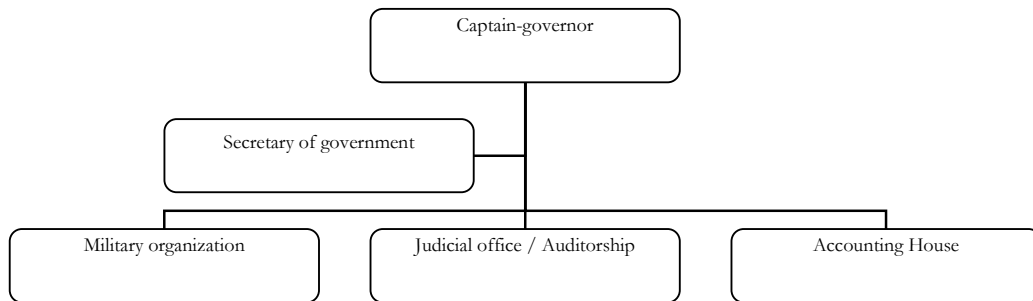
<sup>39</sup> The integration of all the Cape Verde Islands in the royal government occurred only in the 18<sup>th</sup> century. Artur Teodoro de Matos, ‘Santo Antão de Cabo Verde (1724-1732): da ocupação inglesa à criação do regime municipal: Mutações políticas, recursos económicos e estruturas sociais’ in *A dimensão atlântica da África: II Reunião Internacional de História de África. Rio de Janeiro 30 de Outubro a 1 de Novembro de 1996*, (São Paulo: CEA/USP, SGD/Marinha, CAPES, 1997), pp. 187-202; António Carreira, ‘A Capitania das Ilhas de Cabo Verde (Organização civil, eclesiástica e militar, séculos XVI-XIX – Subsídios)’, *Revista de História Económica e Social*, 19, Jan./Apr. (1987), pp. 33-79; *idem*, *Alguns aspectos da administração pública em Cabo Verde no século XVIII* (Bissau: [s.n.], 1972).

<sup>40</sup> The islands of Príncipe, Ano Bom and Fernão Pó were kept under the power of private landowners until the 18<sup>th</sup> century. Ano Bom and Fernão Pó were transferred to Spain during the negotiations of the Treaty of Pardo, signed in 1778; while Príncipe was incorporated in the royal government of São Tomé. Carlos Agostinho das Neves, *São Tomé e Príncipe na segunda metade do século XVIII* (Lisboa: Centro de História de Além-Mar, Universidade Nova de Lisboa, Faculdade de Ciências Sociais e Humanas, 1989), pp. 31-78.

<sup>41</sup> Between 1612 and 1648, there was an attempt to establish a royal government in Benguela separate from the government of Angola. This project, led by Manuel Cerveira Pereira, was approved by the Crown in 1615.

governments were captain-governors. These officials were appointed by the King in reward for their services to the Crown. Usually, they held supervising power over all royal servants of the local royal administration, with authority to admonish, punish and remove them from office and out of the settlement in cases of negligence. They also had permission to fill temporarily all vacancies in the royal administration, until the king appointed and sent a new official. The captain-governors also held the political power to issue new laws for local use and to take immediate decisions without consulting the King in cases of emergency, though with a duty to inform the central authorities. In Angola, after the takeover from the Dutch and the punishing campaigns against the African authorities that had supported the Dutch, the governors also gained the authority to choose and confirm the succession of some African rulers.<sup>42</sup> In the exercise of their wide jurisdiction, the captain-governors were usually helped by a secretary of government (see Diagram 8). In case of death of the captain-governor, he should be replaced by an interim successor appointed by himself in his testament or elected by the City Council. The interim governor would remain in service until the arrival of the new governor, appointed by the king in Lisbon.

Diagram 8: Government of São Tomé: as an example



Sources<sup>43</sup>

The ‘Guinea district’, the Portuguese settlement in Kongo, the fortresses along the Kwanza River and Benguela, although officially incorporated into the royal governments of

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The supporting arguments of the project were the existence of copper mines and the threat of the Dutch establishment on the Coast. The structure of the government was similar to the government of Angola. However, due to the lack of human and material resources the project failed. Benguela was occupied by the Dutch between 1641 and 1648. After the Portuguese takeover, the territory was classified as a general-captaincy – *capitania-mor* – and was definitively integrated in the general government of Angola. Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 147-158.

<sup>42</sup> Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 172-194.

<sup>43</sup> Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 46-64.

Cape Verde and Angola, had their own local governments.<sup>44</sup> The government of these places was under the command of a captain or captain-general appointed by the governor or by the king with political and administrative power to rule the Portuguese fortress and settlements established on the surrounding areas. In fact, they were quite autonomous from the captain-governor of Cape Verde and Angola. These Captains also had the power to appoint all military officials under their command. The captain of Cacheu, for instance, only had to inform the general government of the local political situation, to ask support from the general government whenever needed and to notify the general government of any vacancy due to death of an officeholder.<sup>45</sup> In Angola these captain-generals had the duty of protecting the fairs and the trade routes from any attack from the local African authorities, which made them the highest administrative and military officials of the Portuguese Crown in extensive areas of the Angolan hinterland.

Simultaneously, the king also sponsored the establishment of municipalities in these overseas territories. Like in Portugal during the Middle Ages, municipal councils were created to check and balance the power of noblemen and religious and military orders. In fact, the municipal councils were conceived as a local political institution where the common people could defend their interests and petition against abuses by the nobility, the clergy and the royal officials.

In Cape Verde, São Tomé and Angola, the municipalities were established by the *donatários* and the *capitães-donatários* and confirmed by the King during the 15<sup>th</sup> and 16<sup>th</sup> centuries.<sup>46</sup> These municipal councils were presided over by two judges, followed by several councillors, an attorney, a treasurer and a clerk; together they formed the municipal assembly.<sup>47</sup> All municipal officials were elected from among the richest and most powerful inhabitants of the city or town: the local elite. Usually, the chosen were landlords, traders and holders of high military posts (see Diagram 9).

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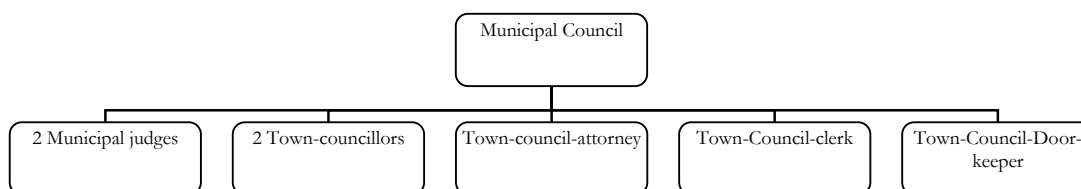
<sup>44</sup> After the administrative reforms of the late 16<sup>th</sup> century, the Guinea-Bissau region was incorporated into the government of Cape Verde under the designation of ‘Guinea district’. The royal government of the ‘Guinea district’ had jurisdiction over all trading posts in the area. Zelinda Cohen, ‘Administração das ilhas de Cabo Verde e seu distrito no segundo século de colonização (1560-1640)’ in Maria Emília Madeira Santos, (coord.), *História Geral de Cabo Verde* II, pp. 189-224.

<sup>45</sup> Zelinda Cohen, ‘Administração das ilhas de Cabo Verde’ in Maria Emília Madeira Santos, (coord.), *História Geral de Cabo Verde* II, pp. 189-224.

<sup>46</sup> During the 15<sup>th</sup> century, three municipal councils were established in Cape Verde: Ribeira Grande (present-day Cidade Velha), Alcatrazes (present-day Praia), and São Filipe – the former two in Santiago and the later in Fogo – as well as two municipalities in São Tomé and Príncipe. The Municipal Councils of Angola: Luanda and Massangano were only established in the late 16<sup>th</sup> century, due to the later settlement in this territory. For a general overview see: Francisco Bethencourt, ‘Political configurations and Local powers’ in Francisco Bethencourt & Diogo Ramada Curto, *Portuguese Oceanic expansion*, pp. 197-254; C. R. Boxer, *Portuguese Society in the Tropics*.

<sup>47</sup> For the Portuguese terminology see Glossary.

Diagram 9: Organization of the municipal councils: São Tomé and Príncipe as an example



Sources<sup>48</sup>

These municipalities were responsible for the government of the urban areas, holding legislative and political power over all matters concerning the improvement of daily life and infrastructures in the urban areas, such as buildings, roads and water systems. The municipal assembly held the legislative power and two ordinary judges controlled the practice of justice. These municipal governments usually opposed all measures taken by the *capitães-donatários* or by the royal officials that might endanger the interest of the local settlers.

In the government of the Portuguese posts and settlements we find two different types of conflicts. On the one hand, there were often divergences between the different royal officials and the captain-governor; these conflicts were usually due to abuses of power either by the head of government or by his subordinates. Many of these problems arose when high judicial officers brought to trial and sentenced other high officials for abuses of power.

On the other hand, there was a clear conflict between the royal governments and the municipalities. These conflicts were often a consequence of a clash between the policies of the Crown for the territories and the interests of the local elites in control of the municipal councils. A good example of these conflicts were the protests of the Ribeira Grande municipality against the royal measures to allow the *contratadores*<sup>49</sup> of the Cape Verde and Guinea monopoly to dispatch the slave ships directly from the ‘Guinea District’ to the Americas without calling at Ribeira Grande and paying taxes at the town customs-house.<sup>50</sup>

In addition, there were also quarrels between the various governments of the West African posts and settlements. These conflicts emerged mainly in the governments that had

<sup>48</sup> Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 103-109.

<sup>49</sup> For the Portuguese terminology, see Glossary.

<sup>50</sup> Maria Manuel Torrão, ‘Rotas comerciais, agentes económicos, meios de pagamento’ in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde II*, pp. 60-94.

'autonomous districts' like Cape Verde, with the 'Guinea District', and Angola, with the autonomous governments at Kongo and Benguela, as well as the fortresses along the Kwanza River. Their subordination to the royal governments based at Ribeira Grande and Luanda was only theoretical. In practice, the autonomy of these governments was enormous and in some cases it led to disputes between the government and the districts. The relationship between the Cape Verde and the 'Guinea district' during the late 16<sup>th</sup> and early 17<sup>th</sup> centuries is a good example. These two regions had a clear conflict of interest concerning the slave trade. The royal government of Cape Verde based at Ribeira Grande insisted on the island's role of commercial entrepôt between the inter- and intra-continental routes linking the Archipelago to Europe and the Americas and to the Guinea-Bissau region, respectively; while the royal officers in the 'Guinea district' wanted to dispatch the slave ships directly from the Guinea-Bissau region to Europe and the Americas. The position of the latter was supported by the *contratadores* of the Cape Verde and Guinea monopoly.<sup>51</sup>

In brief, the Dutch had councils of government chaired by one or two directors, while the Portuguese Crown gave the leadership of the colonial governments to a single person: the captain-governor. Nevertheless, this 'absolute' power of the captain-governor was balanced by the municipal councils of the several urban centres. They represented the interests of the settlers and played on many occasions a key role in the administration of the settlements.

In the Dutch case, the conflicts between the councils of government and justice and the directors of the Company made the decision-making process extremely difficult and allowed abuses of power either by the directors or by the military commanders, which often led to mismanagement. The conflicts between the different councils of government and justice and the directors in West Africa made cooperation difficult, forcing some settlements to live under extreme conditions. Moreover, the clashes between the different Chambers of the WIC, the Board of Directors, the Central Government of Brazil and the States General concerning political, administrative and military matters sparked a whole set of contradictory measures. These disputes of jurisdiction provoked a chaotic organization,

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<sup>51</sup> Maria Manuel Torrão, 'Rotas comerciais, agentes económicos, meios de pagamento' in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* II, pp. 112-124. For further information on these conflicts, see Chapters five and six.

especially regarding the supply of provisions, ammunitions, weaponry and products, with grave consequences militarily and commercially.<sup>52</sup>

In the Portuguese case, the conflicts between the royal officials and the municipal governments that are described by the historiography as conservative and opposing the application of many royal measures or policies in Portuguese West Africa were essential for the upturn of the Dutch-Portuguese military encounters in the Atlantic.<sup>53</sup> The local elites organized in the municipal councils made all possible efforts to defend the interest of their settlement, which meant in most cases defending their own interests. Often they even took over the local royal government temporarily. This influence of the local elites on the administration of the settlements was decisive in critical moments, such as when the Dutch occupied São Tomé and Angola – the resistance against the WIC was, after all, organized by the powerful settlers and the high royal officials. However, without the support of the local settlers, the royal officials and the few military commanders would have not been able to defend or organize any form of systematic resistance against the Dutch.

## 2. Military Institutions

In the defensive structures, the weaponry and the troops used by the Dutch and the Portuguese in West Africa, there were substantial differences. The Dutch had a formal military organization and up-to-date defensive structures, weaponry and war fleets. Their commanders were experienced mercenaries from the Thirty and the Eighty Years' Wars, and their troops were disciplined and trained according to the new concepts of war in use in the Republic.<sup>54</sup> They were professionals paid to fight and defend the interests of the WIC and the Dutch Republic. Their payment was assured partly by the Company, the States General and the Admiralties. The Portuguese, in contrast, had an informal military organization, weak and old-fashioned defensive structures and insufficient and outdated armament, since the Crown lacked the financial resources to supply weaponry and

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<sup>52</sup> See, for example, the letters sent by the Board of Directors to the Chambers of Amsterdam and Nort Quartier, as well as the letters from the Council of Brazil to the Gentlemen Nineteen and the Chamber of Zeeland concerning the supply of Angola: NA, OWIC 4: 1647-01-25: 'Les XIX à la Chambre d'Amsterdam' and 'Les XIX aux Chambers de Frisse occidentale et Quartier Nord' in in Louis Jadin (ed.), *L'Ancien Congo et l'Angola* II, doc. 410-411, pp. 880-881; NA, OWIC 64: 1647-02-26: 'Le Conseil de Recife aux XIX' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola* II, doc. 416, p. 883; NA, OWIC 64: 1647-03-31: 'Lettre générale à la Chambre de Zélande' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola* II, doc. 420, p. 891.

<sup>53</sup> C. R. Boxer, *Portuguese society in the tropics*, pp. 103-110.

<sup>54</sup> For a general overview on the subject see: Geoffrey Parker, *The military revolution*, several chapters.

ammunition in the required quantities and to recruit and pay qualified soldiers. The soldiers were insufficient in number, badly trained and lacked discipline.

In the next paragraphs we will analyse in detail the Dutch and Portuguese military organization in their West African posts and settlements and debate its impact in the course of the two Atlantic empires.

Before 1612 the merchants of the Dutch Republic operating the commercial circuits of the South Atlantic relied exclusively on the light and heavy weaponry carried on board the vessels.<sup>55</sup> The supply of this military equipment was controlled by the Admiralties of each province, and consequently supervised by the States General, since this institution had supervision over the Admiralties.

The naval attacks by the Portuguese in West Africa against the Dutch ships forced most businessmen to look for military protection from the States General and the local African rulers, as was the case with the ruler of Asebu. In agreement signed between the Asebu and the Dutch a plot of land was allocated for the construction of the first permanent Dutch settlement in the Gold Coast, Fort Nassau at Mori, built in 1612. The main function of the fort was to defend the commercial interests of the 'Dutch merchants' in the Gold Coast and the Gulf of Guinea.

The States General were responsible for the building and maintenance of the fort.<sup>56</sup> The garrison of the fort followed the military hierarchy in use in the Republic. The command was given to a general, followed by a lieutenant, a corporal, the constables, the sergeants of the land soldiers and other officers. At the bottom of the military ranking were the soldiers (see Diagram 10). All the personnel were selected, examined and recruited by the Admiralty of Amsterdam and hired for terms of three years. The Admiralty was also in charge of the transport of the personnel, as well as the supply of provisions, ammunitions and weaponry.<sup>57</sup>

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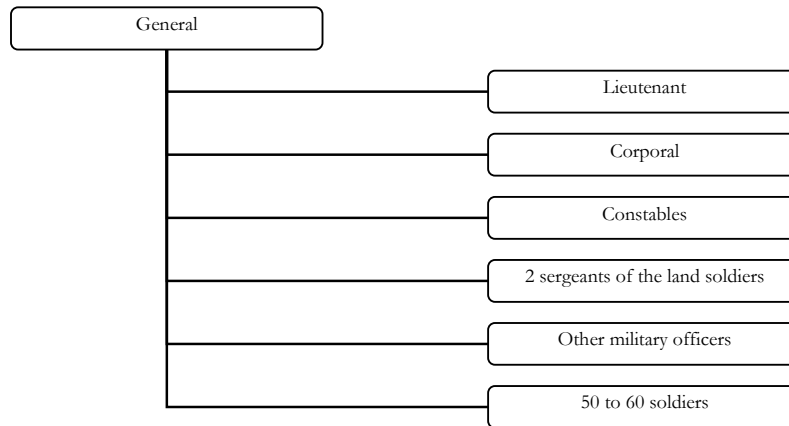
<sup>55</sup> For example, the ship *De Son* freighted by Gerret Veen for a voyage to Loango and Kongo in 1611-1612 carried on board 10 iron pieces and six stone pieces. J. D. La Fleur, (trans. & ed.), *Pieter van den Broecke's journal of voyages to Cape Verde, Guinea and Angola (1605-1612)* (London: Hakluyt Society, 2000), pp. 83-103.

<sup>56</sup> J. K. J. de Jonge, *De Oorsprong van Nederland's Bezittingen*, pp. 16 & 41.

<sup>57</sup> An interesting description of this journey can be found in the journal written by Samuel Brun, a Swiss barber-surgeon, serving at fort Nassau between 1617 and 1620. 'Samuel Brun's voyages of 1611-20' in Adam Jones (ed.), *German Sources for West African History, 1599-1669* (Wiesbaden: Steiner, 1983), pp. 44-96.



Diagram 10: Military hierarchy in Fort Nassau (1612-1623)



Sources<sup>58</sup>

The establishment of the WIC in West Africa in 1624 brought about some changes in the military institutions, reflecting an offensive military policy that would last until 1648. This new policy led to several military attacks against the Portuguese forts. The first forts to be taken over were Gorée and Arguin. In the late 1630s and early 1640s, the Company took hold of the Portuguese forts at the Gold Coast: Elmina, Shama and Axim. Finally, in 1641, the Company captured the Portuguese settlements of Angola and São Tomé.

In the 1630s and 1640s, the military organization of the WIC in West Africa was divided into several commands. These were Gorée, Arguin, Elmina, São Tomé and Angola. The garrisons of Gorée and Arguin were ruled by a commander.<sup>59</sup>

In Elmina, the director was the highest authority in charge of military matters and with jurisdiction over all military officers. However, the highest military rank was the lieutenant followed by the sergeants, the captains of arms, the corporals, the lancers, the naval cadets, the soldiers, and the drummers.<sup>60</sup> Each fort was commanded by a sergeant, except Shama and Accra, where the military command was given to a corporal and a naval cadet, respectively. Furthermore, in order to protect the commercial monopoly in these regions, Elmina kept a permanent fleet for patrolling.<sup>61</sup> On board each ship were a

<sup>58</sup> J. K. J. de Jonge, *De Oorsprong van Nederland's Bezittingen*, pp. 16 & 41.

<sup>59</sup> The two forts had garrisons of 100 and 25 men, respectively. GAR, Handel nr. 83, Albert van Dantzig, *The Dutch and the Guinea Coast*, doc. I, pp. 10-12.

<sup>60</sup> For the Dutch terminology see Glossary.

<sup>61</sup> In 1645, the fleet included four yachts: *De Fortuyn*, *Den Dolphijn*, *De Vischer* and the *Riael*. Klaas Ratelband (ed.), *Vijf dagregisters*, pp. 355-360.

constable under the military authority of the lieutenant and a skipper under the authority of the equipage-master.<sup>62</sup>

In Angola, on account of the higher number of troops on the land, the military organization was more complex. For instance, the military command was given to a lieutenant-colonel. Under his authority were the majors of the regiments, the captains of the units, as well as all the other high and low officials, following the military ranking of the Republic adopted in the other settlements of the Company. Although the lieutenant-colonel was the highest military authority, he was expected to consult with the majors of the regiments and the captains of the units in a military council. In fact, all military measures were to be taken independently from the directors of the Company at Luanda.<sup>63</sup>

After the loss of Angola, São Tomé and Brazil, the military organization of the Company was divided into only three commands: Fort Gorée, Fort Arguin and Elmina. From 1649 onwards, the WIC also adopted a more defensive military strategy. The main concern was to reinforce the military structure in the areas where the Company had its strongest commercial influence, namely the Gold Coast. Therefore, between the 1640s and the 1660s, the WIC built several forts as was the case of Fort Batensteyn at Boutry, Fort Crèvecoeur at Accra and rebuilt others taken over from other sea powers such as Fort Amsterdam (1665) at Cormantine, previously under English domain. The Company also established several entrepôts and lodges. In 1645, the Company had a lodge at 'Comany' (present-day Komenda) and another one in 'Cabo Cors' (from the Portuguese *Cabo Corso*, present-day Cape Coast).<sup>64</sup> These would be followed by other posts on the Slave Coast, such as Quidah, established c.1670.

These different commands were under the jurisdiction of multiple authorities in the Republic. The commands of Gorée and Arguin fell under the jurisdiction of the Chambers of Amsterdam and Zealand. The command at Elmina was the responsibility of the Board of Directors. Regarding the military command of Angola and São Tomé the situation was even more complex. Between 1641 and 1642 they were under the supervision of the Count of Nassau and the Central Government of Brazil. In 1642, by decision of the States General they came under the direct control of the Gentlemen Nineteen.

These different authorities were responsible for the supply of personnel, provisions, weaponry and ammunitions to the military commands under their jurisdiction. However,

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<sup>62</sup> Klaas Ratelband (ed.), *Vijf dagregisters*, lvii-xci & 355-360. For the Dutch terminology see Glossary.

<sup>63</sup> NA, OWIC bundle 56, nr. 23: 1641-05-28: 'Instruction du comte de Nassau et du conseil du Brésil pour l'amiral Jol, P. Moortamer, C. Nieulant et J. Henderson' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 27, pp. 34-42.

<sup>64</sup> Klaas Ratelband (ed.), *Vijf dagregisters*, pp. 355-360.

this intricate scheme of jurisdictions made for great confusion concerning the supplies. The commands of Angola and São Tomé give probably the best example of the problem. Initially, the supplies to the areas were to be provided by the Central Government in Brazil. In 1642, the States General considered that this was an enormous burden on the finances of the colony and decided that provisions should be sent directly from the Republic by the Board of Directors. However, the Gentlemen Nineteen did not discharge the Central Government in Brazil from the duty of providing help and assistance to Angola and São Tomé.<sup>65</sup>

The Board of Directors took another step towards exoneration from its supplying responsibilities by giving instructions to the local commanders to look for provisions in the settlements or produce them locally, as the Portuguese and the Castilians did, and to not be dependent on the supplies from the Republic.<sup>66</sup> This clear attempt to shift the supplying responsibilities to other authorities or to share the responsibilities among several authorities forced the commanders of Angola and São Tomé to live under extreme conditions, without food supplies and clothes for the troops, medication, ammunitions or weapons.<sup>67</sup>

In periods of peace with the Portuguese and the Africans, the Company employees managed to purchase foodstuffs, water and other goods for daily consumption locally. However, the production of foodstuffs by the Company required the settlement in the hinterland of the cities, farmers with experience in agriculture and cattle breeding in tropical environment, agricultural utensils, and labour force with knowledge in agricultural production. Only slave labour force was available for agricultural productions. None of the other requirements were met by the Company and its employees.

The Portuguese posts and settlements in West Africa did not have a formal military organization or suitable defensive structures until the end of the 16<sup>th</sup> century. The only exceptions were the factories of Arguin, Axim, São Jorge da Mina and Shama. Here, the Portuguese Crown built fortresses and maintained small permanent garrisons. However, these defensive structures were constructed according to medieval military architecture,

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<sup>65</sup> NA, OWIC 8: 1643-08-03: 'Les XIX au gouverneur et au Conseil du Recife (extraits)' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 165, pp. 466-467.

<sup>66</sup> '...Les autres doivent apprendre, de l'exemple donné pour les Portugaises et les Castillans dans la conquête, à produire eux-mêmes les vivres les plus nécessaires et à ne pas être nourris de la notre main', NA, OWIC 9: 1642-06-14: 'Les XIX aux directeur de Loanda' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola I*, doc. 112, pp. 296-302.

<sup>67</sup> Correspondence from the Directors and the commanders of the troops to the Count of Nassau, the High Government of Brazil and the Board of Directors, Louis Jadin (ed.), *L'Ancien Congo et l'Angola I-III*.

which made them obsolete given the new military technology of the 16<sup>th</sup> century.<sup>68</sup> The garrisons were small and the soldiers hardly had any discipline or training. The military hierarchy was defined according to social status. The captain of São Jorge da Mina was, normally, a nobleman appointed by the king. He was the highest-ranking military authority on the coast. Under his command were the captains of the other fortresses, except Arguin, which had its own military government. Even the small fleet patrolling the Gold Coast was subordinate to the captain of Mina.<sup>69</sup> In the Guinea-Bissau region, the captain-factor<sup>70</sup> in charge of the royal floating-factory had reduced military equipment on board the ship anchored at São Domingos River to defend the interests of the Crown.<sup>71</sup>

In Cape Verde, São Tomé and Angola, the *capitães-donatários* were the ones in charge of building the defensive structures and organizing the military protection. However, owing to their limited economic resources, many of these structures were made of weak materials such *taipa*<sup>72</sup>, adobe and chalk, and their design still followed Portuguese medieval military architecture.<sup>73</sup> Moreover, in these territories there was no formal military organization and

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<sup>68</sup> Helder Carita, *Lisboa Manuelina e a formação dos modelos urbanísticos da época moderna (1495-1521)* (Lisboa: Livros Horizonte, 1999), pp. 47-49 & 193-199; Manuel C. Teixeira, 'The models of reference of Portuguese colonial urbanism of the 15<sup>th</sup> and 16<sup>th</sup> centuries', *Urbanismo de Origem Portuguesa*, 1, 1999. <http://urban.iscte.pt/revista/numero1/MT.htm>; *idem*, 'Portuguese colonial settlements of the 15<sup>th</sup>-18<sup>th</sup> centuries. Vernacular and erudite models of urban structure in Brazil' in C. Coquery-Vidrovitch (coord.), *La Ville Européenne Outre Mers: un Modèle Conquérant? (XV-XX Siècles)* (Paris, France: L'Harmattan, 1996), pp. 15-27; *idem*, 'Portuguese traditional settlements, a result of cultural miscegenation', *Traditional Dwellings and Settlements Review*, 1, 1990, p. 28. For a general overview on military technology of the 16<sup>th</sup> century, see: Geoffrey Parker, *The military revolution: military innovation and the rise of the West, 1500-1800* (Cambridge: Cambridge University Press, 1996).

<sup>69</sup> Maria Teresa da Silva Diaz de Seabra, *Análise organizacional de S. Jorge da Mina*, 85; J. Bato' Ora Ballong-Wen-Mewuda, *São Jorge da Mina I*, pp. 207-226; Jorge de Faro, 'Estêvão da Gama, capitão de S. Jorge da Mina', pp. 390-392 & 395-397.

<sup>70</sup> The captain-factor was a royal officer that accumulated the functions of military captain and factor of the King. For the Portuguese terminology, see Glossary.

<sup>71</sup> Several attempts were made to build a small fort with wood and clay, but it was destroyed on different occasions by the indigenous rulers. Only in the late 16<sup>th</sup> century, a few Portuguese businessmen conducting trade in the region succeeded in constructing a fortified house on the shore of the river. This house would become the headquarters of the military organization of the Portuguese Crown in the region from 1614 onwards. Jorge de Faro, 'A organização administrativa da Guiné', pp. 104-105 & 111-112.

<sup>72</sup> *Taipa* is a Portuguese technical term for a mixture of mud and pieces of wood used in construction.

<sup>73</sup> In São Tomé, the *capitão-donatário* Álvaro de Caminha built a single round tower located in the centre of the main town (c.1492), which was at the same time his residence and the government headquarters. Its construction was mainly to assure the internal defence of the city, its government and its population. In Ribeira Grande, on the other hand, the first defensive structure was only built in 1512 – also a construction by the *capitão-donatário* using simple materials and probably a simple design. In Angola, the *capitão-donatário* – Paulo Dias de Novais – built a fort in Luanda, named the Fortress of São Miguel, and three small forts along the Kwanza River in Massangano (1580/1583), Muxima (1594/1599), and Cambambe (1609). C. Carvalho, 'Formação dos primeiros centros urbanos de Santiago de Cabo Verde: Ribeira Grande e Praia' in Renata Araújo, Helder Carita and Walter Rossa (coord.), *Universo Urbanístico Português: 1415-1822: Actas do Colóquio Internacional* (Lisboa: Comissão Nacional para as Comemorações dos Descobrimientos Portugueses, 2001), pp. 131-138; Teresa Madeira, 'Estudo morfológico da cidade de São Tomé no contexto urbanístico das cidades insulares atlânticas de origem portuguesa' in Renata Araújo, Helder Carita and Walter Rossa (coord.), *Universo Urbanístico Português*, pp. 247-266; António Correia e Silva and F. Pires, 'A influência do porto na formação e configuração das cidades cabo-verdianas: Ribeira Grande, Praia e Mindelo' in Renata Araújo, Helder Carita

the weaponry available in the fortresses and small forts was reduced in number and old-fashioned.<sup>74</sup> Hence, in practice, the defence of these territories was in the hands of the most powerful noble landlords, who held command of ‘private armies of slaves’ as well as militias of permanent settlers.<sup>75</sup>

When these settlements came under direct royal administration and the threat of European attacks increased, the Crown made an effort to establish a formal military organization and reinforce the defensive structures.<sup>76</sup> The captain-governor of each establishment became the highest military authority.<sup>77</sup> The second post was held by the sergeant-general. He was followed by other high officers, namely the captains of the fortresses, the constables, the corporals, the bombardiers, the artillerymen or gunners and the *facheiros* – men in charge of the system of light signals to communicate between the

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and Walter Rossa (coord.), *Universo Urbanístico Português*, pp. 615-620; António Correia e Silva, *Espaços Urbanos de Cabo Verde. O tempo das cidades-porto* (Lisboa: Comissão Nacional para as Comemorações dos Descobrimientos Portugueses, 1998), pp. 10-23; Iva Cabral, ‘Ribeira Grande: vida urbana, gente, mercancia, estagnação’ in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde II*, pp. 225-274; Lídio Cabral Baleno, ‘Povoamento e formação da sociedade’ in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde I*, pp. 125-178; António Correia e Silva, *A influência do Atlântico na formação dos portos de Cabo Verde* (Lisboa: Centro de Estudos de Cartografia Antiga, Instituto de Investigação Científica e Tropical, 1990); J. Fagundes, ‘Ribeira Grande: a Cidade Velha’, *Oceanos*, 5 (1990), pp. 78-84; António Ambrósio, ‘A fundação da ‘Poçom’(S. Tomé): uma capital em África’ in *Congresso Internacional Bartolomeu Dias e a sua época: Actas: vol. I: D. João II e a política quatrocentista* (Porto: Universidade do Porto, Comissão Nacional para as Comemorações dos Descobrimientos Portugueses, 1989), pp. 417-443; Ilídio do Amaral, *Santiago de Cabo Verde. A Terra e os Homens* (Lisboa: Junta de Investigações do Ultramar, 1964), pp. 175-180; A. J. P. Trindade, *O fenómeno urbano na África Subsariana. O caso de Luanda* (Lisboa: Instituto de Ciências Sociais e Políticas, 2000), pp. 254, 331 & 359; José Carlos Venâncio, *A economia de Luanda e Hinterland no século XVIII. Um estudo de sociologia histórica* (Lisboa: Editorial Estampa, 1996), pp. 31-54; Orlando Ribeiro, *A colonização de Angola e o seu Fracasso* (Lisboa: 1981), p. 119; Ilídio do Amaral, *Luanda (Estudo de Geografia Humana)* (Lisboa: Centro de Estudos Geográficos, 1968), pp. 33-52; *idem*, *Ensaio de um estudo geográfico da rede urbana de Angola* (Lisboa: Junta de Investigação do Ultramar, 1962), pp. 19-37; Manuel da Costa Lobo Cardoso, *Subsídios para a história de Luanda* (Luanda: Museu de Angola, 1954), pp. 7-31 & 47-63; Fernando Batalha, *A urbanização de Angola* (Luanda: Edição do Museu de Angola, 1950).

<sup>74</sup> For example, on the island of Santiago (Cape Verde) there were no exclusive military posts until the 1580s. The *corregedor* – an extraordinary supervising judicial officer – was at the head of the informal military defence of the territory. There was no local defensive system and few paid soldiers. With regard to weaponry, the island only started to have artillery pieces to defend the vessels anchored in the main ports of Ribeira Grande (present-day Cidade Velha) and Praia in the early 1550s. Lídio Cabral Baleno, ‘Pressões externas. Reacções ao corso e à pirataria’, Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde II*, p. 146.

<sup>75</sup> Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 121-129.

<sup>76</sup> The military defence of the islands that were not incorporated into the royal governments remained under the responsibility of the *capitão-donatário* and his representatives. For instance, in the island of Príncipe, the military defence and organization was under the responsibility of the *donatário* and his factor. Only in 1657, the governor of the São Tomé interfered by sponsoring the construction of the fortress of Santo António and other repairing works essential for the defence of the island. As in São Tomé, the defence was based on the local recruitment of the population organized in militias and led by captains, second-lieutenants, corporals and sergeants. Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 92-103.

<sup>77</sup> In the case of Cape Verde, the new military organization was also implemented in the ‘Guinea district’. The captain of Cacheu was the highest military authority in the Guinea district. He was in charge of the maintenance of the fort and its small garrison. The supply of weapons, ammunition and foodstuff was also his responsibility. A garrison of 25 paid soldiers was under his command, as well as any other people locally recruited for the defence of the fort. Jorge de Faro, ‘A organização administrativa’, pp. 104-105 & 111-112.

different fortresses.<sup>78</sup> In addition to this military organization, each captain-governor also had his personal guard.<sup>79</sup> The captain-governors were responsible for the military organization and defence of the settlements. They were in charge of the maintenance of the fortresses and their equipment. The recruitment of the soldiers was also under their jurisdiction. The sergeant-general, on the other hand, was in charge of keeping military discipline and training the troops (see Diagram 11).<sup>80</sup>

While reforming the military institutions in West Africa, the Portuguese Crown implemented the organization of local militias.<sup>81</sup> These militias were organized and kept under the command of the captain-governors. Usually, they were divided into units of 250 men under the orders of a captain-general. Each unit was divided into squadrons of 25 men under the command of a corporal.<sup>82</sup> In order to recruit the men, the captain-governors had to gather the inhabitants twice a year. All male settlers aged between 18 and 60 of either European-, mixed- or African descent were forced to attend these gatherings. They were compelled to take part in the military trainings of the militias under the supervision of the sergeant-general, to participate in regular surveillance exercises and be present at the emergency calls with their own weapons. The quality, type and quantity of the arms, as well as the use of horses were determined according to social status and wealth. The men refusing to serve were to be punished by the captain-governor. Usually, the high posts were occupied by settlers of European-descent or by influential mixed-descent colonists; while the vast majority of the ‘soldiers’ were poor inhabitants, convicts and African slaves or manumitted slaves. The service in the militias was not paid: both the ‘commanders’ and the ‘soldiers’ received only a symbolic imbursement under the form of a life annuity granted by

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<sup>78</sup> In Angola the captains of the fortresses along the Kwanza River were named captain-generals – *capitães-mores*. They could be appointed by the governor or by the king. Usually, they held administrative power over the Portuguese fortresses – *presídios* – and settlements established on the surrounding area. These Captains also had the power to appoint all the captains and military officials under their jurisdiction. Furthermore, it was their duty to protect the markets and the trade routes. They were the highest administrative and military officials of the Portuguese Crown in extensive areas of the Angolan hinterland.

<sup>79</sup> For the Portuguese terminology see Glossary.

<sup>80</sup> The bombardiers or the artillerymen were responsible for the use of the artillery pieces; while the *facheiros* were in charge of the system of light signals to communicate between the different fortresses.

<sup>81</sup> This compelling system of recruitment of the inhabitants for the local defence was officially implemented in Portugal by King Sebastião (1557-1578) in 1570. His main goal was to form a kind of *militia* prepared to fight in an emergency. To implement the new system the territory of the kingdom and the colonies was divided into military districts: each had a certain number of companies. The command of each military district was given to a general-captain. António Dores Costa, ‘Recrutamento’ in Manuel Themudo Barata & Nuno Severiano Teixeira (dir.), *Nova História Militar de Portugal II* (Lisboa: Círculo de Leitores, 2004), pp. 73-92; António Manuel Hespanha, ‘A administração militar’ in Manuel Themudo Barata & Nuno Severiano Teixeira (dir.), *Nova História Militar de Portugal II*, pp. 169-175.

<sup>82</sup> For the Portuguese terminology see Glossary.

the Crown and paid by the local governments.<sup>83</sup> In Angola, the Crown also instructed the captain-governors to formalize the organization to the African auxiliary troops – the so-called *Guerra preta*. These African warriors were part of the military forces of the African rulers (*sobas*) under the Portuguese jurisdiction in Angola. The *sobas* were obliged to supply auxiliary troops to the Portuguese based on the contracts of vassalage or servitude (*contratos de vassalagem*) established between the African authorities and the Portuguese kings.<sup>84</sup>

Recruited in the territories of the *sobas* under the Portuguese authority, these African warriors were to be organized in regiments under the command of an African leader and integrated into the Portuguese troops, subordinated to a Portuguese or mixed-descent captain-general.<sup>85</sup>

At the same time, the Portuguese Crown invested in the reinforcement and building of defensive structures and on the naval defence of the coastal circuits. In the case of Angola, special instructions were given to the captain-governor Fernão de Sousa to protect the navigation in the Kwanza River, either from African or European attacks. For this purpose a small fleet was equipped and the post of captain-general of the Kwanza navigation established.<sup>86</sup>

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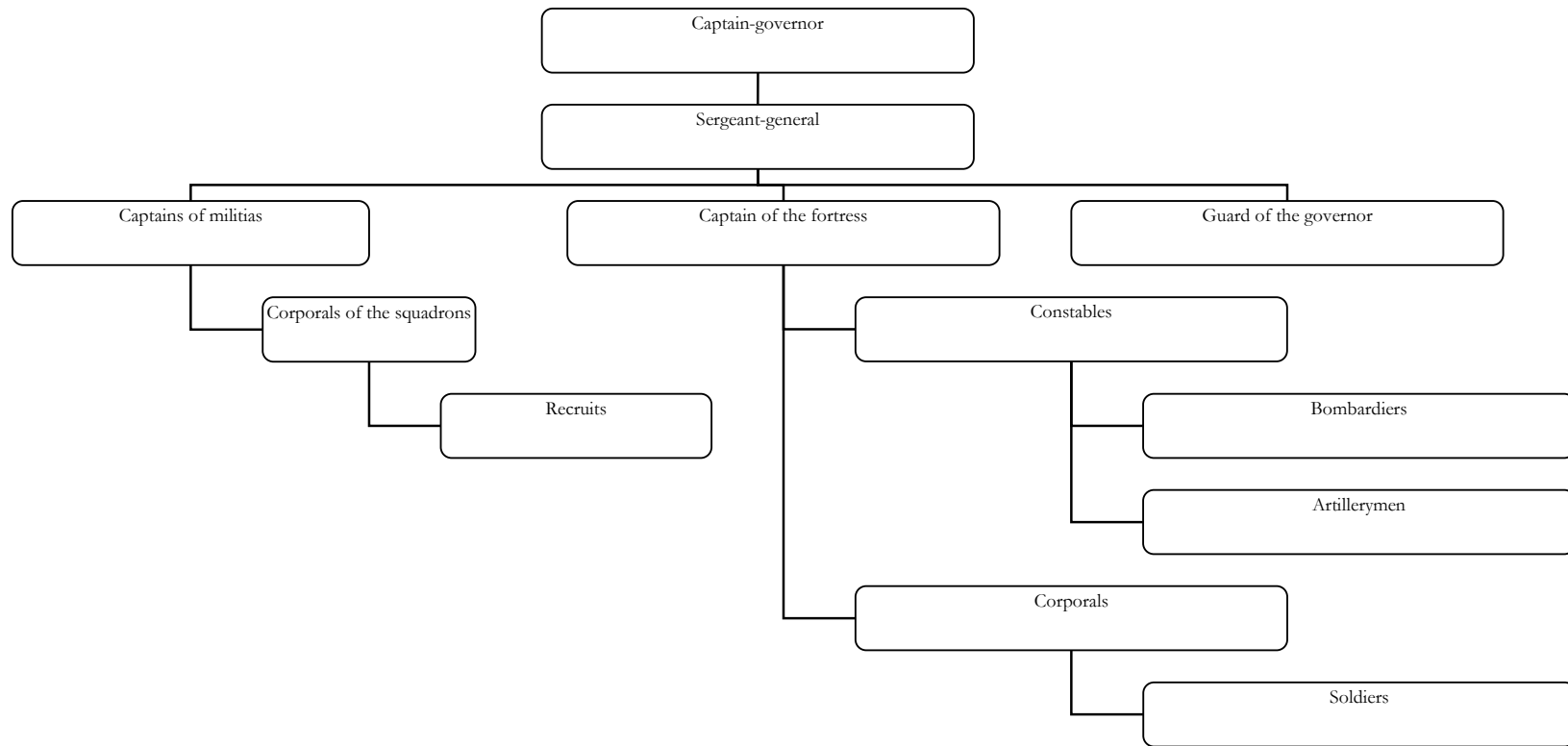
<sup>83</sup> Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 92-103; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 121-129; Iídio Cabral Baleno, 'Pressões externas' in Maria Emília Madeira Santos, *História Geral de Cabo Verde II*, pp. 125-188.

<sup>84</sup> Beatrix Heintze, 'Ngonda a Mwiza: Um Sobado Angolano sob domínio Português no século XVII', *Revista Internacional de Estudos Africanos*, 8-9, Jan./Dec. (1988), pp. 221-233.

<sup>85</sup> These African warriors obliged to do military service for the Portuguese were in general designated *quimbares*. The African commanders had different denominations according to their ethnic origin: the commanders of the Jaga tribes were called *Quilamba*; while the commanders of M'bundo descent were named *tandala*. Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 121-129.

<sup>86</sup> The defensive structure of the Ribeira Grande (present-day Cidade Velha), for example, was reinforced between 1583 and 1593 with the construction of several forts located in the seaside to defend the Bay and its main port. Similar reinforcements were made in São Tomé next to the Ana de Chaves Bay. Luanda's defensive structure was also reinforced between 1576 and the early 17<sup>th</sup> century. On the other hand, for the naval defence of Cape Verde and the 'Guinea district', the Portuguese Crown equipped two small galleys to patrol the region and protect the merchant vessels operating in these circuits. However, the presence of this patrolling fleet in the coast was quite irregular. Iídio do Amaral, *Luanda*, pp. 37-38; idem, *Ensaio de um estudo*, p. 22; Iídio Cabral Baleno, 'Pressões externas' in Maria Emília Madeira Santos, *História Geral de Cabo Verde II*, pp. 148 & 152-153; Manuel da Costa Lobo Cardoso, *Subsídios para a história de Luanda*, pp. 47-48; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 121-129.

Diagram 11: The military organization of São Tomé comprising the permanent garrison and the militias: as an example



Sources<sup>87</sup>

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<sup>87</sup> Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 91-103.



With regard to the weaponry, the ammunitions, the repairing materials and the soldiers, the captain-governors were dependent on the supplies from Lisbon. Usually, they were insufficient and sent with delays. The fortresses waited many years for necessary repairs and their artillery was scant.<sup>88</sup>

Despite all these reforming measures, the Portuguese in West Africa lacked a truly professional army and navy. This scenario only changed in the 1640s with the military reforms of King João IV (1640-1656). The monarch reformed the army and the navy by recruiting experienced mercenaries in the Dutch labour market. The Portuguese ambassadors in the Republic also obtained permission from the States General to purchase weaponry, ammunition and horses and to hire soldiers. The representatives of the King even managed to persuade the States General to finance and equip a whole war fleet.<sup>89</sup> These reforms were essential for the Portuguese takeover of Brazil and Angola.

King João IV instituted for the first time the recruitment and organization of a permanent and professional army and navy for the Kingdom and the Empire.<sup>90</sup> For instance, in Angola, in the years following the Portuguese takeover (1648), there were 11 infantry regiments and one cavalry regiment. A permanent coastal fleet of five galleys was created to regularly patrol the coast between Pinda and Benguela. In the 1650s, the different fortresses in the Kwanza River were rebuilt and reequipped. As a result of the costs of these military reforms, manpower and equipment were reduced during the government of André Vidal de Negreiros (1661-1666), immediately after the signature of the Peace Treaty between Portugal and the Dutch Republic (1662).<sup>91</sup>

In brief, until the mid-17<sup>th</sup> century, the Portuguese posts and settlements in West Africa lacked a formal military organization. The bases of the military defence were the local militias and the African auxiliary troops, aided by a few paid soldiers sent from the Kingdom. The naval defence of the coastal areas was insufficient and the military structures to protect the harbours inadequate. Despite all the military measures taken by the Habsburg King Philip II in the late 16<sup>th</sup> century, it was impossible to prevent the

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<sup>88</sup> For instance, in 1607, there was only a fragile line of forts and trenches made of *taipa* along the beach to protect the Bay of Luanda. The main fortress of the town – the Fortress of São Miguel – was still made of *taipa*, had only three bastions and lacked pieces of artillery. In a similar situation were the forts on the Bay. Ilídio do Amaral, *Luanda*, pp. 37-38; *idem*, *Ensaio de um estudo*, p. 22; Manuel da Costa Lobo Cardoso, *Subsídios para a história de Luanda*, pp. 47-48.

<sup>89</sup> Cátia Antunes, *Globalisation in the Early Modern Period*, pp. 142-150.

<sup>90</sup> Several central institutions were established to control the command of the army: the War Council (1643) and, to administer the finances of the war and the troops, the *Vedoria, Contadoria e Pagadoria Geral do Exército* (1645). António Manuel Hespanha, 'A administração militar' in Manuel Themudo Barata & Nuno Severiano Teixeira (dir.), *Nova História Militar de Portugal* II, pp. 173-175. For the Portuguese terminology see Glossary.

<sup>91</sup> Eunice R. J. P. L. Jorge da Silva, *A administração de Angola* I, pp. 121-129.

takeover of many settlements by the Dutch during the 1630s and 1640s.<sup>92</sup> For this reason, the deficiency of the Portuguese military organization was of paramount importance for the course of events in the Portuguese Atlantic in the 17<sup>th</sup> century. The military reforms of the 1640s and 1650s may be considered essential for the Portuguese recovery of Brazil and Angola.

In review, the military organization and experience of the WIC troops together with their superior technology of war were crucial for the success of the Company during the 1630s and 1640s, enabling the WIC to take over the Portuguese possessions in the Atlantic and to set in motion a formal commercial organization. Also essential for this success was the financial support of the States General, especially for the coverage of military expenses in the first half of the 17<sup>th</sup> century. However, the Dutch military commands lacked experience of overseas wars, especially in tropical areas. To compensate for this situation, the WIC made use of Brazilian Indians to fight against the Portuguese both in Brazil, Angola and São Tomé. Nevertheless, the deficient knowledge of the troops during the ‘bush war’ was a crucial factor in the loss of Brazil and Angola.<sup>93</sup>

In the Portuguese case, in contrast, the weakness of the military organization and the defensive structures in West Africa led to the takeover of the posts and settlements. However, the local defence was done by local settlers, their slaves and manumitted slaves, together with the help of Free African warriors. These people had the great advantage of knowing the territory and were acquainted with African military strategies since the 15<sup>th</sup> century. Many of them were Africans, of mixed-descent, or colonists that had been settled for a long time in the regions and were well acquainted with the challenges posed by the environment. The interest of the settlers in defending their ‘homes’, together with this knowledge, were essential for the organization of the resistance against the WIC troops. Finally, the reforms and the re-equipment of the Portuguese army and navy in the 1640s were crucial for the naval attacks against the Dutch in Brazil and Angola.

These differences arose on the one hand from the disparity of the financial resources to pay for the war effort at the disposal of the Republic, the WIC and Portugal,

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<sup>92</sup> For further information, see section two of this chapter.

<sup>93</sup> Pedro Puntoni, ‘As guerras no Atlântico Sul: A ofensiva holandesa (1624-1641)’ in Manuel Themudo Barata & Nuno Severiano Teixeira (dir.), *Nova História Militar de Portugal* II, pp. 255-266; *idem*, *A misera sorte: a escravidão africana no Brasil holandês e as guerras do tráfico no Atlântico Sul, 1621-1648* (São Paulo: Editora Hucitec, 1999), *idem*, *Guerras do Brasil, (1504-1654): ataques e invasões durante o Brasil-Colônia* (São Paulo: Editora Brasiliense, 1992).

and, on the other hand, from the different policies of settlement adopted by the Dutch and the Portuguese in the Atlantic.

Nevertheless, both the Dutch and the Portuguese military commands in West Africa suffered from similar problems: an insufficient supply of weaponry and ammunitions from Europe and an irregular rotation of soldiers. In the Dutch case, problems were caused by the disputes of jurisdiction between the Chambers of the WIC, the Board of Directors, the Central Government of Brazil and the States General as well as the deficient coordination and management of resources, while in the Portuguese case, they were due mainly to lack of capital. The WIC was also facing financial problems since the 1640s, but for a few years the States General kept providing extraordinary subsidies for the military campaigns.

On the other hand, the absence of settlements of colonists, local populations and production of foodstuffs, clothes and traditional African medicines made the WIC commands ever more dependent on the supplies from the Republic. The deficient supply of foodstuffs, medicines, clothes, weaponry, and ammunition as well as the lack of rotation of the troops at the end of their terms and the delays of the payment of their wages stimulated general discontentment among the troops as well as among the civilian personnel, especially in Angola and Brazil.

### 3. Judicial Institutions

The disputes between merchants, crews, garrisons and settlers in the Dutch and the Portuguese settlements forced the setting up of justice officials in West Africa. Judicial institutions and procedures were transferred from the Dutch Republic and Portugal and integrated into the local governments of the African settlements. Both the Dutch and the Portuguese kept their West African posts and settlements under the jurisdiction of several high judicial officers. Because of the different juridical frameworks of these European States and the characteristics of the posts and settlements, the judicial institutions were disparate. Nevertheless, they had similar functioning problems, as in the case of the institutions previously examined.

At the time of the establishment of Fort Nassau, the States General exported the models for judicial officials and procedures. This judicial framework was supposed to meet

two main goals: first, to solve judicial matters concerning the members of the garrison; and second, to decide on judicial offences among the crew members of the merchant fleets from the Republic operating in West Africa. Commercial disputes between the different commercial agents and merchants were to be solved in the courts of the Republic.

The judicial organization of Fort Nassau was based on the naval and military judicial procedure in use on board the war fleet sent by the States General to Mori in 1611. The general in command of the fleet was the highest judicial authority.<sup>94</sup> Together with the Council of the fleet, he had the power to enquire and to punish criminal acts of a military nature committed on board the ships and on land. The Council also had the authority to interpret the rules of the maritime law. Military crimes were to be judged based on the maritime law in use in the provinces of Holland and Zeeland – *de artikelbrieven*. Civil causes were to be decided according to the civil law in use in the Republic and with the assistance of the fiscal – an enquiry official, public prosecutor and judge – and the secretary of government.<sup>95</sup> The fiscal and his helper: the auditor, were also in charge of solving the conflicts between the members of the garrison and the African population.<sup>96</sup>

This judicial framework did not undergo changes with the transfer of Fort Nassau to the administration of the WIC in 1624. The officials and the legal codes in use were considered adequate by the Board of Directors and applied to the civilian and the military personnel at the fort and the small entrepôts and lodges. The Gentlemen Nineteen only regarded this judicial organization and the *artikelbrieven* as insufficient when they took over Brazil, Angola and São Tomé. The size of these settlements, the number of settlers and the total of Company employees involved in the military and commercial operations there required a more complex judicial structure and more detailed legal codes.

In the 1630s, the Board of Directors replaced the *artikelbrieven* by the Order of 1629.<sup>97</sup> This reform of the judicial system also had an impact in the posts and settlements of the Company in West Africa. According to the Order of 1629, the practice of justice was to be in the hands of a council of government and justice based at each settlement. Between 1629 and 1641, there was only one council of government and justice in the whole West Coast of Africa, the council of Elmina. This assembly had judicial power over all forts,

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<sup>94</sup> General Jacob Andriaensen Clantius. J. K. J. de Jonge, *De Oorsprong van Nederland's Bezittingen*, pp. 16 & 41.

<sup>95</sup> H. den Heijer, 'Directores, Stadhouderes e conselhos de administração' in M. Wiesebron (ed.), *O Brasil em arquivos neerlandeses*, pp. 17-43.

<sup>96</sup> J. K. J. de Jonge, *De Oorsprong van Nederland's Bezittingen*, pp. 16 & 39-41.

<sup>97</sup> According to this diploma the Central Government of the Dutch West Indies would be led by a council of nine members with supreme power to administer justice. The council would have permission to make local laws and ordinances, especially to solve commercial matters, although the approval of the Board of Directors was still required. J. A. Schiltkamp, 'Legislation, jurisprudence and law in the Dutch West Indies', p. 322.

entrepôts and lodges of the Company on the so-called ‘Guinea Coast’. In the forts of Gorée and Arguin, the practice of justice probably followed a procedure similar to the one used at Fort Nassau in the early times of settlement. The factories and lodges of the Company on the ‘Angola Coast’ were under the judicial authority of the Central Government of Brazil. Immediately after the takeover of Angola and São Tomé, councils of government and justice were formed.

These councils were formed by the highest military and civilian officials of the Company in each post or settlement. The council had the power to judge all transgressions committed in the posts and settlements and on board the WIC’s fleets. The council was also in charge of sending a duplicate of each judicial process to the Board of Directors. The fiscal, on the other hand, was to be an enquiring official and a public prosecutor with permission to inquire about any Company employee or slave, as well as any African inhabitant involved in conflicts with Company employees or slaves.<sup>98</sup>

Legal civil procedure should follow ‘the general Order of the United Provinces’ or the ‘Ordinance with respect to Justice in the cities and countryside of Holland, from April, 1580’. On matters regarding testaments, marriages and marital relationships, the ‘Political Ordinance of Holland’ should be used.<sup>99</sup> Criminal justice, on the other hand, was to be administrated by a board of three councillors and a public prosecutor – usually the fiscal. The prosecutor had to defend public interests, in this case the WIC and the States General, while councillors should act like judges. Criminal procedure should follow the two criminal ordinances in use in the Republic: ‘the ordinance regarding criminal justice’ and ‘the ordinance regarding the style of criminal procedure’, both from 1570. According to these diplomas councillor-judges had power to enforce law, while the public prosecutor had to present denunciation and prove accusation.<sup>100</sup> Finally, all matters related with commercial contracts and slaves were to be solved using Roman law.

However, in practice, since both the fiscal and the director(s) were members of the council of government and justice, they controlled the overall judicial system. The fiscal was at the same time an enquiring official, a public prosecutor, and a judge with jurisdiction to interrogate and to try. He had jurisdiction over civil, criminal and commercial crimes.<sup>101</sup> He had the power to apply physical punishment and solitary confinement for one day, as well as to cancel the payment of wages for one month. On commercial crimes, he had permission to confiscate, enrol and tax the cargoes of smuggling ships and to arrest and

<sup>98</sup> J. A. Schiltkamp, ‘Legislation, jurisprudence, and law in the Dutch West Indian colonies’, p. 326.

<sup>99</sup> *Idem*, p. 328.

<sup>100</sup> *Idem*, pp. 333-334.

<sup>101</sup> Commercial law was part of civil law.

bring to justice their captains and crews. In order to exercise such wide jurisdiction, the fiscal was assisted by an auditor or a sub-fiscal.<sup>102</sup>

Military crimes were to be tried by the commander of the troops and the military council comprising the highest military officials in each colony. This division between military and civilian crimes often raised problems regarding the judicial jurisdiction. The disputes between the two directors of Angola, Pieter Moortamer and Cornelis Nieulant, and the lieutenant-colonel James Henderson, over the trial of the military in civil crimes between 1641 and 1643 are a good example of these conflicts.<sup>103</sup>

In theory, all inhabitants of the Dutch posts and settlements, from any 'nation', and all natives were submitted to the Dutch ordinances regarding civil and criminal laws. However, in practice, this rule was only applied when the causes involved natives and Europeans: in other cases judicial matters between natives were to be trialled and punished according to their local customs.

In summary, the Board of Directors tried to implement in the posts and settlements a judicial system similar to the one used in the Republic by establishing local judicial councils and by adopting the legal codes in use in the provinces of Holland and Zeeland, as well as in the city of Amsterdam.<sup>104</sup> The choice of these codes was a more or less natural decision since the Chambers of Amsterdam and Zeeland were the biggest investors in the Company and the most influential ones. The Dutch law and judicial system were not used to judge local native populations living in the surroundings of the posts and settlements and its impact on their judicial systems was quite limited.<sup>105</sup> This practice reflects the exclusive commercial purposes of the Dutch and their lack of commitment to settle.

In practical terms, the exercise of justice was not controlled by the council, but by two members of the council – the director and the fiscal – and this situation naturally led to abuses of power. The jurisdiction of these two officials over the civil and criminal offences

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<sup>102</sup> H. den Heijer, 'Met bewillinghe van de swarte partij: Nederlands recht op de Goudkust in the Zeventiende Eeuw', *Pro Memorie* 5/2, (2003), pp. 358-359; Y. Delepeleire, *Nederlands Elmina: een socio-economische analyse van de Tweede Westindische Compagnie in West-Afrika in 1715*, Scriptie voorgelegd aan de Faculteit Letteren en Wijsbegeerte, voor het behalen van de graad van Licentiaat in de Geschiedenis, Academiejaar: 2003-2004, Universiteit Gent, [http://www.thesisDiss.net/wic\\_deel\\_3.htm](http://www.thesisDiss.net/wic_deel_3.htm).

<sup>103</sup> '...l'arrogance des militaires est intolérable. On nous traite, et l'on parle dans le même sens aux soldats, comme si nous n'avions à nous occuper que du Conseil et comme si le lieutenant-colonel Henderson était le gouverneur à Loanda. [...] Il demande ce titre et s'en pare lorsqu'il accorde des pardons. Contrairement aux instructions, il nomme à des charges en dehors de nous. Il accorde des commissions pour des fonctions. [...] De même, il réhabilite des déportés et libère des hommes que nous avons condamnés. [...] Il envoie des détachements sans nous en informer.' NA, OWIC bundle 57: 1642-01-24: 'Les Directeurs Moortamer et Nieulant au gouverneur et au Conseil de Recife' in Louis Jadin (ed.), *L'Ancien Congo et Angola I*, doc. 74, pp. 191-199. See also: NA, OWIC bundle 56: 1641-09-25: 'Rapport de P. Moortamer et C. Nieulant 25 août – 17 septembre 1641' in Louis Jadin (ed.), *L'Ancien Congo et Angola I*, doc. 46, pp. 101-113;

<sup>104</sup> J. A. Schiltkamp, 'Legislation, jurisprudence, and law in the Dutch West Indian colonies', pp. 327-328.

<sup>105</sup> *Idem*, p. 329; H. den Heijer, 'Met bewillinghe van de swarte partij', p. 360.

committed by the military personnel provoked conflicts of jurisdiction between these civilian officials and the military commanders. These disagreements instilled a growing disrespect for the civilians working for the WIC. The rejection of the civilian authority was also fuelled by the miserable living conditions of the soldiers. The council of government and justice and especially the directors were considered to be mainly responsible for the situation, as we have mentioned earlier.

In the Portuguese posts and settlements of West Africa, in contrast, there was a dichotomy between the public and the private practice of justice since the late 15<sup>th</sup> century. In the fortress- and floating-factories in the Guinea-Bissau region, Arguin and the Gold Coast, the exercise of justice was controlled by the Crown, while in Cape Verde and São Tomé, the justice was in the hands of private landlords – *capitães-donatários* – and the municipal councils, though their jurisdiction was narrower than that held by the royal captains at fortresses and factories.<sup>106</sup>

However, throughout the 16<sup>th</sup> century, the Portuguese Crown replaced the seigniorial judicial authority in these territories by a royal judicial framework. The first royal measure to enforce royal judicial authority overseas was to appoint and send temporary judicial supervisors to inspect the practice of justice by the *capitães-donatários* and the municipal judges.<sup>107</sup> These officials had a degree in law and a wide experience in judicial procedures. All of them were examined by the *Desembargo do Paço* – Royal High Court.<sup>108</sup> The judicial supervisors had the authority to oversee all officials of the private administration and the municipal councils. They also held the power to examine the enquiries made by the local notaries and the penalties applied by the seigniorial and the

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<sup>106</sup> The *capitão-donatário* had permission to try and to punish civil and criminal cases according to the Portuguese royal legislation, except for the death penalty and the cutting off of limbs. In these sentences, the accused had the right to appeal to the royal court in Lisbon – *Casa da Suplicação*. Civil crimes could only be punished with pecuniary fees up to 15,000 *reaes*, and exile penalties could not exceed 10 years in one of the Portuguese fortresses in the North of Africa. The municipal judges – *juizes municipais* – on the other hand, had the authority to try several crimes occurred in the area under their jurisdiction. However, people had the right to appeal to higher judicial courts in Portugal. Usually, these crimes resulted from disobedience of the legislation of the municipality regarding local life – *posturas*. Ângela Domingues, ‘Administração e instituições’ in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* I, pp. 107-108 & 113-114; Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 106-112; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola* I, pp. 300-302; José Manuel Subtil, ‘A administração central da Coroa’ in José Mattoso(dir.), *História de Portugal* IV (Lisboa: Editorial Estampa, 1993), pp. 78-90; José Manuel Subtil, ‘Governo e administração’ in José Mattoso(dir.), *História de Portugal* V, pp. 157-203; António Manuel Hespanha, *As vésperas do Leviathan: instituições e poder políticos: Portugal, séc. XVII* (Lisboa: A. M. Hespanha, 1986); A. H. de O. Marques, *História de Portugal* II, (Lisboa: Edições Agora, 1972), pp. 326-327.

<sup>107</sup> For the Portuguese terminology see Glossary.

<sup>108</sup> José Manuel Subtil, ‘A administração central da Coroa’ in José Mattoso(dir.), *História de Portugal* IV, pp. 78-90; José Manuel Subtil, ‘Governo e administração’ in José Mattoso(dir.), *História de Portugal* V, pp. 157-203; António Manuel Hespanha, *As vésperas do Leviathan*; A. H. de O. Marques, *História de Portugal* II, pp. 326-327.

municipal judges. The enquiries, trial and punishment of crimes committed by noblemen, judges, lawyers, clergymen and powerful inhabitants were also under their authority. The judicial supervisors also had permission to enquire about disagreements between the municipal councils and the *capitães-donatários*. The control of public order and security of local prisons was also under their control.

The presence of these officials preceded the establishment of a royal judicial structure in those territories. This judicial system was transferred from the Kingdom to the Atlantic areas of Madeira and Azores and from there transplanted to Cape Verde, São Tomé, and Angola when these territories came under the direct jurisdiction of the Crown.<sup>109</sup> According to the new system each establishment became a judicial district (*ouvidoria*).<sup>110</sup> At the head of the district was a general judicial officer called the auditor-general. He had to have a degree in law certified by the *Desembargo do Paço* and was appointed by the King for a term of three years. The causes and the judicial procedure should follow the Ordinances of the Kingdom.<sup>111</sup>

The auditor-general had jurisdiction over criminal and civil causes regarding all inhabitants of the settlements. He was also authorized to arrest and send royal officials to the Kingdom. However, the members of the highest social groups could appeal to the royal high courts in Portugal. The auditor-generals of Cape Verde, São Tomé and Angola had under their jurisdiction several judicial officers, called auditors, captain-auditors or captain-generals.<sup>112</sup> Usually, these officials were placed in areas of the judicial district of difficult access to the general judicial officer.<sup>113</sup>

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<sup>109</sup> In Cape Verde and São Tomé this new judicial structure was established simultaneously with the general governments; while in Angola it preceded the establishment of the *capitania-donataria* and the general government. Eunice R. J. P. L. Jorge da Silva, *A administração de Angola* I, pp. 11-12 & 95; Ângela Domingues, 'Administração e instituições' in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* I, pp. 41-123; *idem*, 'Subsídios para a história de Cabo Verde – O aparelho judicial de Santiago (1462-1524)', *Studia*, 50 (1991), pp. 177-198; *idem*, 'Juizes e Réus: os meandros da (in)justiça no Fogo (1531-1561)', *Revista Internacional de Estudos Africanos*, 14-15, Jan.-Dec. (1991), pp. 157-170; Maria Manuel Torrão, 'Colonização de Cabo Verde' in Luís de Albuquerque (dir.), *Portugal no Mundo* II, pp. 154-155; Luís de Albuquerque, 'A colonização de São Tomé' in *idem* (dir.), *Portugal no Mundo* II, pp. 171-197.

<sup>110</sup> For the Portuguese terminology see Glossary. In the overseas areas under control of noble patrons, the judicial power continued to be in the hands of a *capitão-ouvidor*. Zelinda Cohen, 'Administração das ilhas de Cabo Verde' in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* II, pp. 189-224; Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 112-116.

<sup>111</sup> M. A. Costa (intro. & notes), *Ordenações Filipinas* 3 vols. (Lisboa: Fundação Calouste Gulbenkian, 1985); *idem*, *Ordenações Manuelinas* 5 vols. (Lisboa: Fundação Calouste Gulbenkian, 1984).

<sup>112</sup> For the Portuguese terminology see Glossary.

<sup>113</sup> The island of Fogo and the 'Guinea district' in the judicial district of Cape Verde; the island of Príncipe in the case of the São Tomé judicial district; and the inland fortresses along the Kwanza River in the case of Angola are good examples. Cristina Maria Seuanes Serafim, *As Ilhas do São Tomé*, pp. 66-79; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola* I, pp. 95-107; Zelinda Cohen, 'Administração das ilhas de Cabo Verde' in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* II, pp. 189-224; Maria Luisa Esteves, *Gonçalo Gamboa de Aiala capitão-mor de Cacheu e o comércio negreiro espanhol: 1640/1650* (Lisboa: Centro de



The captain-auditors of Cacheu, for example, held judicial jurisdiction over civil and criminal cases, including the death penalty, the cutting off of limbs, and fines. Under their jurisdiction were all inhabitants of the factories and forts, both civilian and military, as well as the indigenous population whenever involved in crimes with the Portuguese. However, the crimes committed by employees of the king, the African rulers of the neighbouring areas, the factors, the clerks of the factories, the fiscal officers and the crews of the vessels from the Kingdom, could not be punished with the death penalty or the cutting off of limbs without royal consent.<sup>114</sup> The captains of the fortress-factories of Arguin and São Jorge da Mina held a similar jurisdiction.<sup>115</sup> In Angola, these officials had the power to sentence not only crimes among the local Portuguese settlers, but also disagreements between local African authorities and common Africans, also known as *Mocanos*.<sup>116</sup>

The auditor-generals and their subordinates were assisted by a support staff in charge of the judicial process, such as notaries, inspectors, accountants, and clerks, as well as executors of the sentences: sheriffs and gaolers (see Diagram 12).<sup>117</sup> Usually, the officials appointed to these functions were part of the bureaucracy of the municipal judges.

These auditor-generals were members of the local royal governments. Their judicial power was supposed to be independent from the captain-governor, but, in general, that was not the case, because the auditor-general held administrative functions and the captain-governor had judicial power. In fact, the auditor-generals had supervising power over the municipal elections, the payment of some municipal taxes and over the royal budget for public constructions, whilst the governors had judicial authority to judge cases against individuals absent from the city or town. This overlap of judicial authority between the auditor-general and the captain-governor made for conflicts of jurisdiction and abuses of power either by the judicial officers, the captain-governors or the municipal judges. For example, in the case of his death, the auditor-general should be replaced temporarily by one of the elected municipal judges, appointed by the general government. The interim stayed

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Estudos de História e Cartografia Antiga, 1988); Jorge de Faro, 'A organização administrativa da Guiné', pp. 104-105.

<sup>114</sup> Maria Manuel Torrão, 'Rotas comerciais, agentes económicos e meios de pagamento' in Luís de Albuquerque and Maria Emília Madeira Santos, (coord.), *História Geral de Cabo Verde* II, pp. 17-123; Jorge de Faro, 'A organização administrativa da Guiné', pp. 105-106.

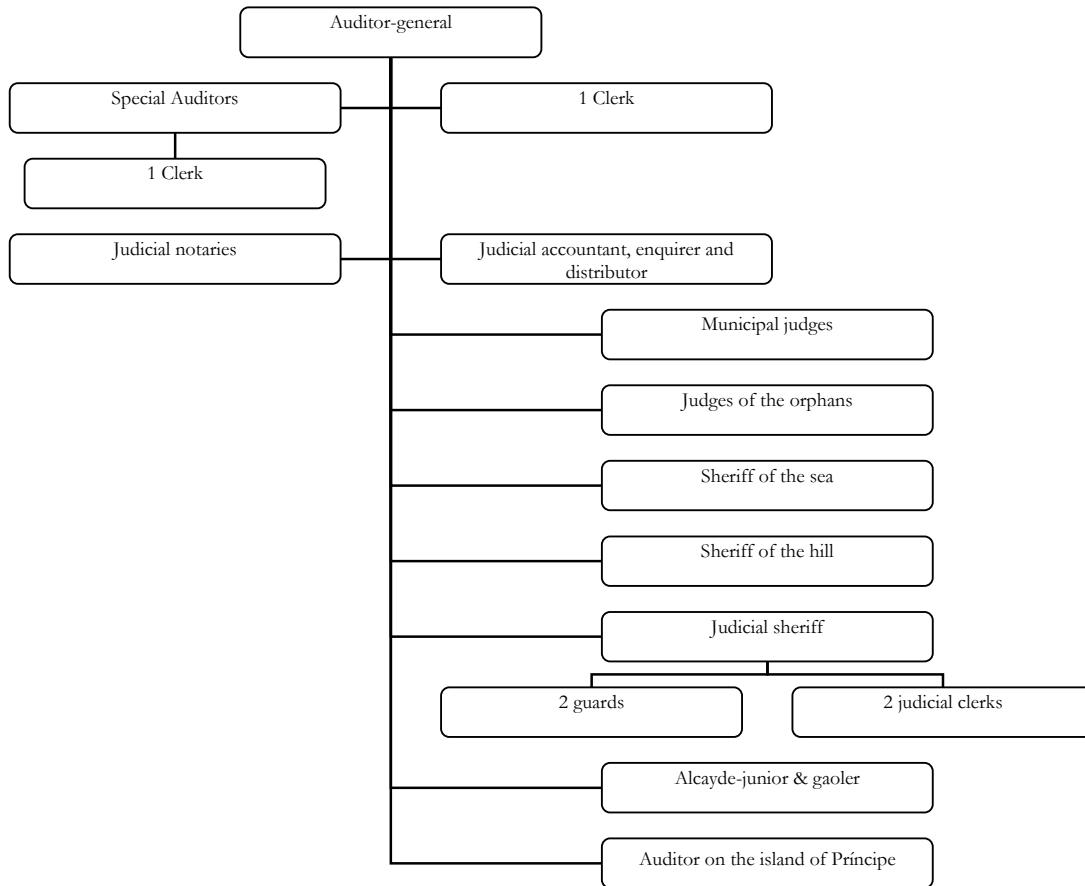
<sup>115</sup> Maria Teresa da Silva Diaz de Seabra, *Análise organizacional de S. Jorge da Mina*, pp. 85-86; J.B. Ballong-Wen-Mewuda, *São Jorge da Mina* I, pp. 207-226; A. T. da Mota, 'Duarte Pacheco Pereira: capitão e governador de S. Jorge da Mina', *Mare Liberum*, 1 (1990), p. 19; Jorge de Faro, 'Estêvão da Gama capitão de S. Jorge da Mina', pp. 395-398.

<sup>116</sup> Eunice R. J. P. L. Jorge da Silva, *A administração de Angola* I, pp. 104-106 & 194-200.

<sup>117</sup> For the Portuguese terminology see Glossary. Ângela Domingues, 'Administração e instituições' in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* I, pp. 115-116; Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 75-78; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola* I, pp. 98 & 101.

in office until the arrival of the new officer appointed and sent by the Crown. However, in practice he was often replaced by the captain-governor. The Crown tried to solve these conflicts by sending judicial supervisors to oversee the functioning of the highest administrative, judicial and fiscal royal servants.

Diagram 12: The Judicial Office of São Tomé as an example



Sources<sup>118</sup>

Simultaneously, there was a clear ongoing conflict between royal and municipal justice. In general, the exercise of justice by the royal officials was considered oppressive by the inhabitants of the settlements, especially by the local elites in control of the municipal councils. However, the fact that one of the municipal judges was to replace the highest royal judicial officials in the settlements often gave the municipal authorities control over the practice of justice. This fact allowed powerful members of the local elites to get away

<sup>118</sup> Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 64-76.

with punishable actions. Furthermore, on some occasions municipal justice, with the support of the local elites, tried to move judicial processes against the high royal officers in charge of the royal administration, justice, commercial, financial and fiscal activities in the settlements.<sup>119</sup>

To sum up, in the Dutch territories justice was administered by a council, with the exception of war crimes, which were to be tried and punished by the military. In the case of the Portuguese, there were two different authorities with judicial power: the judicial royal officials and the municipal councils. Moreover, there was no division between military and civil justice. Military crimes were to be judged by the same authorities and followed identical judicial procedures.

Another important difference between the Dutch and Portuguese judicial system in West Africa concerns its impact on the settlers. In fact, the Portuguese judicial system applied to the Portuguese settlers, as well as to the slaves and the local Africans. In some places specific judicial institutions were even established to solve juridical issues among natives. In the Dutch posts and settlements the judicial system was nominally to be applied to all residents, Europeans and natives, but, in fact, it was mainly used for Europeans, and only had an impact on indigenous residents when they were Company slaves or had disputes with the Europeans. In all other situations, the judicial issues between Africans were judged by African authorities according to their local customs. In both cases, however, the judicial organization allowed several problems to arise that had an impact on the commercial and fiscal organization of the posts and settlements.

#### 4. Commercial and fiscal Institutions

Trade was the main activity of the Dutch and the Portuguese in the Atlantic. In order to organize the commerce, private merchants, the State and corporate organizations sponsored the establishment of commercial institutions. In general, these trading structures

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<sup>119</sup> Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 275-298; Zelinda Cohen, *Controle e resistência no quadro do funcionalismo régio insular (Cabo Verde – século XV a meados do XVIII)*, (unpublished MA dissertation, Lisboa: 1999); Maria Emília Madeira Santos and Iva Maria Cabral, 'O nascer de uma sociedade através do morador-armador' in Luís de Albuquerque and Maria Emília Madeira Santos, (coord.), *História Geral de Cabo Verde I*, pp. 388-398; Ângela Domingues, 'Juizes e réus: os meandros da (in)justiça no Fogo (1513-1561)', *Revista Internacional de Estudos Africanos*, 14-15 (1991), pp. 157-170; Daniel A. Pereira, 'As insolências do capitão Domingues Rodrigues Viegas e do seu irmão Belchior Monteiro de Queiroz contra as autoridades de Santiago (1653-1665)', *Revista de História Económica e Social*, 16, Jul.-Dec. (1985), pp. 31-61.

had two main purposes: on the one hand, to organize the transactions between the European and the African traders, and, on the other hand, to keep the commercial areas clear of other potential competitors. The mechanisms used by these two sea powers were different and their commercial frameworks suffered several changes over time due to shifts in the overseas policies followed in the Dutch Republic and Portugal.

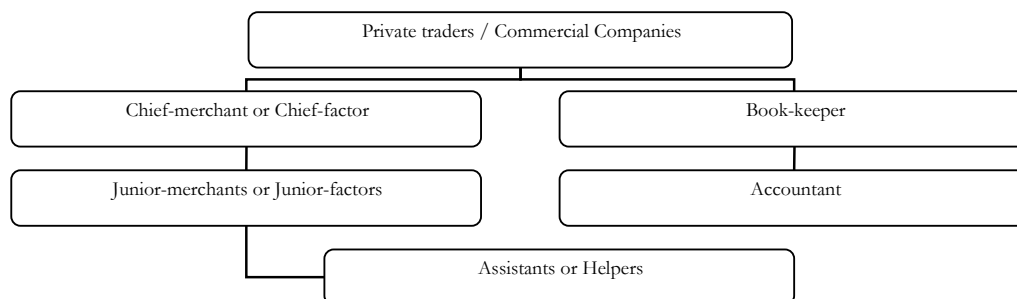
During the period under study, the Dutch and Portuguese commercial organization in West Africa and the Atlantic in general underwent a deep transformation. The Dutch shifted from private trade to Company monopoly and returned back to free trade from the 1630s onwards, while the Portuguese moved from State-monopoly to privately rented-monopolies operated by private initiative and to Companies monopolies in the second half of the 17<sup>th</sup> century.

These transitions were made for different reasons. In the Portuguese case, the change can be partly attributed to the growing need for income by the Crown, the increasing commercial competition by interlopers, and the material and human resources required to operate the different monopolies. In the Dutch case, the transition from private to monopoly trade was not an economic decision. In the end, this was the way found by the States General to move naval attacks against the Spanish and the Portuguese under the cover of a commercial Company, hoping that the WIC, like the Dutch East India Company (hereafter VOC - *Vereenigde Oost-Indische Compagnie*) in Asia, would generate enough profits over time to sustain itself and pay off the initial investments. In fact, the merchants of the Republic were reluctant to invest in this Company and the gathering of the required capital took a long time. In the following pages we will examine in detail these changes implemented by the Dutch and the Portuguese in their commercial organizations in West Africa.

During the early period of 'Dutch' presence in West Africa, the merchants of the Republic did not have any formal commercial organization. The different private companies hired supercargoes and accountants travelling on board the ships. Usually, on board a ship there was one to four men in charge of the commercial transactions: a skipper, a chief-merchant, one or two junior-merchants and eventually an accountant. On the lodges and on board the floating trading posts in West Africa, we found also one to four

men, also organized hierarchically. Here, the leader was usually a chief-factor, with one or two sub-factors and accountants working under his leadership (see Diagram 13).<sup>120</sup>

Diagram 13: Commercial organization of private commercial companies (1590s-1623)



Sources<sup>121</sup>

The establishment of a commercial monopoly with the WIC required a formal commercial and bureaucratic framework to organize and control the trade. The West Coast of Africa was divided into different commercial regions, namely: Gambia, Cape Verde, Arguin, Sierra Leone and Grain Coast, and the Gold Coast. The trading activities on each area were granted to specific Chambers of the Company. The Chamber of City and the ‘surrounding land’ was responsible for the trade in the Gambia, while the commerce in the Cape Verde region, comprising the island of Gorée and the several trading posts in the Petite Côte of Senegal, was under the control of the Chamber of Amsterdam. The Chamber of Zealand was in charge of the trade in Arguin and the surroundings of Cape Blanco, whilst the trade in the Sierra Leone was organized by the Chamber of the Maas, and the commerce in the Grain Coast by the Chamber of the Northern Quarter (see Diagram 14).<sup>122</sup>

The most profitable commercial areas of West Africa: the Gold and Slave Coasts, and the Loango Coast were under the direct administration of the Gentlemen Nineteen. Later, the regions of Angola and São Tomé also came under the direct rule of the Board (see Diagram 15).<sup>123</sup>

<sup>120</sup> For instance, Pieter van den Broecke on his fourth voyage to Loango and Congo (1611-1612), as chief factor carried with him, on board the *Son*, freighted by Gerret Veen, three junior factors: Anthonij Beucelaer, Heyn Classen and Marten van Colck, from Deventer. Both, Heyn Classen and Marten van Colck were placed on shore to conduct trade, the latter in Mayomba and the former in Loango. J. D. La Fleur, (trans. & ed.), *Pieter van den Broecke's journal*, pp. 28, 47, & 83-103. For the Dutch terminology see Glossary.

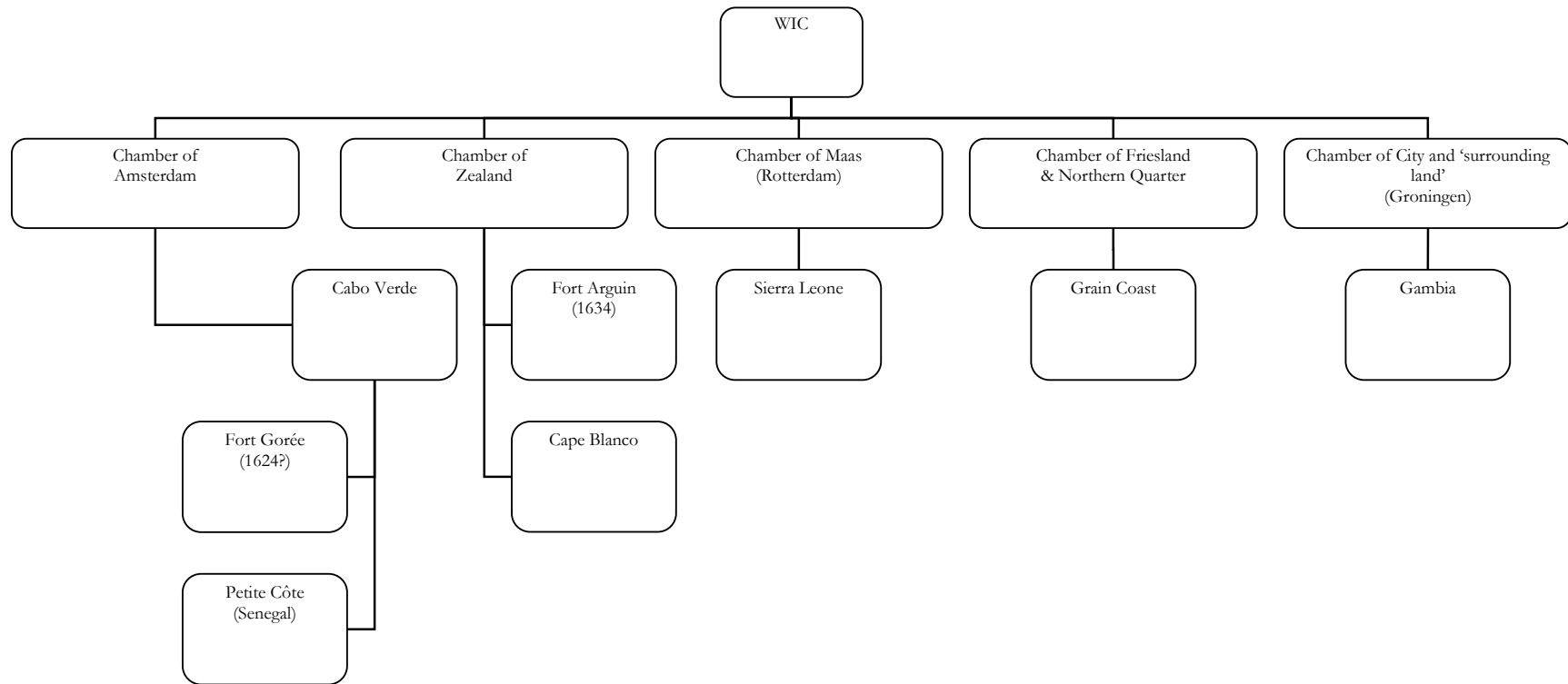
<sup>121</sup> GAA, NA, passim.

<sup>122</sup> GAR, Handel nr. 83, Albert van Dantzig (ed.), *The Dutch and the Guinea Coast*, doc. 1, pp. 10-12.

<sup>123</sup> For detailed information on the jurisdiction of the Board of Directors over the different posts and settlements and the conflicts of jurisdictions within the Company see section one of this chapter.

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Diagram 14: Jurisdiction of the Chambers of the WIC over the different areas of West Africa

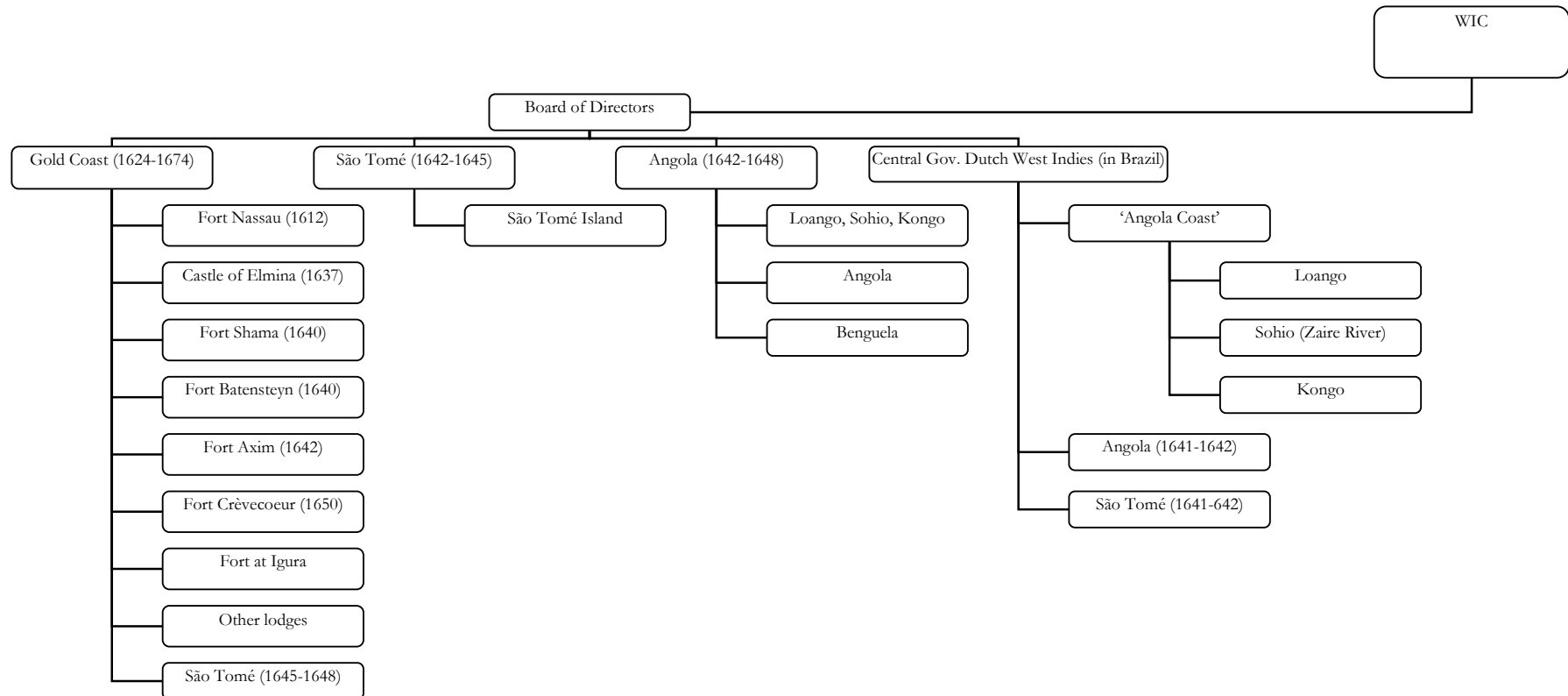


Sources<sup>124</sup>

<sup>124</sup> GAR, Handel nr. 83, Albert van Dantzig (ed.), *The Dutch and the Guinea Coast*, doc. 1, pp. 10-12.

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Diagram 15: Jurisdiction of the Board of Directors and the Central Government of the Dutch West Indies over the different areas of West Africa (1624-1674)



Sources and Observations<sup>125</sup>

<sup>125</sup> NA, OWIC; GAR, Handel nr. 83, Albert van Dantzig (ed.), *The Dutch and the Guinea Coast*, doc. 1, pp. 10-12; NA, Rademacker Archi. No. 587: Heerman Abramsz to the Assembly of Ten: 1679-11-23, Albert van Dantzig (ed.), *The Dutch and the Guinea Coast*, doc. 3, pp. 13-20. Observations: Fort Nassau: Mori; Fort Crèvecoeur: Accra; Fort Batensteyn: Boutry; Fort Amsterdam: Kormantin; Fort at Igura: Dwira. Other lodges comprised: Comany, Anomaboe (from 1638-1639), Ardra, city of Benin, Cape Coast (1638-48), Little Cormany (from 1638), Sekondi, Taccorary, Saccondee.

These areas were put under the direct administration of the Gentlemen Nineteen not only because they were the wealthiest areas, but also because they were the places in West Africa where the Company and the States General had political and military interests to defend against the Portuguese. On the other hand, it is likely that the division of West Africa into different commercial areas was the best option found by the Company in order to satisfy the interests of the private businessmen investing in these regions before the establishment of the WIC.

In the areas under the direct commercial administration of the Chambers, these were responsible for the commercial personnel and the transport of goods, provisions and ammunition. In the areas controlled by the Gentlemen Nineteen, the transport of employees, goods, victuals and weaponry was provided by all Chambers proportionally to the capital invested in the Company.<sup>126</sup> In return, the Chambers would have part of the profits obtained by the Company in these areas.

The commercial staff of the Company followed a hierarchical order similar to the one described earlier for the commercial agents serving the private companies. For instance, in the Cape Verde region, the Chamber of Amsterdam kept one chief-merchant, two to three sub-factors and three to four assistants.<sup>127</sup> Therefore, it is likely that the Chambers used the informal structures put in place by the private companies in the early years, since they had proven to be well organized and worked efficiently for the success of the trade.

The commercial framework in the Gold Coast was more complex. Here, the activities were under the jurisdiction of the director-general at Elmina. He was the highest authority responsible for all economic activities on the coast, followed by the chief-merchant or chief-factor of Elmina. The director was not only responsible for Elmina's commerce, but also for the different entrepôts and lodges on the Coast. He was in charge of all the exchanges with African merchants and for keeping peaceful and respectful relationships with

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<sup>126</sup> For instance, in a report of the commission formed by the Gentlemen Nineteen to study the separation of the government of Angola from Brazil, dated 6 February 1642, the members of the commission explain clearly how the Chambers should supply the establishment. Each Chamber should send a vessels of 120 to 140 *last* (1 *last* = 2 tonnes), every six weeks. Each ship should be equipped with 30 to 36 men, 16 to 18 pieces of light and heavy artillery, victuals for an entire year, and a cargo of merchandise worth up to 50,000 florins/guilders. The merchandise to be sent were listed in an enrolment provided to the Chambers by the Board of Directors. NA, SG, nr. 5773: 1642-02-06: 'Rapport de la commission forme par les XIX pour etudier de pro et le contre de la separation de Loanda avec le Bresil' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola*, I, doc. 76, pp. 200-202.

<sup>127</sup> GAR, Handel nr. 83, Albert van Dantzig (ed.), *The Dutch and the Guinea Coast*, doc. 1, pp. 10-12. For instance, in 1669, Jan van Dilsen and Carel le Coote were assistants at the Petite Côte of Senegal. GAA, NA 2791/549: 1669-10-11; 2791/709: 1669-10-24.



local traders. Under his command were the commercial personnel of the Company, divided in three main categories: chief-factors, sub-factors, and assistants.<sup>128</sup>

The number and the category of the commercial agents of the Company were determined by the economic importance of the posts and settlements. Elmina and Fort Nassau, for example, had five agents each: one director, one chief-factor, two sub-factors and an assistant. Other forts and trading posts with minor commercial roles like Axim, Accra and Shama only had two agents: a factor and an assistant. In some cases the personnel could be reduced to a single assistant, as happened in Komenda and Cape Coast. For example, in 1645-1647, the director of the Northern District of Africa, Jacob Adryanesz. van der Wel, together with Isaac Coymans, chief-factor at Elmina, were the highest-ranking commercial agents of the WIC in the Gold Coast. Under their command were the chief-factors of Nassau and Accra: Cornelis van der Cost and Joris van Hogenhoeck, respectively, as well as all the junior factors, clerks and assistants placed in the other settlements and lodges, and on board the coastal fleet.<sup>129</sup> On board the ships of the coastal fleet, the Company also had three factors under the supervision of the chief-merchant or chief-factor of Elmina. The coastal fleet was meant not only to patrol the Gulf of Guinea, but also to conduct trade in the coastal areas nearby, as was the case in the Grain, the Ivory and the Slave Coasts. These men were in charge of conducting this coastal trade (see Diagram 16).<sup>130</sup>

On the Loango Coast, there was a head-factor responsible for all the factories of the Company in the region. For instance, on the Loango Coast, the Company had a chief-factor *hoofdcommies* of all factories from at least 1629 onwards. This position was held by Ouwman until 1641. This Company official was also responsible for the commercial activities in the factories of Loango as well as on the diplomatic mission to the Kingdom of Kongo and the Duke of Bamba on behalf of the WIC and the States General in 1641-1642. In the Kingdom of Sonho, the Company had at least two agents between 1639 and 1640: the factor Pieter

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<sup>128</sup> Klaas Ratelband, *Vijf dagregisters*, introduction; for further information on the commercial organization of the Company in Elmina under the rule of the second WIC see, for example: Y. Delepeleire, *Nederlands Elmina*, [http://www.thesisDiss.net/wic\\_deel\\_3.htm](http://www.thesisDiss.net/wic_deel_3.htm).

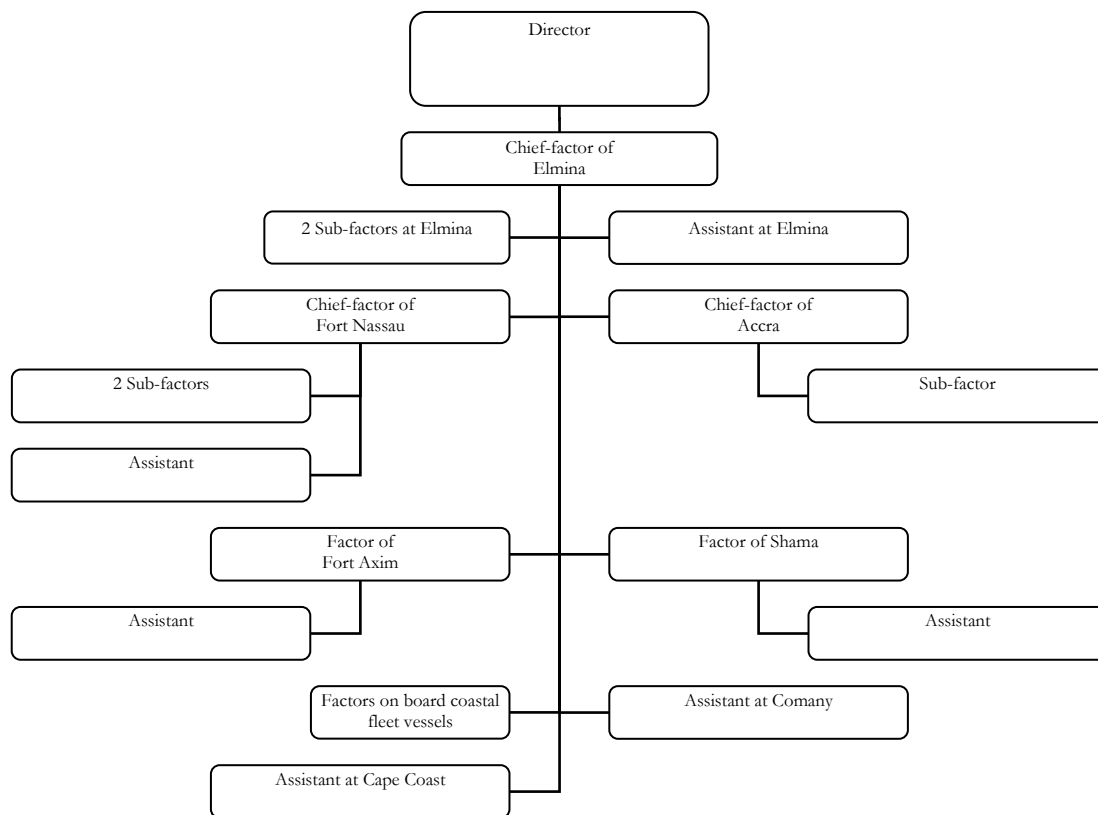
<sup>129</sup> 'Monsterolle der persooene soolangse de gout Cust opt Casteel del Myna, het fort Nassouw, Axem, Cama, Comany en Cabo Cors, als op de schepen en de jachten in dienst der Geotrojeerde Westindische Compagnie worden bevonden', Klaas Ratelband (ed.), *Vijf Dagregisters*, pp. 335-360.

<sup>130</sup> For example, Anthony Fonjaert from Delft served as assistant on board the yacht *De Catt* trading slaves, elephants' tusks and firewood at the Rio del Rei, the Cameroons River and Cape Lopez in 1644. The ship was under the command of skipper Pieter Louck and the commercial activities were under the supervision of the clerk/factor Johannes ter Weijden and the fiscal Anthony de Florano. GAA, NA 1290/56: 1644-12-12; NA 1290/58: 1644-12-21.

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Zeegers and his assistant Ferdinand van Capelle. These two Company employees later administrated two warehouses of the Company in the Congo River, more precisely on the island of Boma. Van Capelle also served in Angola for several commissions after 1642. At Zarry, territory ruled by the King of Ngoy, the Company had a warehouse under the administration of Cornelis Jansen Root.<sup>131</sup> Under his command were the factors and the assistants responsible for the warehouses of the WIC in the Kingdom of Soho and Congo (see Diagram 17).<sup>132</sup>

Diagram 16: Commercial organization of the WIC in the Gold Coast (1645-1647)



Sources<sup>133</sup>

<sup>131</sup> Klaas Ratelband, *Nederlanders in West-Afrika*, pp. 121-142; 'Letter from Pieter Zeegers to the Chamber of Zeeland, 6th May 1641', OWIC 56K; 'Brief description [...] in the Kongo River by Cornelis Jansen Root', folios 2-5, OWIC 46; 'Letter from Cornelis Hendricksz. Ouwman, 2<sup>nd</sup> March 1641', folio 1 (OWIC 56); Ratelband, *Os Holandeses no Brasil e na costa Africana*, pp. 123, 184 & 269.

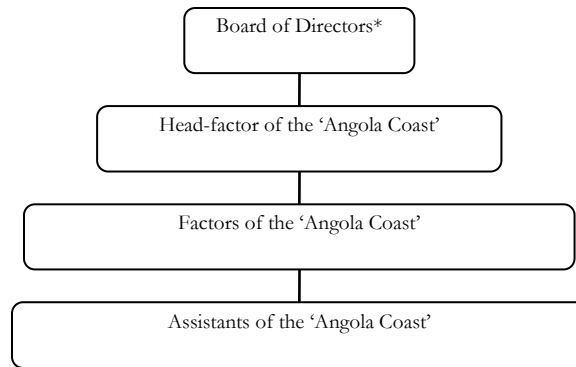
For the Dutch terminology see Glossary.

<sup>132</sup> For detailed information on the commercial jurisdiction of the Board of Directors, the Central Government at Brazil and the government of the Southern District of West Africa over this region see section one of this chapter.

<sup>133</sup> 'Monsterolle der persoone soolangse de gout Cust opt Casteel del Myna, het fort Nassouw, Axem, Cama, Comany en Cabo Cors, als op de schepen en de jachten in dienst der Geotrojeerde Westindische Compagnie worden bevonden', Klaas Ratelband (ed.), *Vijf Dagregisters*, pp. 335-360.

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Diagram 17: Commercial organization of the Dutch in West-Central Africa ('Angola Coast')<sup>134</sup> (1624-1629)



Sources<sup>135</sup>

The takeover of Angola and São Tomé in 1641 made the commercial organization and jurisdictions more complex.<sup>136</sup> Between 1641 and 1648, Dutch Angola and São Tomé were administrated separately from Elmina. One of the two directors was to be the highest authority responsible for the commercial activities of the Company in these areas. Under his supervision were the head-factor of the Gulf of Guinea and the factor-general of Angola. These two officials, like the chief-merchant or chief-factor of Elmina, supervised all activities of the factors, the sub-factors and the assistants under their jurisdiction (see Diagrams 18 and 19). For example, in Angola, the highest commercial agents of the Company were the directors and the general factor of the coast of Angola (which included Loango, Kongo and Angola). Between 1642 and 1645, the former position was occupied by Cornelis Hendricx Ouwman, an experienced merchant. During those years, but especially after 1645, Ouwman, then as director, worked together with Hans Mols to articulate the several Company factories in Loango, Mpinda, along the Congo River, the lands of Ngoy and other places in

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<sup>134</sup> In the Dutch primary sources the expression 'Angola Coast' usually refers to the coastal areas of West Africa between Loango and Angola, including Loango, Mpinda, Sonho, Kongo.

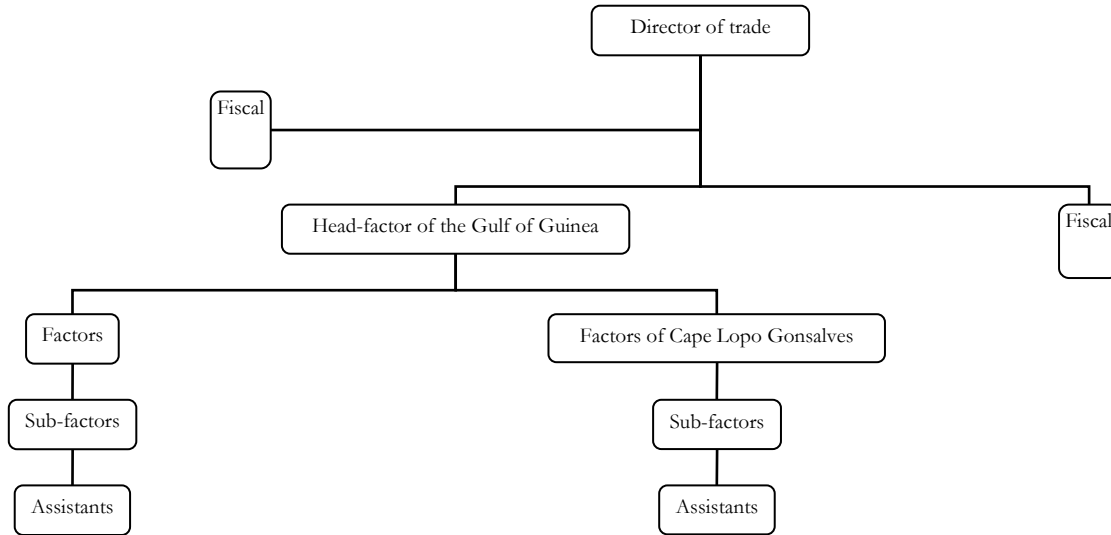
<sup>135</sup> NA, OWIC, *passim*.

<sup>136</sup> For detailed information on the commercial jurisdiction of the Board of Directors, the Central Government at Brazil and the government of the Southern District of West Africa over this region see section one of this chapter.

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the ‘coast of Angola’. With the permission of the Gentlemen Nineteen regular communication was also established with Elmina, Loango and Mpinda.<sup>137</sup>

Diagram 18: Commercial organization of the Dutch at São Tomé (1641-1648)



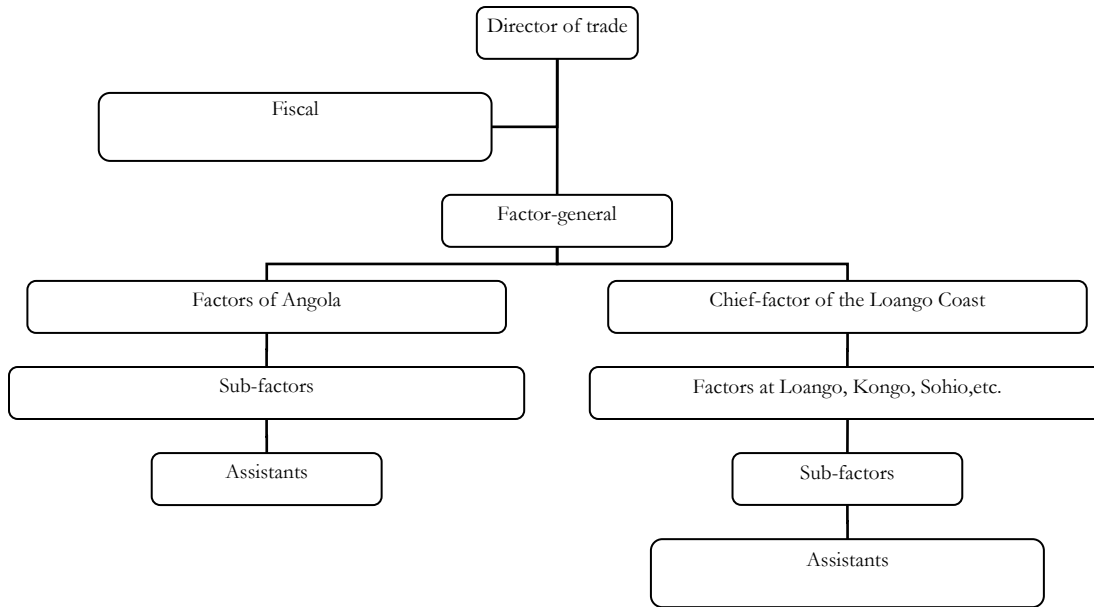
Sources<sup>138</sup>

Diagram 19: Commercial organization of the Dutch in Angola (1641-1648)

<sup>137</sup> NA OWIC 9: 1645-07-06: ‘Letter from the Council of the Gentlemen XIX to the director of Luanda’, folio 3.; Klaas Ratelband, *Os Holandeses no Brasil e na costa Africana*, pp. 235, 244 & 268. In São Tomé c.1643, the highest representatives of the Company in charge of the trade were the director of the trade Jan Triestand, and the head-factor of the Gulf of Guinea, also based on the island, Willem Jansz van Meeckeren (or Megeren). Two years later, Jan Mulders (or Molders) was the director of São Tomé (responsible for all matters) and Hasenbergh was the general-factor. Klaas Ratelband, *Os Holandeses no Brasil e na costa Africana*, pp. 211-214, 247 & 279. Van Meeckeren had been commissioner at Arda (1639-1641), at Cape Lopo Gonçalvez (1642-1643) and at São Tomé (1643), before being appointed head-factor/general-factor of the Gulf of Guinea.

<sup>138</sup> NA, OWIC, passim.

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Sources<sup>139</sup>

Besides the Company employees responsible for the organization of trade, the WIC also appointed officials to surveil the commercial monopoly. These officials, called fiscals, were placed in the most profitable areas: the Gold Coast, Angola and São Tomé, as well as on board the vessels conducting trade in the coastal areas. For example, Anthony de Florano was the fiscal on board the yacht *De Catt*<sup>140</sup> trading in slaves, elephants' tusks and firewood at the Rio del Rei, the Cameroon River and Cape Lopo Gonçalves under the command of skipper Pieter Louck in 1644.<sup>141</sup>

The fiscals were judicial officials that worked under the command and in straight collaboration with the director. They had the power to inspect the cargoes on arrival and departure from the WIC posts and settlements. They also had the right to make inventories and tax the cargoes of any smuggler ship caught by the WIC cruisers patrolling the coast. These officials also had permission to confiscate smuggled goods and to arrest, trial and punish smuggling crews. In order to fulfil all their duties, the fiscals were always supported by sub-fiscals.

Between 1624 and 1642, the Company had only one fiscal in Elmina, with jurisdiction over all ships anchored at this port, as well as at the other forts, entrepôts and

<sup>139</sup> NA, OWIC, passim.

<sup>140</sup> All names of ships quoted throughout the book were kept as in the primary sources.

<sup>141</sup> GAA, NA 1290/56: 1644-12-12; NA 1290/58: 1644-12-21.

lodges of the Company in the Gold and Slave Coasts. The establishment of WIC governments in Angola and São Tomé (1641) increased the number of fiscals in West Africa to three. The geographical areas under their jurisdiction became defined with the division of West Africa into three different regions.<sup>142</sup> After the loss of Angola and São Tomé (1648), the fiscal of Elmina remained as the single fiscal of the Company for the whole coast until 1674.

Due to financial problems and limited shipping capacity, the WIC opened the monopoly to private traders from the Republic. In 1638 the Company allowed the participation of private businessmen in the Brazilian and the Caribbean trades and 1648 granted them access to North America. This opening up of the monopoly did not change the functions of the Company employees in charge of the trade organization, since they continued to conduct commerce with the African middlemen. The opening of some branches of the Company monopoly to private merchants from the Dutch Republic, however, changed the functions of the fiscal and the auditor. Private traders were to pay commercial fees of 2.5% over the value of the imports and exports – *handelsrecognitien*.<sup>143</sup> The fiscal and the auditor were in charge of the collection of this fee.<sup>144</sup>

In theory, the commercial framework of the Company was well organized. However, in practice it had multiple problems. The first problems arose in the Republic. The inner organization of the WIC in different Chambers and a Board of directors generated numerous disputes.<sup>145</sup> The Chambers were, in many cases, unable to guarantee the required assistance for the areas they were assigned in West Africa. In the case of the West African territories under the direct management of the Gentlemen Nineteen, the Chambers were

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<sup>142</sup> For further information on the administrative division see Chapter 1.

<sup>143</sup> In the Dutch plantations colonies in Brazil, the Wild Coast and the Caribbean Islands the fiscal also collected land taxes (*akkergeld*), as well as a head tax per colonist and per slave (*boofdgeld*).

<sup>144</sup> Between the 1590s and 1612, the traders of the Dutch Republic operating in West Africa had to pay taxes only in the Republic. Upon arrival the loadings paid the tariffs levied on the foreign trade – *De Convoeien en Licenten* – collected by the Admiralties of each province on behalf of the States General. The *convoeien* – convoys – were imposed by the States General upon the circulation of goods, on the sale of salt, stamp duties, and several temporary taxes on beer and soap. Their revenues were to be spent on war fleets to protect the international trade and to support expenses of maritime conflicts. The *licenten* – licences – on the other hand, were duties imposed on trade with the enemy, i.e. Spain and Portugal.

<sup>145</sup> For examples of disputes between the Chambers of Amsterdam and Zeeland regarding the opening of the Company monopoly on the Angolan slave trade in the 1640s see, for instance: NA, OWIC 39: 1646-10-20: 'Compte rendu de la reunion des commissaires des cinq chambres au sujet de la réglementation du commerce d'Angola' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola* II, doc. 393, pp. 857-862. For examples of disputes between the Chambers of Amsterdam and Groningen and involving several private merchants, see GAA, NA 1132/204: 1660-02-24; 1132/229: 1660-03-03; 1133/133v-134v: 1660-04-29.

incapable of fulfilling their obligations to organize the transport of the necessary supplies. In addition, the Chambers hardly ever articulated the shipment of assistance. This behaviour caused situations where the Company personnel lacked foodstuffs, ammunition, clothes, and medicines, as was the case in Angola and São Tomé.<sup>146</sup>

On the other hand, the Chambers and the Board of Directors failed to coordinate with the directors of trade in West Africa. On some occasions, they were completely unaware of the correct timing for ships sent to load up with goods, or they were simply badly organized. For example, several Chambers sent ships to load sugar in São Tomé when it was not harvesting season.<sup>147</sup>

Lack of coordination provoked a second set of logistical problems. For instance, when the vessels sent to Elmina to transport return-cargos did not have enough goods, the loading could unfortunately not be topped up with products from São Tomé, which could have been quickly and easily shipped from the island to Elmina. This problem was made still worse by the limited autonomy granted to the WIC skippers to decide on their options for ports of call. For example, when the ships sent from the Republic arrived in São Tomé after the sugar harvesting season, the vessels had wait until the next harvest or return to the Republic with empty holds, instead of going to other WIC posts and being loaded with another cargo.<sup>148</sup>

A second set of problems derived from the fact that each director had commercial jurisdiction over a strict geographical area and was not allowed to start up commercial contacts with other areas administered by the Company without permission of the Board of Directors in the Republic. For instance, between 1642 and 1645, the director and the factor-general of Angola, Hans Mols and Cornelis Hendricx Ouwman, in order to articulate the trade between Luanda and the factories of Loango, Mpinda, and the Congo River, had to require special permission from the Gentlemen Nineteen.<sup>149</sup> Another good example is provided by the relationship between Elmina and São Tomé. Only when the Archipelago was incorporated into the Northern district did the director at Elmina get authorization from

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<sup>146</sup> Multiple examples may be found in Louis Jadin (ed.), *L'Ancien Congo et l'Angola* I-III.

<sup>147</sup> NA, OWIC 11: 1645-11-18 'Letter of Jan Mulders to the Gentlemen Nineteen'; Klaas Ratelband, *Os Holandeses no Brasil e na Costa Africana*, pp. 285-286.

<sup>148</sup> GAA, NA; NA, OWIC 11; Klaas Ratelband, *Os Holandeses no Brasil e na Costa Africana*, pp. 277-300.

<sup>149</sup> Klaas Ratelband, *Os Holandeses no Brasil e na Costa Africana*, pp. 235 & 244.

the Board of the WIC to establish regular trade with the islands.<sup>150</sup> Therefore, the different commercial regions of West Africa were highly dependent on the decisions of the Board of Directors and on the cargoes dispatched by the different Chambers.

Hence, the lack of coordination between the Chambers, the Chambers and the Board of Directors and between these and the different regions of West Africa generated a mismanagement of manpower and resources, with disastrous consequences for the success of the WIC in the Atlantic.

Portuguese trade in the West Coast of Africa had been a monopoly of the Crown since the mid-15<sup>th</sup> century.<sup>151</sup> To organize the trade and prevent the intervention of smugglers, the Crown established several factories (*feitorias*). To protect the profitable gold trade at Arguin and São Jorge da Mina, Prince Henry, the Navigator (1394-1460), and King João II (1481-1495) built fortress-factories, while in the Guinea-Bissau region there was a floating-factory anchored at the mouth of the São Domingos River (1534).<sup>152</sup> The factories were mainly warehouses of European goods to be exchanged on the African coastal markets and a stock-house of African products to be exported to international consumption markets. At the head of these institutions was a factor, appointed by the king. He was supported by one or two clerks, a treasurer, a paymaster and four assistants (see Diagram 20).<sup>153</sup>

The factor had jurisdiction to trade on behalf of the Crown and to articulate the European commercial circuits with the African trading routes. He was also in charge of checking the ships' cargoes on arrival and departure and to control private merchants

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<sup>150</sup> NA, OWIC 9: 1645-07-06: 'Letter from the Council of the Gentlemen XIX to the director of the coast of Guinea' in Louis Jadin (ed.), *L'Ancien Congo et l'Angola* I, doc. 299, pp. 702-710. Klaas Ratelband, *Os Holandeses no Brasil e na Costa Africana*, p. 253.

<sup>151</sup> The trade with West Africa remained free to every Portuguese inhabitant until 1443. On that year, King João I (1385-1433) granted a monopoly over the trade and the territories in West Africa to his son Prince Henry, the Navigator. After the death of Prince Henry (1460), the management of the monopoly came again under the control of the Crown. Jill Dias, 'As primeiras penetrações portuguesas em África' in Luís de Albuquerque (dir.), *Portugal no Mundo* I, p. 285; Marília Lopes, 'A exploração económica da Guiné e de Cabo Verde' in Luís de Albuquerque (dir.), *Portugal no Mundo* I, p. 252.

<sup>152</sup> Maria Teresa da Silva Diaz de Seabra, *Análise organizacional de S. Jorge da Mina*, pp. 80-92; J. Bato' Ora Ballong-Wen-Mewuda, *São Jorge da Mina* I, pp. 45-70; Maria Manuel Torrão, 'Rotas comerciais, agentes económicos, meios de pagamento', pp. 17-123; Zelinda Cohen, 'Administração das ilhas de Cabo Verde', pp. 189-224.

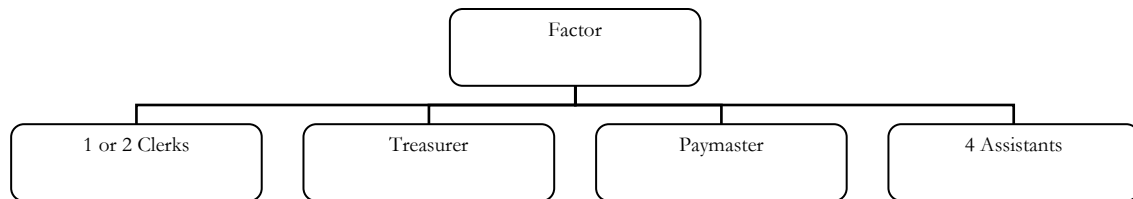
<sup>153</sup> Due to the reduced number of officials in these settlements, the factor often occupied the posts of treasurer and paymaster simultaneously. The clerks had to register all commercial transactions in the account books and the ships' arrivals and departures. Both the factor and the clerks were assisted by a small number of men in charge of taking care of merchandises (loading, unloading, packing, etc.). For the Portuguese terminology see Glossary.



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holding royal licenses operating within the area of his jurisdiction. This official also had permission to coordinate all economic, financial and administrative activities on behalf of the Crown, which included the maintenance and repairs of royal fleets travelling in the Atlantic.

Diagram 20: The structure of a royal factory: the São Jorge da Mina factory: as an example



Sources<sup>154</sup>

The monopoly of the Portuguese Crown was not completely closed to private entrepreneurship. From the late 15<sup>th</sup> century onwards, private merchants were able to obtain trading licences to operate within certain areas and with a specific range of goods.<sup>155</sup>

To promote the settlement and economic development in Cape Verde and São Tomé, the Crown granted commercial privileges to the noblemen of these territories – *capitães-donatários* – and the settlers. In both cases, the inhabitants were granted permission to trade with the coastal areas. Hence, in the last quarter of the 15<sup>th</sup> century there were numerous private merchants dealing in the monopoly areas of the Crown.<sup>156</sup> To enforce the royal legislation regarding this coastal commerce, the Crown established its own commercial agents in the islands.<sup>157</sup> The management of the royal monopoly and the control of this trade

<sup>154</sup> Maria Teresa da Silva Diaz de Seabra, *Análise organizacional de S. Jorge da Mina*, pp. 87-91; J. Bato' Ora Ballong-Wen-Mewuda, *São Jorge da Mina I*, pp. 227-233; Jorge de Faro, 'Organização comercial de S. Jorge da Mina em 1529 e as suas relações com a ilha de S. Tomé', *BCGP*, 13/51 (1958), pp. 305-363; *idem*, 'Estêvão da Gama capitão de S. Jorge da Mina', pp. 385-442.

<sup>155</sup> Jill Dias, 'As primeiras penetrações portuguesas em África' in Luís de Albuquerque (dir.), *Portugal no Mundo I*, p. 285; Marília Lopes, 'A exploração económica da Guiné e de Cabo Verde' in Luís de Albuquerque (dir.), *Portugal no Mundo I*, p. 252.

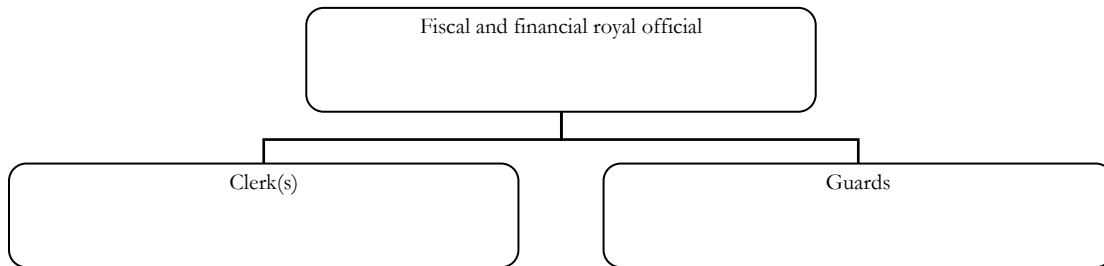
<sup>156</sup> Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 11-13; Isabel Castro Henriques, 'O Ciclo do açúcar em São Tomé nos séculos XV e XVI' in Luís de Albuquerque (dir.), *Portugal no Mundo I*, p. 269; Luís de Albuquerque, 'A colonização de São Tomé' in Luís de Albuquerque (dir.), *Portugal no Mundo II*, p. 174; Maria Manuel Torrão, 'Colonização de Cabo Verde' in Luís de Albuquerque (dir.), *Portugal no Mundo II*, pp. 165-166.

<sup>157</sup> The royal factories were only established in the São Tomé in 1509 and in the Cape Verde Islands of Santiago and Fogo in 1520 and 1535, respectively. The factory of Angola was founded only in 1583. These factories worked simultaneously as commercial and tax agencies. The fiscal jurisdiction of the factories will be examined on section five of chapter two. Ângela Domingues, 'Administração e instituições' in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde I*, pp. 83-98 & 104-5; M. Iva Cabral and Maria Manuel Ferraz Torrão, 'Ensaio de uma feitoria régia no espaço económico e social da ilha de Santiago (1520-1550)', *Studia*, 54/55 (1996), pp. 33-49; Maria Manuel Torrão, 'Colonização de Cabo Verde' in Luís de

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were under the jurisdiction of the financial and fiscal agencies (*almoxarifados*) of the Crown in the Archipelagoes. At the head of these fiscal institutions was a fiscal and financial agent aided by several royal officers such as clerks, accountants, collectors, paymasters, guards, door-keepers, etc. (see Diagram 21). These commercial agencies of the Crown were under the jurisdiction of the House of India and Mina. This institution based at Lisbon was responsible for the freight and equipage of the ships and the provision of supplies to the factories. The House was also in charge of storing the imported overseas goods and supplying the European consumption markets (see Diagram 22).

Diagram 21: The structure of the royal fiscal and financial agency: the *almoxarifado* of São Tomé: as an example



Sources<sup>158</sup>

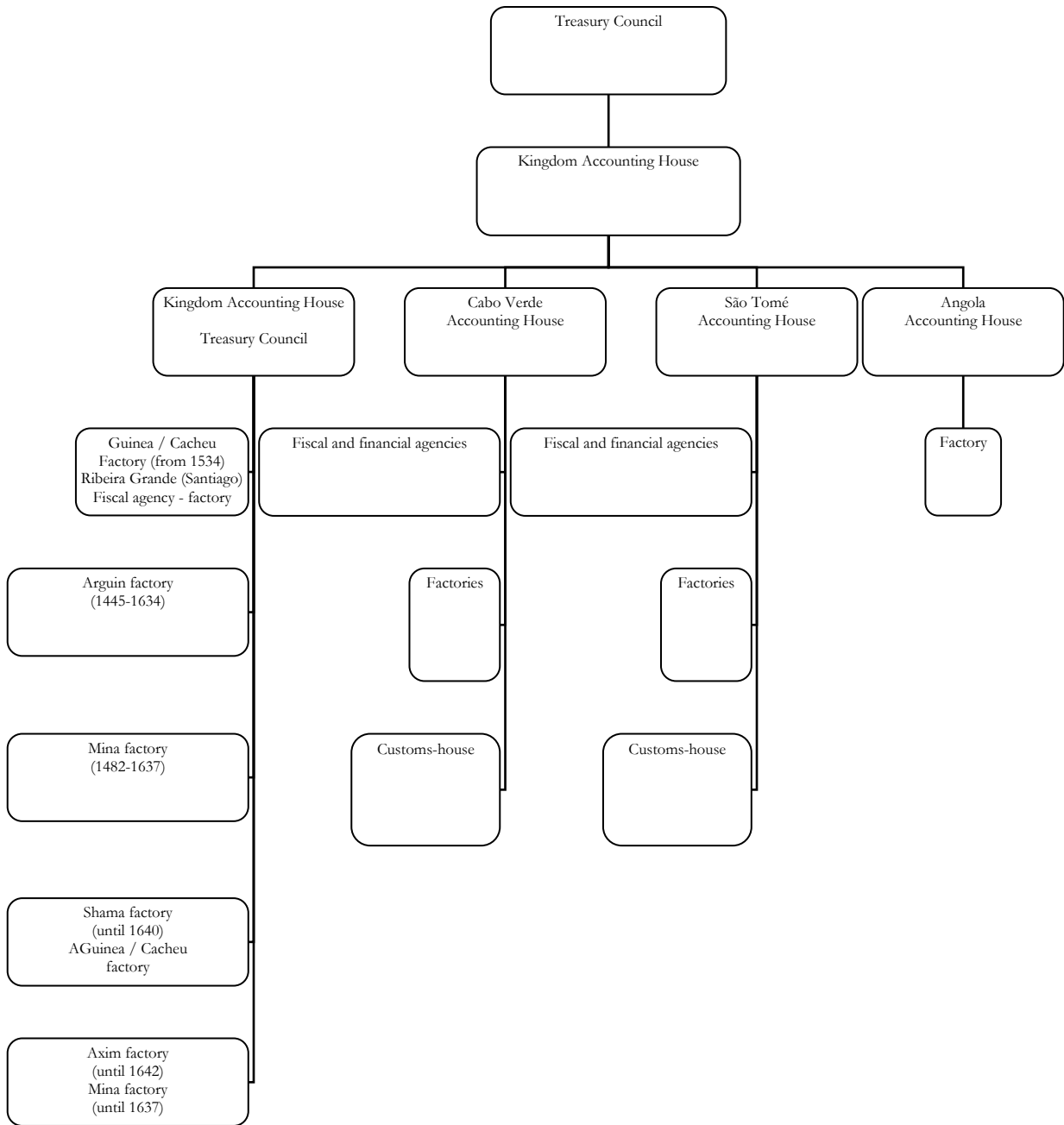
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Albuquerque (dir.), *Portugal no Mundo* II, p. 159; Maria Manuel Ferraz Torrão, 'Rotas comerciais, agentes económicos, meios de pagamento' in Maria Emília Madeira Santos (coord), *História Geral de Cabo Verde* II, pp. 60-76; Cristina Maria Seuanes Serafim, *As ilhas de São Tomé*, pp. 84-89; Isabel B. de Sá-Nogueira and Bernardo de Sá-Nogueira, 'A ilha do Príncipe no primeiro quartel do século XVI: administração e comércio' in *Congresso Internacional Bartolomeu Dias* III, pp. 85-86; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola* I, pp. 205 & 218.

<sup>158</sup> Luís de Albuquerque, 'A colonização de São Tomé' in *idem* (dir.), *Portugal no Mundo* II, pp. 171-197; Cristina Maria Seuanes Serafim, *As Ilhas de São Tomé*, pp. 76-82.

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Diagram 22: Commercial organization of the Portuguese settlements in West Africa  
(16<sup>th</sup> century – 1642)



Sources<sup>159</sup>

<sup>159</sup> Cristina Maria Seuanes Serafim, *As Ilhas de São Tomé*, pp. 84-89; Maria Teresa da Silva Diaz de Seabra, *Análise organizacional de S. Jorge da Mina*, pp. 87-91; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 205 & 218; Iva Maria Cabral and Maria Manuel Ferraz Torrão, 'Ensaio de uma feitoria régia', pp. 33-49; AN/TT, *O Conselho da Fazenda: Inventário e Estudo Institucional* (Lisboa: 1995), pp. 9-63; Maria Manuel Ferraz Torrão, 'Rotas comerciais, agentes económicos, meios de pagamento' in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde II*, pp. 60-76; J. Bato' Ora Ballong-Wen-Mewuda, *São Jorge da Mina I*, pp. 227-33; José Mattoso (dir.), *História de Portugal*, III, pp. 32-42 & 90-105; Ângela Domingues, 'Administração e instituições' in

Despite having several commercial agencies in the West Coast of Africa to conduct trade on behalf of the King, from the late 15<sup>th</sup> century onwards, the Crown started to lease out the direct management of the different monopolies to private traders.<sup>160</sup> The Crown had two main reasons for leasing out the monopolies. Firstly, by farming out the monopolies, the Crown would receive ahead of time the output of the monopoly according to the value previously established, based on the evaluations of the value of the monopolies. Secondly, by leasing out the monopolies the Crown tried to solve the inefficiency of the royal commercial agents both in their trading activities and their surveillance role to avoid smuggling. Consequently, the Crown was no longer losing capital from smuggling, pirate attacks, lost ships, maritime insurance, etc. Thirdly, by farming out the monopolies the Crown passed to the *contratadores* the responsibility of paying the royal officials serving in the forts and settlements within the monopoly areas. This way the Crown once again saved money.

Between the 1530s and the 1640s, this became common practice. The different monopolies, namely Cape Verde and Guinea, São Tomé and Angola, were leased out to private businessmen. After the 1530s, the royal monopolies tended to be leased out alongside the taxation dues.<sup>161</sup>

The establishment of local fiscal agencies in the Portuguese settlements started in the early 15<sup>th</sup> century. The fiscal agencies were the first institutions established by the Portuguese

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Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* I, pp. 83-98 & 104-105; Maria Luisa Esteves, 'O Cacheu em meados do séc. XIX', *Oceanos*, 3 (1990), p. 112; Isabel B. de Sá-Nogueira and Bernardo de Sá-Nogueira, 'A ilha do Príncipe', pp. 85-86; Maria Manuel Torrão, 'Colonização de Cabo Verde' in Luís de Albuquerque (dir.), *Portugal no Mundo* II, p. 159; A. H. de O. Marques, *Portugal na crise dos séculos XIV e XV* (Lisboa: Editorial Presença, 1987), pp. 295-316; António Manuel Hespanha, *As Vésperas do Leviathan* I, pp. 79-363; M. Caetano, *O Conselho Ultramarino: Esboço para a sua história* (Lisboa: Agência Geral do Ultramar, 1967), pp. 11-55; Jorge de Faro, 'A organização administrativa da Guiné', pp. 97-122; *idem*, 'Organização comercial de S. Jorge da Mina', pp. 305-363; *idem*, 'Estêvão da Gama capitão de S. Jorge da Mina', pp. 385-442; Virginia Rau, *A Casa dos Contos* (Lisboa: Universidade de Coimbra, Faculdade de Letras, 1951), pp. 3-160.

<sup>160</sup> The practice of leasing out the commercial monopolies over the several areas of the West Coast of Africa started as early as 1450s. For example, in 1455 the trade at the factory of Arguin was farmed out by Prince Henry the Navigator to a private commercial company for a period of ten years. The trading company was responsible for all the supplies and commercial transactions in the factory, and had to pay a certain annual rent to the Prince. J. Bato' Ora Ballong-Wen-Mewuda, 'A instalação de fortalezas na costa Africana: Os casos de Arguin e da Mina: Comércio e contactos culturais' in Luís de Albuquerque (dir.), *Portugal no Mundo* II, pp. 137-149.

<sup>161</sup> The processes of tax collection and tax farming will be examined in section five of chapter two. For further information on the transfer of the Portuguese fiscal system to the colonies, see: F. Ribeiro da Silva, 'Transferring European fiscal system overseas: A Comparison between the Portuguese home and colonial fiscal system' in: Simonetta. Cavaciocchi (ed.), *Fiscal systems in the European Economy from the 13<sup>th</sup> to the 18<sup>th</sup> centuries* I (Firenze: Firenze University Press, 2008), pp. 545-567.

Crown in Cape Verde and São Tomé, in 1471 and 1486, respectively.<sup>162</sup> In this early stage, these fiscal agencies accumulated the jurisdiction of a maritime customs-house.

Due to the growing volume of trade, having factories working simultaneously as commercial and tax agencies in Cape Verde and São Tomé was not a successful system. During the 16<sup>th</sup> century, the Crown was forced to establish maritime tax agencies (*alfândegas*). They were placed at important Atlantic ports of call such as Ribeira Grande (Santiago Island) and São Tomé.<sup>163</sup>

The main function of these customs-houses was to collect taxes levied on external trade (imports and exports). At the head of the maritime customs-house was a judge, followed by a fiscal agent, clerks, measurers, seal holders, attorneys, guards and door-keepers.<sup>164</sup> The number of staff depended on the volume of foreign trade. In West Africa, the staff of the customs-house also included a factor, who had a supporting staff, usually a tax collector and two clerks.<sup>165</sup> To control smuggler ships, the factor was often helped by a group of guards led by a chief-guard, who were also in charge of defending the main port. In the customs-houses there was still an official in charge of branding the slaves (see Diagram 23).<sup>166</sup>

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<sup>162</sup> In the beginning of the 16<sup>th</sup> century, there were two *almoxarifados* on Santiago Island: one in Ribeira Grande, and a second one in Alcatrazes, later transferred to Praia (1517); and just one on Fire Island (1507). On São Tomé Archipelago two *almoxarifados* were also created: one on São Tomé and another on Príncipe Island. Ângela Domingues, ‘Administração e instituições’ in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* I, pp. 68-72 & 101-4; Maria Manuel Torrão, ‘Colonização de Cabo Verde’ in Luís de Albuquerque (dir.), *Portugal no Mundo* II, p. 154; Cristina Maria Seuanes Serafim, *As Ilhas de São Tomé*, pp. 82-84; Luís de Albuquerque, ‘A colonização de São Tomé’ in *idem* (dir.), *Portugal no Mundo* II, pp. 179 & 190; Isabel B. de Sá-Nogueira and Bernardo de Sá-Nogueira, ‘A ilha do Príncipe’, pp. 83 & 89-91.

<sup>163</sup> Luís da Cunha Pinheiro, ‘O foral da alfândega da ilha de Santiago de Cabo Verde de 1696’, *Anais de História de Além-Mar*, 2 (2001), pp. 347-355; Ângela Domingues, ‘Administração e instituições’ in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* I, pp. 83-98 & 104-105; Iva Maria Cabraland Maria Manuel Ferraz Torrão, ‘Ensaio de uma feitoria régia’, pp. 33-49; Maria Manuel Torrão, ‘Colonização de Cabo Verde’ in Luís de Albuquerque (dir.), *Portugal no Mundo* II, p. 159; Maria Manuel Ferraz Torrão, ‘Rotas comerciais, agentes económicos, meios de pagamento’ in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* II, pp. 60-76; Maria Luisa Esteves, ‘O Cacheu em meados do séc. XIX’, p. 112; Jorge de Faro, ‘A organização administrativa da Guiné’, pp. 105-109; Maria Teresa da Silva Diaz de Seabra, *Análise organizacional de S. Jorge da Mina*, pp. 87-91; J. Bato’ Ora Ballong-Wen-Mewuda, *São Jorge da Mina* I, pp. 227-233; Cristina Maria Seuanes Serafim, *As Ilhas de São Tomé*, pp. 84-89; Isabel B. de Sá-Nogueira and Bernardo de Sá-Nogueira, ‘A ilha do Príncipe’, pp. 85-86; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola* I, pp. 205 & 218.

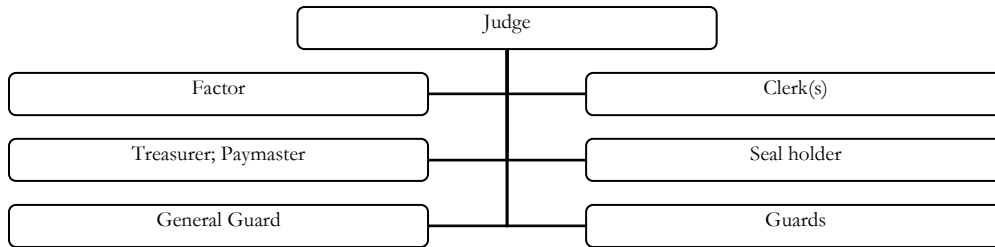
<sup>164</sup> For the Portuguese terminology see Glossary.

<sup>165</sup> The collector was responsible for direct collection of all taxes on the trade. This function could also be under the responsibility of the fiscal agent. The clerks had to register all commercial flow (import and export), as well as all taxes collected. For the Portuguese terminology see Glossary.

<sup>166</sup> For the Portuguese terminology see Glossary.

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Diagram 23: The customs-house of Santiago Island in Cape Verde: as an example



Sources<sup>167</sup>

The three commercial institutions aforementioned also had fiscal jurisdiction over different activities.<sup>168</sup> They collected taxes on the local production of raw materials and food-stuffs and the external trade, respectively. The customs-houses established in the several overseas areas also had permission to collect the royal duties on the products included in the

<sup>167</sup> Luís da Cunha Pinheiro, 'O Foral da Alfândega da Ilha de Santiago', pp. 347-377. The structure represented in the previous diagram was quite similar to the one followed by the *alfândega* of São Tomé during the 17<sup>th</sup> century. Cristina Maria Seuanes Serafim, *As Ilhas de São Tomé*, pp. 82-87.

<sup>168</sup> The finances of the commercial agencies, financial agencies and the customs-houses were supervised by local and central institutions in the Kingdom. On a local level, they were supervised by a royal accounting house – *contadoria*, renamed *Provedoria da Fazenda Real* after the administrative reforms in 1591. These institutions had supervising power over the factories, the fiscal agencies and the customs-houses. They were led by a *provedor*, a royal official with jurisdiction to control all the activities of royal officials dealing with fiscal and economic issues and also to check municipal finances, as well. Simultaneously, this official held the power to appoint new officials to fill vacancies in the fiscal and commercial institutions. He had also judicial authority to inquire into and judge all fiscal and financial matters linked with local royal income. To exercise his activities, the *provedor da fazenda* was supported by a clerk – *escrivão dos contos* – whose function was to register all royal finances. There were Royal Accounting Houses in Cape Verde, São Tomé and Angola. In these colonies, the *contador/provedor* had special jurisdiction over the trade between the Islands and the Coast of Africa. In fact, he had permission to check the cargoes of ships as well as to verify the trading licences of the private merchants operating in these areas. He even had the authority to inquire into the Portuguese dealers established on the West Coast of Africa. In the overseas areas where there were no accounting houses, such as the Guinea-Bissau region and the Gold Coast, the finances of the commercial agencies were inspected only by the central institutions in the Kingdom. This supervision was done by the Kingdom Accounting House – the *Casa dos Contos* – and the Treasury Council – *Conselho da Fazenda*. Every two years the head official of the local Accounting House had to bring copies of all the accounting books from the fiscal agencies and the customs-houses under his jurisdiction to the Court to be examined by the Inspectors of the King's Treasury. The books were to be checked at the *Casa dos Contos* and a confirmation clearance – *carta de quitação* – would be given to each royal fiscal and financial officer inspected. The supervision by the *casa* was done in the presence of one inspector of the King's Treasury. Ângela Domingues, 'Administração e instituições' in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* I, pp. 75-83; Maria Manuel Torrão, 'Colonização de Cabo Verde' in Luís de Albuquerque (dir.), *Portugal no Mundo* II, p. 154; Cristina Maria Seuanes Serafim, *As Ilhas de São Tomé*, pp. 79-84 & 113-115; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola* I, pp. 205-220; 'Conto, Casa dos', *Dicionário de História de Portugal* (hereafter DHP) II (Porto: Figueirinhas, 1981), pp. 174-175; Virginia Rau, *A Casa dos Contos*; *idem.* (ed.), *Os três mais antigos regimentos dos contos* (Lisboa: Bertrand, 1959); Arquivo Nacional/Torre do Tombo, hereafter IAN/TT, *O Conselho da Fazenda: Inventário e estudo institucional* (Lisboa: Arquivos Nacionais/Torre do Tombo, 1995); 'Fazenda, Conselho da', DHP II, pp. 407-408.

royal monopolies that were not exported to the Kingdom, and, therefore, could not be taxed at the Houses of India and Mina in Lisbon.<sup>169</sup>

In Cape Verde, for instance, the fiscal and financial agencies collected the *dizima da terra* – a fee of 10% of the value of the goods produced in the islands; the customs-house of Ribeira Grande (Santiago Island) collected the *dizima* – a fee of 10% imposed upon all imports and exports and the royal duties from the monopoly products: the *quinto* (5%), the *vintena* (20%) and the *consulado* (3%). For example, the slaves imported from the Guinea-Bissau region to the Spanish Americas and Brazil had these royal duties applied. On departure, the merchandise loaded by a slave trader was taxed 38% at the customs-house. This value was too high for private traders to pay on top of the amount of capital they had already paid to rent the monopoly or to obtain a trading licence from the *contratadores*. However, the tax collection system in Portugal and the empire facilitated fiscal evasion (see Diagram 24).

In Cape Verde, São Tomé and Angola, the Portuguese Crown consigned the collection of taxes to *contratadores* – a practice also used in the Kingdom. The use of such a procedure started as early as the settlement of colonists in the Atlantic.<sup>170</sup> In Cape Verde, for instance, there are references to farming contracts to collect royal taxes, tolls and duties from the late 15<sup>th</sup> century onwards.<sup>171</sup>

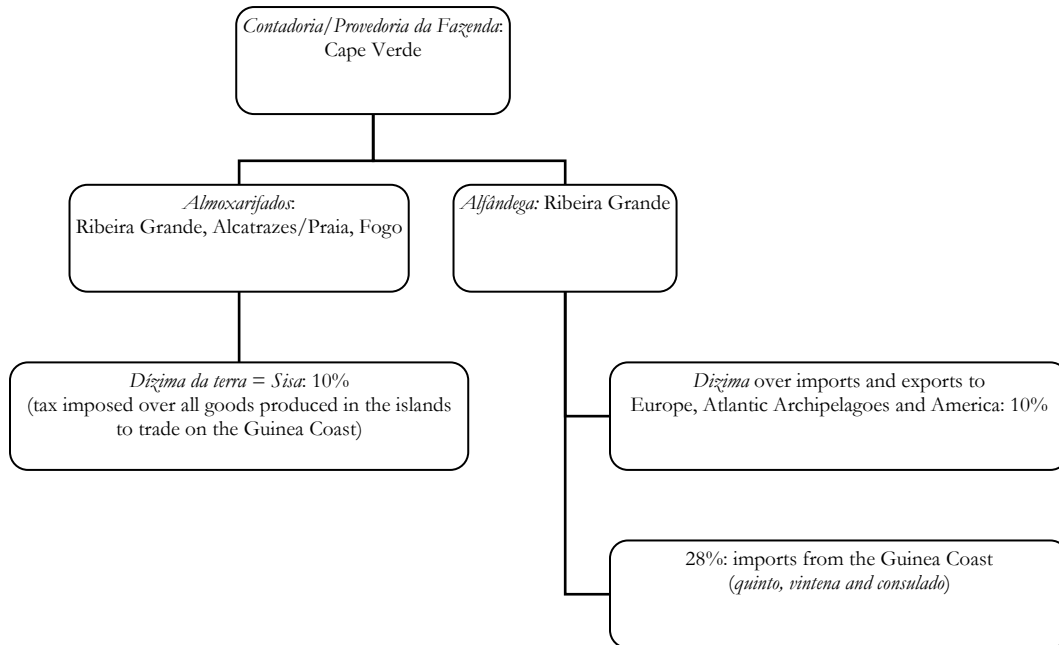
Diagram 24: Taxes collected at fiscal agencies and customs-houses of Cape Verde: as an example

<sup>169</sup> The colonial goods were liable for several fees at the Houses of Mina and India in Lisbon. The tolls of 5% – the *quinto* – and 20% – the *vintena* – were the most important. The products taxed at the House of India were exempted from all other tolls collected at other fiscal institutions, except the *consulado*. C. A. C. Gerales, *Casa da Índia – Um estudo de estrutura e funcionalidade (1509-1630)* (unpublished MA thesis, Universidade de Lisboa, 1997); F. M. da Luz (ed.), *Regimento da Caça da Índia: Manuscrito do século XVII existente no Arquivo Geral de Simancas* (Lisboa: Ministério da Educação e Cultura, Instituto de Cultura e Língua Portuguesa, 1951), pp. 117-32; ‘Índia, Casa da’, *DHP III*, pp. 281-289.

<sup>170</sup> Isabel B. de Sá-Nogueira and Bernardo de Sá-Nogueira, ‘A ilha do Príncipe’, p. 84; Eunice R. J. P. L. Jorge da Silva, *A administração de Angola I*, pp. 221-253.

<sup>171</sup> Zelinda Cohen, ‘Subsídios para a história geral de Cabo Verde: Os contratos de arrendamento: Os contratos de arrendamento para a cobrança das rendas e direitos reais das ilhas de Cabo Verde (1501-1560)’, *Studia*, 53 (1994), pp. 317-364; Iva Maria Cabral and Maria Manuel Ferraz Torrão, ‘Ensaio de uma feitoria régia’, pp. 33-35; Ângela Domingues, ‘Administração e instituições’ in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde I*, pp. 72-73.

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Sources<sup>172</sup>

After the 1530s, the Crown tended to farm out the tax collections and the royal monopolies together to the same person or persons. The auctions of the contract were quite similar to those used in the Kingdom.<sup>173</sup> The main difference was the fact that these contracts were advertised mainly in Lisbon by the factor of the islands, who had also the duty of receiving and registering the bids in the Book of Bids. He was also responsible for the auction. Once this process was finished, a contract was written and signed by the Crown and the new tax farmers. The contracts could be annual, biannual or quadrennial. Copies of each contract would be deposited at the Royal Treasury, the Accounting House of each colony, the fiscal agencies, the maritime customs-houses and the factories.<sup>174</sup> These contracts would be signed at the Treasury Council. In general, the contract specified: a) the monopoly

<sup>172</sup> Zelinda Cohen, 'Subsídios para a história geral de Cabo Verde', pp. 317-364; António Correia e Silva, 'A tributação nos primórdios da História de Cabo Verde (1460-1516)' in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde* I, pp. 347-369.

<sup>173</sup> The farming process followed a fixed procedure and a detailed schedule. In September the *contadores das comarcas* had to go through the *comarca* and make an enrollment of all royal rents, tolls, fees and taxes to be collected and estimate their value. This information should be registered in the book of bids – *livro de lanços*. In the next month, the *contador* and his clerk would start writing, registering the bids of the potential renters in the notebook of the bids – *cadernos de lanços*. By early November, a copy of the bids notebook of each administrative district should be sent to the Royal Treasury in the Court. Offers could also be made directly to the Royal Treasury. In the first month of the year, the contracts between the Crown and the tax farmers would be registered and signed at the *comarcas* or at the Royal Treasury.

<sup>174</sup> João Cordeiro Pereira, *Para a história das alfândegas em Portugal no início do século XVI: Vila do Conde – Organização e movimento* (Cascais: Patrimonia, 2003), pp. 87-90.



rented; b) the time span of the contract; c) the amount of money paid as well as the form of payment (currency or products), the place, time and the institution responsible for the collection of the payment; d) the pledged chattels (*fiança*); e) the number of businessmen involved in the partnership; f) the privileges of the *contratadores*; g) the duties of the *contratadores* vis-à-vis the local authorities; and h) the relationship between the *contratadores* and the local royal commercial agents.

After signing the contracts, the tax farmers were allowed to place their own clerks in the fiscal agencies and in the maritime customs-houses. Whenever the tax collection was farmed out, the royal officers were paid by the *contratadores* and their function was just to supervise the tax collection. However, whenever the *contratadores* did not pledge chattels equivalent to the total value of the contract, the royal fiscal agents kept their function of tax collectors and registers. These practices allowed for abuses by the tax- and monopoly-farmers as well as by the royal fiscal officers in charge of the supervision. The *contratador* of the monopoly of Cape Verde and Guinea João Soeiro was a good example. He was accused by the municipality of Ribeira Grande (present-day Cidade Velha) and by the royal officials of non-payment of taxes upon the goods exported from Cape Verde and the Guinea District. The powerful inhabitants of the island also denounced the *contratador* for sending shipments of slaves to the Americas directly from the Guinea-Bissau regions without paying taxes in the Ribeira Grande customs-house.<sup>175</sup>

The *contratadores*, on the other hand, had permission to trade and to grant commercial licences to other private merchants. They were also authorized to place their own factors and assistants in the different regions. The royal commercial agents, on the other hand, had to inspect and control the trading activities of the *contratadores* to ensure that the privileges granted in the contracts were not overlap and the employees of the *contratadores* were not exceeding their authority.

In practical terms, the *contratadores* were allowed by the Portuguese Crown to transfer to a third party a part or a branch of the contract. In fact, the *contratadores* could give away part of the monopoly rights to other private merchants via *avenças* – sort of trading licences. The *avenças* were contracts authorizing the holder (*avençador*) to export a certain quantity of a given product within a specific geographical area. According to these contracts, the

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<sup>175</sup> Maria Manuel Torrão, 'Rotas comerciais, agentes económicos, meios de pagamento' in Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde II*, pp. 18-94.

*contratadores* would cover the risks involved in the transportation, such as sinking, fire and capture by pirates and corsairs. The other party had permission to load the quantity of goods mentioned in the contract in a specific port. For instance, in Angola the ships of the sub-renters – *avençadores* - were to be loaded only at Luanda. The loading was to be inspected by the agent of the contract and the royal factor. Together they would issue a certificate (*certidão de despacho*) to be presented to the authorities at the port of destination. The royal taxes imposed on the commodities traded were to be paid by the *avençadores* to the agent or the attorney of the *contratadores* in the port of destination, either in Brazil or in the Spanish American colonies. In order to avoid losses, the *contratadores* were allowed to demand a *fiança* from the *avençadores*; and if the goods had been smuggled, they were entitled to tax the products in treble. For the *avenças* sold within the overseas possessions, the *fianças* were usually in the form of gold, silver or precious stones. The *contratadores* or his agents could sell these trading licences in the Kingdom and the several Atlantic possessions. To register all the *avenças* sold in Portugal, the *contratador* received a book issued by Royal Treasury Council, in which he or his representatives would make note of all trading licences sold. Every year a list of the *avenças* issued was to be sent to the Treasury Council at Lisbon. The trading licences sold within the overseas possessions were to be listed by the *Provedor da Fazenda* of the local government and dispatched to Lisbon.<sup>176</sup>

Hence, from the beginning of the 16<sup>th</sup> century until the late 17<sup>th</sup> century, private traders controlled the monopolies and the tax collection of the Portuguese Crown in West Africa.<sup>177</sup>

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<sup>176</sup> On 28 May 1617, the *Provedor da Fazenda* of Angola received a royal order to send annual lists of the *avenças* issued by the *contratadores* or his representatives. These maps would be then copied into the books at the House of India. Otherwise, all trading licences issued in Angola and Brazil by the *contratador* or his agents were to be registered at the House of India via a certificate within a year after the commercial agreements had been signed. Eunice R. J. P. L. Jorge da Silva. *A administração de Angola I*, pp. 221-253.

<sup>177</sup> In the late 17<sup>th</sup> century, the role played by the *contratadores* was replaced by several commercial companies chartered by the Portuguese Crown with monopoly rights over the trade in West Africa. The first was granted to Lourenço Pestana and Manuel da Costa Martins, to whom was given power to trade in the port of Palmida (south of Arguin). The second Company, led by António de Barros Bezerra and Manuel Preto Valdez, was in 1675 granted permission only to control the trade in the areas of Cacheu. Daniel Pereira, 'A fundação da Companhia de Cacheu, pp. 1671-1676' in Carlos Lopes (dir.), *Mansas, Escravos, Grumetes e Gentio: Cacheu na encruzilhada de civilizações* (Guiné-Bissau/Lisboa: Instituto Nacional de Estudos e Pesquisa, Imprensa Nacional – Casa da Moeda, 1993), pp. 207 & 215.

In short, the commercial and fiscal organization of the Portuguese Atlantic Empire shifted from a monopoly operated by commercial agents of the Portuguese Crown to a trading framework controlled by private merchants and supervised by royal officials.

Traditional historiography claims that the Crown leased out the monopolies and the tax collection to receive the output of the overseas trade and tax collection in advance, which was essential because of the growing state expenditure.<sup>178</sup> However, other factors should be considered. The shift from direct management by the Crown to privately rented monopolies helped the Crown to fight competition from private merchants, avoided the problem of the weak naval protection of the monopoly areas and hid the lack of capital and human resources. From the mid-16<sup>th</sup> century onwards, the Portuguese Crown had to face the competition of interlopers in the monopoly areas, either Portuguese or foreigners, namely French, English, Flemish and Dutch. Despite all its efforts, the commercial organization of the Crown was unable to fight these smugglers efficiently. On the other hand, the capital required to manage the commercial monopolies was enormous, since this royal enterprise had the expenses of the wages of the royal agents, the supply of the factories, the transport, etc. The Crown had to administer too many monopolies. Therefore, priorities had to be set. India was chosen as the highest priority at the time. Therefore, the Crown decided to lease out the monopolies in the Atlantic to private traders. This transition reflects the transformation of the Portuguese Crown from a mercantile monarchy into a bureaucratic entity.

To sum up, during the period under study the Dutch shifted from private trade to Company monopoly and, after the 1630s, gradually open the monopoly to free trade again, while the Portuguese moved from State-monopoly to privately rented-monopolies operated by private initiatives and to State-sponsored monopoly companies in the second half of the 17<sup>th</sup> century.

In the Portuguese case, by the mid-16<sup>th</sup> century it was clear that private trade was the easiest way to operate the royal monopolies – a closed monopoly had proved to be a failure

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<sup>178</sup> António Correia e Silva, 'A tributação nos primórdios da História de Cabo Verde (1460-1516)' in Luís de Albuquerque and Maria Emília Madeira Santos (coord.), *História Geral de Cabo Verde I*, pp. 363-368; António Carreira, *Notas sobre o tráfico português de escravos* (Lisboa: Universidade Nova de Lisboa, Faculdade de Ciências Sociais e Humanas, 1983), p. 24.

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– because the Crown did not have the means to conduct the trade, supervise the monopoly efficiently and avoid smuggling.

In the Dutch case, the transition from private to monopoly trade was not an economic decision. It was known by the businessmen operating in the Atlantic that the monopolies imposed by the Portuguese and the Spanish Crowns had failed, since the areas where the supply and the consumption markets were located were too vast and the States could not control smuggling by any means. Besides, it was also known that the management of the Southern Atlantic trade within a monopoly or monopolies required too many resources, both material and human, and it was really too expensive to be carried out by a single organization, even if that entity was the State, as in the Portuguese and the Spanish cases. Therefore, this transition seems to be a State-sponsored enterprise. In fact, the merchants of the Republic were reluctant to invest in this Company and the gathering of the required capital took a long time. In the end, in order to have sufficient capital the States General had to invest a considerable amount. In addition, the States General also granted the Company several extra subsidies for military expenses. Moreover, the Admiralties of the provinces of each Chamber of the Company were in charge of supplying the WIC war fleets with weaponry and ammunitions. Not all these military materials were paid for by the Company. So, this transition was the way found by the States General to move naval attacks against the Spanish and the Portuguese under the cover of a commercial Company, hoping that the WIC would generate enough profits to sustain itself. That was not the case, however. Commercially, the Chambers and the Board of Directors were incapable of supplying the posts and settlements with bartering merchandise on time and in the required quantities. In addition, the Chambers and the Gentlemen Nineteen were incapable of coordinating regular shipping between the settlements and Europe, with consequences for the trade. To overcome these problems the Company opened some of the branches of the monopoly to private traders and allowed their presence in places like Brazil, the Caribbean, Angola and North America, partly recognizing the difficulties encountered by the Company employees in organizing the trade. However, these measures did not prevent the bankruptcy of the WIC. The commercial monopoly turned out to be a complete failure in the Atlantic trade.

Fifty years after the WIC had assumed the administration of the Atlantic monopoly, the Company went bankrupt.<sup>179</sup>

On the other hand, the WIC was a compromise between the interests of the private merchants and the interests of the State. In fact, the Board of Directors did not choose to attack the Portuguese possessions in the Atlantic instead of the Spanish because their military defensive structures were weaker, as has been argued by Boxer, but because the colonial products from the Portuguese settlements, especially Brazilian sugar, were in high demand in the Dutch Republic, and the private traders had been involved in this business since the late 16<sup>th</sup> century. Brazil was clearly the highest priority of the WIC until 1654.<sup>180</sup>

The Portuguese private traders operating the royal monopolies, in contrast, set up a fairly efficient commercial and business network that stayed in place until the 1630s and 1640s.<sup>181</sup> Historiography claims that the collapse of the Portuguese commercial organization was due to Dutch superior commercial efficiency. However, the WIC monopoly was forced to open up to private traders in the late 1630s and the Company went bankrupt in 1674. This would have not been the case if the Dutch commercial organization had been more efficient than the Portuguese private merchants. The collapse of the Portuguese commercial organization in the hands of the private initiative can be partly blamed on the absent or deficient military and naval protection granted by the State to the posts and the settlements as well as to the trading routes.

On the other hand, the trading practices of the *contratadores* operating the monopolies ended in extreme losses for the Portuguese Crown. By leasing out the monopolies and the tax collection simultaneously, the *contratadores* were in a privileged position to smuggle products and to allow the *avençadores* to smuggle too. In addition, their lobbying with the Crown and the warfare throughout the 17<sup>th</sup> century gave them the chance to rent the monopolies for less than their real value. All these practices caused great losses to the Royal Treasury in the overseas settlements and Portugal.

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<sup>179</sup> P. C. Emmer, 'The West India Company' in Leonard Blussé and Femme Gaastra (eds.), *Companies and trade*, pp. 71-95; Henk den Heijer, *De geschiedenis van de WIC*, pp. 97-110.

<sup>180</sup> Christopher Ebert, 'Dutch Trade with Brazil before the Dutch West India Company, 1587-1621' in Johannes Postma and Victor Enthoven (eds.), *Riches from Atlantic commerce*, pp. 49-76; *idem*, *Between empires: Brazilian sugar in the early Atlantic economy, 1550-1630* (Leiden: Brill, 2008); A. H. Poelwijk, *In dienste vant suycckerbacken": de Amsterdamse suikernijverheid en haar ondernemers, 1580-1630* (Hilversum: Verloren, 2003).

<sup>181</sup> For more information on these networks, see Chapter 6.

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With regard to taxation, the WIC and the Portuguese Crown started to collect taxes on the African goods included in their commercial monopolies when the private traders were allowed to conduct trade in the monopoly areas. However, the fiscal solutions implemented by the Dutch Company and the Portuguese Crown were different, but, in both cases with limited efficiency.

The WIC imposed a fee on the permission to trade within the monopoly, but did not collect taxes on the circulation of products between the different possessions of the Company. Tariffs on the circulation of products were only imposed in the Republic. The Portuguese Crown not only auctioned the management of the concession of trading licenses to private traders, the *contratadores*, but it also imposed taxes on the circulation of products within the Empire and to the Kingdom. Therefore, private traders paid for a trading license and had their products taxed in the different customs-houses of the Empire and the Kingdom.

These different taxation policies had a strong impact on trade. In the Dutch case, the absence of taxes on the circulation of products between the several Dutch settlements kept down the price of colonial goods on the consumption markets. The goods supplied by the Dutch, therefore, had more competitive prices.

In the Portuguese case, the number and value of taxes imposed on the circulation of goods increased the price of products on the consumption markets. However, the system of tax farming and what amounted almost to a cartel organization on the part of the *contratadores* made tax evasion and smuggling the only weapons to reduce or naturally control the price of Portuguese products on the consumption markets.

In brief, the type of institutions imposed by the Dutch and the Portuguese in West Africa had a significant impact on the trajectory and building of these two Empires. However, the different outcomes of the Dutch and the Portuguese Atlantic Empires were also determined by the movement of people, the migration and settlement policies promoted by the States and the State-sponsored companies as well as by the measures to develop economic activities in the overseas territories, as we will illustrate in the following chapters.