



BY THE SAME AUTHOR

AFFAIRS OF WEST AFRICA

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The British Case in French Congo



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Edmund D. Morel

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London
William Heinemann
1903

TO

ALL FAR-SEEING ENGLISHMEN
AND FAIR-MINDED FRENCHMEN



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P R E F A C E

THE story unfolded in the following chapters is one without precedent, so far as I am aware, in the relationship between civilized communities. In modern times, at any rate, nothing in any remote degree approaching it has been recorded. True, the treatment meted out to British merchants in French Congo is somewhat analogous with the proceedings recently employed by the officials of the Congo State towards the Austrian merchant, the late Mr. Rabinek. But even here the comparison is not wholly sound, because the actions of the Congo State authorities have long since debarred that so-called State from any claim to the epithet of civilized.

That the acts of which we have to complain should have been committed in a French possession, and, apparently, with the full cognizance of

successive French Governments—although the statesmen responsible have been obviously ill-informed as to the local circumstances—is distressing ; for, whatever may be said to the contrary, the great mass of Englishmen have nothing but a genuine feeling of kindness towards France in their hearts, and admiration for French genius. To those amongst us who have paid some attention to the great work achieved by France in West Africa proper during the last decade and more, the fatal mistake she committed in 1898 in adopting and applying in the French Congo the policy patented in the Congo State by King Leopold II. of Belgium, is particularly painful.

It is extremely to be regretted that the necessity should have arisen to place on record,*

* The fact that the French Government has now accepted a qualified arbitration makes it all the more essential that the British side of the case should be publicly stated : and not only the British side *per se*, but the fundamental issues involved. There is, indeed, a serious danger that arbitration may be confined to specific incidents, and that the fundamental issues may be tacitly set aside.

in all their disgraceful detail, the facts as here set forth—facts which it is safe to say will be a revelation to the British, and also to the French public. For my part, I am convinced that if both the French and British Governments had made a resolute attempt to grapple with the difficulty from the first, and to realize its oft-predicted and inevitable outcome, the present position of affairs—which is not devoid of danger—would never have been reached.

There can be no doubt whatever that, so far as the French Government is concerned, a gigantic misunderstanding of the essential nature of trade in French Congo prior to the Concessions Decree, accounts for much that has taken place. The ignorance shown throughout this whole affair by French politicians, for the most part inexperienced in colonial matters—frequent and amazing proofs of which will be given in these pages—is truly colossal. Ignorance, however—even in the superlative degree in which it has been displayed—cannot en-

tirely explain away the ease with which a Governor of French Congo surrendered himself to the blandishments of the small Belgian clique which runs the Congo State, nor how the intrigues of the Brussels financiers and adventurers who, directed by a controlling brain, compose that clique succeeded in such an incredibly short space of time in securing the enthusiastic co-operation of a French Colonial Minister. It is just a little difficult to admit the purity of motive of those Frenchmen who were primarily responsible in foisting the Concessionnaire *régime* upon French Congo, when we bear in mind that, although nominally French, the 'Companies' created under this *régime* were and are (such as remain) for the most part financed and controlled by Belgians—the very men, be it noted, who form the clique already referred to; and that they were created, as was recently confirmed by one of their subsidized organs, and as events have clearly demonstrated, for the purpose of speculation on the Brussels and

Antwerp Stock Exchanges, where the shares were practically alone quoted after flotation.

The circumstance, a circumstance susceptible of ample proof, that Belgian intrigue and Belgian finance are at the bottom of this sorry business, is one which must be carefully taken into account by the people of this country. While it in no way palliates the indefensible treatment to which our merchants have been subjected in a French colony, nor lessens the British claims against the Government of France, it will assist the British public to realize more fully than it has done up to the present the origin of the trouble, and it should strengthen the growing demand for a new conference of the signatory Powers of the Berlin Act, which categorically laid down freedom of commerce for all nations in the Congo Basin, and as categorically prohibited the granting of monopolies or privileges of any kind in matters of trade. Englishmen must also remember—for in an affair of this sort it is of the utmost consequence

that legitimate resentment against a given policy, and the acts to which the adoption of such policy have given rise, should not be exercised in too sweeping a manner, but should, on the contrary, be confined to those responsible for it—that Frenchmen of note have openly protested, and continue to protest, against the Concessionnaire system as such; to openly lament the persecution of which our merchants have been the victims; to openly deplore the international incident which has arisen therefrom; to denounce in the strongest terms the ‘criminal thoughtlessness’ of those in high places in France who have yielded to Belgian influence. Englishmen should know, too, that our merchants have directly and indirectly been the recipients of heartfelt expressions of sorrow and regret, both verbal and epistolary, from not a few Frenchmen closely concerned with West African affairs; and, finally, that the élite of the French official element in West Africa is bitterly opposed to a system which seeks the destruction of legitimate commerce,

robs the native of his rights in land and what the land produces, and under various euphemisms, one more hypocritical than the other, would make of the Negro a slave to minister to the requirements of speculators, mostly of Belgian nationality. I have emphasized these points, not only because it is right and fair that they should be clearly put before the public, but because the object of those who can sufficiently appreciate the gravity of the *main issue* as it affects the future of European interests in Equatorial Africa, without distinction of nationality, must be to convince the French that they have made a hideous blunder, and to secure the co-operation of France in the essential task of cutting out of Africa the parent growth of which that blunder is an offshoot.

Of the treatment of our merchants *per se* it is difficult to speak in measured terms, so gross has been the injustice, so abominable the means employed to oust them from a trade they have built up, and of which the materials have been

fearless courage, magnificent enterprise, unremitting labour, honest dealing, law-abiding citizenship under a foreign flag—a flag, too, which claims (and not without reason in many cases) to be symbolic of ‘liberty, fraternity equality.’ Whatever may have been the original intention of the framers of the Concessions Decree—and certain stipulations, which will be referred to later, would tend to show that there was no *prima facie* desire to use our merchants ill*—the effects of its actual working have been cruel in the extreme. The extraordinary ignorance prevailing in French official circles of the nature of the existing French Congo trade cannot excuse the callous attitude of French officialdom, when it became clear, beyond possibility of doubt, that our merchants were being grievously wronged. The men who, in the seven years ending 1899, had paid upwards of £112,000† into the local

* *Vide* secret letter of instructions to Concessionnaires.

† Or an average of £16,000 per annum. It has been found impossible to give the figures previous to 1893 with any degree of accuracy.

exchequer in Custom - House duties, patents, and licences, and whose knowledge of the country and people had in earlier years proved of considerable assistance to the French authorities in exploring and opening up virgin districts, deserved the most generous usage at the hands of the Government which had benefited to so large an extent from their enterprise. No effort should have been spared to safeguard their interests, and the trade they had founded by dint of a quarter of a century's effort, and the expenditure of considerable sums of money.

A fortiori was it the bounden duty of the French Government to protect our merchants and their employés from any act of positive oppression or violence on the part of the beneficiaries under the Concessions Decree Since—as has been abundantly proved, and as was, moreover, admitted inferentially not long ago by the most prominent newspaper in France—the local judicature of French Congo possesses no independence outside ministerial instructions transmitted from time to time from Paris; the

French Government should, at the very least, have secured for our merchants ordinary legal protection against wanton outrage. Instead of that, the existence of our merchants has been one long-drawn-out agony for the best part of three years. Their treatment has been such as the mouse receives from the cat. They were never officially informed that their recognised position as traders in the colony was in any way altered, yet the Concessionnaires seized the produce they had paid for, and the local courts upheld the despoilers. The authorities continued to tax their imported goods and collect revenue for patents and licences, the mere issuing of which strengthened our merchants in their belief that the extravagant claims of the Concessionnaires to the entire produce of the soil was irreconcilable with the intentions of the French Government in granting the concessions; yet the local courts condemned our merchants for selling those imported goods, and forbade their employing the services of agents for whom such

licences had been obtained. The Concessions Decree had distinctly stipulated that the rights of third parties were to be respected ; yet, after prolonged litigation, undertaken in a vain attempt to get a definition of such ' rights,' our merchants were apprised by the judgment of the local courts that they had no acquired rights at all. The local officials, from whom our merchants might have expected a modicum of protection, openly sided with the Concessionnaires, winked at the breaking open of British factories, the flogging of natives in British employ, the seizure of British produce ; did not hesitate in some instances to tell the natives the British had no rights whatever to trade in the country ; put endless difficulties in the way of enabling our merchants to obtain proper sworn evidence of such outrages, while readily according to the Concessionnaires every facility to concoct evidence in order to claim that produce on its way to British factories had been gathered from certain specified areas within their respective concessions. The local

courts, in their desperate efforts to give some appearance of legality to what *Le Temps* has rightly called 'political judgments,' rendered the most illogical and contradictory verdicts. Our merchants were told in the same breath that their rights were not interfered with, because they could sell goods for cash, cash being an unknown commodity a few miles outside the capital of the colony; that they could purchase produce from the native reserves, but that they had no right to establish a trading station on those reserves whereby such purchases could alone have been effected; and, the reserves not having been delimited, the Concessionnaires were entitled to the entire produce of the area conceded. Such judgments being appealed against, the appeal was put off for months and months on various pretexts, the Concessionnaires meanwhile violently appropriating our merchants' property and systematically undermining their trade, with the object, as one of them boasted, 'to destroy their goodwill.' The last phase has consisted in the

mulcting of our merchants in enormous fines for buying produce off the concessions, and even for not removing actual buildings (and the European merchandise stored there) in which no trade had been transacted for many months. The final outcome is the threat to destroy the British factories and all they contain, our merchants meanwhile being absolutely prohibited from disposing of their merchandise in any way whatsoever. And many of these proceedings have taken place in the Free-Trade zone of the Congo, the local courts overriding the Berlin Act by specious arguments, which, if internationally admitted, would rob that Act of all sense and meaning.

The British merchants in French Congo have been sacrificed to save the face of certain French politicians—to stave off for a while the inevitable exposure of a deplorable error of colonial policy. In the French Congo, rather than admit the overwhelming body of proof pointing to the Concessions Decree of 1899 being framed in ignorance, unworkable in

practice, monstrously unjust in its effects upon the merchant and native alike, successive Colonial Ministers have endeavoured to square the circle, and, of course, they have lamentably failed. An existing trade has been destroyed, the colony is practically bankrupt, the revenue is steadily falling, the natives are either in open rebellion or thoroughly disaffected, the military expenditure has largely increased, and the Concessionnaires will only last as long as they are allowed to maintain themselves by the ingenious system of fining the British firms—that is to say, until a way is graciously found for the latter to sell their factory depots and their merchandise (which, of course, is deteriorating steadily); or until, despairing finally of effectual home support, our merchants themselves destroy or embark all that remains of their actual possessions, and leave the country in a body.

E. D. M.

HAWARDEN, 1903.

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INTRODUCTION

‘The first condition of freedom of trade for the nations is the freedom of the natives in such a way as to leave them free to dispose of the natural products of the soil and of the chase.’—*Consul Vohsen at the Berlin Congress, October 11, 1902.*

PERHAPS I may be pardoned one or two egotistical remarks, by way of prelude to an attempt to convey to the ordinary reader a clear notion of the great issues at stake in the history of a controversy which, in effect, is a collision between opposing principles; a struggle bound to have enormously far-reaching effects, either for good or for evil, upon European action in Equatorial Africa. I am an earnest and sincere admirer of the splendid work accomplished by France in West Africa proper, and the magnificent labours of the De Brazza school in French Congo. I have endeavoured in ‘Affairs of

West Africa'—I hope with some degree of success—to make that work better known among Englishmen. At the same time, I have closely identified myself with—and may, perhaps, claim to a certain extent to have led the van in—the criticisms directed against the Concessionnaire régime in French Congo. The two positions are not incompatible in the least. In my humble opinion, the treatment which British merchants have endured in French Congo, although scandalous in the extreme and deserving of the strongest protest and censure, is, so far as its personal aspect is concerned, a side issue. They are Englishmen. They have been abominably used. They are entitled to expect the sympathy of their countrymen and the support of their Government. *But it is that for which these Englishmen stand that constitutes the principle for which we are fighting.* These men are the representatives not of Free Trade merely, but of *commerce* in Africa. Commerce is the Negro's one bulwark against a slavery infinitely more degrading than any he

has hitherto experienced—the new slavery, the slavery introduced into Equatorial Africa by the ‘moral and material regeneration’ of the Congo State.

Not only is commerce the Negro's rampart against the new slavery, but commerce is the sole *modus operandi* through which Europe can ever hope to rationally develop tropical Western Africa in a manner profitable to her peoples and to the peoples of Africa.

Let us bear in mind that this is no question of the merits or demerits of Free Trade *versus* Protection. That does not enter into the case. The problem is much less complex. It is not whether a simple tariff, a uniform tariff, a differential tariff, or any other kind of tariff, is good or bad for the development of commerce, *but whether commerce shall continue to exist at all* in the Congo Basin. The *régime* consolidated by the Congo State is a *régime* destructive of commerce. Save, perhaps, in those regions of the *domaine privé* where the group of genuine trading companies (Belgian) pre-

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sided over by Colonel Thys* managed to secure a free hand as a result of their fierce struggle with King Leopold some years ago, and in the small strip of territory known as the lower Congo, there is no commerce in the Congo State. There is *exploitation*. The difference between commerce and *exploitation*—which is a polite way of describing robbery aggravated by *violence*—is the difference between approaching the owner of an article and offering to buy it from him, and putting a pistol to the owner's head, bidding him hand over his goods on pain of death or punishment of various kinds. The one is based upon consent ; the other upon compulsion. The one recognises that the Negro is (1) a man, (2) a landowner, whether as a unit in a tribal community or family organization, or as an in-

* In the districts reserved to the Thys group of companies, there is, of course, a complete monopoly of trade ; but there is good reason for believing that the methods adopted by that group are commercial and legitimate in nature. Otherwise stated, there is a genuine barter trade in existence in those districts, although none but the Thys group of companies are entitled to profit by it.

dividual.* The other looks upon the Negro as (1) a brute; (2) denies his rights as a land-owner; (3) claims that the mountains, valleys, forests, and plains, and everything of economic value they contain, whether animal, vegetable, or mineral—except the actual spot upon which the native has built his hut, or where he cultivates his patch of maize, millet, or other foodstuffs—belongs not to the native, but to the white man.

Now, if you destroy native land-tenure by virtue of a simple document, drafted and signed in Europe, which declares that all land upon which the native is not actually squatting or cultivating foodstuffs is 'unoccupied or waste land,' and is therefore your property, notwithstanding that the tribe to which the native belongs may, by local law and usage, be as clearly entitled to that land, and the fruits of that land, as you are entitled to walk into your own demesne, be it large or small; if you make the repudiation of native rights in land the

* This is a rare form, of course, in Western Africa.

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foundation-stone of your policy, what is the logical outcome? There can be only one. The fact that the native is now dispossessed of his rights in land does not change in any way the object which has brought you into his country. You still require the products of economic value which the forests, the plains, the valleys contain; and there is still only one person you can employ to collect those products—the native. How, then, do you propose to set to work? The basis upon which commerce rests all the world over is the recognition that the man from whom you desire to acquire a specific object is the owner of that object; and that, if you require it, you must offer him something which will tempt him to sell it to you. But you have denied his ownership. You say the object is yours naturally, and not his. *That* you are able to do; but when it comes to obtaining the object of your desire, can you suppose that it will be willingly parted with *pour vos beaux yeux*, or for any trumpery little sop you like to fling at the other party's head,

as so-called payment ; especially if, even to secure the object for his *own* use or his own pleasure, the other party has to labour for it, wading knee-deep, perchance, in foetid swamp, or brave the terrors, moral and material, of the forest ? No, of course not. Very well ; what method remains to pursue ? Only one—compulsion. As your policy is *in esse* profoundly vicious and immoral, so force is the sole weapon with which you can practise and maintain it. And with a policy resting upon force, and that policy applied in the Great Western forest region of Equatorial Africa, you are committed to a course of more frenzied wrong-doing and deeper disgrace with every year that passes. That is the history of the Congo State ; that is the history, in a necessarily very much minor degree—for the evil is there only in its infancy, and will not (or France is France no longer) attain adolescence—in French Congo for the last three years.

And, putting aside its immorality—or, if you like, just because of its immorality—the policy

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is a disastrous one. In a temperate zone its application might at first bring great misery and cruelty in its train ; but sooner or later would come an awakening, leading to its disappearance or gradual and systematic amendment, until, perhaps, a healthy organism would evolve ultimately, notwithstanding the contamination of early environment. That might follow in a temperate zone ; in Equatorial Africa never, because in the latter there is no indigenous material capable of effecting reform. There the crops will be more poisonous than the seed, and each fresh crop will be more dangerous than the last ; and the evil will continue to grow, and grow, and grow.

The enormous returns from so-called 'taxation paid in kind' in the Congo State, and the huge profits earned by the *domaine privé* companies—these things, which are flaunted in our faces as a proof of prosperity, are the surest indications of future and inevitable ruin, because every extra ton of rubber and ivory exported from the Congo signifies an extension of the

system whereby these returns and profits are obtained ; and that spells more human lives sacrificed, more savages instructed in the art of scientific destruction of human life—a widening of the area of destruction, hatred, and despair.

I submit, and I even claim, that those who in this country, or in any country, oppose the Concessionnaire *régime* in the French Congo are showing themselves the best friends of France, and some day the fact will be admitted by the bulk of French 'colonials,' who continue to turn a deaf ear to those of their countrymen who see clearly that in pursuing this policy France is sowing a wind, to reap in due course the whirlwind. As regards our merchants, I have just one remark to make. They may be ordinary, they may be extraordinary, men—they may be anything that friends or foes may make them out to be ; but this, at any rate, is true : they deserve the thanks of the civilized world. To say so is not to indulge in extravagant language, but to

state a simple fact. If, as I firmly believe will before long be the case—efforts to intimidate individuals* notwithstanding—the Powers are compelled, if not for very shame, then in their own material interests, to summon another conference for the purpose of stopping, if possible, a further continuation of the havoc which has been wrought in the Congo Basin during the last decade, the splendid stand made by the British merchants for their rights will have been one of the most powerful factors in bringing that much-delayed event about. And as we are entitled to hope that the results of such a conference will lead to the destruction, as at present constituted, of the Congo State, which has caused more horrors and abominations in Equatorial Africa than centuries of internecine strife and Arab invasions, so will our merchants be able to proudly claim that they were the

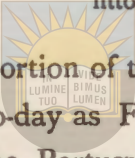
* The author has been repeatedly threatened by agents of the Congo State with the direst penalties of the law for exposing the system of rule upon which the Congo State's existence is based.

instruments of a great moral victory, and to pass on to their descendants a glorious tradition.

For there can be no halfway house. Slavery, relying upon the rifles of thousands of native levies, or commerce, based upon the recognition that the Negro has the rights of a man to his freedom and his property—that is what the European statesmen will shortly be called upon to decide. And as they decide, so the structure which the white people are endeavouring once more to raise up in the land of the Negroes will remain, or the great black wave—inscrutable, mysterious, enduring—will once more roll sullenly forward even unto the ocean, obliterating every trace of a civilization which, professing to act in the name of the Most High God, has permitted the violation of every law, human and Divine.

CHAPTER I

The discovery and early trade of the French Congo
littoral.



THE greater portion of the West African coastline, known to-day as French Congo, was discovered by the Portuguese towards the close of the fifteenth century, in the reign of Alfonso V., and under the direction of one Fernan Gomez, to whom King Alfonso had leased the West African trade for five years (1469), at the rate of 1,000 ducats a year.*

João de Santarem, Pedro de Escobar, Martin Fernandez, Alvare Esteves, Fernando Po, and Lopo Gonçalvez, figure most prominently in

* 'Chronicle of the Discovery and Conquest of Guinea,' by Gomes Eannes de Azurara, translated by Charles Raymond Beazley, M.A., F.R.G.S., and Edgar Prestage, B.A. Oxon. (Hakluyt Society.)

the old records, so far as this part of the coast is concerned. Fernando Po and Lopo Gonçalves, with the laudable desire of handing themselves down to posterity, baptized the one an island, the other a cape, with their own name, which names remain to this day, though the latter has been somewhat mutilated and abridged, being known as Cape Lopez, instead of Cape de Lopo Gonçalves, as it figures on Portuguese maps of the period. The southern limit reached by these navigators was Cape St. Catherine, immediately south of Fernan Vaz. The other portion of the French Congo coast was presumably discovered by Diego Cam, or Cão, who pushed south as far as the Congo River, in the reign of John II., the successor of Alfonso V.

After the Portuguese discoveries, there ensues a long spell of silence, and that dim and distant coast-line is hidden from our gaze. Two hundred years later, the thread of historical record is renewed; the mists roll up, and the virgin waters, through which the bold mariners

of Portugal ploughed their way, are found to be the haunt of 'a multitude of ships' from Europe. Between the natives and white adventurers from many lands commerce, legitimate and infamous, has sprung up; the former to stay, the latter happily to disappear—but not until many years have passed—by the joint efforts of British and French men-of-war.

In the pages of Bosman,* Isert, and Barbott† is revealed to us the existence of a brisk trade in the Gaboon Estuary, and at places further south familiar to us at the present day: Sette (Sette Cama), Majumba (Mayumba), Fernan Vaz, Quila (Kwilu), Loango.‡ The Portuguese, Dutch, French, British, and the usual 'interlopers,' seem to be all represented, and,

* 'A New and Accurate Description of the Coast of Guinea,' by William Bosman, chief Factor for the Dutch at the Castle of Elmina. London, 1721.

† 'Description of the Coasts of North and South Guinea,' by John Barbot, Agent-General of the Royal Company of Africa and Islands of America at Paris, 1732.

‡ According to Dennett the Christian religion was introduced into Loango by Father Ungaro in 1663. He does not give his authority.

also, as usual, squabbling right royally with one another.*

Bosman now speaks of the 'Rio de Gaboon' as 'so famous that no nation which ever sailed to this part of Africa can be unacquainted with it,' and of the 'Cape Lopez di Gonsalvez,' as the 'uttermost point of the Gulf of Guinea.' The chief articles of trade in the Gaboon River, he tells us, are 'elephants' teeth, wax, and honey'; and one of the principal mediums of exchange are 'old perukes.' At Cape Lopez the trade also consists of the articles mentioned above. So extensive is the ivory trade that 'one of our yachts this very year dealt for betwixt three and four thousand weight of elephants' teeth as well as wax, and at other times for larger quantities.' To the trade in

* Barbot, for instance, quotes an extract from the *Paris Gazette* of November 9, 1709, relating the exploits of the *Sieur Parent*, who with five privateers attacks and captures the Portuguese castle and town of St. Thome (an island still belonging to Portugal off the French Congo coast), 'defended by three thousand men well armed,' and 'took there a great booty and carried away thence six ships of several nations.'

red-wood Bosman does not allude. Barbot, on the other hand, whose purview extends further south than Bosman's 'uttermost point,' has a great deal to say on the subject. The 'province of Sette yields an extraordinary plenty of red-wood, besides other sorts of timber.' 'With this wood,' he continues, 'the natives drive a great trade all along the coast from Majumba (Mayumba) to Angola.' The trade of the Loango country, Barbot informs us, consists of 'elephants' teeth, copper, tin, lead, iron, and other things; and the goods brought by Europeans to purchase these products 'muskets, powder, bright copper kettles, white and brown linen, and ordinary cloth.' At Mayumba there are plenty of 'palmetto-trees,' 'so that palm-oil may be had cheap'; and the curious statement is made that the inhabitants of Loango make a kind of hemp from 'the peeled leaves of the matombe-trees,' spinning clothes therefrom, used as currency on the spot, and also bought in quantities by the Portuguese, who 'carry them to Loando-St.-Paolo, where they are used

instead of money, for in that place they are the standard to value all commodities by.' A trade in 'elephants' tails' is also carried on, the Portuguese purchasing them at the rate of 6s. per 100 hairs, and disposing of them at Loanda.* And so, with this brief sketch, we take leave of the discovery and early trade of the French Congo littoral.

A word remains to be said as to the Portuguese religious mission. The first to arrive established itself in the Gaboon in 1521. They succeeded one another at regular intervals until the beginning of the eighteenth century, and records of their futile propaganda are extant by Lopez (1578), De Gattini and De Placenza (1667), Cavazzi (1687), Zucchelli (1698). Of them and their labours naught remains, and Africa has lost nothing by their disappearance.

* Then, as now, the stiff hairs of the elephant's tail played a part in the personal adornment of the natives of the country, and other parts of West Africa. For instance, the Fulani women use them as hairpins.

CHAPTER II

The oversea slave-trade—Anglo-French co-operation—Political establishment of the French in the Gaboon River—Existing British trade at the time—Inland exploration—Discovery of the rubber-vine—Walker of Hatton and Cookson discovers the Ogowe—Taxes on exports—Effect of the Franco-Prussian War—British trade in 1874.

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ALTHOUGH the British and French Governments undertook, in the treaties of 1831 and 1833, to suppress the oversea slave traffic, no practical steps in this direction appear to have been taken for some years; and the Treaty of Unkiar-Skelessi in 1841, notwithstanding Palmerston's policy of friendship towards France, very nearly brought about a rupture between the two Governments, thus further delaying useful combined action on the West African coast. It was not until 1845 that the

improved relations with France which followed the visit of Her Gracious Majesty the late Queen Victoria to Louis Philippe, enabled the fleets of the two countries to heartily co-operate with one another in this humane crusade. The Gaboon Estuary and the river Congo had been two of the most important centres for the shipment of slaves, and continued to live up to their evil reputation long after the formal abolition of slavery in 1833.

In the suppression of this unholy business in Congo waters, the commanders of British and French ships showed the greatest zeal. Naturally enough, the historical records on either side tend to give the premium for the accomplishment of doughty deeds to the English and French commanders respectively. The occupation of the Gaboon by the French in 1839 dealt the slave-trade a heavy blow at that place, and we find Captain Bouet-Willaumez contending that the 'establishment of a free port at Gaboon sufficed to stamp out the slave-trade in the country.' That,

however, was not quite accurate, because for some years afterwards Cape Lopez flourished as a centre for the export of slaves brought down from the interior via the river Ogowe, of which Cape Lopez is the port. This continued until 1857, when the barracoons at Senga-Tenga, the great slave depot, situate between the Gaboon Estuary and the Ogowe's mouth, were destroyed by British ships. Indeed, a so-called 'free emigration' of Negroes—little, if at all, removed from the slavery of former days—took place regularly from Gaboon to the French West Indian possessions until 1860, when the friendly representations of the British Government to Napoleon III. led to its abolition.

Captain Bouet-Willaumez, already alluded to, signed in 1839, on behalf of the French Government, a treaty with King Denis of Gaboon. In 1872 sovereignty was assumed by France over the islands in the estuary and the affluents of the Gaboon River, and in 1848 the city of Libreville was founded

at the mouth of the estuary, with a colony of freed slaves rescued from a slaver captured by the French fleet. Libreville, the French Freetown, has remained ever since the capital of a colony destined to grow to enormous proportions, and to be associated with two great names in the history of science, pacific exploration, and statesmanship in Equatorial Africa—Savorgnan de Brazza, and Paul du Chaillu.

In the previous chapter, a slight sketch of the introduction of European trade into this region was attempted. That trade, which the Portuguese, followed by the Dutch and other nationalities, had started, was maintained and enlarged by Englishmen, Danes, and Frenchmen. The importance of British trade would appear to have steadily increased all down the coast throughout the eighteenth and nineteenth centuries. In 1788, for instance, we have the Dane, Isert, calling attention to the trade in dye-woods undertaken by the British in the Gaboon. Up to the early part of the nineteenth century, the legitimate com-

merce of the Gaboon, so far as the British were concerned, was carried on principally by Bristol and London ships. In 1851 Messrs. Hatton and Cookson entered the Gaboon River and established factories on shore, being the first Liverpool firm to do so.

The enterprise of our merchants grew more conspicuous as the years went on, and in 1856 we find a French authority praising their thorough methods and attention to business, while lamenting the indolence and lack of 'go' which characterized his compatriots. 'The trade of the Gaboon,' he says, 'has up to the present time been in the hands of Englishmen and Americans; barely does a French ship put in an appearance from time to time. Yet the persistency of foreigners in trading at these places shows that there are profits to be made.' In an historical study of the French Congo, by M. J. Ancel, recently published in the *Renseignements Coloniaux* of the French-African Committee's *Bulletin*, the author explains the preponderance of British trade there.

‘The British captains,’ he says, ‘arrived on the coast with goods thoroughly corresponding to the needs of the country. Wherever they transacted business they had establishments on shore managed by clerks, who remained for a considerable time on the coast, and who well understood the requirements of the natives. Each British vessel remained twelve to eighteen months on the coast before returning to England, in the course of which each factory was visited several times over, its goods replenished, and the produce bought from the natives between each call shipped on board, which enabled the agents to get in their trust.’ It will thus be observed that if there were profits to be earned in this trade, our merchants worked hard for their money, risked their lives by a prolonged sojourn on the coast, and risked their capital by giving out trust to the natives in order to build up a trade. The same author says of French trade ‘that it was the smallest of any.’ He gives the reasons. ‘The principal cause which kept our captains away from this coast for so

long was the lack of patience, not one of them being willing to wait more than a month or two for returns. Moreover, the greater portion of their goods was either of poor quality or badly suited for native tastes ; they did not establish factories in many places ; finally, they paid the natives a lower price for ivory*—then the most

* In 1850 the Gaboon 'bundle' or assortment necessary to purchase 100 lbs. of 'prime ivory' (consisting of from two to four teeth, according to weight) comprised about fifty distinct articles of the total value of £17 10s., or 3s. 6d. per lb. The 'bundle' in question consisted of the following articles :

6 guns (muskets or fusils).	2 cloth caps.
12 brass neptunes.	25 heads of tobacco.
10 brass kettles.	2 straw hats.
8 guinea pans.	2 fathoms of brass chain.
24 brass rods.	2 four-gallon jars.
24 iron bars.	2 one-gallon jars.
3 kegs of gunpowder (each 10 lb.).	42 half-gallon jars.
25 pieces of common cloth.	4 iron pots.
2 boxes.	4 machetes.
2 swords.	4 washbasins.
2 soldier's coats.	2 three-quart jugs.
2 pieces of satin stripe.	4 cotton shirts.
2 cotton umbrellas.	4 red woollen caps.
2 fathoms of red baize.	4 padlocks.
	4 small bells.

important export from the country—than the English.'

It is exceedingly interesting to note, therefore, that, *according to French testimony*, the flourishing condition of British trade which existed on the French Congo coast about the middle of last century, was due entirely to legitimate causes — greater energy, greater application, superiority of British goods, better prices paid to natives for produce. The above particulars, together with the details in the foot-

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2 large bells.	6 fire steels.
6 plates.	6 looking-glasses.
6 mugs.	6 snuff-boxes.
25 pipes.	8 Dutch knives.
6 bowls.	4 spear-pointed knives.
4 small jugs.	4 papers of needles (25 each).
2 French bottles.	4 bunches of seed-beads.
4 gallons of rum.	4 bunches of white pound beads:
5 razors.	
6 scissors.	
6 files:	25 gun flints:

The above will give some idea of the detailed nature of the trade, and the patience, trouble, and care necessitated to carry it on.

note, show in the clearest manner possible the nature of what, in later years, was described in an international Act as 'trade.' Since the extinction of the oversea slave traffic, 'trade' in French Congo has always consisted in the exchange of European merchandise for the produce, whether vegetable or animal, of the forests of the country, brought by the natives of the country to the factories and to the ships of European merchants. Specific articles, both of import and export, have varied with the years, but the nature of the trade has not altered; and when that international compact, the Act of Berlin, was solemnly entered into by the European Powers, no other 'trade' was, or ever had been, or could by any possibility be described as being, in existence.

In due course the advent of European commerce into the Gaboon led to the initiation of efforts to open up the hinterland to trade.

The credit for leading the van of exploration into the back country of the Gaboon belongs to the naturalist Paul du Chaillu. Du Chaillu's

father was a Louisianian of French extraction, a trader who had settled in the Gaboon country, where his son was born. Du Chaillu began his explorations in 1850, and continued them for several years. He entered the basin of the N'Gunie, ascended the Muni, visited the Sierra de Chrystal Mountains, explored the Rombo and the Ovenga, and revealed, from native reports, the existence of a considerable river, the Ogowe. His exploits as an explorer have never been done full justice to, and he will be chiefly remembered as the man who re-discovered the gorilla, and was for long denounced as a would-be Baron Munchausen in consequence. I say re-discovered advisedly, because more than 2,000 years before, skins of the gorilla, or its relative the chimpanzee, had been hung up in the temple of Kromos by Hanno and his lieutenants on their return from their famous West African expedition.

Du Chaillu's earlier explorations were contemporaneous with a discovery destined to bring ultimately terrible evils upon Africa.

Gold—the discovery of auriferous deposits—has been described as the curse of South Africa ; whether truly or not is a matter of opinion. Be that as it may, the discovery of the rubber-vine has certainly been the curse of vast regions in tropical Western Africa. It has led to outrage and atrocity on a gigantic scale—to the slaughter of thousands of human beings, the depopulation of large districts, the demoralization of European Governments and statesmen, the conversion of high ideals into organized hypocrisies, concealing under a cloak of spurious morality the exploits of slave-drivers and buccaneers. It has caused the words civilization and philanthropy, as applied to the vast territories of the Congo Basin, to stink in the nostrils of every honest man ; it has paved the way for evils to come greater even than those which have gone before. And yet the rubber-vine, with its white, sweetly-scented flowers, is beautiful to look upon ; its sap has become a wellnigh indispensable article in modern industry, and it was brought to the

notice of Europe by a minister of God. Singular irony of Fate!*

The merchants established in the Gaboon were not slow to perceive the value of this new discovery, which undoubtedly gave a wider extension to trade, and stimulated the efforts at interior penetration. A demand having arisen for the product on the coast, the natives of the Gaboon—born traders—travelled long distances inland in search of the precious article, and in the course of their peregrinations entered the Ogowe Valley, a rich and virgin rubber-field. The merchants followed—British and German—and a British merchant, Mr. Walker, chief representative of Messrs. Hatton and Cookson of Liverpool, struck the Ogowe itself † at Adanlinanlango, ‡ thus estab-

* The Rev. T. L. Wilson, an American missionary.

† 1866.

‡ In an old newspaper extract in my possession it is stated that the American missionaries Walker and Pearson discovered the Ogowe in 1842, a year before the French occupied the Gaboon River. I do not know the writer's authority for the statement, which is interesting.

lishing communication between the Gaboon and the Ogowe. One year later this splendid young specimen of the British pioneer of commerce assisted a French expedition, under Lieutenant Aymès, to ascend the Ogowe and sign a treaty on behalf of the French Government with some of the principal chiefs of the country. He again placed himself at the disposal of another French Government expedition in 1873.* Messrs. Hatton and Cookson, whose representative was able thus to render such services, both direct and indirect, to the French authorities, have been rewarded in the manner which will be hereafter shown.

The discovery of the rubber-vine, the opening up to trade of large interior districts, the establishment of new factories further inland by merchants, and the interest manifested by the French Government in the development of the colony, gave promise of a brilliant future. The expansion of trade, however, was

* In 1871 one hundred and seventy-eight vessels visited the Gaboon Estuary, twenty of which were French.

seriously checked by an official decree, dated September 12, 1868, imposing a duty of 4 per cent. *ad valorem* on all produce exported. Shortly after this step the Franco-German War broke out. Complete apathy succeeded the awakening of French official interest which the explorations of Walker and the treaty-making of Aymès, Serval, and Griffon du Bellay had brought about. * The colony sunk, as it were, into complete oblivion, and in 1873—thirty-four years after the Treaty of Bouet-Willaumez with King Denis, and twenty-five years after the foundation of Libreville—the determination to evacuate and abandon the Gaboon Estuary was arrived at by the French Government; but was not, in point of fact, adhered to.

In 1876 we find discouragement and torpor characterizing the French establishments in Gaboon. Merchants of French nationality were leaving the country. The policy of taxing

* Genoyer's name should also be mentioned in connection with the early French exploration of the Ogowe.

exports, the semi-military *régime* set up in the colony, and the general red-tape which prevailed, all conduced to sterility instead of development. Despite difficulties and drawbacks, however, our merchants hung on to the trade they had so largely contributed to bring into existence, and, with one or two German firms which likewise remained, provided practically the entire revenue of the colony.

A French account of that year says :
 'To-day a merchant desirous of expatriating himself and settling in a distant country must not come to Gaboon, or even to the Ogowe, unless he disposes of considerable capital, otherwise he will be unable to struggle against the competition of the large English, German, and Scotch firms established in this country.'

NOTE.—The principal native tribes of the portion of the French Congo littoral and of the Ogowe Basin in which the scene of the present narrative is mainly laid are the M'Pangwes of the Gaboon Estuary, remnant of the old 'Pongo's' kingdom, and rapidly dying out ; the N'Kami of the Sette Cama and Fernan Vaz districts ; the Orungu, round Cape Lopez, and the Ogowe Delta ; the Ajümba, on

the northern branch of the Ogowe; the Inlengo, also a dying race, on the left bank of the Ogowe, below its confluence with the N'Gunie; the Igoina, on the right bank of the Ogowe. The Bakele is one of the most important tribes in the Ogowe region. But the most important of all is the Ba-Faugh, or Fan tribe, which represents the absorbing and conquering element, and of which the origin is a mystery, its culture being neither Negro nor Bantu. The Fans have 'come down' from the north—that is all one can say—but from where in the 'north' no one knows. Their appearance in the Ogowe is a modern event. The late Miss Kingsley made a special study, *de visu*, of the Fans, and the chapters giving her experiences in the Fan country are among the most fascinating in that fascinating volume, 'Travels in West Africa.'

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CHAPTER III

The Berlin Act of 1885 :—'The trade of all nations shall enjoy complete freedom : (1) In all the regions forming the basin of the Congo and its outlets ; (2) in the maritime zone extending along the Atlantic Ocean from the parallel situated in 2° 30' of South Latitude to the mouth of the Loge. Article V. : No Power which exercises, or shall exercise, sovereign rights in the above-mentioned regions shall be allowed to grant therein a monopoly or favour of any kind in matters of trade.'

WHAT was the object of the summoning of the Berlin Conference which first met on November 15, 1884, and was concluded on February 26, 1885? The recorded pronouncements of Prince Bismarck (who presided), Sir Edward Malet (the British representative), Baron de Courcel (the French representative), and Baron Lambertmont (the Belgian representative), are clear and precise. The object of the Conference was at one and the same

time to put an end to the political rivalries which had arisen in the Congo Basin, owing mainly to the personal ambitions of the King of the Belgians, which had pierced through the so-called philanthropic and impersonal veil whereby the creator of the International Association had cleverly disguised his real aims; and to place on a definite footing for all time the conditions of trade and commerce throughout the huge and unexplored region of the Congo Basin, as well as in such small portions of that region where trade and commerce had long been established. That the political rivalries aforesaid had their fundamental origin in the wish of all the signatory Powers to protect and encourage the commerce of their subjects in the enormous untapped regions of Equatorial Africa was categorically recognised. 'The first basis of discussion by the Conference,' said Sir Edward Malet, 'is the freedom of commerce in the Congo Basin.' Equally emphatic was the statement of Prince Bismarck at the close of the Conference:

'The resolutions that we are on the point of sanctioning secure to the commerce of all nations free access to the centre of the African Continent. The guarantees which will be provided for freedom of trade in the Congo Basin are of a nature to offer to the commerce and industry of all nations, the conditions most favourable to their development and security.'

Before examining the 'resolutions' arrived at by the Conference in order to provide 'guarantees' for the freedom of trade, or discussing how far the wording of the said resolution may, in point of fact, claim to have embodied the deliberate intentions of those who caused it to be framed, let us revert for a moment to the meaning which attached to the word 'trade' in 1885. What constituted 'trade' in that portion of the Congo Basin, where such 'trade' had become established between European merchants and the natives of the country? But, first, what is the etymological significance of the word? 'Trade,' says Ogilvie, 'is the act or business of exchanging commodities by

barter, or the business of buying and selling for money : commerce, traffic, barter.' Now, as no money in the shape of coinage existed as a currency in the Congo Basin in 1885, it is manifest that the word 'trade' made use of in the Act could only signify 'the act or business of exchanging commodities by barter.' And that precisely describes, as I have proved in the previous chapter, the nature of the 'commerce, traffic, or barter' which existed in French Congo when the Act was signed, and became henceforth binding upon the Powers whose representatives attached their signatures to its provisions, to maintain. It has been tersely put by one who for many years was engaged in this trade: 'The trade of the country consisted in the exchange of the white man's merchandise for the black man's produce. From time immemorial the white man had advanced certain goods to princes and responsible natives, expecting them within a certain period to return a certain quantity of produce, such as ivory, copper, ebony, red-wood, rubber,

palm-oil, palm-kernels, and ground-nuts. The prince or native, having received the goods, would distribute them amongst certain of his people, whom he sent many days' journey into the interior in search of produce.' That in providing safeguards to guarantee the freedom of this barter trade, the signatory Powers were thoroughly cognisant of what they were protecting, the statements of their representatives admit of no doubt or misconception. Let us proceed to quote the clauses drawn up for this purpose, and to demonstrate how the significance attaching to them was still further accentuated by individual declarations on the part of certain representatives of the signatory Powers, and also by the Committee specially responsible for the Free-Trade provisions of the Act.

Chapter I. was thus entitled: 'Declaration Relative to Freedom of Trade in the Basin of the Congo, its Mouths and Circumjacent Regions, with Other Provisions connected Therewith.'

Article I. declared :

‘The trade of all nations shall enjoy complete freedom.’

The article thereupon defines the ‘Basin of the Congo’:

‘1. In all the regions forming the basin of the Congo and its outlets. This basin is bounded by the watersheds (or mountain ridges) of the adjacent basins—namely, in particular, those of the Niari, the Ogowe, the Schari, and the Nile on the north; by the eastern watershed line of the affluents of Lake Tanganyika on the east; and by the watershed of the basins of the Zambesi and the Loge on the south. It therefore comprises all the regions watered by the Congo and its affluents, including Lake Tanganyika, with its eastern tributaries.

‘2. In the maritime zone extending along the Atlantic Ocean from the parallel situated in 2° 30' of South Latitude to the mouth of the Loge.’

The northern, southern, and eastern boundaries are then given in detail. With the

northern boundary this volume is mainly concerned. The following is the wording of the Act :

‘ The north boundary will follow the parallel situated in 2’ 30” from the coast to the point where it meets the geographical basin of the Congo, avoiding the basin of the Ogowe, to which the provisions of the present Act do not apply.’

Article V. laid down that :

‘ No Power which exercises, or shall exercise, sovereign rights in the above-mentioned regions shall be allowed to grant therein a monopoly or favour of any kind in matters of trade.

‘ Foreigners without distinction shall enjoy protection of their persons and property, as well as the right of acquiring and transferring movable and immovable possessions, and national rights and treatment in the exercise of their professions.’

This is simple language, devoid of any trace of ambiguity. The signatory Powers naturally agreed that this trade—‘ this act or business of exchanging commodities by barter ’—should

enjoy complete freedom throughout the Congo Basin (the Ogowe Basin excepted), specially defining the maritime zone, where so large a proportion of the existing trade was centralized, and further pledged themselves not to grant within this region any monopoly or favour of any kind in matters of trade. Article V. is really the complement of Article I., emphasizing, as it were, the determination of the parties to the Act, to maintain unfettered in any shape or form the liberty of commerce. Taken together, the two articles provided a double guarantee of the most solemn and definite character.

As if to remove any shadow of doubt or misunderstanding which might conceivably have remained, or might arise at some future date, despite the categorical wording of the clauses above referred to, the representatives, curiously enough, of France and Belgium committed themselves to additional and detailed assurances on the subject, and the representative Committee which reported on the Free-

Trade section of the Act, explained and placed on special record the statesmanlike conception which, outwardly, at any rate, animated all the parties to the Conference.

‘The Powers,’ it was reported by the Committee, ‘are in the presence of three interests : that of the commercial and industrial nations, which a common necessity impels to the search for new outlets ; that of the States and Powers called upon to exercise over the regions of the Congo an authority which will have burdens corresponding with their rights ; and, lastly, that which some generous voices have already commended to your solicitude, the interests of the native populations. . . . In vast countries, where communications are rare or imperfect, where traffic is carried on by primitive methods, where, in fact, administrative machinery is to a large extent wanting, reason and experience alike are in favour of great freedom of action being allowed to commerce. It may be hoped that, aided by a broad system of liberties and guarantees, an important flow of business will

speedily be produced throughout the regions of the Congo. *That is the end to be kept in view before all else.*'

So much for the Committee. Now let us lend ear to the words of wisdom which issued from the lips of Baron Lambermont, the Belgian representative :

'No doubt exists on the strict and literal meaning to be assigned to the word "trade." It means exclusively "traffic"—the unlimited option for everyone to sell and to buy; to import and to export products and manufactured articles. In this respect no privileged position can be created; business remains open and unrestricted for free competition on commercial lines. . . .'*

* 'Il ne subsiste aucun doute sur le sens strict et littéral qu'il convient d'assigner aux termes en matières commerciales. Il s'agit exclusivement du trafic, de la faculté illimitée pour chacun de vendre et d'acheter d'importer et d'exporter des objets et des produits manufactures. Aucune situation privilégiée ne peut être créée sous ce rapport; la carrière reste ouverte sans restriction à la libre concurrence sur le terrain du commerce. . . .'

Could anything be more explicit? After Baron Lambermont for Belgium on Clause 1, Baron de Courcel for France on Clause 5 :

'The etymology and the significance attaching to the expression "monopoly" has a wider meaning than that of "privilege." Monopoly includes the idea of exclusive rights; privilege does not go quite so far.

'The expression "of any kind" manifestly applies to monopoly as well as to privilege, restricting them both to the application of commerce.'

The 'greater includes the less,' and both, as Baron de Courcel shows, the Act prohibited. But the Baron had more to say :

'The interdiction of differential duties, monopolies, or privileges, or any other irregularity in the way of trade or purchase, by people belonging to a foreign nation is not subject to any limitation as regards time. The benefits which may result must be considered as definitely acquired.'

France, in the person of her representative,

stood pledged, therefore, under the Berlin Act, not to grant any monopoly or privilege, or interfere in any shape or form, throughout the regions specifically mentioned in the Act where her sovereignty then was, or might in the future be established, *for ever*. Why so solemn a declaration? Because trade, its freedom, its protection, its development, its extension, was the principal object of the Conference—the end to be kept in view before all else. To restrict such freedom and protection to a limited number of years was to render uncertain the ultimate development and extension of trade, was to leave established trading interests open at some future time to possible dangers. So the provisions of the Act were not to be subjected to ‘any limitation as regards time’; the benefits acquired by the Act were ‘definitely acquired.’ Merchants could face the future boldly, and invest their capital in the vast regions thus rendered safe *for all time* for their energy and their labours. One more quotation from Baron de Courcel before we

part company with this distinguished French diplomat :

'It is not sufficient to open ports or to dispense with Customs barriers. There can be no trade without traders, and if the object is to attract traders into far countries, imperfectly known, it is necessary to give them some guarantees. That which interests them essentially is the safety of their persons and their goods. . . . This article does not only protect traders, but protects also all foreigners equally with natives.'

The European merchant, subject of the Powers claiming sovereign rights in a given district covered by the Act ; the foreign merchant established in that region ; the native living in that region—all were free to trade and to carry on their business unmolested and unhindered. This freedom was theirs before the Act came into existence. The Act guaranteed and safeguarded its continuance from any interference which might otherwise have arisen through the political rivalries and ambi-

tions of which the Congo Basin had become the scene.

The faithful observance of those provisions was incumbent upon all the signatory Powers of the Berlin Act. Its observance was specially incumbent upon France and Belgium, whose representatives at the Conference took so prominent a part in explaining the interpretation which their Governments placed respectively upon the brief yet convincing sentences which constitute Articles I. and V.

Upon those articles rests the basis of the British case in the maritime zone of the French Congo ; and we are content now, as we were in 1885, to regard the words of Baron de Courcel, the French representative at the Conference, as embodying the only honest, truthful, logical, and common-sense construction which those articles are capable of bearing.

Outside the Free-Trade zone of the French Congo, in the basin of the Ogowe, the British case rests upon consideration of elementary justice, and what is known as 'the community of nations.'

CHAPTER IV

The *causa causans* of the Concessionnaire régime in
French Congo.

IN Chapter II. the history of the political establishment of the French in Gaboon, the exploration of the inland countries, the discovery of the Ogowe by a British merchant, and the gradual development and extent of trade—and British trade in particular—in those regions, were dealt with. The narration of these events brought us down to 1874. In the eleven years which elapsed between 1874 and the passing of the Berlin Act, much had happened. The memorable discovery of the upper course of the Congo by Stanley, the pacific voyages of De Brazza, the awakening of a desire to 'regenerate' the natives of the Congo in the breast of the King of the

Belgians, and the proceedings of the International Association to which that desire gave birth—all these and many other matters are historically recorded,* and in the main lie outside the purport and scope of this volume. To some of them, however, it will be necessary to refer from time to time, because they are inseparably connected with the development of our own story.

The Berlin Act, on which such high hopes were founded, which embodied such lofty and at the same time practical ideals, was immediately followed by the constitution of the 'Congo Free State,' with King Leopold II. as absolute Sovereign thereof. Five years later its position as an independent State was strengthened by the Brussels Act, despite the unanimous protests of the merchant community. Its early career was characterized by the atrocious oppression of the natives, for which it has ever since been infamous, and

* Nowhere better than in Mr. Fox-Bourne's 'Civilization in Congoland.'

it speedily assumed the complexion it has retained of a royal preserve. Keeping itself within the 'letter of the law' so far as the Berlin and Brussels Acts were concerned, in that very small portion of its dominions where trade between European houses and the natives had existed for centuries (that is to say, along the banks of the lower river), the 'Congo Free State' had set up in the vast territories above Stanley Pool a system of so-called taxation, raiding, and terrorism, whereby it obtained a certain amount of revenue. This revenue not proving sufficient, it attempted to crush out such independent trade as a group of Belgian companies managed by one Colonel Thys had created north of Stanley Pool, by formally appropriating to itself in 1891 and 1892 the fruits of the soil—otherwise stated, the raw produce, chiefly rubber and ivory, which were the principal objects bartered by the natives against European goods; and by the same process—viz., decrees and instructions to its agents—with which in 1885 it had claimed all

so-called 'vacant lands' throughout its domain. The effect of these measures was to deprive the natives of all right to collect the produce of their forests, to reduce them to the level of serfs, to keep out merchants which it had been the professed object of the Berlin Act to encourage, and to compel the Belgian traders already settled in the country to practically amalgamate their interests with its own. In the words of Major Parminter, one of the directors of the group of Belgian trading companies which were working in the Upper Congo prior to this action on the part of the King:

'To-day, however, the Government of the Congo State interprets the term 'vacant' as meaning *all* the territory of the State, excepting only the sites of the native villages and the gardens of such villages. The forest and plains, the hills and the villages—in fact, the whole of the basin of the Congo and its affluents, in the eyes of the State, are its own private property. Their fruits belong exclusively to it, and not only are aliens debarred

from trading, but even the aborigines themselves are no longer allowed to trade freely . . . they are dispossessed by a simple circular.' That policy has remained the basis of Congo State rule, and has been responsible for all the atrocities which have occurred, and which will continue to occur until Europe steps in and destroys it.

These measures were followed in turn by the creation of certain 'Companies,' really 'State Institutions'—as the historian of the Congo State rightly calls them—controlled and directed by the State, whose profits the State shared in, generally to the extent of 50 per cent., and to whom it lent its soldiers, to assist in compelling the natives to gather rubber and ivory.

Side by side with the creation of these 'State Institutions,' a very considerable native army, recruited from fierce, cannibal tribes, had gradually been raised. The results of these proceedings was an enormous increase in the revenue of the State; colossal profits on the part of the 'Companies' or 'State Institutions'

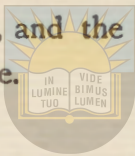
aforesaid ; the letting loose of a wild wave of speculation in Congo shares in Belgium, and the creation of a rubber boom on the Antwerp Stock Exchange. It was the profits earned by these 'Companies,' the fortunes made in Belgian financial circles, the *furor* created in speculative centres on the Continent ; that caused the French to lose their heads, to play into King Leopold's hands, and to inaugurate a régime in French Congo which, so far, has brought France nothing but discredit and perplexities. Everything that was 'Congo State' was lauded to the skies by interested wire-pullers in the French press. The success of the Belgians, the money they were making, the extraordinary quantities of rubber and ivory sent home by the 'privileged Companies' which had been formed, was contrasted with the alleged stagnation of affairs in the neighbouring French colony. The manner in which these 'Companies'* earned their profits ; the means

* For the particulars of these 'Companies' and the general working of the *domaine privé*, see 'Affairs of West Africa,' Section V. (Heinemann.)

whereby this rubber was shipped home; the atrocities committed upon the native population; the huge army of cannibal levies; the wars, the massacres, the raids—all these things were forgotten, and, brushing impatiently aside words of warning and prophecy uttered by competent and far-seeing men of their own race, French colonial politicians set to work in feverish haste to evolve some sort of scheme which it was fondly hoped would inaugurate an era of 'prosperity' similar to that which it was assumed existed in the Congo State, in order to produce such remarkable results. And so was born the Concessionnaire régime. The nature of that system, and the legislation upon which it has been built up, will be discussed in the next chapter.

Meanwhile, it is useful to note that concurrently with the events described above which were occurring in the 'Congo Free State,' British merchants were steadily continuing the legitimate trade they had brought into existence, both in the maritime zone of

the French Congo and in the Ogowe Basin in French Congo, which lay outside the maritime zone. According to French official publications, the greater proportion of the trade of the country was still in their hands, and the French authorities continued to obtain a handsome revenue from the Custom House taxes, the patents and licences, and the various charges levied upon that trade.



University of Fort Hare
Together in Excellence

CHAPTER V

The birth and nature of the Concessionnaire régime.

THE feelings of emulation aroused in speculative French colonial circles by the prodigious profits* of the Belgian rubber 'Companies' in the Congo State were carried to an even higher pitch by the éclat attending the inauguration of the railway from Matadi to Stanley Pool which Colonel Thys, with indomitable perseverance, had finally succeeded, after eight years, in completing. A week after the opening of the line a commission of colonial concessions was constituted in Paris. The

* For example, the *domaine privé* Company Abir, in which the State holds 50 per cent. of the shares, made 1,247,455 francs profit in 1897, on a total capital of 1,000,000 francs, and the Anversoise, another *domaine privé* Company, whose profit the State shares in to a similar amount, made 120,897 francs the same year.

ground had been well prepared beforehand by King Leopold's agents in France and in Africa. The motives of the Sovereign of the State in encouraging the feverish desire of a section of the French public to exploit the French Congo need not be detailed here. I briefly touched upon the point in 'Affairs of West Africa,' and the policy of the Sovereign of the Congo State is obvious to all those who have studied the question even superficially. M. Guillian, the Colonial Minister for France at the time, and De Lamothe, the then Governor of the French Congo — poor De Brazza had recently been invited to retire; his school was out of fashion, and he was too honest a man for the times that were coming — lent themselves with the most cheerful alacrity to the intrigues of King Leopold and his financiers, and soon concessions began to be given out right and left — nominally to French groups; in reality, and for the most part, to the same Belgian wire-pullers who, with their royal patron, were running the Congo State.

With the Concessions Decree were promulgated the *cahier des charges*, or obligations, which the Concessionnaires were supposed to carry out in exchange for the advantages conferred upon them by virtue of their concessions. Those who applied for and received concessions in the Maritime Zone, also received secret Government instructions, to which they were required to pledge themselves. These instructions, which referred to the British and other merchants trading within the conceded territories, only became known in England last year. I shall refer to them later.

The Concession Decree is divided into five parts, and contains nineteen articles. For the purpose we have in view, it is only necessary to refer to Articles 1 and 10, which constitute the kernel, so to speak, of the whole.

ARTICLE 1.

‘ With the object of colonizing and developing (*et de mettre en valeur*) the domainal lands of French Congo, Messrs. — are authorized under reserve of :

'1. The rights of third parties and the undertakings on the part of the Concessionnaires, arising out of the stipulations of the General Acts of Berlin and Brussels, dated February 26, 1885, and July 2, 1890.

'2. The acquired rights of third parties on the day of the promulgation of the present decree in the colony.

'3. The rights of the natives, as defined by Article 10 . . . to establish themselves in the hereinafter-mentioned territories for a period of thirty years, dating from the signing of the present decree, and to exercise therein, on the conditions specified in the present decree, and the *cahier des charges** annexed to it, all rights of possession (*jouissance*) and exploitation, except as regards mines, the régime concerning which remains in accordance with the legislation in vogue in the colony.'

ARTICLE 10.

'The Concessionnaire Company will only be able to exercise rights of possession and exploitation outside the villages occupied by natives and the cultivated pasture or forest-

* Agreement specifying stipulations to be observed.

lands which are reserved to them. The perimeter of these lands, if natives of fixed abode are in question, or the successive perimeters to be occupied or reserved, if natives of shifting abode—*i.e.*, of nomadic habits—are in question, will be arranged by the Governor of the colony, who will also decide upon the areas in which the natives will preserve their hunting and fishing rights. The territories and the rights thus reserved ~~can~~ neither be ceded by the native to the Concessionnaire or to third parties, except with the authority of the Governor of the colony. . . . The habits, customs, religion, and organization of the native peoples must be rigorously respected. The agents of the Concessionnaire will inform the Administration of acts contrary to humanity which they may witness. . . .'

The remaining portion of Article 10 is not pertinent.

The *cahier des charges*, or the agreement between the Government and the Concessionnaire Company, containing the obligations incumbent upon the latter by virtue of the

concession ceded to the Company, contains thirty-six articles, involving such an array of formidable liabilities that it is difficult to understand how any man of ordinary business capacity, especially if he possessed the slightest knowledge of African conditions, could have dreamed even for a moment of fulfilling them. It is hardly necessary to go into them. Section 1 of Article 2 and Section 2 of Article 31 must, however, be retained. The first says that 'The territories, rivers, etc., which form part of the public domain, or which are dependent upon them . . . are not included in the present concession.' The second gives us one of the causes which may entail the forfeiture of the concession. 'If he (the Concessionnaire) has recourse, for the purpose of exploiting his concession, and especially in order to procure ivory and rubber, *to measures calculated to trouble public order. . . .*' The italics are mine.

To a bureaucrat these decrees may have appeared a veritable triumph of judicial art.

To anyone acquainted, even in the most superficial way, with the nature of the problems of West African development, they stand out as an exhibition of monumental incapacity. Some, at least, of the weak points contained in them were at once singled out by the better-informed French colonial press. It was said, and said rightly, that no attempt had been made to define the 'acquired rights of third parties,' and that this omission was calculated to leave the door open to friction between the Concessionnaires and the foreign firms trading in the country. It was also urged that the obligations imposed upon the Concessionnaires in the *cahier des charges*—obligations which I have not thought it worth while to detail, as this would involve the introduction of extraneous matter calculated to confuse the reader—were out of all reason.

But the flaw of the whole conception no one in France appears to have grasped at the time—viz., that to concede 'all the rights of possession and exploitation' in a given terri-

tory to a company constituted a chimera, as has, rather late in the day—but better late than never—been admitted by M. Albert Cousin, originally one of the most active participators of the genuine type in the movement which led to the inauguration of the Concessionnaire policy. The Company was to enjoy ‘all the rights of possession and exploitation’ in an enormous territory (some of the areas conceded were over 20,000 square miles in extent), ‘with the exception of villages occupied by natives and the cultivated portions or forest-lands which are reserved to them.’

Well, in the first place, no lands had been reserved to the natives.* This omission led, as we shall see presently, to decrees and judgments calculated, in practice, not only to whittle down the natives to the actual ground on which their villages and plantations were

* No lands have yet been reserved. Delimitation of reserves (if it ever does take place) will be a matter of years. The inherent ludicrousness of legislation of this sort applied to tropical Africa is so patent that it reminds one of the courtiers of King Canute and the waves.

situated, but to place them in the position of having to shift their villages and plantations from one spot to another at the whim of the Concessionnaires. In the second place, the word 'exploitation,' in its innocuous form, means nothing if it does not signify 'development' or 'working'—that is to say, encouraging the natives *by the attraction of trade* to collect the produce of the forests.

But the natives who had been in the habit—I am now referring particularly to the Maritime Zone, but, of course, the argument applies to many districts outside of it, in which the natives for years, if not for centuries, had, directly or indirectly, felt the influence of legitimate competitive barter trade—of collecting the products of the forests, and selling them in the highest market, were by this decree dispossessed of that right, which became vested in the Concessionnaires, a revolutionary step certain to affect most prejudicially those 'habits and customs' of the natives which the *cahier des charges* insisted should be 'rigorously re-

spected'; and one essentially 'calculated to trouble public order.' Then, again, the conferring of 'all rights of possession' over large areas of forest-lands could not by any possibility be reconciled, in practice, with the stipulations of the Act of Berlin, as specified in Article I. of the Act.

'All rights of possession and exploitation' could only come to mean eventually that monopoly of some sort had been conferred upon the Concessionnaires in respect to the objects of commercial value contained within the areas conceded to them. In any case, those rights obviously conferred a privilege; and the Berlin Act distinctly forbade monopoly or privilege—a point specially insisted upon at the Conference by the French representative, Baron de Courcel.

But of this central flaw and the manifold contradictions arising out of it, the French Colonial Minister and French colonial opinion did not trouble themselves in the least. One can only attribute such extraordinary heedless-

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ness to a mental confusion produced by the hypnotic influence of Belgian wire-pullers and the aforementioned colossal profits of the *domaine privé* rubber companies, which must come up again and again as the rock on which the French Congo ship has struck with such fatal results. The warning anent the non-definition of the acquired rights of third parties, and perhaps also a vague uneasiness lest a dispute between the Concessionnaires and such third parties should, if it came about, lead to diplomatic representations based upon the clauses of the Berlin Act, suggested to the French Colonial Minister that something more was needed to prevent any difficulties arising between the Concessionnaires and the 'third parties' settled in the country. The companies which had received concessions in the Maritime Zone were, therefore, required to undertake not to molest the foreign firms trading within their concessions for a period of two years.*

* But nothing of the kind was, apparently, stipulated as affecting the territories outside the conventional basin,

The full text of this undertaking was published for the first time last year in the very *ex parte*, not to say extravagant, pamphlet compiled by the Secrétaire-Général de l'Union Congolaise Française; and although a M. Lemaître, Commissaire-Général of the local government in French Congo, is accused in that pamphlet of having divulged the nature of this secret undertaking to the Chamber of Commerce of Libreville in 1899—and of having caused 'disastrous consequences to French commerce (*sic*) thereby', of being a 'bad administrator,' etc.—I believe I am accurate in stating that it was not known to our merchants until published in the pamphlet already alluded to. The good intentions of this step on the part of the French Minister must be recognised. At the same time, one cannot help being puzzled at the lack of grip of the whole subject displayed in French colonial circles. Twenty such undertakings

territories which were opened up by our merchants themselves.

would have been futile, because incompatible with the very nature of the Concessions Decree. The letter justifies, however, the opinion—at least, that is a fair inference—I have already given in the Introduction—viz., that there was no deliberate desire on the part of the French Government to do an injustice to our merchants, but, on the contrary, a well-meaning—albeit vague and somewhat incoherent—effort to stave off consequences that a little political foresight, a little knowledge of Africa, and a modicum of investigation in regard to the *modus operandi* of Belgian methods (the material results of which it was sought to acquire without the moral defilement accompanying their acquirement), would have shown to be inevitable. Here is the letter :

‘ May 25, 1899.

‘ MONSIEUR LE MINISTRE,

‘ We beg to inform you that, to meet your full demand and in consideration of eventual diplomatic difficulties, we undertake

to allow every latitude to existing foreign firms in respect to all commercial operations which they are actually engaged in, in the territory which is to be conceded to us, and not to use for a period of two years towards the agents of the said firms, even to make our rights respected in the parts *aménagées** by us, any coercive measures which might give rise to claims.

‘Upon the expiration of these two years we undertake,† in case of difficulty with the said firms, to propose to them the purchase of their establishments upon bases that we shall make out fairly, in taking into account their value‡ and our convenience. We think we are thus giving you full satisfaction, and are straining the limit of conciliation, since we shall receive

* *Aménagement* refers more particularly to forest management. It is a curious word to find in this connection, and is on a par with much that reads absurdly in view of existing conditions then and now in French Congo.

† The stipulation is even stronger—*nous nous obligeons*.

‡ This passage is specially interesting, and should be remembered.

no compensation. Moreover, we are creating in this way a privileged position for the foreign firms, since they are not called upon to pay any of the charges imposed upon us.

. ' *Veuillez agréer, etc.*'

The last two sentences constitute what we should call 'bluff' in this country. If the foreign firms had not to pay the charges of the Concessionnaires, neither had they 'all the privileges of possession and exploitation' of enormous areas. But they had, at any rate, to pay taxes, licences, and patents to the local government, amounting in the case of our merchants to £16,000 per annum. It would be interesting to know what group, or what combination of groups, among the Concessionnaire companies has ever paid as much.

In view of all that has transpired since, it is very essential to observe the admission in this letter that 'commercial operations,' or trade, were actually taking place within the concessions allotted. Such, then, were the steps

adopted in France to start the Concession régime in the Congo — steps ill-conceived, contradictory, and unworkable, resulting, as M. Cousin well says, from *l'engouement* which the profits of the *domaine privé* rubber companies of the Congo State produced in Parisian financial and colonial circles.

From rash legislators and self-seeking adventurers in Paris, and clever manipulators in Brussels, we now turn to Africa; there to witness the first effects of the application of the Belgian conception of tropical African development on the territories north and west of the Congo River—territories internationally recognised as falling within the sphere of influence of one of the most liberty-loving nations in the world.

CHAPTER VI

The first experiment of a commercial monopoly in French West Africa—The Verdier and Ogowe monopolies—Action of the Ogowe Company after the Concession Decree of 1889—**Events** in the Ogowe in 1889 and 1900.

IN 1893, many years before the policy devised by King Leopold to regenerate the Dark Continent had begun to yield the monetary results destined to bewilder the consciences and warp the judgment of French colonial politicians and writers, the feeling that something might be attempted in French West Africa to found Chartered Trading Companies on the lines of the Niger Company and East African Company culminated in the formation of two companies conceived on a somewhat similar but considerably modified basis—the Société du Haut Ogooué and the Verdier

Timber Concession on the Ivory Coast (better known under its later appellation 'Compagnie française de Kong'). The latter gave an old French trader on the Ivory Coast sole rights of felling and exporting timber—the Ivory Coast ports are renowned for their timber exports—in a district covering about half the area of that colony. The concession was entirely different to the exploitation theory of to-day. It did not involve a claim upon the products of the soil, or the assumption that the native had become a serf, who could be compelled *vi et armis* to cut timber for the Concessionnaire. It merely stipulated that within a specified area no other merchant should compete with M. Verdier, who remained the sole exporter of all timber felled by the natives, either on their account or by contract with him. After a short experience the monopoly was found (as predicted by well-informed persons) to be disastrous to the colony's welfare. M. Verdier's company could not deal with the trade; stimulus to native production was lessened by

the withdrawal of all competition; other merchants protested; the revenue of the colony dwindled, and the export of timber fell off. In the interests of the colony it was found necessary to cancel the concession. The French Government, however, had broken faith with M. Verdier, and he promptly sued it. He won his case, and the colony of the French Ivory Coast, which, curiously enough, had not been consulted in the granting of the monopoly, found itself saddled with a heavy annual debt, until the damages awarded to M. Verdier had been paid off. This experiment proved the foolishness of granting a *commercial* monopoly to a company in a coastwise district where competitive trade had existed for generations. Circumstances did not work out quite in the same way with the Société du Haut Ogooué. As has been previously explained, the Ogowe Basin—as we spell it—attached to the old Gaboon Colony, was left outside the conventional basin of the Free-Trade zone according to the Berlin Act of 1885. The metropolitan

differential tariff remained in force throughout the district, and goods of British origin were taxed at a preposterously high rate. Our merchants, who—as has been shown—were established in the Gaboon River and the Ogowe for a considerable period, were finally driven, by this iniquitous (from the commercial point of view) tariff, which amounted in some cases to over 200 per cent. in favour of French goods, to buy a considerable proportion of their merchandise for the Ogowe and Gaboon trade in France, and to ship it out in French bottoms ; with the result that they were able to maintain their footing, despite all such vexatious legislation. For some years after receiving its charter,* the Société du Haut Ogooué—which, so far as can be ascertained, was at that time, at any rate, a genuine French concern—left our merchants pretty well alone. The experience of M. Verdier had, perhaps, inculcated caution. The

* The Government stations built by De Brazza appear to have been handed over to this company as part and parcel of the privileges conferred upon it.

territory was huge, very rich, inhabited chiefly by those born traders, the Fans, of whom Miss Kingsley has given us such interesting accounts, and there was ample scope for all concerned to carry on the usual legitimate barter trade, to which the entire region had been accustomed ever since it had been opened up by the efforts of individual merchants.

With the issue of the Concessions Decree in 1899, regulating the constitution and rights of the numerous Concessionnaire companies framed upon the Belgian model, a change came o'er the spirit of the dream. The principal product bought by merchants in the Ogowe was rubber ; ebony was also an important article of trade. The trade was carried on in a variety of ways, according to the particular locality. On the Ogowe proper our merchants were established as far as N'Djole, and on the N'Gunie River, which is a branch of the Ogowe, as far as Samba. In some cases the natives brought their rubber in canoes down the river, and sold it direct at the

factories ; in others they brought it overland ; in others, again, natives, acting as middlemen between the European merchants and the interior tribes, obtained goods from the factories on the trust system, and, travelling inland, disposed of those goods to the actual producers of rubber, returning in due course to the factories with the produce thus acquired. Such was, and had been from the beginning, the ordinary method of conducting business in the district.

Suddenly the **Ogowe Company**—which we will call it for short—began to assert pretensions which, up to that time, it had studiously avoided. Acting, no doubt, upon orders from Paris, the representatives of the Company issued bombastic statements to the foreign merchants in the country, to the effect that the rubber brought by the natives had been gathered upon the Company's territory—an illegal act ; that the merchants were sending natives with merchandise into the Company's concession—also an illegal act ; and that these

proceedings would have forthwith to cease. This occurred early in 1899. It was followed by threats of prosecution, to all of which our merchants paid but little attention, supposing, as they were legitimately entitled to do, that the Ogowe Company was arrogating to itself privileges which it did not possess, in view of the fact that the local authorities had not given the least intimation to the foreign firms that their position had in the slightest degree changed from what it had been since they had opened the Ogowe to commerce; the authorities continuing, moreover, to collect Custom dues upon goods imported and exported by British merchants, patents and licences upon their European and native trading employés, etc.—acting, in short, as if nothing had disturbed the *status quo*.

But from threats the Ogowe Company rapidly passed to deeds. They seized a quantity of produce belonging to our merchants in the Esogo district, near Samba, forcibly expelled several native traders in the employ of

the British firms, and brought an action against the latter in the Libreville court. The Englishmen wrote to the agent of the Ogowe Company, to the local government official, and to the Governor of the colony, protesting against this outrage. The latter was asked if the Ogowe Company were acting with the cognizance of the Government. The action taken by the Ogowe Company was energetically but respectfully complained of, and a request was made 'for Government protection, and the same freedom for our commercial affairs as we have always had.' The Esogo district had been opened to trade by our merchants ten years previously, with the knowledge and consent of the authorities. They had instructed the natives in the collection of rubber, and also in the selection of ebony-trees for cutting, having specially brought, at no little expense, natives possessing a knowledge of the ebony trade into the district, to teach the local inhabitants the art of picking out the right sort of timber required.

At one particular place in the district in question, where a British factory had been erected, trade had developed so satisfactorily that after a few years 'a dozen large villages' had sprung up around it. Our merchants had therefore every reason to refuse to believe that it could by any possibility be the intention of the authorities to see them unjustly dealt by. But they had much to learn.

These representations led to no result whatever, and on May 13 the action at law brought against our merchants by the Ogowe Company was decided in the latter's favour. The Ogowe Company were not overbashful in their demands: they merely asked for £1,000 damages for prejudice caused to their trade by the establishment of a British factory on territory which belonged to them; claimed that all traders in British employ should be expelled the territory; and that the goods seized had been lawfully seized, and should be retained. The British defence consisted in a simple statement of facts. The defendants had been

trading in the district for ten years; they had themselves introduced commerce within it, and could not in equity be expelled therefrom without compensation or indemnity; the Ogowe Company had no right to seize their goods, which should be restored, and reparation should be accorded for the outrage. The judgment, the first of a series which, as the record of these events is developed, will be found more and more at variance with the principles of justice, was based primarily upon Articles I. and XI. of the Convention between the French Government and the Ogowe Company, whereby the Company had obtained 'the free disposal and full and entire enjoyment for thirty years of all the territories conceded to it, with a view to their commercial, industrial, and agricultural exploitation,' and that these privileges '*entailed for the plaintiffs the exclusive right to trade throughout their territories.*' The judgment further argued that our merchants should have known these facts, because they were duly warned by the Ogowe Com-

pany.* However, the magistrate graciously considered that the fine of £1,000 was too high, and reduced it to £160. He also declared that the Ogowe Company had gone beyond its rights (*outrépassé ses droits*) in actually laying hands upon British produce, and ordered that produce to be restored. Our merchants were, however, condemned to pay all costs, and were forbidden to trade any longer in the district.

That was the first taste of local justice experienced by Englishmen in French Congo. The judgment was appealed against, and, after successive delays, was reversed in our merchants' favour (probably as the outcome of the remonstrances which Lord Salisbury had been addressing to M. Delcassé on the subject) on January 20, 1900, nearly a year later. It was upset on a technical point only

* Which was true so far as it went ; but, as has already been demonstrated, our merchants were justified by all attendant circumstances to look upon the claims of the Company as incompatible with the intention of the French Government, and with the logic of pre-existing facts.

—viz., that no one knew what the boundaries of the Ogowe Company's concession were, the concession never having been delimited—which, of course, was quite true. The larger question—viz., the right of British merchants to continue peaceably trading in a district where they had been settled for years; or, failing such, the right to claim compensation for expulsion—remained untouched, and, as subsequent results proved but too clearly, untouched with intent. In the interval between the rendering of the first and second judgments, the Ogowe Company continued to harass British trade in every possible way, which course of action they persevered in, even after the second judgment was delivered, notwithstanding protest after protest to the authorities, and with results which will be made manifest as the narrative proceeds. Meanwhile, events were rapidly coming to a head in the Free-Trade zone.

CHAPTER VII

In the Maritime Zone, 1900.

It is necessary to state at the outset of this chapter that the nature and significance of the rights conferred by the French Government upon the Concessionnaires, both within and without the Free-Trade zone (that is to say, the Maritime portion of the Free-Trade zone) of the French Congo, were not grasped either by our Government or by our merchants. We need not now pause to inquire whether our Government ought to have realized the position. So far as our merchants were concerned, they could not be expected to imagine that it was the intention of the French Government to drive them out of regions which they had actually opened to trade, and in which they had been established for years! If the

possibility of such a thing ever crossed their minds at all, the attitude of the French Government and of the local authorities, equivocal as in many respects it was, reassured them. They had received no intimation from that Government that their presence had become distasteful, either for political or other reasons.

The local authorities did not restrict in any way the usual import trade of our merchants, but continued to collect Customs dues upon it. The local authorities continued to exact, at stated intervals and in the ordinary way, patents and licences upon their personnel, and upon their factories, sub-factories, and depots. Moreover, our merchants were aware that the custom and usage regulating civilized communities did not allow the subjects of a given Power to be expelled from the territories of another Power without compensation, unless through a deliberate and serious violation of existing laws. They therefore felt, if not entirely free from anxiety at the turn things seemed to be taking, at least comparatively

safe, although by no means assured of the ability of the local authorities to protect their trade from being violently interfered with by the Concessionnaires. The alarming effect of the judgment rendered against them in the first instance was greatly attenuated by the result of the appeal, which, although by no means satisfactory, seemed at any rate to indicate that the French Government had been betrayed into conferring powers incompatible in their application with ordinary justice, and at complete variance with the most elementary conditions of trade in the country ; and, having seen its mistake, was considering how best to remedy it without incurring a claim for non-fulfilment of contract on the part of the Concessionnaire Company. That was a common-sense inference to draw, and the very inconclusiveness of the judgment invited the view taken of the matter by our merchants.

In respect to the Free-Trade zone, our merchants had every reason to feel more than comparatively safe, in view of the stipulations

of the Berlin Act ; and all the more so because that portion of the Free-Trade zone in which they and their predecessors had traded for several centuries—viz., the Maritime Zone—had been specially, and of set purpose, singled out from the remainder of the Congo Basin, which was as yet virgin, or practically so, of European commercial penetration. They nevertheless appear to have called the attention of His Majesty's Government upon more than one occasion to the rumours which kept on reaching them from Continental correspondents and from their representatives in the Congo. In due course rumour was followed by reality, and with a vengeance.

In April, 1900, three months after the hearing of the Ogowe appeal case, two European agents of the Concessionnaire Company which had obtained the concession of the Nyanga district seized the British sub-factories of N'yeng and Malanga in that district. Challenged for explanations of this outrage, the representatives of the Nyanga Concession-

naire Company asserted that they had the authority of the *chef de poste* at Nyanga, which assertion they subsequently made good. The matter was at once brought before the British Government, and the action of the *chef de poste* was promptly repudiated by M. Delcassé, and in such a way as to lead once again our merchants to infer that the interpretation given by the Concessionnaires to their agreements with the French Government, was quite foreign to the real intention of that Government when granting those concessions.

But more serious events were to follow. In June, Mr. Eldershaw, an English merchant,*

* It may here with usefulness be stated that the idea sedulously propagated by some organs of the French colonial press that our merchants in French Congo are only two is an absurdity. It is true that two British merchant firms are—as such—alone concerned. But the directing heads of those firms, Mr. Cookson and Mr. John Holt, although and in that capacity affected primarily by these events, constitute, as it were, only one specific factor in the affair. The men who have borne the brunt of everything that has taken place *in Africa* are the representatives of those directing heads in Africa; and so extensive

was arrested, together with a British trading caravan containing 10,500 balls of rubber, in the same district, by a *native soldier* in French Government service, accompanied by agents of the Nyanga Concessionnaire Company. Several

had the business built up by the joint efforts of the directing heads in Europe and the managers in Africa become, that to speak of the parties interested being only two, is Gilbertian. The term 'our merchants' means some twenty or thirty Englishmen trading in French Congo in various positions and capacities. And this does not, of course, include the various manufacturing interests in Great Britain which supply the materials with which the trade of our merchants is carried on. A matter of this kind affects not only the merchant, but the British manufacturer and artisan, and also the purchaser and disposer in this country of the produce with which such manufacturers are paid. In point of fact, the merchant is really nothing more than the middleman between the supplier of British goods and the native producer—a middleman who builds up, consolidates, and develops that connection, with all the risks to life and health, the expenditure of capital, and the labour of all kinds which are thereby entailed. British industrialism is, therefore, closely affected in a variety of ways by the shameful procedure of which our merchants are the principal victims, but by no means the sole victims, as a superficial and cursory estimate might lead people to believe at first sight.

native carriers attached to the British caravan were ill-treated, and the whole of the rubber was seized. Mr. Eldershaw was brought before the *chef de poste*, and accused of filibustering on the Company's property. He was then released, after declining to sign the *procès-verbal* (official minute of arrest and seizure), a copy of the same having been refused him. This took place actually on the public road, and opposite the central British factory of Mongo-Nyanga. An interview was subsequently arranged with the District Commissioner, M. Rouhaud, who—significant fact—had been staying at the Concessionnaire Company's factory. This official, far from apologizing, stated that the Company's actions were legal, as he had carefully studied the clauses of the Concession, and was convinced that all the rubber gathered in the district belonged to that Company, and to it alone. M. Rouhaud absolutely refused to stop any other similar seizures which might take place, and referred our merchants to the Governor of the colony at Libre-

ville, distant about three days' journey. A few days afterwards more seizures occurred. On one of these occasions the seizure took place in mid-stream, in close proximity to the British factory. The Englishmen gave chase in a canoe, and, after an exciting race, landed upon the Concessionnaire Company's beach just in time to see their produce deposited in front of the Company's factory. The same official, M. Rouhaud, was again found to be hobnobbing at the Concessionnaire's factory. This time he promised—the exposure having been made *in flagrante delicto*—to inquire. With this promise, which came to nothing, our traders had to be content, notwithstanding that the laws of the colony itself formally proclaimed the absolute freedom of circulation on all roads and waterways. Other seizures and attempted seizures followed. In one case another Englishman, Mr. Hawkins, was assaulted by ex-Senegalese soldiers whom the Concessionnaire Company had imported to police the roads and terrorize the natives. Vigorous protests

were addressed by our merchants to the Governor of the colony, who replied in an evasive way, nevertheless suggesting that he would take steps to have such occurrences stopped in the future. Almost immediately afterwards a decree was issued by the Governor (inserted in the *Journal Officiel* of the colony) suppressing the granting of patents for what were known as 'itinerant traders'—that is to say, natives who, according to the custom of the country, and as already explained, acquired goods at the factories, and disposed of such goods against rubber on ordinary barter lines with the inland producer. This decree, of course, was a blow aimed at our merchants, who were thus cut off from an important branch of their trade.

By August 18, despite the Governor's promise, 14,000 balls of rubber (and other produce in addition, valued at £1,000) had been seized by the Nyanga Concessionnaire Company, and actually shipped home by their representative, despite the repeated requests of our merchants

that it should, at least, be retained by the Government until the pending action-at-law arising out of these seizures had been decided by the court. The general condition of affairs in the Nyanga region at the time can best be imagined by quoting from the reports sent home by our merchants to headquarters :

‘ The Company’s agents are going from town to town threatening the natives with all kinds of punishment if they trade with us. In this the Concessionnaire Company has been assisted by the administrator of the district, who has spent nearly two months in the bush, and who has not failed to point out that all the country has been sold to the French Company, and that taking produce to us would amount to theft. This was told to the natives in our very presence. . . . Not content with taking rubber from our traders on the roads, they have forcibly entered our traders’ houses, taking therefrom all rubber found. In one instance, when the trader was absent, they tied up the chief, who refused to state where the trader

kept his rubber. The local government has been kept fully informed with regard to what has taken place, but in spite of promises to stop the seizures, and to observe the articles of the Treaty of Berlin, absolutely nothing has been done to prevent what can undoubtedly be called acts of brigandage. . . .

‘Trade at present in Nyanga is at a standstill as regards the English houses, as the natives are afraid of either trading with us or carrying our goods. . . . All this violent interference with our trade has not prevented the Government *sending an invoice to us for over 18,000 francs for patents and licences in the region of Sette Cama and Nyanga. . . .* We have been distinctly told by the Administrator at Mayumba that the English houses were not wanted, and he intimated very clearly that, unless they cleared out voluntarily, no effort would be spared to make their lot very unpleasant. Since the advent of the Concessionnaires, similar remarks have been made by other administrators. . . . The Belgians are

selling cap-guns* all over the Congo, and the French Concessionnaires are also importing them. I have repeatedly called the attention of the Governor to the fact, but nothing has been done.'

To such a pass, then, had matters come in the Nyanga region of the Maritime Zone of the Free-Trade zone of the French Congo : officials either indifferent to our merchants' complaints, or—and for the most part—openly siding with the Concessionnaires, and plainly intimating to our merchants that they were not wanted in the country ; outrage and illegality carried on with impunity, notwithstanding promises from Paris and promises from Libreville, the Governor's seat and the capital of the colony ; the Concessionnaires terrorizing the natives, tying up British native agents, and forcibly breaking into British factories, their ex-Senegalese soldiers assaulting and arresting Englishmen.

Encouraged by the action of its neighbour

* Prohibited by international treaty.

in Nyanga, the Sette Cama Concessionnaire Company started operations about the same time. On August 14 its agents seized cargo belonging to British merchants in N'Gove, and threatened other seizures. 'From the Government taking no notice of these seizures,' says a report from our merchants at the time, 'they evidently do not take much account of the Treaty of Berlin.'

And on behalf of whom, may we ask, were these things being done? Who was behind the Nyanga and Sette Cama Concessionnaire Companies? Was it to benefit genuine French concerns that our merchants were being so abominably used? Who were these militant French 'patriots,' whose meritorious action in stealing produce belonging to and paid for by British firms, and shipping this produce home in order to swell the profits of their shareholders, was hailed with acclamation by most of the Paris colonial organs? The Compagnie Française du Congo Occidental had been granted a concession, 'bearing all the rights

of possession and exploitation,' of 21,700 kilometres square in the Nyanga district, and the Société de la Sette Cama had been granted a concession, on the same lines, of 19,000 kilometres square in the Sette Cama district. With the former, the names of four individuals are primarily associated—Messrs. Vergnes, Lindeboom, Vivier du Streel, and Stevens. Stevens is a Belgian who used to be employed in the Congo State, and, as we shall presently see, did his best to show himself a worthy emulator of its regenerating methods in his relations with the Nyanga natives. He represented the Nyanga Company in Africa. Lindeboom and Du Vivier de Streel are curious 'French' names, smacking of the Scheldt rather than of the Seine. As for the Sette Cama Company, it is an offshoot of the Comptoir Colonial Français. Note the 'Français.' What is the Comptoir Colonial Français? It is an institution formed for the purpose, apparently, of obtaining huge territorial concessions out of the French Government in French Congo, and

creating subsidiary companies therefrom. Here are some of the companies it has created :

Compagnie Française du Congo	{ 43,000 kilometres square in the Likuala region (French Ubanghi).
Société de l'Afrique Équatoriale	{ 33,850 kilometres square in the Manghi region.
Société de le K'Keni et N'Keme	{ 3,950 kilometres square in the M'Keme region.
Compagnie de la Lefini	{ 13,700 kilometres square in the Lefini region.
Société de la Sette Cama	{ 19,000 kilometres square in the Sette Cama region (Maritime Zone).

Who are at the back of the Comptoir Colonial Français? On the Council of Administration we find Messrs. Alexis Mols, Lambrechts, and Osterrieth. The first-named is President of the Comptoir Commercial Congolais, one of King Leopold's *domaine privé* companies, of which company the Congo State receives half the profits ; he is also one of the administrators of the Abir.* Sixty per

* Messrs. Lambrecht and Osterrieth are Belgians also, and both belong to the Congo State clique. They are both original shareholders in the Abir, another *domaine privé* company, in which the Congo State holds 50 per cent. of the shares.

cent. of the original holdings in the Comptoir Colonial Français are held in Belgium. Among the shareholders are E. Grisar, a director of the Société Anversoise du Congo, yet another of the *domaine privé* companies, one in which the State holds half the shares. We find, too, amongst the important shareholders various Brussels and Antwerp undertakings, such as the Banque Internationale de Bruxelles, the Banque Centrale Anversoise, the Compagnie Commerciale Agricole Anversoise, etc. In short, we come across the Belgian clique and the blood-red slime of the Congo State snail, which is smeared all over the Congo Basin. To these men and their like, a French Colonial Minister did not hesitate to hand over a total area of 113,500 kilometres square in a French colony, and to commit the French-protected natives of that area to their tender mercies. And the French public still labours under the impression that the Concessionnaire *régime* in French Congo was inaugurated to develop a French colony by Frenchmen! For these men

and their like England is seeing her merchants driven from the Free-Trade zone of the French Congo, and her trade extinguished in a region where it has existed and steadily increased for generations!

And France and England have a dispute on their hands for the benefit of King Leopold's intimates. What a grisly farce it all is!



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CHAPTER VIII

In the Ogowe Basin, 1900.

THE upsetting by the Libreville Court of Appeal on January 20, 1900, of the previous judgment given against our merchants by the Court of First Instance was bound, as previously explained, to leave matters in an extremely unsatisfactory position. The judgment had been negatived on a purely technical point. The essentials remained unsolved. The Court of First Instance had decreed that the Ogowe Company possessed, by virtue of its charter, the exclusive right to trade within the territories allotted to it. The Court of Appeal held that those territories had not even been delimited, a decision which, in effect, rendered the earlier judgment *res nullius*. The Court of First Instance had decreed that our merchants

should no longer trade in the district. The Court of Appeal held that in this connection the district juridically did not exist, and hence authorized, inferentially, our merchants to go on trading where they had been in the habit of trading for years past. This authorization the local government accentuated by continuing to allow our merchants to import goods in this district, by continuing to collect Custom-House dues upon their goods, and by continuing to exact patents and licences.

But, whereas the judgment of the Court of Appeal and the action—or, rather, inaction—of the local government suggested a desire to return to the *status quo ante*, the Concessionnaire Companies determined to force the pace. In this they were materially assisted by the local officials.

On June 11 the official in charge of the Upper N'Gunie district* ordered our merchants to evacuate their factories. The Governor

* The N'Gunie is a branch of the Ogowe.

(Commissaire-Général) of the colony was at once communicated with :

‘We beg to inform you’—our merchants wrote—‘that we have received instructions from the Commandant of the N’Gunie district to withdraw our factories from the Upper N’Gunie district. The pretext given for this order is that the establishment of our factories on conceded territory is illegal.’

‘The factories in question are in the native villages, and are not, therefore, actually in conceded territory. We need hardly tell you, moreover, that we have been trading in that district for twelve years. Trade has always been carried out on the trust system, and at the present moment the natives are in debt to us for a large amount, which will be lost if we are compelled to evacuate our establishments. In such an event we presume that the Government will indemnify us for this loss. We would thank you to inform us if the Government purposes to confirm the orders of its representatives.’

The substance of the reply to this communication, while not giving any cause for offence from the point of view of courtesy, was in point of fact astounding. It ran as follows :

‘I have the honour to acknowledge receipt of your letter, and to *inform you that I am asking the Commandant for particulars.*’

Nothing could **more** pertinently illustrate the chaos into which the colony had already fallen than this reply. A subordinate official had ordered merchants out of a district where they had been trading for twelve years, and the Governor of the colony had to write to his subordinates to *inquire*, although the merchants whom the latter proposed to expel were actually paying into the local treasury important sums annually in the shape of sundry taxes upon their trade !

The Governor's reply was received on July 10. Meanwhile the official in question went home on leave !

Now, mark the sequel. On July 14 his

successor honours our merchants with a similar communication, from which the following may be extracted :

‘ You say that you had the right to establish yourselves on land round the native villages, and consequently outside the concessions, after coming to an understanding with the natives. It is an error to think so. The natural or cultivated products of the land, not included in the concession, do, indeed, belong to the natives, *but not the land itself*, which they have no right to sell nor to let, nor to alienate in any form to third parties without the authority of the Concessionnaire Company. . . . *You have therefore no right to maintain the factories you had established before the Concessions Decree, even in the zones reserved to the villages, without authority.*’

The letter thereupon specified a number of factories (twelve) belonging to our merchants, held to be situate on the concessions of the three Concessionnaire Companies of the Ogowe region—viz., the Ogowe Company, the

N'Gunie Company,* and the Upper N'Gunie Company.†

The letter ended with an ultimatum :

' I give you a delay of a month from the 20th instant. After that I am absolutely decided to act. . . . '

Our merchants replied to this letter, protesting against its terms, and saying they would hold the Government responsible if the threat were carried out. They also confirmed their previous letters to the Governor of the colony.

' If they would only tell us clearly and distinctly that we are not allowed to trade,' says a letter from a merchant written at the time, ' it would be more honest than beating about as they are, and getting as much out of us as they possibly can before clearing us out. I can hardly think that the Minister of the Colonies would sanction such proceedings were they brought to his notice, and put in their true light.'

* Director, M. Monthaye ; area, 4,200 kilometres square.

† Director, General Leplus ; area, 2,100 kilometres square.

Unfortunately, however, the principle animating the French Government appears to have been one of drift. It was considered inconvenient to come to close quarters with the subject. The French Government had 'muddled' into a mistake, and they left it to Fate to muddle them out of it. That our merchants should be victims did not matter very greatly. And so the Concessionnaires were practically given a free hand, both in the Ogowe Basin and in the Free-Trade zone.

The action of the official whose letter I have quoted was followed, as might have been anticipated, by more seizures of British produce on the part of the Ogowe Company, notwithstanding the judgment of the Court of First Instance, which found that the Company had gone beyond its rights in seizing produce at all. The Upper N'Gunie Company proved itself a worthy emulator in this respect. The year 1900 closes with an eloquent appeal, forwarded by our merchants to the French Government through the intermediary of the Foreign Office,

for protection in the carrying on of their trade, for the freedom of the natives in disposing of their produce as formerly, and for a definition of the rights of third parties established in the country.



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CHAPTER IX

The first judgment in the Maritime Zone (Nyanga district).

IN Chapter VII. an account was given of the first seizures of British produce by the Nyanga Company. The matter was at once brought before the Loango Court by our merchants, who had, of course, to plead in person. They based their case upon the Berlin Act, and upon the stipulation in the Concessions Decree in respect to the rights of third parties. After quoting the well-known clauses of the Act relating to trade, and some, at least, of the declarations of the plenipotentiaries of the Powers signatory to the Act, our merchants went on to urge :

‘ Now, considering that this region has been opened to trade by English houses, it is impossible to deny that we have established this

business, and in consequence have acquired rights. Anybody who knows the African trade knows what drawbacks and sacrifices one has to make in order to obtain results, and to-day, when these results are attained, people are trying to drive us out, in spite of the Act of Berlin, whose chief object it was to make actions of this kind impossible. If the court does not admit these arguments, it will prove that this is a question of a monopoly, in which case it cannot be denied that the obligations of the Act of Berlin have been ignored, and under these aggravating circumstances that the pre-existing rights of third parties in this country, which it is in all countries the rule to safeguard, have been cynically sacrificed. The action of the Société Française du Congo Occidental in creating police, stopping our traders, seizing our produce on the roads, forcing themselves into our factories, informing the natives that they must not trade with us or pay their debts under threats of punishment, and the refusal of the Administration to protect

us against these actions, confronts us with a state of affairs really worse than a monopoly. It must be either one of two things: the Société is a chartered company, or else its actions are undeniably illegal. In giving its verdict in this affair, we dare to hope that the court will explain in a clear and precise manner the rights of each party.'

The complainants ~~thereupon~~ proceeded to give specific instances of the acts of violence committed by the Concessionnaire Company, some of which may be detailed: (1) Seizure of 3,000 balls of rubber by soldiers armed with guns on the public road near Mongo-Nyanga; (2) seizure of 26,000 balls of rubber stored in the British factories, accompanied by orders to natives not to sell any more produce to the Englishmen, under threat of punishment; (3) arrest of British native trading agents; (4) assault of an English trader by a Senegalese ex-soldier in the pay of the Concessionnaire Company.

Apart from the question of principles involved, our merchants contended (1) that these

actions were such as would not be tolerated in any civilized country ; (2) that no attempt to prove that the rubber did not belong to them had ever been made by the Concessionnaire Company beyond the general claim that every stick and stone in the whole country was theirs by virtue of the concession. Our merchants claimed £1,000 damages, representing only actual loss incurred.

The judgment is amazing. Indeed, the adjective is a mild one, both as regards this particular judgment and those which successively followed. It is important, as containing the first effort attempted in the law courts of the colony to override the Berlin Act, and also the first official admission that a monopoly had been granted. Finally, it showed most clearly that 'the native reserves,' so frequently mentioned, constituted a fiction so far as the judicial authorities of the colony were concerned. As regards the Berlin Act, the judgment set forth that 'if by the terms of Article I. of the Berlin Act the trade of all nations must enjoy com-

plete liberty in the whole extent of the conventional basin of the Congo, it does not follow that anyone has the right to collect and exploit the natural products of territories conceded to a company or to individuals by the sovereign Power of the said territory.' On the other points it was held that :

'The Administration not having yet caused the native reserves (mentioned in Article X. of the Decrees of May 29, 1899) to be delimited, the *Compagnie Française du Congo Occidental* has the exclusive right of collecting and exploiting the natural products of the soil THROUGHOUT THE ENTIRE AREA OF THE TERRITORIES WHICH WERE CONCEDED TO IT BY THE SAID DECREE, and that, consequently, the rubber it had seized from the natives living upon its concession belongs to it. . . .'

Let us pause a moment, and examine the purport and effect of this judgment.

The Concession Decree had stipulated that the Concessionnaire was to enjoy 'all rights of enjoyment and possession' in the territories

conceded, with certain reservations. Those reservations were: that the acquired rights of third parties were to be respected, and that within a certain radius from their villages the natives should be free to dispose as they chose of the produce of the soil. Furthermore, the Concessionnaire Companies had secretly bound themselves not to interfere in any shape or form with our merchants' trade *for a period of two years*. The judgment was a negation of these reservations. It denied by implication to our merchants any rights at all—even the right of protection against outrage, such as assault, breaking open of factories, theft of produce, and intimidation. By declaring that the rubber seized was, in effect, the property of the Concessionnaire Company, it converted our merchants from the victims of oppression and violence into robbers of the Concessionnaires' property, and inferentially acquiesced in any measure which the Concessionnaires might adopt towards them. By declaring that, the reserves not having been delimited, the fruits of the soil

throughout the entire area conceded belonged to the Concessionnaires, it at one and the same time admitted a monopoly in favour of the Concessionnaires, and denied the faintest right of the native to anything the earth produced, up to the very doors of his hut.*

And this judgment affected 21,700 kilometres square in the Maritime Zone of the Free Trade of the Congo Basin. The Belgian conception had, indeed, made rapid headway. A little more than a year after the initiation by France in French Congo of her borrowed-from-Belgium policy, a local court in the colony had reduced the native in the Nyanga district to the level of a serf deprived of his land and his property, and had decreed the illegality of legitimate commerce within that district!

Against this judgment our merchants forthwith lodged an appeal. The trial, after having

* The letter addressed to our merchants by the Commandant of the Ogowe region, while admitting the native's rights to the fruits of the soil within a certain radius of his village, denied him any right *over the land itself*.

been at Libreville on appeal, was sent back to Loango for retrial, seemingly with the double object—in which local officials, the local judicature, and the Concessionnaires appeared to be in collusion—of delaying any finality in judgment, in view of the international issues involved; and so, by prolonging persecution pending the hearing of the appeals, to so disgust and dishearten our merchants as to induce them to evacuate the country, thus preventing, perchance, the appeals being heard at all, a course which had many obvious advantages. There is, I am afraid, ample evidence to show that such was the intention (locally, at any rate), and, the French Government doing nothing to thwart the plan (owing, I cannot help thinking, to lack of comprehension rather than deliberate intent), the ‘bear-baiting’ of our merchants went on merrily, and the utmost ingenuity was exercised in inventing new forms of persecution and intimidation.

CHAPTER X

Events in the Nyanga and Sette Cama districts in 1901—
The second judgment in the Maritime Zone.

EVENTS in 1901 in the Nyanga district preceding the judgment of the Libreville Appeal Court may best be given in the form of extracts from letters sent home by our merchants :

‘ The flogging and ill-treatment of our native traders still continues, and during my visit to Nyanga the roads were practically closed to English commerce, although the Government has caused the roads in the immediate neighbourhood of Mongo-Nyanga to be opened, and the so-called soldiers of the Nyanga Concessionnaire Company to be removed. This action, however, simply means removing their operations further into the interior. On my

arrival at Mongo-Nyanga, I communicated with the Administrator, inquiring if he considered the treatment we were receiving at the hands of these Concessionnaires was just. His attention was also drawn to the difficulties we have been put to in order to obtain a fair hearing to our complaints; that although the Administration had advised us of the necessity for obtaining *procès-verbaux* against the Concessionnaire Company, our repeated demands for them had always been overlooked, or, in plain words, refused. It might interest you to know that since the commencement of present difficulties at Nyanga there have been six different officers in charge of the *poste* there, each official having different powers and instructions to those of his predecessors. One official stated that he could not accept complaints upon political matters; another that he could only hear and receive complaints of events which occurred after his arrival; a third could only accept complaints upon the spot where the action took place, and so on. . . .

'A Belgian named S——, who is the principal agent of the company, and who is now supervising the seizures of our produce in the forests of Murindi and Mocaba, has written a letter to the Company's agent at Mongo-Nyanga, suggesting that he should give two of our traders five percussion guns apiece in order to lure them from us. The letter was brought to us by one of our traders. We would not permit him to deliver it otherwise than through the Government official, at the same time drawing the latter's attention to its contents. . . . I have observed that the natives are very well supplied with percussion guns, and upon inquiry I found that the agents of the Company have been selling them freely all over the country. . . . Upon one occasion this Belgian visited one of our factories and informed the trader that he held orders from the *chef de station* to take our rubber, consisting of 10,000 balls. The trader allowed him to take it, advising us of what had occurred. I have written to the Administrator about it.'

‘ The Concession Company are using S—— as their chief operator. S—— has been in the employ of one of the Belgian Congo Companies, and is now going about with an armed band visiting the few traders that we have remaining in the interior towns. The local administration has been kept fully advised in regard to all seizures and other illegal actions done by this man ; but every possible obstacle seems to be put in the way of our obtaining proofs that can be used in a court of law. . . . Excuses are made to get out of investigating on the spot. . . . They know we are practically helpless without these documents, and it is therefore difficult to imagine anything more unjust than such action. . . . Our trade is practically dead in Nyanga. . . . The position is most difficult. We have a large number of traders idle, who have to be fed and housed by us, in the hope of a definite settlement of the question. . . . If we abandon the interior trade our coast factories become worthless, and we might as well close them and give the

keys to the French Government. . . . This wretched business is causing us all a great deal of worry. . . . The worry is telling on all our people. Mr. E—— is in a state of collapse.

‘Three casks of rubber have been seized in one factory, where the produce was ready for shipment, by the local officials of Nyanga, at the request of the Concessionnaire Company. The chief of the judicial department at Libreville has promised to telegraph to Nyanga that such seizure was illegal.’

Here it may be advisable to remark that the judicial officer referred to, appears to have been the only official in the whole of French Congo who at any time showed a proper sense of justice. His name was De Merona, and on April 22, 1901, he caused a decree to be inserted in the *Journal Officiel* of the colony, forbidding seizures of produce by Concessionnaires. The document is worth quoting from. It is thus entitled: ‘Circular to the Administrators commanding Regions and *Chefs de*

Postes, Judiciary Public Officers, relating to the Procedure to be adopted in the Course of Litigation connected with the Concessionnaire Companies, and undertaken for the purpose of claiming produce assumed to have been gathered on their Concessions,' and contains the following passages :

'Regrettable incidents have resulted from the unfortunate proceedings adopted up to the present by various Concessionnaire Companies to safeguard their interests. The practice appears to have become usual, the moment a dispute arises, for each company, while advising a representative of the local authority, to immediately seize the produce which such company assumes to have been gathered on its concession. This practice, which might entail serious consequences for its authors, is, I need hardly say, absolutely illegal.'

The circular goes on to lay down the proper legal procedure to be followed. The contents of this circular, when it became known in Paris, drove the upholders of the Concessions *régime*

in the press to the highest pitch of fury, and in due course M. de Merona—who, like De Brazza, was too honest for the times—disappeared from the scene. It is only right to add that the Concessionnaires took not the slightest notice of his instructions.*

These events, may it be remarked once more, were taking place *pending the appeal against the judgment of September, 1900*. In November the appeal came on for hearing, and on November 27, 1901, *more than one year after the appeal was launched*, in judgment was delivered, the presiding judge being M. Gilbert Desvallons.

The appellants based their case once more upon two principal counts: in the first place, the 'acquired rights' of third parties stipulated in the Decree of Concessions, such acquired

* Judge de Merona's circular was officially cancelled by his successor, Judge Blagny, in August, 1902 (published in the *Journal Officiel*), who substituted for the dignified appeal of his predecessor what amounted to carte-blanche for the Concessionnaires to perpetrate every form of outrage. Judge Blagny's instructions are referred to later on.

rights consisting in having been established as traders in the district for upwards of twenty years, with the full consent and encouragement of the authorities; in the second place, the Berlin Act, which guaranteed absolute freedom of trade in the Congo Basin (the Ogowe Basin excepted), and notably in the Maritime Zone, where freedom of trade between Europeans and the natives had, moreover, existed for generations before the Act came into existence.

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The Concessionnaire Company's defence was based upon Article I. of the Concession conferred upon them on May 24, 1897, and upon Article I. of the *cahier des charges* annexed thereto. These having already been quoted, it is needless to give them again. The judge laid down that the Court of Appeal had to decide :

1. If the rights of third parties could be exercised to the detriment of the rights of the Concessionnaires.

2. If the terms of the decree of May 20,

1899, were reconcilable with the terms of the Berlin Act. . . .

On the first count the judge held that the fact of the appellants having established trade 'could not create to their advantage a permanent right of exploitation.' He went on to argue 'that the appellants have enjoyed the privileged position of first occupants in a new country where the *régime* of domanial lands has only been instituted since the decree of March 28, 1899,* and that they have thus been

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* This refers to the law passed on the date mentioned to meet the requirement of the new *régime*, and of which Article I. declares that 'all uninhabited and vacant land of the French Congo is the property of the State.'

The hypocrisy and dishonesty of the term 'uninhabited' or 'vacant' lands needs no further illustration than the circumstance that the *natives who inhabit* this so-called *uninhabited* land are expected to gather the fruits of its soil for the Concessionnaire! If the land were uninhabited, how could the fruits thereof be gathered? The immorality of all such legislation in Western Africa lies in the fact that it assumes all land upon which natives are not squatting to be uninhabited, and totally repudiates native law of land-tenure. When restricted to theory it is innocuous enough, Africa remaining Africa whatever it

able for many years to carry on a lucrative business without special authorization and without any sort of obligation, in the absence of any regulation, and owing to the tolerant attitude of the French Government.'

The judgment went on to say: 'That the appellants cannot reasonably urge that, as a result of this toleration, the State has completely abandoned its proprietary rights, and is prevented from undertaking the exploitation of its forests, in order to grant the entire enjoyment of the same to a Concessionnaire Company, with the object of colonizing and of developing

may please European politicians to scribble into legal tomes; and in that stage it even allows European politicians, with unctuous rectitude, to claim a paternal solicitude for the native, and to pose as his defender against unscrupulous European adventurers. But when theory is converted into practice; legislation based, as this is, upon an essentially vicious foundation, gives rise to monstrous abuses, with which, so far as the Congo State is concerned, the world is now familiar, and the European politician, posing as the Negro's friend, becomes the medium whereby the Negro is robbed both of his property and his land.

(*mettre en valeur*) the domanial lands of a French colony.' The judge contended, therefore, that the defendants were fully entitled to the rubber seized. 'But,' concluded the judge, 'as the rights of the third parties had never been defined, the appellants might have acted in good faith, and consequently the defendants would have to pay to the appellants the usual price paid by the appellants to the natives for the rubber seized.'

The latter stipulation, apart from its illusory character, was apparently intended as a sop to excuse the laying down of premises, essentially false. Our merchants had never arrogated to themselves the position into which the judge's wording places them. All they had asked was protection and permission to carry on their trade with the natives as formerly—a trade which they had brought into existence, and which had supplied revenue to the local exchequer in the shape of Customs dues, patents, and licences for years. As for the alleged toleration previously displayed by the

French Government, it amounted to this : that A (the French Government) had received from B (British merchants) certain yearly sums, which added considerably to A's benefit, from the mere fact that B had chosen to take the risk of employing both capital and energy in developing trade in a country belonging to C (the natives), but which had been subsequently recognised by X Y Z (the Powers) as being within A's sphere of influence. A, in fact, had displayed 'toleration' by pocketing the sums which the enterprise of B had for years placed in A's hands. But the sense of humour of M. Gilbert Desvallons was not exhausted. His dismissal of the second count set up by the appellants must be given *in extenso* :

' The appellants maintain that the decree of May 4, 1899, which grants to the defendants an exclusive monopoly of the exploitation of the conceded territories, constitutes in their favour a veritable commercial monopoly, and violates the terms of the international Act referred to.

But we have here merely an apparent contradiction arising out of the erroneous interpretation which the appellants give to the word "exploitation."

'Article I. of the *cahier des charges* stipulates that the object of the concession is the agricultural, forestial, and industrial exploitation of the domanial lands conceded. There can be no question of a commercial monopoly, because the rubber belongs to the Concessionnaire Company, and not to the native who gathers it. The latter, in bringing produce to the Company, does not sell that produce, because he does not own it, but receives a price or salary, which is the remuneration of his services. . . .'

There you have in a nutshell the Belgian conception of African development, which the French Government adopted for French Congo in 1899. With all the earnestness at my command I beg my readers to weigh most carefully the above-quoted passage. I have endeavoured, not only in the preface and introduction to this volume, but in 'Affairs of West Africa,' and in

countless articles and communications to the press for several years past, to explain the root basis of Belgian rule in Africa, its fundamental immorality, its danger to every legitimate European interest, and the abuses to which it must inevitably give rise. Here, in this judgment, as in the decrees issued in 1891 and 1892 by the Sovereign of the Congo State, the new African slavery is defined in a manner so specific and so concise that there can be really no excuse either for the dull apathy or the incredulity which, unfortunately, still prevails on the subject. The decrees of King Leopold in 1891 and 1892 forbade the natives to gather rubber and ivory unless they brought their articles to the State's officers — preceding decrees having laid down that all lands not actually built upon or farmed by the natives belonged to the State—and that 'merchants purchasing such articles from the natives, whose right to gather them the State only recognised provided they were brought to it, would be looked upon as receivers of stolen

goods and denounced to the judicial authorities.'

Ten years later the President of the Appeal Court in the capital of French Congo thus interprets the decree passed by a French Government in 1890 :

'The rubber belongs to the Concessionnaire Company, and not to the native who gathers it ; the latter, in bringing produce to the Company, does not sell that produce, because he does not own it.'

What a terrible price will Europe be compelled in due course to pay for this deliberate robbery of the African—robbery enforced by violence when the robbed have sufficient manhood and strength to object ! What a reproach to the statesmen of the world that they are oblivious to the practical follies of such policy, blinded as they seemingly are to its abominable wickedness !

But let us return to M. Desvallons. He continues :

'That the act of trading which gives rise to

the exchange of rubber occurs subsequently to the gathering of the product, and that the fact of the State reserving to itself the right of gathering domanial products and of conceding that right to a company is not, therefore, in contradiction with the Berlin Act. The appellants—and, indeed, all merchants—can continue to enjoy freedom of trade, either by selling their goods to natives, native traders, or others, or in exchanging them against all products, with the exception of those gathered in the domanial forests conceded.’*

It is difficult to say what is most striking in the above passage, the peculiar humour of the worthy President of the Appeal Court or the ponderous hypocrisy which characterizes it. The Concessions Decree had granted to the *Compagnie Française du Congo Occidental* 21,700 hectares in the Nyanga district, more

* The judgment forbade our merchants to collect, or cause to be collected or delivered to them, the natural products of the concession.

than covering, of course, the area in which legitimate trade had been established by our merchants. The judgment of September 24, 1900, delivered by the Loango Court, had laid down that even the rubber in the native reserves belonged to the said Company, as those reserves had not been delimited. And now the President of the Appeal Court solemnly proclaimed that our merchants could trade anywhere, except in the territory conceded!

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The concluding paragraphs of the judgment are on a par with the rest :

‘ Therefore, in attacking the illicit sources of the barter operations undertaken by the appellants, the liberty of trade has been in no wise infringed, the defendants having merely exercised their rights of enjoyment which they held from the State.’

With this pitiable attempt to convert black into white, we may leave the President of the Libreville Appeal Court—for the present. His

peculiar genius will be shortly in evidence once more.

This judgment, of course, was the final *coup de grâce* to British trade in the Nyanga district of the Maritime Zone of French Congo.



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CHAPTER XI

The Maritime Zone in 1901 and 1902—Events in Nyanga, Sette Cama,* and Fernan Vaz.

THE impunity with which the Nyanga Company had been able to break into British factories, seize produce belonging to British merchants, and gradually but surely exterminate British trade, with the full support of local officials and the zealous co-operation of the judicial authorities, naturally inspired the Sette Cama† Concessionnaire Company with a desire to

* In 1868 the natives of Sette Cama were anxious to obtain British protection, as were also other natives in the French Congo littoral, which might have passed under British influence with no difficulty and at very little cost. But the British Government was suffering from a fit of indigestion—to wit, the paralyzing resolution of 1865.

† Part of the Sette Cama concession is in the Free-Trade zone, and part of it is outside it. It has not been possible to treat of the two portions separately.

emulate its worthy neighbour. With the authority, apparently, of that Company, the energetic Belgian who had so distinguished himself in Nyanga began the same game in the Sette Cama region. The usual threats were the forerunners of the usual violence. It seems worth while to quote from representations made about this time to the Foreign Office by our merchants :*

‘We venture to suggest,’ they say, ‘that the time has arrived when a strong remonstrance should be made to the French Government in regard to the injustice done to us, and a claim made that we should be bought out entirely by the French Government and compensated for the loss we have sustained. As matters now

* The reader must understand that during the whole period covered by the events detailed in this volume, a close and constant correspondence was kept up between the acting heads of our merchants at home and the Foreign Office, between the Foreign Office and the British Ambassador in Paris, and between the British Ambassador and M. Delcassé, the latter appearing to be animated by the best of intentions, but to be quite unable to carry them out, or to see justice done.

stand, we are compelled to put a stop to shipment of goods, as we are in this position : that we may get goods out to French Congo, pay our duties there, and give them out on credit to our people, but the rubber they purchase is being seized systematically, by orders of the Government in Nyanga, whilst in Sette Cama notice has been given to our people by the agent of the Concessionnaire Company that he intends to proceed on similar lines in Sette Cama. If the Nyanga system can be upheld as it is, and be applied in Sette Cama and the other places, we have nothing left but our buildings, goods we cannot dispose of, debts which we cannot recover, and the expenses connected with maintaining a staff of men for a trade in which their services can no longer be made use of. Our Nyanga trade is absolutely gone.'

The Belgian individual already referred to lost no time in putting into action the threats of his new employers. Three native traders in our merchants' employ, carrying messages to other traders (also in the same employ) in

the Ivarrima district, were arrested by this man's orders and flogged. Every effort to obtain redress failed, although the evidence of the victims was taken down and sent to the local Administrator, with a request that he would investigate the matter. The usual procedure adopted by this 'French' patriot on behalf of his employers may be estimated by extracts from the following depositions of native chiefs :

'Chief Esama Ecoomba, of the village of Mosami-Chomey, certifies that Mr. S—— has several times sent armed men to his villages, demanding that a native trader in British employ residing in the town shall be expelled, failing which his village will be burnt about his ears. Chief Esoba Egwenjie, of the village Macorudu, asserts that Mr. S—— sent four men with cap-guns and removed by force goods belonging to British merchants, and that if he interfered his town would be burned. Chief Mogewgie N'Chengie, of Swemma, declares that Mr. S—— has forbidden him to

pay rubber, fowls, or anything to the English traders or anyone connected with the English houses, "and if I have trust (*i.e.*, credit in goods against produce to be paid by creditors) I must not pay it, on pain of being tied up and sent to Mayumba." Chief Mingane Bwelle, of Sanga, tells the same tale. Chief Mananga Mabunda, of Devish, tells how Mr. S—— forcibly entered his town, "ransacked all the houses" in his village, "destroyed all my personal property, and took away a quantity of merchandise. Mr. S—— also informed me he would tie me up and burn my town if I ever had anything to do with the English factories again," ' etc.*

But the Sette Cama Company bethought them of a much more ingenious method to drive the Englishmen out—a method which should at the same time enrich the pockets of the Company. On July 26 our merchants received a summons from the Company through

* Copies of all these depositions were forwarded to the local authorities, with the usual result.

the Justice of the Peace at Mayumba, claiming 200,000 francs (£8,000) 'for prejudice caused to their concession' since the Decree of May 26, 1899, ordering our merchants to close their factories and leave the country, and claiming 1,000 francs per month for each month's delay. That was the inauguration of a system destined to attain much popularity among the Concessionnaires — viz., bleeding our merchants to death by a process of fines, and sending the proceeds of the fines inflicted, to swell the profits of shareholders in Antwerp, Brussels, and Paris. It will be observed that the claims for damages were made retrospective—that is to say, from the date of the Concession, notwithstanding the pledge of the Concessionnaires, secretly given to the French Government, that they would not interfere with the British merchants for two years.

There can be no doubt that the ever-increasing annoyance and aggressiveness of the Concessionnaires received a great impetus from the famous circular letter addressed to all

officials in the colony by the Governor, embodying the ministerial instructions of M. Décras, Colonial Minister. The contents of this circular only became known in England in the course of 1902, but in point of fact it was despatched to those whom it concerned at the end of March, 1901. It is equally certain that this circular, inspired the judgments given against our merchants in 1901 and 1902, and *Le Temps*, the most important French newspaper, which at one time seemed disposed to plead for fair play to our merchants, urged, with sound logic and common-sense, that the said judgments had no value in law, but were merely based upon the text of official instructions, and could therefore be rightly termed 'political judgments.' The ministerial instructions aforesaid are given on p. 291 of 'Affairs of West Africa';* and the influence brought to bear upon M. Décras, in order to induce him to commit himself irrevocably, are likewise touched on therein. The former may be re-

* W. Heinemann.

peated here. Thus wrote the French Colonial Minister :

‘One idea dominates the system. All the products of the conceded territory, whatever they may be, are the property of the Concessionnaire Company. The agents of the Company have alone the right to gather them, or to buy them from the natives who have gathered them; the latter can only dispose freely of the products of the reserves which have been specially attributed to them, and must in the general way, when they have gathered any such products of the soil outside those reserves, hand them over to the Concessionnaire, whose interest it is, of course, to remunerate them “for their labour.”’*

The celebrated M. Gilbert Desvallons,†

* This decree of M. Décras formed the subject of a communication on behalf of the natives of the French Congo to Lord Lansdowne from the Aborigines Protection Society.

† M. Gilbert Desvallons reminds one, somehow, of Dumas’ inimitable character, M. le Baron du Vallon de Bracieux de Pierrefonds. Readers of Dumas’ ‘Le Vicomte

President of the Appeal Court of Libreville, was therefore faithfully carrying out the instructions of his chief when he declared that 'the rubber belongs to the Concessionnaires and not to the native who gathers it.' His subsequent remarks merely added a little unconscious Gilbertian flavour to the dish.

M. Décras, in thus depriving the native of the rights bestowed upon him by every natural law, and placing him under the heels of unscrupulous exploiters and adventurers, may have acted from ignorance. He may not have realized all the consequences of his action. But it is impossible to absolve him from the severest censure. And how are we to explain his reference to the native reserves, when he must have known perfectly well the antecedent decision of the local courts to the effect that,

de Bragelonne' and Molière's 'Le Bourgeois Gentilhomme' will perhaps grasp the allusion. If the connection Dumas endeavoured to establish between 'Le Digne Porthos' and Molière's 'Bourgeois Gentilhomme' is permissible, then the President of the Court of Appeal of Congo Français offers a delicious judicial parody of the rôle.

the reserves not having been delimited, were to be treated as *res nullius*? And, again, how can we explain the dictum for which he was also responsible*—viz., that in any case the natives had no right to gather any of the commercial products of the forest in order to trade in them?

Posterity will not judge leniently the conduct of this Minister, whose philanthropic utterances have been so painfully at variance with his performances.

The action of the Sette Cama Company was followed by the Fernan-Vaz Concessionnaire Company adjoining. This Company was apparently on its last legs but, seeing the chance of mulcting our merchants, and acting—as is presumed—in conjunction with the companies of Nyanga and Sette Cama, it rushed gaily into the fray, and sued our merchants for 100,000 francs on the same pretext.†

* See 'Affairs of West Africa,' p. 292.

† I have been recently and reliably informed that the original capital of the Fernan Vaz Company was almost

The Nyanga Company, not to be outdone in the dunning process, and not content with having ruined our merchants' trade in that particular district under the circumstances already detailed, sought to recover damages for *anterior delinquencies* ! It was successful. It succeeded in obtaining judgment against our merchants to the tune of 36,335 francs (June 28, 1902). The judge who gave this iniquitous verdict subsequently distinguished himself by issuing a scandalous circular (August, 1902) repudiating, in so many words, the dignified appeal to legality and order issued by Judge de Merona (referred to in Chapter X.). The general tenor of this document may be estimated by its concluding sentences :

' I cannot too much impress upon you, in closing these my instructions, to give the Minister your most devoted assistance in

entirely subscribed by the Belgian bankers, Messrs. Otlet and Co., of Brussels. The shares of the Company, however, were subsequently bought up at a mere song by a company in which the Directors of the Nyanga Company were the promoters.

order to put an end, *by means of energetic action, to the depredations to which the Concessionnaires are subjected.* The power given to you in the capacity of police officers makes it your strict duty to see that the contracts made by the State are properly fulfilled, and to grant in the largest degree possible to the Concessionnaires the protection of which they have need in order to collect the products which are really the legitimate compensation for numerous expenses undertaken by them.'

It was an appeal to the shepherd to protect the wolf against the lamb—a flagrant instance of the general topsy-turveydom, the prostitution of law and order, the inversion of parts, the perversion of facts, and the general organized hypocrisies of which the French Congo had become the scene.* In this particular instance

* It is impossible to give all these judgments *in extenso*. Each judge endeavours after his own fashion to reconcile the Berlin Act, which declares that no monopoly shall be granted in matters of trade, with a decree which now admittedly entails a monopoly in favour of the Concessionnaires of the products of the soil, which constitute trade.

our merchants, who had appealed against the judgment, were nevertheless summoned by the Concessionnaires to deposit immediately the fine inflicted. This they had to do. The reader is assured that, monstrous as they appear, all the facts here set forth are officially recorded, and have been communicated by the parties named to the British Government. It is obviously impossible to reproduce all the documents relating to these acts. The accessory

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Thus Judge Gilbert Desvallons contends that trade has disappeared, since the native is no longer the owner of the products of the soil. Judge Blagny is even more ingenious. He denounces trade as 'wholesale plunder.' He finds that notwithstanding the Berlin Act 'the right to establish monopoly and privilege in *civil matters* exists without restriction.' He explains 'civil matters' in the following way: 'Products of the soil before removal from the soil constitute real estate, and real estate is governed by the French Civil Code; products of the soil after removal become chattels (movable goods), and the sale of chattels is a purely civil operation.' *On croit rêver*, as the French say. If anyone is sufficiently curious to see M. Blagny's arguments detailed and exploded, the same may be found in a couple of articles I devoted to the subject in the issues of *West Africa* for October 11 and November 15, 1902.

material is enormous, and would fill a volume by itself.

I may here quote once more from the representations addressed by the executive heads of our merchant firms to the Foreign Office. These representations show at once the indomitable nature of our merchants, and the real origin of the evil with which all legitimate interests in the Congo Basin are threatened :

‘ We suppose this baiting of the foreigner will come to an end some time. It is not creditable that a nation like France should have allowed it to go on for so long, or ever have permitted such things to have happened in one of her colonies. In default of any satisfactory reply from the French Government as to what they are going to do with us, we would respectfully urge that your lordship should demand that they take over our factories, goods, debts, and everything belonging to us in the districts from which we are being expelled, as everything that we have there is now of no further use to us. We are at

such a point now that nothing remains for us but to leave. Therefore it is necessary that an inventory should be taken of what we are leaving, and then for us not to delay a moment in getting out of the country. The only other course is for our own Government to demand restitution of our rights. It is bad for the future of British trade that we should be expelled from a country which has a great future before it. The progress of British commerce in Western Africa has never been set back by any foreign competition, nor do we fear it if we can get fair play. In the Free-Trade zone of the Congo it is particularly exasperating that we should be deprived of rights which we supposed the Treaty of Berlin had obtained for us. In the Congo State there is also a region of vast extent, which by the Act of Berlin should be a Free-Trade country, open to all nations, but which has been allowed to be closed to Free Trade and to become a Belgian monopoly. For the sake of our future trade we would respectfully ask your lordship

to insist upon this door being opened to British enterprise. *Our troubles in French Congo have indirectly proceeded from what has been allowed to take place in Belgian Congo, and until the Congo State is compelled to respect the provisions of the Berlin Act in spirit as well as in word, the injustice towards foreign traders and to the natives will continue in French Congo.*

Further events in the Maritime Zone in 1902 may be chronicled as follows :

Seizure of 40 kilos of rubber belonging to the British firms at Ningue-Ningue in the territory ceded to the Compagnie du Gabon. Instructions telegraphed out by executive heads of British firms to cease all attempts to trade in the Sette Cama and Nyanga districts.

CHAPTER XII

The Ogowe Basin in 1901 and 1902—Events in the Ogowe, N'Gunie, and Upper N'Gunie districts—A summary of the position to the end of 1902.

IN the last chapter we completed the narration of the principal events which have characterized the application of the Concessionnaire *régime* in the Maritime Zone of the Free-Trade zone of the French Congo from its inauguration in 1899 to the end of 1902. The story of the treatment of our merchants in the Ogowe Basin has now to be completed. It differs but little from that which they have undergone in the Maritime Zone, but provides, nevertheless, several points of special interest. We left the Ogowe Basin at the end of 1900, when the position of our merchants was the reverse of pleasant. Unsatisfactory as the condition of

affairs then was, the events of 1901 and 1902 were destined to provide incidents of an almost incredible character. Encouraged by the judgments given in the Maritime Zone, the four Concessionnaire companies of the Ogowe region, the Société du Haut Ogooué, the Société de l'Ogooué-N'Gounié, the Société de la Haute N'Gounié, and the Société des Factories de N'Djole, fell upon our unfortunate merchants like a pack of famished wolves.

At this juncture it may be advisable to show the Belgian antecedents of some of these companies, as was done further back in the case of the companies operating in the Maritime Zone. Take the Compagnie Coloniale de l'Ogooué-N'Gounié. The capital of this Company has been almost entirely subscribed by the Comptoir des Produits Coloniaux, a Belgian concern, situate at 48, Rempart Klipdorp, Antwerp. *The European headquarters of the Abir—a domaine privé company in which the Congo State holds half the shares—is also situate at 48, Rempart Klipdorp, Antwerp! It is also*

interesting to observe that M. Alexis Mols, one of the Administrators of the Abir, is one of the directors of the Compagnie Coloniale de l'Ogooué - N'Gounié ! Notwithstanding its treatment of our merchants, the Compagnie Coloniale de l'Ogooué-N'Gounié made a loss of 82,477 francs in 1900, and a further loss of 33,745 francs in 1901. It is not astonishing that the Belgian directors of this 'French' concern should be annoyed with the French Government for not giving them that 'certain force' to compel the natives to collect rubber ; nor that the Belgian organs of the Congo clique should violently denounce the incapacity of the French Colonial Office in not allowing the Concessionnaires to raise native contingents as a medium for coercing the native villages. M. Alexis Mols' Company, operating in the Congo State—the Abir—made a net profit of 2,455,182 francs in 1901 ! However, the Compagnie Coloniale de l'Ogooué-N'Gounié hopes to do better in the future as a result of getting the local magistrates to fine

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the British firms. Witness the following extract from the annual report of the Company, held June 30, 1902 :

‘We have won, in the Court of First Instance, the case we brought against certain firms which, in opposition to our Concession rights, continued to trade on our territories. These firms have been condemned to pay us 60,000 francs compensation. We also hope to win an appeal, and to obtain larger sums. . . .’

Of the directors of the Compagnie de la Haute N’Gounié, two at least of the six are Belgians, and the capital (£40,000) has been almost wholly subscribed by the Omnium Colonial, a Franco-Belgian concern. At a meeting of this Company, held October 29, 1902, the profit and loss account closed with a loss of 213,397 francs. No wonder the organs of the Congo clique are wroth !

To resume : On August 22 the Ogowe-N’Gounie Company’s agent issued a summons against our merchants, claiming damages inso-much as British factories were established upon

that Company's concession. For 'unlawful occupation' a sum of 5,000 francs was claimed, and for 'prejudice caused' 100,000 francs was claimed. The 'unlawful occupation' consisted in the existence of British trading factories at specific centres (mentioned in the summons), which, in point of fact, had been there in some cases since 1884, and in not one single case later than 1893—six years before the Ogowe-N'Gunie Company came into existence! The 'prejudice' claimed was for having traded in places for which the Administration had granted patents and licences for nearly twenty years!

Meanwhile the Ogowe Company, which had not the least intention of accepting the verdict of the Loango Court (January 20, 1900; see Chapters VI. and VIII.), had appealed to the High Court at Libreville to reverse the said verdict. In due course our familiar friend the President, M. Gilbert Desvallons, having applied his judicial mind with much earnestness to the case in question, delivered his final judgment (October 24, 1901), which amounted

to this : Prohibition for our merchants to trade even in the native towns within the conceded area ; evacuation of the factories specified in the previous judgments, accompanied by a penalty of 300 francs per month for each month's delay after the expiration of three months after the delivery of the judgment ; damages 3,000 francs, and our merchants to pay all costs of the action. It is worth while to look into this judgment a little closely, because the law of M. Gilbert Desvallons, President of the High Court of Libreville in the colony of French Congo, is a law unto itself, as unique as it is fascinating, and as fascinating as it is unique.

Our merchants' position was in this particular case set forth with the usual simplicity and straightforwardness which on every occasion has characterized the attitude of the remarkable men who, despite difficulties innumerable, face to face with a judicature forgetful of law in its anxiety to conform to political instructions, confronted by unscrupulous individuals who stopped short at nothing to achieve their ends,

hampered by an imperfect knowledge of the French language, totally deprived of legal assistance, and suffering from the paralyzing sensation that the business they had built up with such painstaking labour was fast being wrested from them, with the consent of the authorities, by measures opposed to every sentiment of equity; nevertheless succeeded in maintaining their dignity and preserving their self-control. Englishmen sitting at home may well feel a thrill of pride at the performances of these obscure British merchants in Equatorial Africa, who, notwithstanding every provocation—doubly hard to bear in a climate so trying to the health and temper of Europeans—never lost their self-command, but confronted their enemies with dogged perseverance and calm courage. Men such as these are the fibre of the British Empire. They aspire to no honours and they reap no rewards, save that of the consciousness of duty performed. And yet the Empire owes them a debt of gratitude it can never sufficiently repay.

And so on this occasion, once more, our merchants 'argued'—to use the words of the President of the Court—'on the question of principles.' They mentioned that they had been established in the country since 1884; that they had acquired rights in the district, which they themselves had opened up to trade; that it was contrary to the laws of a civilized nation to drive out of a country traders who had expended their capital upon that country, without indemnifying them for pecuniary sacrifices; and, finally, that they were then still paying patents and licences on their trade to the Administration, a recognition *per se* of their position as traders in the country.

The President set aside these pleadings on various grounds. First of all, he argued that the Convention between the Ogowe Company and the Government 'contained no mention of reserved rights for third parties.*' Secondly,

* In that he was technically correct, for, as previously explained, the Charter of the Ogowe Company was conferred upon it in 1893, and the clause anent the safeguarding of the rights of third parties, which formed part

'that the fact of paying patents and licences which are granted by the Administration does not authorize the exploitation of the colonial domain; nor does it give rights to establish in villages and reserved, cultivated zones; neither does it involve a right to buy from the natives *produce that does not belong to them*—that the patent is due to the simple fact that one is a trader.' The *italicized* words are worth noting. They represent once again the Belgian conception. The fruits of the soil no longer belong to the native, but to the Concessionnaire! It is so admirably simple, so

of the Concessions Decree of 1899, under which all the new concessions were granted in French Congo, was not inserted in the Ogowe Company's Charter. But what a pitiful excuse to make a way of escape for the State from a moral responsibility common to all States! For six years, let it be repeated, the Ogowe Company, after receiving its charter, together with the exceptional privileges granted to it by the Government, such as the return of half the export duties, etc., never attempted to put forward the extravagant claims subsequently insisted upon, and our merchants, in full confidence of their safety and protection under the laws of a friendly nation, quietly went on extending their business in the ordinary way.

charmingly ingenious, so transparently honest ! You take a map of Africa and a blue pencil ; you mark off an area of, say, a couple of thousand square miles, and you declaim to this effect : ‘Gentlemen, we, the Government of this European country, grant to you and your associates everything of commercial value which grows within the area marked on the map of that African country. You will, of course, make it convenient to pay the native some little trifle for his self-imposed labour in bringing you what you require. Gentlemen, good-day, and never forget that we seek only one thing—the moral and material advancement of the dark races.’

But observe the logical outcome of this pronouncement of M. Gilbert Desvallons. The British merchants established in French Congo, in order to regularize their position as traders in the country, had to obtain patents—that is to say, they had to send in a declaration to the Administrator of the region, giving particulars regarding the villages or districts where they

wished to open a factory. That was local law. The request to establish trade was made by declaration of patent; that was the object of the patent, which, be it remembered, was paid for. 'But,' says the judge, 'the patent does not give you a right to exploit the colonial domain.' Now, the 'exploitation of the colonial domain' is merely another way of saying 'to trade in forest products.' If, then, the patent did not entitle our merchants to trade in forest products, the local authorities, in allowing our merchants for about a quarter of a century or so to trade on the strength of the issue of these patents, had been acting illegally!

Again, our merchants had no right, according to M. Gilbert Desvallons, to establish themselves in villages or in areas reserved to the natives.* Nevertheless, he says: 'If the defendants were merely claiming a right to acquire the produce collected by the natives

* Which, let it be repeated once more, had never been delimited, and, pending delimitation, had already been held, as I have shown, by the courts as juridically non-existent.

upon their cultivated lands there would not be any question at all.' And yet this sapient judge denied that our merchants had the right to establish themselves in those villages and so-called reserves, by which means alone could such produce be bought, even supposing that the reserves juridically existed, which they did not. Was there ever such a tissue of contradictions, and dishonest absurdities?

The scene shifts to the N'Gunie again. The summons of the Ogowe-N'Gunie Company was followed by a judgment in their favour at the Court of First Instance. Our merchants were condemned to pay 30,000 francs damages, and to remove all their factories and traders from the district within two months, failing which they would be cleared out *manu militari*. Our Consul in Loanda (St. Paul of Loanda, capital of Portuguese Angola) was at that time in the French Congo, whither the British Government had summoned him, to inquire into the state of affairs.* He

* The Governor of the colony declined to discuss matters with him, saying they were being settled in Europe.

requested the Commissaire-Général that the fine should be kept by the court until the appeal, which had at once been brought by our merchants, had been heard. He left the country before receiving a reply. No reply ever appears to have been sent.

In another case brought by the Ogowe-N'Gunie Company against our merchants, and decided in the former's favour, the fine was made executory, notwithstanding appeal, and our merchants were told to pay up at once. They protested against the gross injustice of such action, knowing but too well that the money, once paid, would never be recovered, and declined to pay. Their factory at Libreville, the capital of the colony, was thereupon put up to public auction, and sold over their heads!

Spurred on by the success of the Ogowe-N'Gunie Company, the Société des Factories de N'Djole began seizing produce and goods belonging to our merchants. Just then, the German firms trading on the river, without

waiting for orders from the court, cleared out entirely, despairing of receiving justice at the hands of the judicial authorities. The following extracts from letters written by our merchants at this time are worth quoting :

‘ In a private conversation with the judge, he candidly admitted that we had been unjustly treated, and frankly gave his opinion that the people who gave the concessions knew absolutely nothing of the country they were conceding, nor of the situation they were creating ; but he maintained that, in his capacity as judge, he could only act according to the Decree granting the concession, which had already been interpreted by the Colonial Minister in various circulars. He thought the Decree ought to be annulled, but that was an affair for the Conseil d’État. I thought, as an honest man, he ought to put these opinions in his judgment, when they might do us some good, instead of calling us “ parasites.” ’

Early in 1902 our merchants were ordered by the Libreville Court to pay the fine of

30,000 francs to the agent of the Ogowe-N'Gunie Company within twenty-four hours, under pain of the seizure of all their property and effects to cover the same. That was the reply to the British Consul's request that the money might be paid into court, pending appeal! Our merchants were compelled to acquiesce, in order to prevent the seizure and the sale of their goods by public auction, as had been done in the case already alluded to. After that, matters were *crescendo*. A peremptory request followed from the agent of the Ogowe-N'Gunie Company to our merchants to evacuate their factories, 'otherwise we shall find ourselves compelled to take action against you by *means of force*. . . .'

All this while the judgment given against our merchants in this case was under notice of appeal! Succeeding events may be summarized in rotation :

Summons from the Société des Factories de N'Djole to our merchants to leave their concession.

Summons from the Ogowe Company (which had meanwhile won another action against our merchants in connection with factories established in a different part of their concession, involving a fine of 10,000 francs) that immediate evacuation of the British factories must take place. The reply of our merchants is instructive :

‘ In reply to your letter we have the honour to inform you that your representative has already given orders to the natives to rob the factories of the foreign houses found within the native villages included in the perimeter of your concession. Our representative has advised us that this has been accomplished, and there no longer exists any of our factories in your territory.’

M. Gilbert Desvallons disallows on a technical point the appeal brought by our merchants against the fine of 30,000 francs they were compelled to pay to the Ogowe-N'Gunie Company pending appeal. Further claim of 10,000 francs by the Ogowe-N'Gunie Company against our merchants, because *British factories*

had not been removed, although no trade had been conducted by our merchants with the natives since the previous judgment!

More threats of force from the Ogowe-N'Gunie Company to make our merchants remove bodily the factories upon the concession. The year 1902 closes with our merchants being expelled—as traders—from the whole country of French Congo, with the exception of four or five central depots situate on the rivers; forbidden to trade both in the Free-Trade zone and out of it; confronted with actions at law involving claims amounting to £60,000; their buildings and plant threatened with destruction if not removed; themselves waiting to be told whether they are to remain pending the result of the request for arbitration put forward by His Majesty's Government, or whether they shall abandon their buildings, embark such goods as may remain there, and take passage to Europe.

* * * * *

Lawsuits pending against our merchants at

the time this book appears amount in the aggregate to fines of £30,000 in the Ogowe Basin, and in the Free-Trade zone to some £60,000 to £70,000. So there is likely to be a great harvest for the Concessionnaires, and if nothing be done to stop the judgments being given, the complete ruin of our merchants will at length be consummated. The incredible injustice of the whole affair is almost unthinkable, and if only the French public knew the real facts, I for one firmly believe it would be moved to genuine amazement and indignation. Unfortunately, the French colonial press, with a few honourable exceptions, has consistently bamboozled the French public into believing that British complaints consist of another dark intrigue on the part of 'Perfidious Albion.'

CHAPTER XIII

What has replaced the programme set forth at the
Conference of Berlin?

WILL the reader please hark back to Chapter III., and, if not too utterly jaded by the narrative (containing, as was inevitable, much reiteration of events bearing a close resemblance to one another) which has been developed in the chapters succeeding Chapter III., will he be so good as to read it again? . . .

On the assumption that he has now done so, I beg to submit in tabulated form the evolution of a policy which professed, in 1885, to be founded upon freedom, justice, and humanity, and which, seventeen years later, stands condemned before the world as the embodiment of slavery instead of freedom, outrage in lieu of justice, and, as a substitute for humanity,

oppression the cruellest, the most infamous, and the most degrading.

FIRST STAGE.

With the disappearance of the oversea slave traffic, a legitimate trade springs up between European merchants and African natives all down the West African coast. This trade consists in bartering European merchandise against sundry vegetable products of commercial value gathered by the natives in their forests—a trade which it was at that time the policy of France, as well as of Great Britain, to promote and encourage. Owing to the commercial aptitude of the natives and the enterprise of the merchants, the trade rapidly increases.

SECOND STAGE.

Owing partly to political rivalries and disputes, and their possible effect upon the future development of trade, partly to reasons of another nature—reasons professedly philan-

thropic—the representatives of all the Powers resolve to hold a joint conference, with the idea of evolving a rational programme for application within a vast area of Western Equatorial Africa ; an area peculiarly fitted for geographical and political reasons to benefit from the inauguration of such a programme within it.

THIRD STAGE.



The dominating ideas of the Conference are propounded with the utmost clearness by various members of the Conference, and particularly by the representatives of France and of Belgium, the Constitutional Monarch of the latter country having specially interested himself in the Conference from motives, so stated, of pure philanthropy, absolutely devoid of any ambitions, either on his own behalf or on behalf of his country. The dominating ideas are these : insuring for all time the freedom from molestation and the progressive development of the pre-existing trade between Europeans

and the natives already alluded to, and the welfare of the natives inhabiting the area in which this rational programme is to be applied. With painstaking minuteness, every possible loophole whereby the application in practice of this programme might be threatened by individual or collective egotism, is closed. With all the solemnity befitting so memorable an occasion, unique in the history of the world, a binding compact to observe the programme enunciated is made between the contracting Powers. The Constitutional Monarch of Belgium is entrusted by the Powers to preside over the carrying out of this programme in the greater part of the area affected, and in due course is permitted to assume the title of Sovereign of the 'Congo Free State.' France retains the political influence she already exercised in a portion of the area outside the limits of the 'Congo Free State,' and is given, and accepts, the option of extending her influence to what still remains of the said area outside the limits of the 'Congo Free State.'

FOURTH STAGE.

Hardly has the ink expended upon the drawing up of this great Conference had time to dry, than the Sovereign of the 'Congo Free State' issues a decree asserting rights of proprietorship over all 'vacant lands' throughout the 'Congo Free State' not actually covered by native villages or by native farms—that is to say, clearings round the villages where food-stuffs are cultivated by the natives.

University of Fort Hare
Together in Excellence

FIFTH STAGE.

In 1891 and 1892 three decrees are successively issued by the Sovereign of the 'Congo Free State,' forbidding the native to gather the produce of the soil for the purpose of selling that produce to merchants, forbidding the natives to sell ivory to merchants, and threatening the merchants who purchased either produce of the soil or ivory with judicial proceedings. *The Powers make no protest.*

SIXTH STAGE.

The merchants violently object, and to such good purpose that, while maintaining the policy enunciated under Stages 4 and 5, the Sovereign of the 'Congo Free State' is compelled, in order to carry out his plans, to purchase their silence by conferring upon them the exclusive right to trade within specified areas of the 'Congo Free State.'

The Powers make no protest.

University of Fort Hare
Together in Excellence

SEVENTH STAGE.

The Dawn of the Era of 'Moral and Material Regeneration.'

The Sovereign of the 'Congo Free State' proceeds to raise an enormous army of native levies, recruited for the most part from the wildest and fiercest cannibalistic tribes of the country. Thousands of quick-firing rifles and quantities of ammunition are imported to arm and equip these levies. A system of taxation is inaugurated. All towns and villages

where the officers and officials of the Sovereign of the 'Congo Free State' are able to exercise his authority, are compelled to gather rubber and to bring in ivory as tribute. This tribute is sent home by the agents of the Sovereign of the 'Congo Free State' and sold in Europe. The Sovereign of the 'Congo Free State' makes arrangements with certain Belgian financiers, whereby portions of the 'Congo Free State' are farmed out to corporations in which the 'Congo Free State' appears as holder of half the shares. The object of these corporations is to acquire rubber and ivory from the natives, and to sell these articles on the Antwerp market. The native levies raised by the Sovereign of the 'Congo Free State' assist in coercing the natives to gather rubber and collect ivory. In some instances the corporations aforesaid are themselves authorized to raise and equip native levies. *The Powers make no protest.*

EIGHTH STAGE.

Many atrocities are committed upon the natives of the 'Congo Free State.' But the profits of the corporations are very large. French colonial opinion, led astray by the profits of these corporations, clamours for the creation of similar corporations in the French Congo adjoining the 'Congo Free State.' The French Government yields to the clamour, and passes in 1899 a law attributing to the State 'all vacant and unclaimed land' in the French Congo. This law is followed by another, conferring upon certain corporations (largely controlled by the same groups which control the existing corporations in the 'Congo Free State') 'all powers of enjoyment and possession' over specific districts in French Congo. *The Powers make no protest.*

NINTH STAGE.

The corporations in the French Congo—known as Concessionnaire Companies—begin interfering violently with the existing trade

between merchants of British nationality and the natives, alleging that the produce of the soil belongs to them ; that the natives have no right to gather and to sell such produce to the merchants ; and that the merchants, in buying such produce, are 'poachers and brigands.' The factories of British merchants are broken into ; native traders in British employ are flogged ; produce paid for by British merchants is openly appropriated. British merchants bring actions-at-law in the local courts against the Concessionnaire Companies, maintaining that the Berlin Conference guaranteed freedom of trade to merchants for all time, and also the rights of the native, and asserting that the claim of the Concessionnaire Companies is an impudent violation of the Berlin Conference, insomuch as it would, if admitted, dispossess the native of his right to sell his own property—the produce of the soil—and forbid the merchants from exercising their business, viz., trade, or the exchange of European merchandise for the said produce of the soil.

TENTH STAGE.

The Court of Loango, before which the complaint of the British merchants in the zone covered by the Berlin Act first comes up for judgment, holds that the Concessionnaire Company has 'the exclusive right of collecting and exploiting the natural products of the soil throughout the entire area of the territories conceded to it.' The British merchants appeal.

 ELEVENTH STAGE.

University of Fort Hare
Together in Excellence

M. Décras, Colonial Minister for France, sends the following instructions to the Governor of French Congo :

'One idea dominates the system : All the products of the conceded territory, whatever they may be, are the property of the Concessionnaire Company. The agents of the Company have alone the right to gather them or to buy them from the natives who have gathered them ; the latter can only . . . hand them over to the Concessionnaire. . . .'

TWELFTH STAGE.

The appeal of the British merchants comes before the High Court at Libreville. The President of the Appeal Court, in deciding against the British merchants, lays down the following axiom :

‘ There can be no question of a commercial monopoly, because the rubber belongs to the Concessionnaire Company and not to the native who gathers it ; the latter, in bringing produce to the Company, does not sell that produce, because he does not own it.’

* * * * *

What conclusion can be arrived at from the above summary ? Native rights of land tenure have been abolished in four-fifths of the area affected by the Berlin Act. So far as the ‘ Congo *Free State* ’ is concerned, native ownership in land has been abolished in favour of the Sovereign of that State, who, by the constitution of the State, is absolute monarch over the territories of the State, and solely responsible for the legislation passed relating

to those territories. So far as the French Congo is concerned, native ownership in land has been abolished in favour of the Government of the French Republic.

The abolition of native ownership in land has entailed the abolition of the native's right to gather the produce of the land for the purpose of selling it to the merchant in exchange for European merchandise, which in turn has led to the practical prohibition of trade, which it was the purpose of the Berlin Conference to foster and develop.

In four-fifths of the 'Congo *Free State*' all pretence of maintaining *commerce*, even under monopolistic conditions, has long since disappeared. The native has become the serf or slave of the State, or of corporations in which the State is financially interested. An army of native levies has been raised and armed with repeating rifles. Owing to this medium, the State is able to do that which it would be unable to do without such a medium—viz., to compel the natives, by threats and by

violence, to gather the products of the soil, chiefly indiarubber, and to bring these articles to the State's 'posts,' and to the factories of the corporations. Provided the natives are amenable to threats, the agents of the corporations may give them, should they deem it prudent, some sort of 'remuneration for their labour.' But in no case does such remuneration partake of the nature of a commercial transaction, nor is it based upon commercial usages, the native not being recognised as owner of the produce of the soil.*

In the French Congo the ownership of the produce of the land has been vested by the Government of the French Republic in sundry companies, and the President of the Court of Appeal in the colony has recorded that the produce of the land no longer belongs to the native, but to the Concessionnaire Company, and that the act of sale no longer exists, since

* In some cases where 'remuneration' is paid, it consists of small pieces of brass, which the authorities not infrequently decline to accept, subsequently, as currency.

the native does not own the produce of the soil, which, consequently, he can sell to no one; but he may bring it to the Concessionnaire Company, and to the Concessionnaire alone, who should pay him for his labour.

In the French Congo, therefore, a monopoly of the produce of the soil, which involves a monopoly of trade, has in practice been granted; whilst *in theory commerce has disappeared*, just as it has disappeared in the 'Congo Free State,' the native having become by law the serf, or slave, of the Concessionnaire Company. So far, the latter is a theory only, because the French Government has not created the medium whereby alone the theory can be converted into a working system—viz., a native army, to be used in compelling the natives, by threats and by violence, to bring produce to the factories of the Concessionnaires. In this respect, therefore, the policy adopted in the French Congo so far differs, in practice, from the policy adopted in the 'Congo *Free State*,' as it also differs in the circumstance

that the Government of the French Republic is not financially interested in the corporations it has brought into existence.

Theoretically, the two policies are identical. The difference in results are these: that the policy in question can only be temporarily successful, in the sense of bringing temporary returns to those benefiting by it, with an existing coercive medium which a large native army provides. The corporations of the 'Congo *Free State*' have, on this account, reaped gigantic profits, while none of the corporations of the French Congo have done so. Some have failed entirely, after wasting all their shareholders' money; others have existed by preying upon an already existing trade; appropriating produce belonging to British merchants, and getting the law-courts of the colony to mulct in their favour the British merchants in heavy fines.

Without that coercive medium, then, even temporary success on the lines indicated is utterly impossible, because:

1. The native of Africa is not a brute, but a man, more or less intelligent according to environment, tribal peculiarities, and influences from within and without—but still, and always, a man.

2. The native of Africa possesses a commercial instinct developed in some instances to a remarkable degree, owing to various specific causes, amongst others contact and acquaintance with the usages of European trade for several generations.

3. The native of Africa is passionately attached to his rights in land.

With the existence of a coercive medium, this policy, while it may bring temporary benefit to its initiators, must in the long-run prove disastrous for Africa and for the powers of Europe interested in the development of Africa, because :

1. Commerce, the foundation of all progress in Africa, is destroyed.

2. The desire in the mind of the native to purchase European goods, which is the stimulus

to the development of trade in Africa, disappears with the destruction of commerce, and home manufacturers suffer in consequence.

3. African markets for the absorption of European merchandise are ruined, instead of being opened and extended.

4. All progress and advancement among the natives is paralyzed.

5. Slaughter, depopulation, and emigration are produced by the ruthless measures employed ; the natives become crushed and terror-stricken, and vast areas of rubber-producing land are irretrievably impaired through the frantic and unscientific bleeding of the vines by droves of natives, spurred on by fear of the consequences awaiting them if they do not bring in the amount required.

6. Intertribal warfare is encouraged, tribes which have exhausted their rubber-producing areas invading the territories of other tribes, who, being similarly spurred on by the bayonet and the *chicotte*, resent the intrusion of their neighbours, which spells a lessening in their

capacity for production, and, consequently, an increase in persecution for themselves.

7. The native of Africa is converted into a hater of the European, instead of a co-operator with the European.

8. The creation of thousands of native levies, their instruction in the usage of modern weapons of offence, their equipment with those weapons, and their employment in operations of systematic outrage and cruelty, constitutes a grave danger to European interests in Africa.

The absolute and immediate necessities of the case are these :

1. A new conference of the Powers.
2. Maintenance of commerce.
3. Maintenance of Free Trade.
4. Continual pressure upon the British Government by Members of Parliament, chambers of commerce, by manufacturers and trades unions, and by every political and commercial organization in the country, to insist upon the open door in Equatorial Africa, the greatest

feeding-ground of the future for British manufacturers.

5. Disruption of the Congo Free State.*

6. Abrogation by France of the Concessions *régime* in French Congo, for the sake of her own good name, and in her own interests and those of her protected subjects.

7. Compensation for losses suffered, and reinstatement of our merchants in French Congo.

8. Partition of the Congo Free State among the Powers.

9. Gradual disbandment of two-thirds of the *Force Publique*.

10. Internationalization of the Congo Railway, connecting the Lower with the Upper Congo.

* Under certain circumstances France claims a right of pre-emption over the Congo State. The right has never been recognised by the other Powers, and it is extremely improbable that France would care to attempt to exercise it in any case. The task of the successors to the havoc wrought by the Congo State will be an unenviable one.

APPENDIX

INTERNATIONAL PROTESTS ON THE CONGO QUESTION IN 1901 AND 1902

I. IN ENGLAND

September, 1901

PROTEST OF THE LIVERPOOL CHAMBER OF
COMMERCE—AFFAIRS OF THE FRENCH
CONGO

TO THE MOST NOBLE MARQUESS OF LANS-
DOWNE, K.G., HIS MAJESTY'S PRINCIPAL
SECRETARY OF STATE FOR FOREIGN AFFAIRS.

The Humble Memorial of the Incorporated
Chamber of Commerce of Liverpool

RESPECTFULLY SHEWETH,

1. That your Memorialists have large interests throughout the whole of the West Coast of Africa, and that all questions affecting the prosperity of that Coast are of the utmost importance to them.

2. One of the most important West African questions, in the interests both of Europeans and of the Natives, is the maintenance, as far as possible, of Freedom of Trade in all the regions of the Coast.

3. Your Memorialists have consistently advocated Freedom of Trade in West Africa, and have always viewed with the greatest satisfaction that portion of the Berlin Act of 1885 which relates to Freedom of Trade in the Congo Region.

4. The following are the Articles of that Act to which your Memorialists specially wish to call your Lordship's attention :

Article I., Chap. 1, decrees that the Trade of all Nations shall enjoy complete Freedom in all the regions forming the basin of the Congo and its outlets.

Article V. enacts that no Power which exercises, or shall exercise, sovereign rights in the regions in question shall be allowed to grant therein a monopoly or favour of any kind in matters of Trade.

5. Your Memorialists respectfully desire to point to an apparent violation of the principle of these Articles on the part of a Foreign Government.

6. The territory known as the French Congo is situated within the Free-Trade Zone specially defined in Article I., Chap. 2, of the Berlin Act referred to, and consequently, by Article V. of the Act, the French Government is not allowed to grant Trade monopolies of any kind in that Territory.

7. Notwithstanding this, the French Government has granted concessions of territory in the French Congo to about forty-four Concessionnaire companies, which concessions embrace nearly all the district of the Congo Française.

8. A circular issued on the subject of the con-

cessions by the Commissaire-Général of the French Congo to the District Commissioners defines the rights conceded to the Concessionnaires thereby, which may be summed up as follows : Practically all the produce of the district of the French Congo, including wild animals, is to be the property of the Concessionnaire companies, except in the case of lands reserved for the natives, called the Native Reserves. Independent traders are to be debarred absolutely from purchasing produce from the natives unless collected from the aforesaid Reserves. They may sell goods to natives for cash.

9. The effect of the concessions, therefore, is to prevent independent traders from trading in the French Congo for the following reasons :

(a) The Native Reserves have not been delimited, and until delimitation takes place all produce is held to be the property of the Concessionnaire companies.

(b) It is understood that guarantees have been given to the companies that rubber-producing lands will not be included in the Native Reserves.

(c) Cash is not in general circulation in the French Congo district. Moreover, in order to obtain cash, wherewith to pay for the goods imported by the independent trader, the native must first sell the produce to the Concessionnaire, who is not bound to pay in cash, or to pay such a price as the natives would readily receive under a fair competitive system of trade.

10. The principal articles of produce in the French Congo are rubber, ivory, oils, palm kernels, ebony, mahogany, barwood, gum, and other valuable products. Several English firms have traded in the district for a considerable time, and have established large businesses in the articles named.* It is stated that a complete stop in some places has been put to their trade by the action of the French Government, from the reasons enumerated in the foregoing paragraph.

11. It is also feared that the Concessionnaire system may be extended to Dahomey and dependencies, and to other French possessions in West Africa, where, at present, the French Government is under an agreement not to impose differential duties for a number of years. The Concessionnaire system has already been put into force in Gaboon, to the detriment of British trade there.

Your Memorialists, therefore, having carefully considered all the facts of the case, desire strongly

* CONGO FRANÇAIS EXPORTS IN 1900.

Ivory	.	.	.	.	152,081 kilos.
Palm Oil	-	-	-	-	112,103 „
Rubber	.	.	.	.	656,736 „
Ebony	.	.	.	.	1,834,743 „
Okoume (Wood)	-	-	-	-	3,397,742 „
Red-wood	-	-	-	-	434,169 „
Piassava	-	-	-	-	107,149 „
Palm Kernels	.	.	.	.	688,690 „
Coffee	-	-	-	-	43,145 „
Cocoa	.	.	.	.	14,006 „

to protest against the concessions granted in the French Congo. They respectfully request that His Majesty's Government will cause inquiry to be made into the legality of the concessions, and, in conclusion, they trust that, if the grant of the concessions is found to be an infringement of the Berlin Act of 1885 (and of the Brussels Act of 1890, confirming the Berlin Act), immediate steps will be taken to enforce these Acts, and to secure complete freedom of trade in the French Congo.

And your Memorialists will ever pray, etc.

Given under the Common Seal of the Incorporated Chamber of Commerce of Liverpool, this thirtieth day of September, one thousand nine hundred and one.

ALFRED L. JONES, President.

THOMAS H. BARKER, Secretary.

SUPPORT FROM OTHER CHAMBERS OF COMMERCE

The following Chambers supported this Memorial by direct representations to the Foreign Office: London, Manchester, Birmingham, Bury, Cardiff, Glasgow, Wakefield, Wolverhampton, Halifax, Huddersfield, Bristol, Blackburn, Belfast, and South of Scotland.

November, 1901

The following deputation waited upon Lord Lansdowne: The Liverpool Chamber of Commerce: Sir Alfred Jones, K.C.M.G., President; Mr. John

Holt, Vice-Chairman of the African Trade Section ; Mr. E. H. Cookson ; Mr. Thomas H. Barker, Secretary. London Chamber of Commerce : Mr. F. Swanzy, Chairman West African Trade Section ; Mr. William Cleaver ; Mr. Kenric B. Murray, Secretary. Bristol Chamber of Commerce : Mr. H. J. Ryder ; Mr. E. C. Lucas. Manchester Chamber of Commerce : Mr. Sydney Keymer. Halifax Chamber of Commerce : Mr. T. S. Scarborough.

The following Chambers associated themselves with the object of the deputation : Birmingham, Blackburn, Bury, Wakefield, Cardiff, Belfast, and Glasgow.

October and November, 1901

Publication of a pamphlet by the present writer entitled 'Trading Monopolies in West Africa,' a protest against territorial concessions. This pamphlet* was reviewed by several English, German, French, and Belgian newspapers.

An extract from the notice in the *Kreuz Zeitung* may here be given, as it faithfully represents the author's purpose :

'This . . . pamphlet is a collection of articles directed against the system of monopoly established by France in the French Congo, and, as far as we can judge, with justification. But the real centre of gravity lies in that part of the

* Liverpool : John Richardson and Sons, 29, Dale Street. Price 6d.

pamphlet where the really unheard-of mismanagement in the so-called Congo Free State is referred to. . . . An appeal is made to the German Emperor to interfere, and it is argued that if Belgium will not assume responsibility, the Congo State should be divided between the three great Powers—France, England, and Germany. The high sentiment of duty in the German Emperor is invoked in favour of the natives of Central Africa. . . . With these pathetic words the author ends. To our regret, we do not know who is behind him. If he should succeed in making the English and French Governments the heralds of his thoughts, it would be a great thing, for that the mismanagement of the Congo State cries against heaven has gradually become known all over the world.

The author was the recipient of the following communication in respect to the articles embodied in the pamphlet referred to :

‘THE INCORPORATED CHAMBER OF COMMERCE OF
LIVERPOOL: AFRICAN TRADE SECTION,
EXCHANGE BUILDINGS,
LIVERPOOL,

Nov. 19, 1901.

‘DEAR SIR,

‘Concessions French Congo: I am directed to inform you that the Committee of the African Trade Section have had under consideration the valuable articles on the subject of the above-named concessions published in *West Africa*, and which

they understand have been contributed by you. I am to say that the information contained in those articles has been of great value to the Committee, and I am to thank you on their behalf for the able manner in which you have dealt with the subject.

‘I am, yours faithfully,

‘THOMAS H. BARKER, Secretary.’

PUBLIC MEETING AT THE MANSION HOUSE ON
MAY 15, 1902*

Mr. A. E. Pease, M.P., the President of the Society, occupied the chair, and among those present were Sir Charles W. Dilke, M.P., Sir Mark J. Stewart, M.P., Mr. J. Round, M.P., Mr. John Holt (Vice-Chairman of the African Section of the Liverpool Chamber of Commerce), Mr. F. Swanzy (Chairman of the African Trade Section of the London Chamber of Commerce), Sir T. Fowell Buxton (President of the Anti-Slavery Society), Mr. Alexander McArthur, Mrs. J. R. Green, Mrs. Bradlaugh Bonner, Mr. Belfort Bax, Mr. Travers Buxton, the Count de Cardi, Dr. Colenso, Mr. A. E. Fletcher, Mr. F. W. Fox, Mr. R. D. L. Mohun (District Commissioner, Congo Free State), Mr. E. D. Morel, Mr. H. J. Ogden, Mr. John Hilton, Mr. J. G. Leigh, Mr. Hodgson Pratt, Mr. W. H. Segrain (Congo Bololo Mission), Mr. Hasler Thorn,

* ‘To call attention to the grievous wrongs to which native populations in Central Africa are subjected, in violation of International obligations entered into at the Berlin and Brussels Conferences.’

Mr. G. P. Walford (of Antwerp), Mr. Martin Wood, Dr. Alfred Zimmerman (German Embassy), and Mr. Fox-Bourne (Secretary, Aborigines Protection Society).

The Chairman, having explained the object of the meeting, called on Mr. Fox-Bourne to read letters from gentlemen who had expressed regret at their inability to be present, and sympathy with the object of the meeting. Among these were the Marquis of Ripon, Earl Spencer, Lord Avebury, the Bishop of New Guinea, Sir John H. Kennaway, M.P.; Sir W. Brampton Gordon, K.C.M.G., M.P.; Mr. Sydney Buxton, M.P.; Mr. W. E. H. Lecky, M.P.; Mr. W. S. Robson, K.C., M.P.; Sir Edward Clarke, K.C.; Mr. C. H. Hopwood, K.C.; Mr. Frederic Harrison, Mr. A. F. Buxton, and Dr. R. N. Cust. Mr. John Morley, M.P., wrote: 'Nothing would please me more, and not many things so well; but I am so heavily pressed in various ways that it is out of my power. I am very sorry.' Mr. James Bryce, M.P., wrote: 'I greatly regret that I cannot be with you on Thursday next at the meeting to consider the condition of affairs in the Congo State. If the treatment to which the natives are subjected there is as bad, or even half as bad, as the description in the pamphlet you have sent me represents it to be, there is a plain duty laid upon England and the other Powers which signed the Congo Act to address strong remonstrance to the Government of that State. We must not, indeed, hastily assume that

these painful accounts are accurate; but the responsibility which we, in common with other Powers, have incurred towards the peoples of tropical Africa binds us to inquire how these peoples are faring under European control, and to do all we can to secure that what is called "the development and civilization" of the country is not made the occasion for reducing the native inhabitants to serfdom before despoiling them of their lands. I trust your meeting will do good by calling attention to this important subject.' Professor John Westlake, K.C., wrote: 'I much regret that a clashing engagement away from London prevents my attending the meeting called for May 15, since the attention of the Secretary of State for Foreign Affairs cannot be too strongly called to the statement as to the treatment of natives in the Congo State, which has been submitted to him by the Aborigines Protection Society. The allegations quoted in that statement, to which I believe that no satisfactory answer has yet been made, ought to arouse the conscience of the whole world to demand an inquiry, based not only on the general claims of humanity, but especially on the engagements in favour of the natives which the signatory Powers took in Article VI. of the General Act of the West African Congress of Berlin. It is also a matter for serious consideration whether the system of appropriations and concessions under which the trade in rubber is placed, taken in connection with the restriction of the rights of the

natives which it involves, does not amount to a breach of the stipulation against monopolies and privileges contained in Article V. of the same General Act.' The Secretary of the Manchester Chamber of Commerce wrote: 'Your letters, as well as the printed statement enclosed, have been carefully considered by our African Section. I am directed by the President to state to you that the Chamber cordially concurs with the proposal that His Majesty's Government should be requested to co-operate in the movement for the reassembling of the signatories to the Berlin Act. I am, at the same time, to express to you the regret of the President that the chairman of the African Section, Mr. J. A. Hutton, is unable to be present at the forthcoming meeting on the 15th instant, and to request you to read this letter, if you should think it desirable to do so, at the meeting.'

Similar letters were received from the secretaries of the Bristol and Bury Chambers of Commerce, and in an important communication received from Consul Vohsen of Berlin, representing the German Colonial Society, Consul Vohsen said: 'I hope that this meeting will have the desired effect to call the attention of the different Governments concerned in the General Act of the Berlin Conference to the responsibilities which they have assumed by signing it. The results aimed at cannot be attained except by the strict observance of the General Act of the Berlin Conference—in particular that part of it

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which deals with Free Trade. Free Trade alone guarantees to the native the full profits resulting from his labour, whilst now the produce he collects is taken from him in the form of taxes and impositions from which he derives no profit, or at prices which it is in the power of the buyer to fix, who, being in most instances the State or monopolistic societies, is free from that wholesome control which is the outcome of competition or Free Trade. Thus the native becomes neither more nor less than a slave of the State, and such a system is not only contrary to the terms of the General Act, but also a mockery upon culture and civilization. This alone makes a revision of the Act absolutely necessary, even if the atrocities committed—of which various reliable witnesses report—did not exist. I hope it will be possible to you, by the resolution taken by your public meeting, to rouse your Government from its apathy, and induce it to take the initiative in calling the signatory Powers to a new conference, with the object of reviewing the Act and putting an end to a state of things which is contrary both to the provisions of the Act and to the interests of the development of the Dark Continent and its inhabitants.'

*Extracts from Speeches delivered and Resolutions
passed*

Sir Charles Dilke feared 'that these horrible atrocities, which had been going on for years, still

prevailed ; at all events, the system was still in force which rendered them almost a natural incident. Well, it seemed to him that he had proved the words of his resolution : " That, in the opinion of this meeting, the provision as regards protection of the native populations in Central Africa, and improvement of their conditions of life, as well as those prohibiting monopolies and other restraints on freedom of trade with them, which were made by the Powers represented at the Berlin International Conference of 1884-1885, and which were accepted by the founders of the Congo Free State as a condition of its existence, have been violated by proceedings ruinous to those native populations, and that it is the duty of all the Powers responsible for the General Act of the Berlin Conference, and for the Brussels General Act of 1892, which was supplementary to it, to co-operate in procuring the necessary reforms." It was a very moderate resolution, and, personally, his feelings went far beyond it, but the resolution ought to be one that the meeting could carry unanimously. While it probably represented the feelings of all in that room, it was well within the mark as regarded the duty and responsibility of all the Powers, and especially the duty and responsibility incumbent upon the people of this country.'

Mr. John Holt, representing the African Section of the Liverpool Chamber of Commerce, seconded the motion. He said ' he was one of those who

took an active part, along with the late Mr. Hutton of Manchester, in getting our Government to support the Congo Free State. The International Society, formed with the object of bringing this about, was regarded as a philanthropic organization, and had as its head the King of the Belgians. His Majesty misled them ; at all events, he misled him (Mr. Holt) by the lofty professions made as to what he would do for the trade of Africa and its natives. They were to have Free Trade, the natives were to be protected, and the capital of the world was to have free course in the Congo region. They backed the idea, and it was with the greatest joy they saw the Portuguese kept out of that country. They did not like Portugal, because of her protective system and the hindrances she placed in the way of Free Trade and foreign enterprise. Hence they hailed with delight the fact that the King of the Belgians had placed himself at the head of the movement, to lead the way to Free Trade in that part of the world. Unfortunately, all the professed ideals upon which the Free State was founded had been cast aside. . . . These atrocities, practised on a helpless people whom we ought to protect and help onward, could not have occurred in the early part of last century without arousing the protest of our whole nation. He occasionally wondered whether our humanitarian instincts had become extinct. He had the greatest pleasure as a merchant and trader in supporting the effort to bring a measure of justice and relief to a

race so ill-treated as were the natives under the thralldom of the Congo Free State.'

Sir J. Stewart, M.P., next moved "That this meeting appeals to His Majesty's Government to enter into communication with those signatory Powers to the Acts of 1885 and 1892 who are principally concerned, and to take such other steps as may be practicable, with a view to the fulfilment of their joint obligations." He thought it became them, after hearing the facts, especially from Sir Charles Dilke's speech, to recognise that there was evil and wrongdoing with regard to the native population in the Congo Free State. It seemed that a form of servitude existed which, though not called slavery, was slavery in effect; hence the necessity of memorializing His Majesty's Government with a view of bringing about an international inquiry. There could be no doubt that the present state of things was very different from that which the signatory Powers aimed at in 1885. It behoved this country especially to make a strong protest, and if England moved in the matter other countries must move also. Lord Lansdowne might take the matter up by a remonstrance, or by calling the signatory Powers together, or by instituting inquiries. Parliament had many ways of finding out the truth and reality of the statements made with regard to the injury done to the natives of the Congo Free State.'

Mr. F. Swanzy, representing the African Section

of the London Chamber of Commerce, said it 'afforded him great pleasure as an African merchant, engaged in the African trade all his life, to second the resolution. It was all very well for the King of the Belgians to promise an inquiry into the alleged atrocities, but what they wanted was that the signatories to the Berlin Act should meet to investigate and deal with the matter. It seemed to him that the system was bound to produce the enormities described.'

Mr. E. D. Morel said the 'underlying issue of the matter appeared to him to resolve itself into a query. Was Free Trade—free commercial intercourse between Europe and Western Africa, which had built up the trade of that region as it existed to-day, and which insured the freedom of the negro—was this to be replaced by a monopolist conception based on force, which entailed, and must entail, the slavery and degradation of the negro? He did not think the question was one as to the number of specific acts of cruelty and oppression. What he contended was that the system itself infallibly necessitated and rendered inevitable such acts, and it was upon a complete reversal of the system itself that efforts should be concentrated. The voice of justice and humanity, of reason and common-sense, demanded that this system, which was eating into the vitals of Africa, should be put a stop to. To insure that result international action was essential.'

FURTHER ACTION BY THE CHAMBERS OF
COMMERCE IN 1902

Upon several occasions, different Chambers of Commerce made additional representations to the Foreign Office on the subject of the French Congo Concessions.

QUESTIONS IN THE HOUSE OF COMMONS,
NOVEMBER 19, 1902

BRITISH TRADE IN THE FRENCH CONGO.—Mr. Charles M'Arthur asked the Under-Secretary of State for Foreign Affairs whether his attention had been directed to the effect on British trade in the French Congo of the grant of exclusive rights of proprietorship and trade by the French Government to the Concessionnaires, who now demand the expulsion of British firms from the country ; and whether he could state what progress had been made with the negotiations with the French Government relative to the claims of British subjects for restitution and compensation.

Lord Cranborne, replying, said : ' His Majesty's Government recognise that this is a matter of great importance to British trade. It has for some time past been the subject of negotiations with France, and definite proposals are now under the consideration of the French Government ' (hear, hear).

QUESTIONS IN THE HOUSE OF LORDS,
NOVEMBER 19, 1902

THE FRENCH CONGO: LORD AVEBURY'S QUESTION.—Lord Avebury asked 'if the Secretary for Foreign Affairs was aware that the British firms trading in the Free-Trade zone of the conventional basin of the Congo had been compelled to close their factories on account of the decision of the Court of Libreville that their trade in forest products was illegal, and that in the adjacent French territory (French Congo), outside the Free-Trade zone, they had been fined heavily for not removing their goods and buildings after stoppage of their trade; and what negotiations were going on with the French Government for the redress of these wrongs.'

The Marquis of Lansdowne, in reply, said: 'The subject has constantly engaged the attention of the Government for some time past. The case, apart from the legal aspect, seemed to be one of considerable hardship, because the firms referred to in the question had really created the existing trade with this part of Africa, and they were now threatened with a complete loss of that trade in consequence of the action of the local authorities.'

IMPORTANT ACTION BY THE LIVERPOOL CHAMBER
OF COMMERCE

In January, 1903, the Liverpool Chamber of Commerce, under the chairmanship of Sir Alfred

Jones, K.C.M.G., passed the following resolution to be submitted to the meeting in London of Associated Chambers of the United Kingdom in March :

Resolved—‘ That in view of the principles and practices introduced into the administration of the affairs of the French Congo, the Congo Free State, and other areas of the conventional basin of the Congo, being in direct opposition to the Articles of the Act of Berlin of 1885, and to the interest of traders in general, the British Government should, in conjunction with the other great Powers who signed the Berlin Act, reassemble all the parties to the Convention, in order to consider how far fresh action and reform are necessary.’

The Birmingham Chamber drafted a somewhat similar resolution.

These resolutions, with slightly different wording, were subsequently passed at the above meeting. The meeting was followed by a banquet, over which Mr. John Holt presided. Among the guests were : The Right Honourable Sir Charles Dilke, Bart., M.P. ; Sir H. H. Johnston, Mr. C. M'Arthur, M.P. ; representatives of several Chambers of Commerce, the representatives of many German firms of West African merchants, Mr. F. Swanzy, Chairman of the West African Section of the London Chamber of Commerce ; Count de Cardi, Secretary of the African Society ; Mr. E. D. Morel, and many others. Dr. Zimmerman, Chancellor of the German Embassy,

and Mr. Farnall of the Foreign Office, were also present.

* * * * *

Publication in December, 1902, of 'Affairs of West Africa.' By E. D. Morel (Wm. Heinemann). Publication in January, 1903, of Mr. Fox-Bourne's 'Civilization in Congoland' (P. S. King and Son).

II. IN GERMANY

November, 1901

The Hamburg and Bremen Chambers make representations to the German Foreign Office respecting the state of affairs in the Congo Basin, and suggest the assembly of another conference of the Powers.

Together in Excellence

March, 1902

On March 20, 1902, a general meeting of the Berlin Charlottenburg section of the German Colonial Society was held in Berlin to protest against the policy of the Congo State. Prince von Arenberg presided. Herr von Bornhaupt contended that the Congo State had violated Articles I. and V. of the Berlin Act. The Congo State was an institution in which, constitutionally, freedom of trade existed, but in practice did not exist. The speaker, in his closing remarks, contended that there existed at the present time a system of monopoly in the Congo State with which the extensive powers of the great trading companies of the sixteenth and seventeenth

centuries could not compare, and that the state of affairs which had come about in the Congo State since the inauguration of the 'Domaine' policy in 1891 was directly opposed to what was termed 'freedom of trade' both in science and in daily life.

Consul Vohsen said he thought it incomprehensible that the state of affairs so fittingly depicted by the preceding speaker had been allowed to exist so long, since it deliberately trod under-foot the rights of the Powers concerned, and of the natives, which rights had been guaranteed by the Acts. The Congo State had systematically ruined German trade in the Free-Trade districts of the Congo Basin in order to maintain its 'Domaine' policy. . . . In the face of the apathy of the Powers, the conditions in the Congo State had gradually become worse, and the State had gone so far that three-fourths of the trade and labour of the natives was absorbed by it. . . .

Consul Vohsen proceeded to describe minutely the conditions of the natives under this system, and concluded by stating that an international assembly, composed of honourable men of different nationalities, was being formed in the interests of justice and humanity to bring about a revision of the Berlin Act on the part of the Governments concerned, and to force the Sovereign of the Congo State to conform to the obligations put upon him by that Act.

Prince von Arenberg agreed with the preceding speakers, and explained the financial operations which had led to the present condition of affairs in the Congo State. Other speakers joined the discussion, among whom were Herr Imberg (Solicitor), Herr Kobner (Counsel to the Admiralty), Dr. Hausmann, and Professor Oppert. It was unanimously agreed that all available measures should be adopted to secure a revision of the Berlin Act.

'DIEKONGO-AKTE UND DER FREIHANDEL'

Herr C. von Bornhaupt's notable speech was subsequently issued in pamphlet form, and is one of the most able, as it is also one of the most plain-spoken, documents which have appeared in Germany in connection with the Congo question.

MEETING OF THE COLONIAL CONGRESS

On October 11, 1902, an important Colonial Congress was held in Berlin, supported by the German Colonial Society, which numbers 32,000 adherents, and other bodies interested in the development of Equatorial Africa.

Consul Ernest Vohsen moved a resolution, which was carried unanimously, condemning the principles and practices in vogue in the Congo State and the French Congo, and insisting upon the necessity of a new conference of the Powers. Consul Vohsen said: 'From the very first the Congo State, and

recently France in the French colony of French Congo, have acted against the principles laid down in the Congo Act.*

Referring to the Congo State, Consul Vohsen continued: 'All so-called countries, "not occupied by natives," situated in the Free-Trade zone, were, as far back as July, 1885, declared the property of the State, and in the year 1892 heavy taxes were imposed upon the rubber trade, which was entirely prohibited in parts of the Free-Trade zone. The consequence was that the freedom of trade and commerce guaranteed by the Congo Act was, in practice, abolished. *The first condition of freedom of trade for the nations is the freedom of the natives in such a way as to leave them free to dispose of the natural products of the soil and of the chase, which state of affairs existed before the passing of the Act in all French, English, and German colonies in West Africa, and exists to-day, with the exception of the territories of the Congo State and the French Congo, the very colonies where, strange to say, Free-Trade is insisted upon by Articles I. and V. of the Act.*'

The German Press of all shades has been practically unanimous in denouncing the proceedings of the Congo State.

* Berlin Conference.

III. IN FRANCE

French public protests in 1901 and 1902 have been few and far between. Most of the French colonial newspapers have hurled every imaginable insult at British merchants in French Congo, have advocated forced labour, and in general backed up vigorously the Concessionnaire *régime*, while preserving silence as regards the Congo State. There have been one or two notable exceptions, such as *Le Bulletin du Comité de l'Afrique Française*, which upon several occasions has deprecated the treatment of our merchants, and has called for a settlement of the dispute. But the *Bulletin du Comité de l'Afrique Française* has not definitely opposed the policy embodied in the Concessionnaire *régime*. M. Jean Hess, in the *Magasin Colonial* (and also in *La Petite République*), has vehemently and courageously attacked both the Congo State and the Concessionnaire *régime*.

Le Temps once or twice spoke out strongly on the stupidity of treating British merchants in a way calculated to bring about an international dispute. It recommended some arrangement being arrived at that would prevent a demand for arbitration on the part of the British Government. On the policy itself *Le Temps* has remained silent.

M. Serge Basset, in *La Revue*, has strongly denounced the policy of the Congo State, and its partial adoption in French Congo. M. le Comte

d'Agoult has published several articles insisting that native rights in land is the basis upon which Europeans can alone build in Equatorial Africa an enduring edifice, and that non-recognition of native rights in land, and the fruits of the land, lead straight to slavery. With equal courage M. le Comte d'Agoult told his constituents in Senegal (he was unhappily defeated at the last election in 1902) that King Leopold was the greatest enemy to the colonial possessions of France in Western Africa.

M. de Brazza has contributed a series of eloquent, but by no means lucid, articles to *Le Temps*. Their substance was a warning of the dangers of the Concessionnaire régime, and a nobly-worded appeal on behalf of the natives of French Congo.

M. Fondère, Managing Director of the Compagnie Franco-Congolaise, one of the few seemingly genuine French concerns amongst the Concessionnaire companies, caused a considerable flutter among the advocates of the new slavery for Africa by resigning, somewhat theatrically, his concession, and by addressing to the French Colonial Minister a little homily at the same time—a homily eminently wise and true. 'Experience has convinced us,' wrote M. Fondère, 'that, notwithstanding any modifications of detail which your department might suggest, either in the administrative organization of the Congo colony or in the agreement between the Government and the Concessionnaires, "the exclusive monopoly" of the concession is a vain epithet. *The right to*

sell his products to whomsoever he may please cannot be denied to the native, because he has always possessed it. Moreover, all stipulations to the contrary notwithstanding, it would be quite illusory to think of taking this right away from the native. That could only be done by force of arms.' Sentences which should be transcribed in letters of gold and fastened above the entrance-hall of the Pavillon de Flore, to serve as a reminder and a warning to other French Colonial Ministers when tempted, by outside pressure and specious arguments, to prostitute the national motto of France in Africa.

Finally, M. Albert Cousin, Membre du Conseil Supérieur des Colonies, and himself financially interested at one time in several of the Concessionnaire companies, has published a pamphlet entitled 'Concessions Congolaises,' in which he declares that he has come to the conclusion that the Concessionnaire régime is impracticable.

It is pleasant to note these few exceptions to the rule. But what is really deplorable is that no French statesman, politician, or man of letters of real note and weight has taken a clear and consistent public course in regard to this affair from the first, although the entire policy is thoroughly disapproved of by the élite of the French official staff in West Africa,*

* The author has been in some cases the personal recipient of, and in other cases has perused, letters from well-known Frenchmen serving in various capacities in West Africa, strongly condemning the Concessionnaire system, and deploring its adoption in the Congo by France.

is strongly resented by big French merchant firms in West Africa, like the Compagnie Française de l'Afrique Occidentale, Fabre et Cie, and Maurel Frères, and has really but very few friends outside the clique—largely Belgian in composition—which has been able to secure such extraordinary influence in French Colonial and Government circles.



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THE END

MAP OF FRENCH CONGO.

to illustrate Paper on
the 'French Concessionaire System,
and how it interferes with English Traders.

Statute Miles

0 50 100 150 200



NAMES OF CONCESSIONAIRES.

	Kilom.
1. Ritaine-Descamp ..	9,350
2. Tréchet frères ..	36,000
3. Gimming et Campagne ..	5,300
4. Mostayer ..	18,000
5. Guynet ..	7,800
6. Nouzaret ..	6,500
7. Nicol Bernain ..	33,850
8. Cauvez ..	32,400
9. Durand ..	13,050
10. Gazengel ..	12,900
11. Gazengel ..	3,350
12. Faure et Bouteilleau Desbrières ..	43,000
13. Jactat Decourcelles ..	20,200
14. David ..	3,600
15. Siegfried ..	15,000
16. Delineau ..	3,800
17. Grady ..	16,500
18. Collas ..	5,490
19. Cousin ..	8,300
20. Isambert ..	17,300
21. Romaire ..	3,950
22. Devès ..	19,000
23. Vergnes, Lindeboom, & Cie & Delignat ..	21,700
24. Cie française du Congo et des colonies Africaines ..	12,400
25. Monthayes ..	4,200
26. Lepus ..	7,100
27. Jobet ..	8,200
28. Daumas ..	104,000
29. Bouvier ..	13,700
30. de la Revelière ..	15,000
31. Normandin ..	5,600
32. Emile Martin ..	8,000
33. Rémy Martin, Boulet, & Mathieu, & Genestal ..	37,000
34. Lang ..	15,300
35. Société du Bas Ogooué ..	2,200
36. Bazanet ..	2,800
37. Concession des Sultanats ..	140,000
38. Mimerel, Pasquier, Kunkler ..	14,000
39. Laroche, de Kergariou, Robin ..	7,700
40. Le Châtelier ..	" "

Reserves.

† Messrs. Halton & Cookson, Limited, Liverpool.

* Messrs. John Holt & Co., Liverpool.

The above symbols show the principal places where these firms have Factories or Dépôts that come into conflict with the Concessionaires.

We are indebted to the Editor of "La Dépêche Coloniale Illustrée" for the particulars of the Concessions shown in this map. [Editor Journal of the African Society.]

**A LIST OF
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