BELGIUM.

INTERNATIONAL MARITIME CONFERENCE IN REGARD TO SALVAGE AND COLLISIONS AT SEA.

The Acting Secretary of State to Minister Townsend.

No. 209.] DEPARTMENT OF STATE,
Washington, February 1, 1905.

SIR: This Government having accepted the invitation extended to it by the Government of Belgium to take part in the International Maritime Conference in regard to salvage and collisions at sea, to be held at Brussels, beginning on the 21st of the present month, this Department will be pleased to have you attend the conference as one of its delegates, and to inform the Belgian Government that you will do so, and that your colleague will be Mr. William W. Goodrich, of New York City, who was chairman of the delegation of the United States to the International Marine Conference held at Washington in 1889.

The object of the Brussels Conference is to consider the drafts of two proposed international conventions approved by the International Maritime Committee at their Hamburg Conference in 1902. These drafts have been put in conventional form by the Belgian Government and will by that Government be laid before the conference. Copies of the drafts can be obtained by application to the Belgian Government.

As the proposed conventions conflict in important particulars with existing laws of the United States, this Government has consented to participate in the conference only on the accepted condition that it would not be in any way bound by the determination of the conference. For this reason it is not expedient to invest you with plenary power. Should you in the light of the practical, technical, and legal knowledge you have on the subjects to be considered think it advisable to sign the proposed conventions, you will do so ad referendum and subject to such legislation as may be necessary by the United States to make them effective. The Department will be pleased to have you furnish it with a full report of the proceedings of the conference.

I am, etc., FRANCIS B. LOOMIS.

The Secretary of State to Minister Townsend.

No. 211.] DEPARTMENT OF STATE,
Washington, February 9, 1905.

SIR: I inclose herewith a copy of a letter addressed to this Department by Mr. Robert D. Benedict, president of the Maritime Law Association of the United States, embodying suggestions in regard to the

projects which are to be considered by the International Maritime Conference at Brussels.[a]

As these suggestions have the concurrence of the Department of Commerce and Labor, they may be accepted as the views of the Government of the United States. This Department thinks, therefore, that instead of signing the proposed conventions with the reservation stated in its No. 209 of the 1st instant it would be preferable for the delegates of the United States to have provision made in the conventions for subsequent adhesion by nonsignatory governments, and thus leave the matters open for legislative action.

The Department will be pleased to have you and Mr. Goodrich freely consult it by telegraph as occasion may require after his arrival in Brussels.

I am, etc., JOHN HAY.

LEGATION OF BELGIUM,
Washington, March 14, 1905.

MEMORANDUM.

The conference on maritime law which has just met at Brussels has adjourned after having signed a protocol, the terms of which the delegates have agreed to submit to the examination of their governments concerning two projects of conventions on collisions and salvage.

This protocol was signed by the delegates of Belgium, the Kongo, Spain, France, Italy, Japan, Norway, the Netherlands, Roumania, Russia, and Sweden.

The delegates of the United States did not consider themselves authorized to sign this protocol.

The various States represented, and the Government of Belgium in particular, would be greatly pleased if the minister of the United States at Brussels were authorized to sign this protocol.

It will be noticed that this protocol does not imply any engagement. It provides only for the submission of the projects to the examination of the governments.

[Inclosure.]

International Conference on Maritime Law.

PROTOCOL.

The undersigned delegates, convinced of the great advantages which from every point of view would result from a uniform law on maritime collisions and assistance, and certifying to the favorable dispositions shown in the premises by all the members of the conference during the course of its labors, unanimously agree:

1. To submit to their respective governments, with a view to examination, the annexed projects [a] prepared by the conference.

2. To suspend the deliberations of the conference and to adjourn them to a date to be proposed by the Belgian Government.

Done at Brussels, February 25, 1905.

(The signatures follow.)

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[a] Not printed.

The Acting Secretary of State to Minister Townsend.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 14, 1905.

You may sign protocol agreeing to submit, with a view to examination, projects of maritime conference.

ADEE.

Minister Townsend to the Secretary of State.

No. 253.] AMERICAN LEGATION,
Brussels, March 16, 1905.

SIR: I have the honor to acknowledge the receipt of Department's cable of yesterday's date. * * *

In conformity with instructions, I have signed the protocol of the International Maritime Conference held at Brussels, February 25 last. * * *

I have, etc., LAWRENCE TOWNSEND.

The Acting Secretary of State to Minister Wilson.

No. 27.] DEPARTMENT OF STATE,
Washington, September 6, 1905.

SIR: At the International Maritime Conference held at Brussels in February last the Government of the United States was represented by your predecessor, Mr. Lawrence Townsend, and by Judge William W. Goodrich, of New York, a member of the Maritime Law Association of the United States.

The object of the conference was to consider the drafts of two proposed international conventions in regard to salvage and collisions at sea, approved by the International Maritime Committee at their Hamburg Conference in 1902.

These drafts met with some objections in the Brussels Conference, but were finally adopted in an amended form by the conference with a view to their submission to the respective governments when the conference adjourned to a time to be fixed by the Belgian Government.

The Department is now informed by the Belgian legation at Washington that the adjourned conference has been called to meet at Brussels on October 16 next. The Department will be pleased to have you attend this conference in Mr. Townsend's place. Judge Goodrich will be your colleague.

The drafts which the February conference agreed to submit to the governments have received consideration by the Department of Commerce and Labor and by the Maritime Law Association of the United States. It having been recommended by the conference that each government taking part therein might formulate for the consideration of the adjourned conference forms of such treaties as might be acceptable to it, the Maritime Law Association of the United States, in a letter dated June 13, 1905, submitted to the Department a form of treaty in reference to collisions at sea which, in the association's opin-

ion, "the Department of State might well present at the ensuing meeting of the conference" in place of the one proposed by the conference.

Having been requested to furnish its views on the form of treaty presented by the Maritime Law Association, the Department of Commerce and Labor, in a letter dated the 4th ultimo, states that it is reluctant to commit itself to the treaty as proposed by the February conference or to the amendments thereto proposed by the Maritime Law Association or to any definite propositions on the subject, for the following reasons:

1. It understands that the American delegates were sent to the conference ad referendum and on the understanding that the Government of the United States would not be in any way committed by their action.

2. While the Department of Commerce and Labor is disposed to approve generally the amendments proposed by the Maritime Law Association as probably meeting some of the objections to American participation in the conference, mentioned in Treasury Department letter of June 15, 1903,[a] such an approval, if accepted by you and includeded in instructions to our delegates, might be regarded as committing the government to the treaty. The interests of American exporters are involved, as well as of shipowners, and in this country are much more extensive. It has not been practicable to ascertain sentiment concerning the treaties in this country except that of the Maritime Law Association. The Department sees no objection to the issue of instructions to Minister Wilson that while this government is not definitely committed to the amendments, the amendments represent the views of the Maritime Law Association, an organization of the highest standing in the United States.

3. As about 60 per cent of American foreign commerce is carried on by vessels of Great Britain and Germany and as those powers have not yet been represented at the conference, the Department is the more convinced that the general instructions to the American delegates should not be changed by specific approval of propositions before the conference by the Government of the United States.

In the Department's No. 209, of February 1, 1905, it was stated that—

As the proposed conventions conflict in important particulars with existing laws of the United States, this government has consented to participate in the conference only on the accepted condition that it would not be in any way bound by the determination of the conference. For this reason it is not expedient to invest you with plenary power. Should you, in the light of the practical, technical, and legal knowledge you have on the subjects to be considered, think it advisable to sign the proposed conventions, you will do so ad referendum and subject to such legislation as may be necessary by the United States to make them effective.

This instruction was modified by that of February 9, 1905, No. 211, so that, instead of signing the conventions ad referendum and with the reservation stated, the delegates of the United States were to have provision made in the conventions for subsequent adhesion by nonsignatory governments, thus leaving the matters open for legislative action.

It is by this last-mentioned instruction and by the letter of August 4, 1905,[a] from the Department of Commerce and Labor that you are to be guided in your attendance at the October conference.

Should occasion require, the Department will be pleased to have you consult it by telegraph.

A copy of this instruction has been sent to Judge Goodrich for his information and guidance.

I am, etc., F. B. LOOMIS.

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[a] Not printed.

The Secretary of State to Minister Wilson

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 27, 1905.

You may sign protocol of Maritime Conference similar to that of February 25, last signed by Mr. Townsend.

ROOT.

Minister Wilson to the Secretary of State.

No. 33.] AMERICAN LEGATION,
Brussels, October 29, 1905.

SIR: I have the honor to report the convening of the International Maritime Conference at Brussels, October 16, 1905, under the presidency of His Excellency Mr. Beernaert, Belgian minister of state.

The following countries were represented: Germany, Austria-Hungary, Belgium, Chile, Kongo Free State, Cuba, Santo Domingo, Spain, United States of America, France, Great Britain, Italy, Japan, Mexico, Nicaragua, Paraguay, The Netherlands, Portugal, Roumania, Russia, and Sweden.

The representation of most of the concurring countries was large and distinguished, and the debates were most interesting and instructive.

* * * * * * *

At the first meeting of the conference, Monday, the 16th October, I made a declaration in conformity with the instructions contained in Department's No. 211, of February 9, 1905, and the letter of the Department of Commerce and Labor of August 4, 1905,[a] and submitted the form of treaty furnished by the Maritime Law Association.

* * * * * * *

I have, etc.,

HENRY LANE WILSON.

Minister Wilson to the Secretary of State.

No. 34.] AMERICAN LEGATION,
Brussels, October 30, 1905.

SIR: I have the honor to acknowledge the Department's cablegram of October 27, 1905.

In compliance with the instructions therein contained, I to-day visited the ministry for foreign affairs and attached my signature to the protocol of the convention. This protocol does not differ in any material respect from that signed by Mr. Townsend. All of the concurring representatives have signed the convention.

I have, etc.,

HENRY LANE WILSON.

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[a] Not printed.

Minister Wilson to the Secretary of State.

No. 42.] AMERICAN LEGATION,
Brussels, November 30, 1905.

SIR: Referring to my No. 33, I have now the honor to inclose a full report of the proceedings of the International Martime Conference, held in Brussels in the month of October last. [a]

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I also inclose a copy and translation of a note from the Belgian minister for foreign affairs, together with one authenticated and official copy of the protocol and conventions, and three copeis of the same.

* * * * * * *

I have, etc.,

HENRY LANE WILSON.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister Wilson.

MR. MINISTER: As your excellency is aware, the delegates of the States represented at the second session of the International Conference of Maritime Law signed, on October 20, 1905, a protocol which provides for the submission of the two drafts of conventions for the unification of certain rules in matter of maritime collision and assistance to their respective governments.

I inclose to your excellency five copies of the protocol, one of which is authenticated and official.

As is stated in the procés-verbal, it is understood that if improvements or changes in the conventions should be found necessary, the conference may meet a third time for that purpose, upon the invitation of the Belgian Government, after the period of one year.

The Government of the King, however, believes that a new conference will not be necessary and trusts that the two convention drafts, which have been the subject of long and serious deliberation, may receive in the near future the legislative sanction of the various governments represented at the conference.

The Belgian Government will be pleased to be informed, as soon as possible, of the action taken by the governments represented at the conference relative to the conventions adopted at Brussels.

Permit me, Mr. Minister, to have recourse to your kindness in having the contents of this communication brought to the knowledge of the American Government.

Etc., etc.,

DE FAVEREAU.

[Inclosure 2.]

Convention for unifying certain rules to be applied as to collisions at sea.

ARTICLE 1.

The compensation for damages caused by collision between seagoing vessels or between seagoing vessels and vessels of interior navigation, in whatever waters the collision may have occurred, is submitted to the following provisions:

ARTICLE 2.

If the collision has occurred without fault, or by a "vis major," or if the cause is inscrutable, the loss falls on the interests which have suffered them.

This provision applies in each case where one of the vessels or both were at anchor at the time of the accident.

ARTICLE 3.

If the collision has been caused by the fault of one vessel, the vessel which committed the fault is bound to make good the damage.

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[a] Not printed.

ARTICLE 4.

If the collision was caused by mutual fault, the liability of each ship shall be proportionate to the gravity of her fault.

The damages caused to either of the vessels, to their cargo, or to the clothes or other goods of the crews or of the passengers or other persons on board, are to be divided between the vessels in the said proportion without joint liability.

ARTICLE 5.

The liability established by the preceding articles subsists in case of collision occurring by the fault of a pilot, even where the employment of such pilot is compulsory.

ARTICLE 6.

The action for indemnity for damages suffered by collision is not subject either to a protest or to any other special formality.

ARTICLE 7.

The action is barred by prescription two years after the event.

The law of the country where the court sits in deciding the case, fixes the causes of suspension and interruption of the prescription.

The fact that the defendant vessel could not have been attached in the territory of the State where the plaintiff is domiciled, or where he has his principal establishment, will be admitted as a ground for suspension of the prescription.

ARTICLE 8.

After a collision the captain of each colliding vessel is, so far as he can do so without causing serious danger to his vessel, crew or passengers, obliged to afford assistance to the other vessel, to her crew or passengers.

The captain is also obliged so far as possible, to give the name and port of his vessel and the name and place he comes from and is bound to.

The owner of the ship is not liable for breach of this regulation. The breach of this regulation does not entail a presumption of fault to the extent of pecuniary liability for the collision.

ARTICLE 9.

The high contracting parties whose laws do not already punish the above-mentioned offense, bind themselves to take or to propose to their respective legislative bodies the necessary measures for the punishment of this offense.

The high contracting parties will communicate the laws and regulations in execution of the preceding provisions, already in force or which will be in force in their States, as soon as possible to each other.

ARTICLE 10.

Pending further agreement as to the limitation of shipowners' liability, it is understood that the present provisions do not alter in any way the nature and the extent of that liability as established in each country, nor the liability resulting from a transportation or other contract.

ARTICLE 11.

The present convention does not apply to men-of-war nor to governmental vessels devoted exclusively to public service.

ARTICLE 12.

The provisions of the present convention shall apply to all interested parties when all the vessels belong to signatory states, and in all other cases fixed by national laws.

ARTICLE 13.

The delegates of the signatory states will assemble at Brussels three years after the present convention has become effective with the view of making needed changes and of enlarging if possible its sphere of operation.

ARTICLE 14.

The states which have not signed the present convention are accorded the right to adhere to the same on request.

Their desire to adhere shall be conveyed by diplomatic channels to the Belgian Government, and by the latter to each of the other governments. It shall come into force one month after the notification has been made by the Belgian Government.

ARTICLE 15.

The present convention shall be ratified and the ratifications shall be deposited at Brussels as soon as possible. At the expiration of two years from the date of signing the convention the Belgian Government will communicate with the governments that have declared their intention to ratify, so as to arrive at a decision whether the convention shall be rendered effective or not.

The ratifications will be deposited immediately, and the convention will take full effect one month after such deposit.

The protocol will remain open one year in favor of those States represented at the Brussels conference. After this date they can only adhere to the convention in accordance with article 14.

ARTICLE 16.

In case any of the signatory states shall secede from the present convention the secession shall take effect one year from the day on which the notification is made to the Belgian Government, and the convention shall remain in force between the other signatory states.

In witness whereof the plenipotentiaries of the respective states have signed and sealed the present convention.

International convention for the unification of rules in the matter of maritime assistance and salvage.

ARTICLE 1.

The assistance and the salvage of seagoing vessels, or their cargo, and also the services rendered between seagoing vessels and vessels of interior navigation, are subject to the following provisions without any distinction as to the kind of service and without regard to the waters where the service may have been rendered.

ARTICLE 2.

All services of assistance or of salvage having had a useful result give the right to an equitable remuneration.

Nothing is due if the services rendered are without useful result.

ARTICLE 3.

Persons who have taken part in the work of rendering assistance against the express and reasonable prohibition of the assisted vessel, or persons who have fraudulently hidden salved goods, are barred from all right to remuneration.

ARTICLE 4.

A tug has the right to remuneration for assistance or salvage rendered to the ship towed by her, or to its cargo, only when exceptional services which can not be considered as part of the contract of towage have been rendered.

ARTICLE 5.

Remuneration is due even when the assistance or salvage has been rendered between vessels belonging to the same owner.

ARTICLE 6.

The amount of the remuneration is fixed by agreement between the parties, and in case there is no agreement, by the judge.

ARTICLE 7.

Where an agreement for salvage or assistance has been made at the moment and under the influence of danger, it may, at the request of either party, be modified by the judge, if the latter considers the agreed conditions not equitable.

ARTICLE 8.

The remuneration is fixed by the judge according to the circumstances of the case, and taking principally into consideration the following facts.

A. First, the success obtained, the efforts and merits of those who have rendered assistance, the danger incurred by the assisted vessel, by her cargo, by the salvors, and by the assisting vessel; also the expenses and damages incurred by the latter, taking into account finally her particular occupation.

B. Secondly, the value of the salved goods and of the assisting vessel.

ARTICLE 9.

The action for payment of remuneration is barred two years from the time the assistance or salvage were furnished.

The law of the court under whose jurisdiction the case falls determines the causes of suspension and interruption of prescription.

The fact that the assisted or salved vessel could not have been attached in the territorial waters of the State in which the plaintiff is domiciled or has his principal establishment will be admitted as cause for the suspension of the prescription.

ARTICLE 10.

So far as he can do so without serious danger to his ship, his crew, or his passengers, every captain is bound to give assistance to any person, even an enemy, whom he finds at sea in peril or who requests help.

The owner of a vessel is not responsible for infringement of the above provision.

ARTICLE 11.

The high contracting parties whose laws provide no penalty for the infringement of the preceding article bind themselves to take or to propose to their respective legislative bodies the necessary measures providing a penalty for the infringement of the preceding article.

The high contracting parties will communicate as soon as possible to each other the laws and regulations already in force, or which will be in force, in their territories for carrying out the provisions of the preceding article.

ARTICLE 12.

The present convention does not invalidate the prescription of municipal legislation or international treaties relative to the assistance and salvage services organized by the public authorities or under their control.

The provisions referring to remuneration do not apply in the case of the rescue of persons, but this is affirmed without prejudice to the existing municipal provisions.

ARTICLE 13.

The present convention does not apply to men-of-war nor to government vessels exclusively devoted to a public service.

ARTICLE 14.

The provisions of the present convention will apply to all parties interested where either the assisting or salving vessel or the assisted or salved vessel belong to one of the contracting states, and also in all other cases provided for by municipal law.

Except as provided for by national laws Article 10 will apply only to vessels belonging to the contracting states.

ARTICLE 15.

The delegates of the contracting states will assemble at Brussels after the present convention is put in force, with the view of making salutary changes and of extending, if possible, its sphere of operation.

ARTICLE 16.

The states which have not signed the present convention are admitted to adhere to the same on their request. This adhesion will be conveyed by diplomatic channels to the Belgian Government and by the latter to each of the other governments; it will be in force one month after the notification has been made by the Belgian Government.

ARTICLE 17.

The present convention shall be ratified and the ratifications shall be deposited at Brussels as soon as possible. At the expiration of two years from the date of signing the convention the Belgian government will communicate with the governments which have declared their intention of ratifying the same, for the purpose of deciding whether it shall be put in force.

The ratifications will thereafter be deposited immediately and the convention will become effective one month after such deposit.

The protocol will remain open one year for the states represented at the Brussels conference. Thereafter they may adhere to the convention, in accordance with the terms of Article 14.

ARTICLE 18.

In case any of the contracting parties secede from the present convention, such secession shall take effect one year from the day on which the notification is made to the Belgian Government and the convention shall remain in force between the other contracting governments.

In witness whereof the plenipotentiaries of the respective states have signed and sealed the present convention.

ARBITRATION TREATIES CONCLUDED BY BELGIUM WITH RUSSIA, SWITZERLAND, SWEDEN AND NORWAY, SPAIN, DENMARK, AND GREECE.

The Belgian Chargé to Acting Secretary of State Loomis.

BELGIAN LEGATION,
Washington, June 7, 1905.

MY DEAR MR. SECRETARY: The Belgian legation has just received the text of the exposition of the motives accompanying the proposed law submitted to the Belgian chambers for the approval of the obligatory treaties of arbitration concluded between Belgium and other governments.

I hasten to place one copy of the same at your disposal.

Please accept, etc.,

E. HAVENITH.

[Inclosure.—Translation.]

His Majesty the King of the Belgians and his Majesty the Emperor of all the Russias, desiring to settle as far as possible by pacific means the differences which may arise between their countries, have decided to conclude for this purpose a convention of obligatory arbitration, and have appointed as their plenipotentiaries, to wit:

His Majesty the King of the Belgians—

Count Degrelle Rogier, his envoy extraordinary and minister plenipotentiary at the Imperial court of Russia, and

His Majesty the Emperor of all the Russias—

Count Lamsdorf, his secretary of state, actual privy councilor and minister of foreign affairs;

Who, after having communicated to each other their full powers, which were found in good and due form, have agreed on the following articles:

ARTICLE 1.

The high contracting parties agree to submit to the Permanent Court of Arbitration established at The Hague by the convention of July 29, 1899, the differences which may arise between them in the cases enumerated in article 3, in so far as they affect neither the inde-

pendence, the honor, the vital interests, nor the exercise of sovereignty of the contracting countries, and provided it has been impossible to obtain an amicable solution by means of direct diplomatic negotiations or by any other method of conciliation.

ARTICLE 2.

It shall be the privilege of each of the high contracting parties to decide whether the difference which has arisen involves its vital interests, its honor, its independence, or the exercise of its sovereignty, and is consequently of such a nature as to be comprised among those which are excepted from obligatory arbitration according to the foregoing article.

ARTICLE 3.

Arbitration shall be obligatory between the high contracting parties in the following cases:

1. In case of disputes concerning the application or interpretation of any convention concluded or to be concluded between the high contracting parties and relating—

(*a*) To matters of international private law;

(*b*) To the management of companies;

(*c*) To matters of procedure, either civil or criminal, and to extradition.

2. In case of disputes concerning pecuniary claims based on damages, when the principle of indemnity has been recognized by the parties.

Differences which may arise with regard to the interpretation or application of a convention concluded or to be concluded between the high contracting parties and in which third powers have participated or to which they have adhered shall be excluded from settlement by arbitration.

ARTICLE 4.

The present convention shall be applicable even if the disputes which arise shall have originated in acts prior to its conclusion.

ARTICLE 5.

When there shall be an occasion for arbitration between them, the high contracting parties shall, in the absence of compromising clauses to the contrary, conform in all that concerns the appointment of the arbitrators and the arbitral procedure to the rules established by the convention signed at The Hague July 29, 1899, for the pacific settlement of international controversies, except as regards the points indicated hereinbelow.

ARTICLE 6.

Neither of the arbitrators shall be a subject of either of the nations signing the present convention, nor be domiciled in their territories, nor be interested in the questions forming the subject of arbitration.

ARTICLE 7.

The agreement provided for by Article 31 of the convention of July 29, 1899, shall fix a period within which the exchange between the two parties of the memoranda and documents relating to the subject of the litigation shall take place. This exchange shall be completed at all events before the opening of the sessions of the court of arbitration.

ARTICLE 8.

The agreement mentioned in the foregoing article shall likewise fix the sum which the high contracting parties are to place at the disposal of the Permanent Bureau of the Court of Arbitration in order to cover the expenses of arbitration in accordance with Article 57 of the convention of July 29, 1899.

ARTICLE 9.

The arbitral sentence shall specify the periods within which it is to be executed.

ARTICLE 10.

The present convention is concluded for the period of ten years. It shall take effect one month after the exchange of ratifications. In case neither of the high contracting parties has made known, six months before the end of said period, its intention to bring it to an end, the convention shall remain binding until the expiration of one year from the day on which one or the other of the high contracting parties shall have denounced it.

ARTICLE 11.

The present convention shall be ratified within the shortest possible period, and the ratifications shall be exchanged at St. Petersburg.

In witness whereof the plenipotentiaries have signed the present convention and affixed thereto the seal of their arms.

Done at St. Petersburg, October 30/17, 1904.

COUNT DEGRELLE ROGIER.
COUNT LAMSDORFF.

DECLARATION.

At the moment of proceeding to sign the arbitration convention, which has been agreed upon between Belgium and Russia, the undersigned plenipotentiaries, being duly authorized for this purpose, have agreed on the following:

It is understood that the said convention, in accordance with the previous declarations of the plenipotentiary of His Majesty the King of the Belgians, made at the Peace Conference at The Hague, does not in any way modify, as far as the high contracting parties are concerned, the rights and obligations accruing to them from the treaty of April 19, 1839, which guarantees the independence and neutrality of Belgium, and the stipulations of which can not be affected by the said convention of arbitration.

The present declaration shall have the same value and the same duration as if it had been embodied in the aforementioned convention. It shall be ratified at the same time.

Done in duplicate at St. Petersburg, October 30/17, 1904.

COUNT DEGRELLE ROGIER.
COUNT LAMSDORFF.

His Majesty the King of the Belgians and the Federal Council of the Swiss Confederation, desiring to settle as far as possible by means of arbitration the differences which may arise between their countries, have decided to conclude for this purpose a convention and have appointed as their plenipotentiaries, to wit:

His Majesty the King of the Belgians—

His excellency Count de Lichtervelde, officer of the Order of Leopold, etc., his envoy extraordinary and minister plenipotentiary to the Swiss Confederation, and

The Federal Council of the Swiss Confederation—

Mr. Robert Comtesse, president of the Swiss Confederation and chief of the political department;

Who, after having communicated to each other their full powers, which were found in good and due form, have agreed on the following articles:

ARTICLE 1.

The high contracting parties agree to submit to the Permanent Court of Arbitration established at The Hague by the convention of July 29, 1899, the differences which may arise between them in the cases enumerated in Article 3 in so far as they effect neither the honor, the independence, nor the sovereignty of the contracting countries, and provided it has been impossible to secure an amicable settlement by direct diplomatic negotiations or by any other method of conciliation.

ARTICLE 2.

It shall be the privilege of each of the high contracting parties to decide whether the difference which has arisen involves its honor, its independence, or its sovereignty, and is consequently of such a nature as to be comprised among those which are excepted from obligatory arbitration according to the foregoing article.

ARTICLE 3.

With the reservations indicated in Article 1 arbitration shall be obligatory between the high contracting parties in the following cases:

1. In case of disputes concerning the application or interpretation of any convention concluded or to be concluded between them with the exception of those in which third powers have participated or to which they have adhered.

2. In case of disputes regarding pecuniary claims based on damages, when the principle of indemnity is recognized by the parties.

ARTICLE 4.

The present convention shall be applicable even if the disputes which arise have had their origin in acts prior to its conclusion.

ARTICLE 5.

When there shall be an occasion for arbitration between them, the high contracting parties shall, in the absence of compromising clauses to the contrary, conform in everything that concerns the appointment of the arbitrators and the arbitral procedure to the rules established by the convention signed at The Hague on July 29, 1899, for the pacific settlement of international controversies, except as far as the points indicated hereinbelow are concerned.

ARTICLE 6.

None of the arbitrators shall be a subject of either of the nations signing this convention, nor domiciled in their territories, nor interested in the questions which form the subject of arbitration.

ARTICLE 7.

The agreement provided for by Article 31 of the convention of July 29, 1899, shall fix a period during which the exchange between the two parties of the memoranda and documents relating to the subject of litigation shall take place. This exchange shall be completed at all events before the opening of the sessions of the court of arbitration.

ARTICLE 8.

The agreement shall fix the sum which the high contracting parties are to place immediately at the disposal of the Permanent Bureau of the Court of Arbitration in order to cover the expenses of procedure, in conformity with Article 57 of the convention of July 29, 1899.

ARTICLE 9.

The arbitral sentence shall specify the periods within which it is to be executed.

ARTICLE 10.

The present convention is concluded for the period of ten years. It shall take effect one month after the exchange of ratifications. In case neither of the high contracting parties has given notice, six months before the end of said period, of its intention to terminate it, the convention shall remain binding until the expiration of a year from the day on which either of the high contracting parties shall have denounced it.

ARTICLE 11.

The present convention shall be ratified within the shortest possible period, and the ratifications shall be exchanged at Bern.

In witness whereof the plenipotentiaries have signed the present convention and affixed thereto their seals.

Done at Bern, in duplicate, November 15, 1904.

LICHTERVELDE.
R. COMTESSE.

His Majesty the King of the Belgians and His Majesty the King of Sweden and Norway, being signatories of the convention for the pacific settlement of international controversies concluded at The Hague on July 29, 1899, and desiring in order to apply the principles set forth in Articles 15 to 19 of the said convention to enter into negotiations for the conclusion of a convention of obligatory arbitration, have appointed as their plenipotentiaries, to wit:

His Majesty the King of the Belgians—

Baron de Favereau, Knight of the Order of Leopold, etc., a senator, his minister of foreign affairs; and

His Majesty the King of Sweden and Norway—

Count Wrangel, commander of the first class of the Order of the Polar Star, commander of the second class of the Order of Wasa, etc., his envoy extraordinary and minister plenipotentiary to His Majesty the King of the Belgians;

Who after having communicated to each other their full powers, which were found in good and due form, have agreed on the following articles:

ARTICLE 1.

The high contracting parties agree to submit to the Permanent Court of Arbitration, established at The Hague by the convention of July 29, 1899, the differences which may arise between them in the cases enumerated in article 3, in so far as they affect neither the independence, the sovereignty, nor the vital interests of the respective countries, and provided it has been impossible to secure an amicable settlement by means of direct diplomatic negotiations.

ARTICLE 2.

It shall be the privilege of each of the high contracting parties to decide whether the difference which has arisen involves its vital interests, its independence, or its sovereignty, and whether it is consequently of such a nature as to be comprised among those which are excepted from obligatory arbitration according to the foregoing article.

ARTICLE 3.

Arbitration shall be obligatory between the high contracting parties in the following cases:

1. With the reservations contained in Article 1 in case of disputes concerning the application or interpretation of all conventions concluded or to be concluded between them, with the exception of those in which third powers have participated or to which they have adhered.

2. In case of disputes regarding pecuniary claims based on damages, when the principle of indemnity is recognized by the signatory nations.

The high contracting parties waive the right of availing themselves in this latter case of the above-mentioned reservations.

ARTICLE 4.

The present convention shall be applicable even if the disputes which arise have originated in acts prior to its conclusion.

ARTICLE 5.

When there shall be an occasion for arbitration between them, the high contracting parties shall, in the absence of compromising clauses to the contrary, conform, in all that regards the appointment of the arbitrators and the arbitral procedure, to the rules established by the convention of July 29, 1899, except as regards the points indicated hereinbelow.

ARTICLE 6.

None of the arbitrators shall be a subject of the signatory nations, nor be domiciled within their territories, nor be concerned in the questions forming the subject of arbitration.

ARTICLE 7.

The agreement provided for by Article 31 of the convention of July 29, 1899, shall fix a term within which the exchange between the two parties of the memoranda and documents relating to the subject of litigation shall take place. This exchange shall at all events be completed before the opening of the sessions of the court of arbitration.

ARTICLE 8.

The arbitral sentence shall specify the periods within which it is to be executed, if there is occasion for it.

ARTICLE 9.

The present convention is concluded for a period of ten years. It shall take effect one month after the exchange of ratifications. In case neither of the high contracting parties has given notice, six months before the end of said period, of its intention to terminate it, the convention shall remain binding until the expiration of one year from the day on which one or the other of the high contracting parties shall have denounced it.

ARTICLE 10.

The present convention shall be ratified within the shortest possible time, and the ratifications shall be exchanged at Brussels.

In witness thereof, the plenipotentiaries have signed the present convention and have affixed thereto their seals.

Done at Brussels, in duplicate, November 30, 1904.

FAVEREAU.
WRANGEL.

SIGNATURE PROTOCOL.

At the moment of proceeding to sign the convention on arbitration. concluded to-day, the the undersigned plenipotentiaries make the following declaration:

It is understood that the convention does not abrogate the provisions of Article 20 of the treaty regulating the relations of commerce and navigation between Belgium and Sweden, concluded at Brussels June 11, 1895, nor the provisions of Article 20 of the treaty regulating the relations of commerce and navigation between Belgium and Norway, concluded at Brussels the same day; it is likewise understood that the stipulations of Article 7 of the convention in no wise affect the stipulations of the convention concluded at The Hague July 29, 1899, concerning the second phase of the arbitral procedure provided for in Article 39, and especially the stipulations of Article 43 to 49.

In witness whereof the respective plenipotentiaries have drawn up the present signature protocol, which shall have the same force and value as if the provisions which it contains had been embodied in the convention itself.

Done at Brussels, in duplicate, November 30, 1904.

FAVEREAU.
WRANGEL.

His Majesty the King of the Belgians and His Majesty the King of Spain, desiring to settle as far as possible by means of arbitration the differences which may arise between their countries, have decided to conclude a convention for this purpose and have appointed as their plenipotentiaries, to wit:

His Majesty the King of the Belgians—

His Excellency Baron Joostens, officer of the Order of Leopold, commander of the Royal Order of Isabel the Catholic, knight of the Royal and Distinguished Order of Charles III of Spain, his envoy extraordinary and minister plenipotentiary to his Catholic Majesty; and

His Majesty the King of Spain—

His Excellency Ventura Garcia Sancho é Harrondo, Marquis de Aguilar de Campoo et de Torre Blanca, his minister of state, senator for life, chamberlain of His Majesty the King of Spain as a grandee of Spain, Grand Cross of the Royal and Distinguished Order of Charles III and of Isabel the Catholic, of the Legion of Honor, of the Iron Crown of Austria, of Christ of Portugal, Knight of St. John of Jerusalem, etc.,

Who, after having communicated to each other their full powers, which were found in good and due form, have agreed on the following articles:

ARTICLE 1.

The high contracting parties agree to submit to the Permanent Court of Arbitration established at The Hague by the convention of July 29, 1899, the differences which may arise between them, in the cases enumerated in Article 3, in so far as they affect neither the honor, the independence, nor the sovereignty of the contracting countries, and provided it has been impossible to reach an amicable settlement by means of direct diplomatic negotiations or by any other method of conciliation.

ARTICLE 2.

It shall be the privilege of each of the high contracting parties to decide whether the difference which shall have arisen involves its honor, its independence, or its sovereignty, and whether it is consequently of such a nature as to be comprised among those which are excepted from obligatory arbitration according to the preceding article.

ARTICLE 3.

Under the reservations indicated in Article 1, arbitration shall be obligatory between the high contracting parties:

(1) In case of disputes concerning the application or interpretation of any conventions concluded or to be concluded between them, with the exception of those in which third powers have participated or to which they have adhered.

(2) In case of disputes concerning pecuniary claims based on damages, when the principle of indemnity is recognized by the parties.

ARTICLE 4.

When there shall be an occasion for arbitration between them, the high contracting parties shall, in the absence of compromising clauses to the contrary, conform, in all that concerns the appointment of arbitrators and the arbitral procedure, to the rules established by the convention signed at The Hague of July 29, 1899, for the pacific settlement of international controversies, except as regards the points indicated hereinbelow.

ARTICLE 5.

Neither of the arbitrators shall be a citizen of either of the nations signing the present convention, nor be domiciled within their territories, nor be concerned in the questions forming the subject of arbitration.

ARTICLE 6.

The agreement provided for by Article 31 of the convention of July 29, 1899, shall fix a period during which the exchange between the parties of the memoranda and documents relating to the subject of litigation shall take place. This exchange shall be terminated in all cases before the beginning of the sessions of the arbitral tribunal.

ARTICLE 7.

The agreement shall fix the sum which the high contracting parties shall place at once at the disposal of the Permanent Bureau of the Court of Arbitration in order to cover the expenses of procedure, in accordance with Article 57 of the convention of July 29, 1899.

ARTICLE 8.

The arbitral sentence shall specify the periods within which it is to be executed if there is occasion for it.

ARTICLE 9.

The present convention is concluded for a period of ten years. It shall take effect one month after the exchange of ratifications. In case neither of the high contracting parties shall have made known six months before the end of the said period its intention of terminating it the convention shall remain obligatory until the expiration of one year from the day on which either of the high contracting parties shall have denounced it.

ARTICLE 10.

The present convention shall be ratified within the shortest possible time and the ratifications shall be exchanged at Madrid.

In witness whereof the plenipotentiaries have signed the present convention and have affixed thereto their seals.

Done at Madrid, in duplicate, January 23, 1905.

JOOSTANS.
THE MARQUIS DE AGUILAR DE CAMPOO.

His Majesty the King of the Belgians and His Majesty the King of Denmark, desiring to settle as far as possible by means of arbitration the differences which may arise between their countries, have decided to conclude for this purpose a convention and have appointed as their plenipotentiaries, to wit:

His Majesty the King of the Belgians—

Baron de Favereau, knight of the Order of Leopold, etc., senator, his minister of foreign affairs, and

His Majesty the King of Denmark—

Mr. Johan-Wilhelm de Grevenkop-Castenkiold, his chamberlain and chargé d'affaires at Brussels, knight of the Order of Danebrog,

Who, after having communicated to each other their full powers, which were found in good and due form, have agreed on the following articles:

ARTICLE 1.

The high contracting parties agree to submit to the Permanent Court of Arbitration established at The Hague by the convention of July 29, 1899, the differences which may arise between them in the cases enumerated in article 3 in so far as they affect neither the vital interests nor the independence of the contracting countries, and provided it has been impossible to reach an amicable settlement by means of direct diplomatic negotiations or by any other method of conciliation.

ARTICLE 2.

It shall be the privilege of the high contracting parties to decide whether the difference which shall have arisen involving its vital interests or its independence and whether it is consequently of such a nature as to be comprised among those which are excepted from obligatory arbitration according to the preceding article.

ARTICLE 3.

Arbitration shall be obligatory between the high contracting parties—

1. Under the reservations indicated in Article 1 in case of dispute concerning the application or interpretation of any conventions concluded or to be concluded between them, with the exception of those in which third powers have participated or to which they have adhered.

2. In case of disputes regarding pecuniary claims when the obligation to pay is recognized in principle by the high contracting parties and when the dispute is solely concerning the amount to be paid. In these cases the signatory powers renounce the right to avail themselves of the reservations mentioned above.

ARTICLE 4.

The present convention shall be applicable even if the disputes which arise have had their origin in events prior to its conclusion.

ARTICLE 5.

It is understood that the foregoing article shall not be applicable to differences which may arise between a citizen of one of the parties and the other contracting nation when the courts are competent to decide the controversy according to the laws of that nation.

ARTICLE 6.

When there shall be an occasion for arbitration between them, the high contracting parties shall, in the absence of compromising clauses to the contrary, conform in all that regards the appointment of the arbitrators and the arbitral procedure to the rules established by the convention signed at The Hague on July 29, 1899, for the pacific settlement of international controversies, except as regards the points indicated hereinbelow.

ARTICLE 7.

None of the arbitrators shall be a subject of either of the nations signing the present convention nor be domiciled within their territories nor be concerned in the questions which form the subject of arbitration.

ARTICLE 8.

The agreement provided for by Article 31 of the convention of July 29, 1899, shall fix a period within which the exchange shall take place between the two parties of the memoranda and documents relating to the subject of the litigation. This exchange shall be completed at all events before the commencement of the sessions of the arbitral court.

ARTICLE 9.

The agreement shall specify the sum which the high contracting parties are to place immediately at the disposal of the permanent bureau of the court of arbitration in order to cover the expenses of procedure in accordance with article 57 of the convention of July 29, 1899.

ARTICLE 10.

The arbitral sentence shall specify the periods within which it is to be executed.

ARTICLE 11.

The present convention is concluded for a period of ten years. It shall take effect one month after the exchange of ratifications. In case neither of the high contracting parties should have given notice six months before the end of said period of its intention to terminate it the convention shall remain obligatory until the expiration of a year from the date on which one of the high contracting parties shall have denounced it.

ARTICLE 12.

The present convention shall be ratified within the shortest possible period and the ratifications shall be exchanged at Brussels.

In witness whereof the plenipotentiaries have signed the present convention and have affixed thereto their seals.

Done at Brussels, in duplicate, April 26, 1905.

FAVEREAU.
J.-W. DE GREVENKOP-CASTENKIOLD.

His Majesty the King of the Belgians and His Majesty the King of the Hellenes, desiring to settle as far as possible by means of arbitration the differences which may arise between their countries, have decided to conclude for this purpose a convention and have appointed as their plenipotentiaries, to wit:

His Majesty the King of the Belgians—

Baron de Groote, knight of the Order of Leopold, etc., his envoy extraordinary and minister plenipotentiary to His Majesty the King of the Hellenes; and

His Majesty the King of the Hellenes—

Mr. A. G. Skousès, commander of the Royal Order of the Saviour, etc., his minister of foreign affairs,

Who, after having communicated to each other their full powers, which were found in good and due form, have agreed on the following articles:

ARTICLE 1.

The high contracting parties agree to submit to the Permanent Court of Arbitration established at The Hague by the convention of July 29, 1899, the differences which may arise between them in the cases enumerated in Article 5 in so far as they affect neither the vital interests, the honor, nor the independence or sovereignty of the contracting countries, and provided it has been impossible to reach an amicable settlement by means of direct diplomatic negotiations or by any other method of conciliation.

ARTICLE 2.

It shall be the privilege of the high contracting parties to decide whether the difference which has arisen involves its vital interests, its independence, or its sovereignty, and whether it is consequently of such a nature as to be comprised among those which are excepted from obligatory arbitration according to the preceding article.

ARTICLE 3.

Under the reservations indicated in Article 1 arbitration shall be obligatory between the high contracting parties—

1. In case of disputes concerning the application or interpretation of any conventions concluded between them, with the exception of those in which third powers may have participated or to which they have adhered.

2. In case of disputes relating to pecuniary claims between the two contracting parties based on damages when the principle of indemnity is recognized by the parties.

ARTICLE 4.

The obligatory arbitration which is accepted on the matters mentioned in Article 3 shall not be claimed for acts prior to the present convention.

ARTICLE 5.

When there shall be an occasion for arbitration between them, the high contracting parties shall, in the absence of compromising clauses to the contrary, conform in all that concerns the appointment of the arbitrators and the arbitral procedure to the rules established by the convention signed at The Hague on July 29, 1899, for the pacific settlement of international controversies, except as regards the points indicated herein below.

ARTICLE 6.

None of the arbitrators shall be a citizen of either of the nations signing the present convention nor be domiciled within their territories, nor be interested in the questions which form the subject of arbitration.

ARTICLE 7.

The agreement provided for by Article 31 of the convention of July 29, 1899, shall fix a term during which the exchange shall take place between the two parties of the memoranda and documents relative to the subject of litigation. This exchange shall be completed at all events before the beginning of the sessions of the arbitral court.

ARTICLE 8.

The arbitral sentence shall specify the period within which it is to be executed.

ARTICLE 9.

The present convention is concluded for a period of five years. It will take effect one month after the exchange of ratifications. In case neither of the high contracting parties should have given notice six months before the end of said period of its intention to terminate it, the convention shall remain obligatory until the expiration of a year from the day on which one or the other of the high contracting parties shall have denounced it.

ARTICLE 10.

The present convention shall be ratified in the shortest possible times and the ratification, shall be exchanged at Athens.

In witness whereof the plenipotentiaries have signed the present convention and have affixed thereto their seals.

Done at Athens in duplicate, April 19 (May 2), 1905.

P. DE GROOTE.
A. SKOUSÈS.

INVESTIGATION OF AFFAIRS IN THE KONGO FREE STATE. [a]

Minister Wilson to the Secretary of State.

No. 44.] AMERICAN LEGATION,
Brussels, December 2, 1905.

SIR: I have the honor to inclose a copy of La Vérité sur le Congo, containing a résumé in the English language of the report of the special commission to investigate the administration of King Leopold in the Kongo.

* * * * * *

The report seems to be made in a spirit of perfect fairness, and the findings of the commission will doubtless be accepted as unprejudiced and just conclusions.

* * * * * * *

I have, etc.,

HENRY LANE WILSON.

[Inclosure.]

Report of the Commission of Inquiry. [b]

[From La Vérité sur le Congo, of November 15, 1905. Extracts.]

A careful look through the report can leave but one impression on any unbiased reader, viz, that the comissioners sped no efforts whatever in their endeavors to ascertain the truth and also that they concealed nothing of what they did find out. Objections were made

[a] Text of general act of Berlin of Feb. 26, 1885 (to which the United States is not a party), is printed, with other correspondence, in Senate Ex. Doc. 196, 49th Cong. 1st sess. See also House Ex. Doc. 1, 48th Cong. 2d sess.; House Report 2655, 48th Cong. 2d sess.; House Ex. Doc. 247, 48th Cong. 2d sess.

[b] *Bulletin officiel de l'état indépendant du Congo*, Nos. 9 and 10 deposited in the library of the Department of State.

(wrongfully, we may say,) on the ground of the small area of territory over which the commission's investigations extended. The commissioners say, however:

"We only visited a small portion of the vast territory belonging to the State, but it can not on that account be said that our investigations were limited to the districts we traveled through. The information gathered by the commission concerning those districts it did not visit was nevertheless sufficient to enable it to form a very accurate idea as to the conditions of life of the natives throughout the whole extent of the state territory." * * *

"Although our mission was to try and find out what ill treatments or abuses the natives were suffering under," say the commissioners, "in short, to find fault, we feel sure that we will also be allowed to point out the improvements we noticed as well. We will say at once that a traveler in the Kongo nowadays, should he think of the coutry as it was but a few years ago, according to descriptions given by explorers, and then compare it to its present state, can not but marvel at the truly wonderful progress achieved.

"Twenty-five years ago this territory was still in the clutches of absolute barbarism, and one or two Europeans only had succeeded in crossing it, at the cost of superhuman efforts and meeting none but hostile tribes at every step, the people of the region, decimated by the raids of the Arab slave dealers, nevertheless were continually and mercilessly indulging in intertribal feuds; at any moment a traveler was liable to come across a human meat market and to see buyers approach and mark the part of the victim they particularly desired to obtain; the funerals of chiefs invariably meant that hundreds of slaves were to be slain and all their wives buried alive. And yet now, a new state, fully constituted and organized, has rapidly sprung up in this dark and mysterious continent and has brought the blessings of civilzation into the heart of Africa.

"At the present time safety reigns supreme throughout the vast territory. A white man unless animated with hostile intentions, can travel almost everywhere, alone and unarmed. The slave trade has been eradicated, cannibalism is severely put down and is gradually disappearing, and human sacrifices are becoming more and more rare. Towns, much resembling our own favorite watering places, have been built to animate the banks of the huge river, and the two chief towns on the Lower Kongo Railway, Matadi, the seaport, and Leopoldville, the big river port, with the bustle of its quays and docks, very much remind one of our European industrial centers, the Mayumbe steam train; the Cataracts Railway, running through the most hilly part of the country; the Grands-Lacs line, laid through the heart of the equatorial forest; 80 steamers running up and down the Kongo River and its tributaries; a complete postal organization; a telegraph service with about 800 miles of lines; hospitals in all the chief towns; in fact, all the latest advantages of civilization have been introduced in the Kongo and give travelers the impression that they are in a country which has long enjoyed all the blessings of European education and not in one which but a quarter of a century ago was totally unknown and savage. It makes one wonder what magic power or firm will, aided by heroic efforts, was able to so change a country in such a short time.

"This impression is further strengthened by watching the practically perfect organization of the young state. There are but a small number of agents, and yet the state has succeeded in effectively taking possession of and ruling the vast territory. A judicious distribution of posts has brought officials into contact with the natives throughout almost the whole country, and there are at the present time but very few villages unacquainted with the power of 'Boula Matari.' The government at Boma keeps up a regular course of communications with every one of these posts, be they near or far. All details or news from any part of the country must pass through the Bohma government office. Reports sent in at fixed dates enable the governor-general to keep in touch with the experience gained by every one of his 2,000 agents. The central government, however, has superintending work to do and often sends out instructions to the various territorial chiefs. Thus the programme and method of going to work adopted by the officials of every degree is always the same. The unit of command is plainly visible everywhere, and the central organization of the Kongolese system works accurately and rapidly without stops or friction.

"The judicial organization also deserves praise, the chief claim for which is the popularity of all the judges among the native population.

"Nor must we forget the splendid work accomplished, simultaneously with the state, by the missionaries of every religion. Their comfortable homes, chapels, schools, pretty plantations and workshops in many places very much helped on the work of civilization."

The commissioners refer to this subject once again in the conclusion of their report and say:

"Had the state wished to do so, it might have prevented almost every one of the abuses mentioned. These almost invariably were caused by the same difficulty viz, that of making natives work. The state need only have done what many other colonial governments have done, *i. e.*, allowed alcohol free entry into its territories. Alcohol—facts are there to prove it—would soon have become an absolute necessity for the natives and they would have overcome their innate laziness in order to procure it. Had the wages allowed the taxpayers consisted of trade alcohol instead of cloth or other such useful articles, the chiefs and leaders

of the different villages would soon have been found to energetically incite to work all those over whom they had any authority.

"We by no means advise the adoption of this step, as we are sure that it would end by stupefying the whole race in a few years. On the other hand, we consider that the prohibition of the spirit trade and the suppression of slavery are the Kongo State's two chief claims for glory. Humanity in general must always be grateful to the Kongo Government for having refused to make use of the powerful factor so many others used before it, as thereby a scourge even more terrible and disastrous than the slave trade was averted from the Kongo." * * *

With reference to the land policy, it says:

"The commission has no intention of discussing the question as to whether the appropriation of vacant territories by the state is legal or on. The principle here applied is admitted by all legislations, however, and in the conventional basin of the Kongo, for instance, is acted upon by other governments besides that of the Free State." * * *

The following remarks were made concerning taxes in labor: 'And so the only way in which the natives can be made to work regularly is to oblige them to supply a certain amount of labor wherewith to exploit the country, cultivate its natural riches; in a word, make the most of its wealth. That is the only way to join the Kongo to the general movement of civilization and to bring its population out of the state of wildness and barbarism in which they have struggled up to the present day. The natives are perhaps perfectly happy in that state, but it must be allowed that it would not be fitting for civilized races, nor is such a future desirable for humanity in general.

"Now the only legal means at the disposition of the state to make the natives work is to institute taxes in labor; and these taxes are justified in the Kongo by the necessity felt by the state of obtaining labor from the natives. In addition to this, the tax imposed on the populations in this country takes the place of duties laid on civilized nations by the everyday necessities of life.

"The principle that the state should impose taxes, not only in money and kind, but also in labor on its citizens, for the public weal, is admitted by all European legislations. Obligatory military service weighs heavily on the male population of almost the whole of continental Europe and very many governments recognize the right exercised by the state or even by townships, in many cases, of imposing personal labor upon citizens in cases of works interesting the general welfare. Therefore all the more reason why a young state should be allowed to do the same thing, seeing that everything is to be done in a new country and that there are no other resources than those the natives can provide.

"The tax in labor is also the only one that can be imposed in the Kongo, because the natives, as a general rule, possess nothing besides their huts, weapons, and sometimes a small plantation, absolutely necessary to their maintenance. Taxes in money would consequently be impossible. Therefore if it be allowed that the Kongo State has the right to tax its populations at all on behalf of its own existence and development, it must evidently be granted that it is perfectly justified in imposing the only tax these populations are able to pay, viz, the tax in labor.

"Of course, this tax, like all taxes, is only to take up a small portion of the natives' activity; it is only to serve government needs and to be used for works likely to benefit the taxpayers themselves. It is not to interfere in any way, as our proposals will show, with the liberty of individuals, and as long as it remains within these limits we do not consider it open to criticism.

"On the other hand, as long as the tax is not excessive and is justly and kindly imposed, so as not to oblige recourse to be had to force, as we indicate hereafter, it can but be one of the most efficacious steps toward the civilization and transformation of the native population."

In the matter of concessions, the commission says:

"Far be it from us to dispute the right possessed by the state of granting concessions of trade over certain parts of its territory. We will even go so far as to say that, at one time, that was the only form of exploitation possible, for the state had not then enough agents and officials to properly exploit the vast territory at its disposal; it was therefore obliged to resort to private enterprise, and it thankfully accepted the aid of bold financial men who did not hesitate to engage their wealth in undertakings which might appear to be risky." * * *

The Report (p. 235 of the Bulletin Officiel) quotes the opinion of Messers. Stapleton and Millman, two missionaries settled in the Falls district. These gentlemen declared that "they were perfectly satisfied with the moral and material condition of the country." "The most serious abuses occurred in those parts of the country occupied by concession-holding companies" (p. 226) and not on the state territory, and "the cause of most of the abuses discovered is the system of forced labor instituted by these companies" (p. 228). "All the the witnesses state that many improvements have been made of late" (p. 196). The commission here again refers to the favorable evidence of two evangelical missionaries. Most of the excesses committed during military expeditions "of frequent occurrence in African colonies" (p. 217) are due to mistakes made by agents in the Upper Kongo, who treated

natives in times of peace as though they were enemies of war. The government is not held responsible in any way, as the commission, speaking of the excesses occasioned by the recourse to strength in the matter of forced labor, says that most of these facts "had remained unknown to the judicial authorities until an investigation recently made by an acting magistrate" (p. 197). Most of the abuses were the doings of black capitas or sentinels. On the other hand, many of the libels directed against the state are flatly contradicted by the report, such as mutilations (p. 226), the collection of copal (p. 190), depopulation, due to many causes, but chiefly to "the ravages created by small-pox and sleeping sickness during the last few years" (p. 238), and also the charges of inflicting the "chicotte" to women. "It was found that this regulation had been disobeyed, but such infractions do not often occur and lately have become more and more rare. The government, at all events, severely punishes offenses of this description" (p. 264). Military recruiting, far from being an oppression to the natives, is "the contribution to the public good to which the natives adapted themselves most easily" (p. 251), and "the commission is convinced that military education has up to the present been the most potent factor of civilization among the grown-up Kongolese" (p. 252). The commission also loudly praises all the Kongolese magistrates, who "display great zeal" and "perform their duties with an impartiality worthy of all praise" (p. 268).

JUSTICE.

"The judicial organization also deserves praise, the chief claim for which is the popularity of all the judges among the native population" (p. 145).

* * * * * * *

"The short sketch we have just made shows that the Free State took great trouble over its judicial organization. We do not consider the latter to be perfect or to supply all the needs which actually exist, but we feel convinced that it would compare favorably with that of many colonies of more than twenty years' existence.

"In the entire course of its investigations the commission received no complaint and has no criticism to make on the way in which the professional magistrates at work in the law courts fulfill the arduous and delicate missions intrusted to them.

"The commission also was able to see that the magistrates, as a general rule, work extremely zealously and with praiseworthy impartiality" (p. 268).

* * * * * * *

"The courts and, as a rule, the judges are perfectly independent as regards their decisions. The proof of this may be found in several of the verdicts recently given in the Boma courts" (p. 275).

THE PUBLIC FORCE.

"These criticisms are unfounded and can not be applied to the present situation.

"Recruiting for the regular army is effected by voluntary enlistment and by yearly levies (decree of July 30, 1891, Article 1). The governor-general decides every year on the districts to supply the recruits and on the number of the latter to be supplied (Article 2). The system of recruiting is settled by the district commissioner, who comes to an understanding with the native chiefs. It is done, as often as possible, by drawing lots.

"This decree is strictly obeyed, except that the drawing of lots does not take place, because no census of the population has been taken lately. As a rule, the district commissioners ask the chiefs to nominate the men who are to serve.

"This system can only be vetoed by denying the state the right of making its citizens serve. And yet, the Kongo State here only applies a principle recognized by almost all the European legislations.

"The commission ascertained, however, that some abuses have occurred in these questions of recruitment. Some chiefs of expeditions have considered themselves authorized to demand a certain number of recruits, as punishment for offenses or as a war indemnity. This practice, however, was strictly prohibited by the government and we fancy has completely disappeared."

"Military life presents many attractions to the natives; it appeals to their nature, tastes, and likings. We feel safe in asserting that obligatory service, so much objected to at first among the nations of western Europe, is the form of public contribution the natives found easiest to submit to.

"In addition to this, voluntary enlistments are frequent and many of the men reenlist after completing their first term of service.

"The men of the public force are, as a rule, well treated and well looked after by the state. They are paid 21 centimes (1½ d.) per day. Each man is allowed to live with his wife and to take her about with him. Further, even, a recent circular from the governor-general lays down that all new recruits should be advised to marry a woman of their country before joining.

"The commission visited the hut villages formed by the soldiers' families in several of the posts and in two camps of instruction. Its members were struck by their clean aspect and excellent condition. The splendid appearance and military aspect of the troops is also worthy of all praise. Very few complaints were received from men of the public force and these only referred to questions of secondary importance.

"The commission is convinced that military education has so far been the most potent factor of civilization among the adults of the Kongo. Military service, somewhat lengthened in view of the necessity of changing savages into civilized soldiers, goes far toward bettering those natives who are obliged to enlist, and this good influence retains its hold on time-expired men. These are easy to recognize by their carriage, their smart appearance, and saluting, the care with which they dress, and the comfortable homes they build for themselves. These men try to obtain business relations with Europeans, and hold the authorities in great respect."

MUTILATIONS.

"The observations made by the commission, the evidence taken and information obtained combine to prove that the mutilation of dead bodies is an ancient custom among the natives and one which, to their eyes, does not appear as profane as it does to ours. The fact of cutting off certain parts of a dead body simply satisfies the natives' desire of possessing a trophy or some proof of prowess. It was common practice to mutilate fallen enemies in the wars between the tribes of certain regions. Even now, if natives wish to prove that one of their family is dead and either can not or will not produce the body, they simply show the official in authority his hands or feet. One point, however, is undisputable, no European ever inflicted or ordered such mutilations to be inflicted on living natives as punishment for shortage of labor tax or any other offense. Not a single witness testified to occurrences of this nature, and we failed to come across a single case during the whole course of our investigations.

"Epondo repeated the story he had previously told and stated that he lost his left hand as the result of a bite from a wild boar received out hunting one day with his master.

"The commission attaches no importance to Epondo's assertions, considering the fact that he has contradicted himself so frequently during the last two years. The commissioners rely on their own observations and on a thorough medical examination made at Coquilhatville by Doctor Védy and come to the conclusion that Epondo really did lose his hand as the result of a bite from a wild beast. In addition to this, the Reverend Weeks told us that during a recent visit to Malele, Epondo's native village, he saw that this was the general opinion throughout the village" (p. 224).

TAXES IN COPAL.

"The collection of copal is by no means difficult, even children can take part in it, either by collecting the copal 'fossil' thrown up on the banks of lakes and rivers or by gathering the sap on the trees or that which has amassed itself at the foot of the trees a few feet under ground. In certain districts copal gum is very abundant.

"The commission received no complaints whatever with reference to this tax.

"The pay, 1 mitako per kilogram, is sufficient for the natives who care to work at all to earn their livelihood easily. The small rate of pay has been much criticized on account of high prices charged on European markets. These criticisms, however, are altogether unreasonable. As far as the collection of the natural produce of a country is concerned the price of labor alone should be taken into consideration and not the value of the produce on the market where it is sold. In Europe there is no doubt but that the rate of the workmen who extract precious metals underground is very much inferior to the real value of the metals."

REPRESSION OF SLAVERY AND OF BARBAROUS CUSTOMS.

"Twenty-five years ago this territory was still in the clutches of absolute barbarism and one or two Europeans only had succeeded in crossing it at the cost of superhuman efforts and meeting none but hostile tribes at every step. The people of the region, decimated by the raids of the Arab slave dealers, nevertheless were continually and mercilessly indulging in intertribal feuds. At any moment a traveler was liable to come across a human meat market and to see buyers approach and mark the part of the victim they particularly desired to obtain. The funerals of chiefs invariably meant that hundreds of slaves were to be slain and all their wives buried alive. And yet now a new state, fully constituted and organized, has rapidly sprung up in this dark and mysterious continent and has brought the blessings of civilization into the heart of Africa.

"At the present time safety reigns supreme throughout the vast territory. A white man, unless animated with hostile intentions, can travel almost everywhere alone and unarmed. The slave trade has been eradicated, cannibalism is severely put down and is gradually disappearing, and human sacrifices are becoming more and more rare."

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"The slave trade was very flourishing all along the Kongo River and its chief center was at the junction of the Kongo and Lulonga rivers. It is now prohibited. The state by so doing dealt a death blow to the prosperity of the slave-dealing tribes, most of whom have now left the banks of the river, together with the commerce whereon they lived."

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"On the other hand, we consider that the prohibition of the spirit trade and the suppression of slavery are the Kongo State's two chief claims for glory. Humanity in general must always be grateful to the Kongo Government for having refused to make use of the powerful factor so many others used before it, as thereby a scourge even more terrible and disastrous than the slave trade was averted from the Kongo."

COMMERCE.

"We do not consider it possible at present, unless perhaps in the Kasaï district and in certain parts of the Eastern Province, to make the natives collect rubber willingly, or at any rate so as to insure a regular supply by the ordinary methods of demand and supply."

THE APTITUDE OF THE NATIVES FOR WORK.

Defense of the tax in labor.—"All production, commerce, and life in the Kongo are impossible at present and will be so for many years to come without native labor. Europeans may get accustomed to the climate, but will find it extremely difficult except in the most favorable regions to inure themselves to the hard work of tilling the soil. The natives, on the other hand, on account of the general conditions of the country, inherit a natural dislike of work. They only do just as much as is strictly necessary for their maintenance. The land is so rich, the territories so vast, cultivation so easy, and the climate so favorable that very little work supplies all their wants. A few branches and leaves make a native's house; he has hardly any clothes; fishing, hunting, and a few elementary plantations give him the little food he requires. His activity sometimes wakes up prompted by the desire of procuring weapons, a few ornaments, or a wife. Once this object is achieved, however, he lets himself live and is happy in his laziness. There are a few exceptions among the more civilized tribes, such as the Kasaï. These have larger needs to satisfy. The tribes formerly under subjection to the Arabs are also different, as they were obliged to work for many generations, and have thus become accustomed to it. As a general rule, however, the natives prefer to be left to their old life, and no bribe is sufficient to entice them to any long or hard task.

"And so from the first the European settlers in the Kongo found themselves obliged to ask the natives for help, which the latter refused to give, at any rate regularly or for any length of time, according to the law of demand and supply. The only way Stanley was able to fray his first passage from Vivi to the Pool and launch the first boats on the Upper Kongo was by the efforts of his teams of Zanzibar natives, whom he continually changed. All his efforts to obtain native labor were fruitless. The Cataracts Railway was only constructed by the work of Senegal and Sierra Leone natives, who were paid very high wages. This system of having continual recourse to foreign labor evidently can not continually be used, the country itself must supply the labor necessary to its own life and development.

"And so the only way in which the natives can be made to work regularly is to oblige them to supply a certain amount of labor wherewith to exploit the country, cultivate its natural riches—in a word, make the most of its wealth. That is the only way to join the Kongo to the general movement of civilization and to bring its population out of the state of wildness and barbarism in which they have struggled up to the present day. The natives are perhaps perfectly happy in that state, but it must be allowed that it would not be fitting for civilized races nor is such a future desirable for humanity in general.

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"On the other hand, the obligation to work, if not excessive and if applied in a paternal and equitable way, violence being always omitted, will be an efficient manner to civilize and transform the native population.

"The natives if left to themselves must continue to live in that primitive condition they have continued to exist in for so many centuries and which they do not want to leave, in spite of all the efforts made to educate and enlighten them. A clear proof of this is the condition of the natives even in the spheres of action of the Protestant and Roman Catholic missions. What efforts and sacrifices have not been made in vain? Instruction and example are not sufficient. The native at the first must be forced to shake off his natural laziness and to try to better himself. Consequently a law which imposes a slight but regular tax in labor on the natives is the only way to accustom them to work. Such a law would be good from a financial point of view and at the same time would be helpful to humanity, and this in spite of the fact that it takes away some of the liberty of the natives. To civilize a race is to change its economical and social status, to change ideas, habits, and

customs we disapprove of and bring in our own or very nearly so—in a word, it amounts to educating a nation. Now education, be it that of a child or of an inferior race, must somewhat interfere with total freedom."

NATIVE EVIDENCE.

"We will not add that the Kongo native is a liar as that would perhaps be going somewhat too far. He has not the same conception of the truth as we have, however. The truth for him is not what is or has been, but what should be, what he wants or what he thinks his questioner would like. In addition to this they have but a very vague notion as to time and are altogether unable to localize past events. Their recollections concerning numbers are also very vague and they find it impossible ever to quote figures accurately. After a certain lapse of time they quite unconsciously mix up occurrences they have seen with others they have been told about. Great care and untiring patience must be used in order to obtain the real truth from such evidence" (pp. 164 and 147).

THE INDUSTRIAL EDUCATION OF THE NATIVES.

"The state as well as private individuals takes natives into its service and employs them in various ways.

"These working classes, which are now very numerous, are extremely interesting to follow. Very much good is done to the natives by a sojourn in one of the posts. They there come into contact with European civilization for the first time, and this causes an evident change in their habits and tastes. The native workmen form a semicivilized class just a little below that of the soldiers" (pp. 254 and 255).