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BRIEF OF HENRY I. KOWALSKY,  
OF THE NEW YORK BAR.

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MARCH, 1905.

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BRIEF OF HENRY I. KOWALSKY, OF  
THE NEW YORK BAR, ATTORNEY AND  
COUNSELLOR TO LEOPOLD II., KING OF  
THE BELGIANS AND SOVEREIGN OF  
THE INDEPENDENT STATE OF THE  
CONGO, IN MATTERS TOUCHING HIS  
RIGHTS AND POSSESSIONS ABROAD, IN  
REPLY TO MEMORIAL PRESENTED TO  
THE PRESIDENT OF THE UNITED  
STATES OF AMERICA CONCERNING  
AFFAIRS IN THE CONGO STATE BY  
THE CONGO REFORM ASSOCIATION,  
SUPPORTED BY THE BRITISH AND FOR-  
EIGN ANTI-SLAVERY SOCIETY AND THE  
ABORIGINES' PROTECTION SOCIETY.

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# ANSWER TO MEMORIAL.

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MR. PRESIDENT :

As the legal representative of the Belgian Government in matters touching their rights and possessions abroad, I beg leave to respectfully submit the following in answer to the Memorial heretofore presented concerning affairs in the Congo State, by the Congo Reform Association, supported by the British and Foreign Anti-Slavery Society, and the Aborigines' Protection Society :

## INTRODUCTION.

I have intentionally delayed presenting my views in this matter, well knowing that at the time it was brought to your notice, you, as the representative of a great political party, were then before the nation for its consideration. I was also aware that Congress was very soon thereafter convened and has been occupying the Executive attention ever since.

Now that Congress is closed and the Inaugural ceremonies are over and the congested conditions which have consumed your every moment are in a degree relaxed, I feel that even now I am in a way trespassing upon your valuable time. My partial excuse is found in the knowledge that you are untiring in your energy in seeking the right that I venture my humble opinion, based upon the history of the past and the hopes of the future of my clients, whose righteous cause and the justice of their attitude rather inclines them to come before you to be heard than to demur to what might be the jurisdiction of the Forum, and as it is not intended to impose upon you the legal side of the contest, we know that with the equities submitted, your sound judgment will meet with due consideration, and, we trust, justification.

My clients are weak in arms but are strong in their battle for human progress, and, knowing that the personnel of this government is in favor of the weak when right, as against the strong when wrong, this nation under its present Executive has never feared to administer a rebuke where it is deserved, nor bestowed praise where it belongs. The Congo Free State has at no time in the past called upon any other nation to aid it in suppressing

the native warrior, and now that he is suppressed, it does not desire to divide its revenues with its envious and covetous neighbors. There are nations that are much given to holding and conducting colonial governments, some acquired peaceably, some as the result of contest and conquest, and other methods. It has been said, and the statement has not been contradicted with any force, that it is an old method that some nations have of first sending their missionaries into a country, then their merchants, and finally their army. We have had a few missionaries from this nation, a few merchants, but we hope to progress without any of their army. In fact, the nations of the world would not stand by and see a nation whose righteous conduct has proclaimed it worthy of governing, interfered with or even unjustly criticised.

The Congo government has a high and mighty purpose, born in the brain and heart of its sovereign. With its legend and motto "Work and Labor," carried into practical effect, tremendous results in the interest of this people and the higher civilization are being daily realized.

The Sovereign of the Congo Free State is not an ordinary monarch, and, though the Belgic possessions are small, their king is a man of intellectual distinction and thoroughly modern in his ideas. Like his father, the first King of the Belgians, he has done more for humanity in a shorter space of time and more effectively than any other monarch existing. He took up the sentiment that his father expressed when he became king of the Belgians, to-wit: "Human destiny does not offer a more useful task than that to be called to found the independence of a nation and to consolidate its liberties." Leopold II.'s task is an hundredfold greater than that of his sires, who amalgamated a nation of two different peoples speaking a different and divergent language, one the Walloons and the other the Flemish, which he left as a heritage to his son in a united and happy, as well as prosperous condition, and when I view the attacks of the critics and the carpers upon the government of the Congo and its sovereign, they seem to me like a small child casting a pebble into the great ocean with its childish thought that it may dam up the whole sea.

It may be interesting to know, Mr. President, that if the present King of the Belgians had been born of his father's first wife, the beautiful Princess Charlotte, the only daughter of George IV of England, Leopold to-day would be the reigning King of England, but she died simultaneously with the birth of her child, and the widower, who was then the Duke of Saxe-Coburg, whose greatness in the fore part of the nineteenth century was recognized by the powers of the world, and who was tendered the crown of Greece, which he refused, was then made King of the Belgians and accepted the mighty and illustrious position because he felt an especial sympathy with the people he was to govern.

The mother of King Leopold II was the Princess Louise, the eldest daughter of King Louis Phillipe of France, whose reign, if it had not been interfered with, would have made the present King of Belgium the King of France, so that it may be said that the sovereign of the Congo is great of heritage, greater by reason of his big heart and brain and broad conception of the rights of humanity. So it follows that if he had not progressed in doing that which he has done, the uplifting of thirty millions of people, the most heroic act of the age, he would have been a disappointing character in history. He has fulfilled much beyond what the fondest ambition of man could conceive of. Such a sovereign, such a monarch, stands out of the reach and beyond the assault of the vicious traducers and the snarling, angry wolves who, cloaked in the name of humanity and veiled under the guise of religion, are rather serving Satan and Mammon, who spend their lives finding fault and making mischief and end ignominious failures, while the honest man, who has a general purpose that conserves the right of his fellow man and aids the world to a higher and better condition goes on to be illumined here and hereafter.

The Memorial referred to is, to say the least, a most remarkable document. It seeks to induce the President of the United States, upon mere hearsay testimony and shadowy allusions, to interfere in the internal affairs of a State whose autonomy has been recognized by the civilized nations of the globe.



The atrocities committed in Russia, the sufferings of the Armenian Christians, the Macedonian uprisings, the general situation in the Balkans, and, in fact, all the crimes that have been committed, both in this country and elsewhere are for the nonce forgotten, and all that is left for the Memorialists to sigh and grieve over are the facts that Leopold and his subordinates have compelled Congolese negroes to obey the biblical injunction of earning their bread, and by wise laws have attempted to preserve for posterity the natural resources of the Congo Basin.

Industry has ever been the watchword of civilization, and this applies with particular force to savage and barbarous peoples. By keeping this truism in mind, one will be able to understand the colossal work of bringing into subjection and order thirty millions of savage Congolese natives. These natives were steeped in the horrors of cannibalism and afflicted with the idea that prowess was best displayed by maiming their prisoners of war, much as the Indians of our plains used to do when they exhibited the scalps of their victims as their proudest trophies. Among such a people industry is regarded with contempt, and to overcome these racial prejudices it is necessary not only to rule with a firm hand, but also so to conduct the affairs of government as not to, without substantial reasons, offend against native prejudices and tribal customs.

#### **RISE OF THE FREE STATE.**

Perhaps nothing will give more satisfaction to the real friends of negro civilization than the ringing words of your Lincoln's anniversary address, delivered before the New York Republican Club on the 13th of February, 1905. Lincoln, it may be said, before any man who ever lived, stood for the open door of opportunity to the downtrodden and oppressed. He gave to the cause not lip but heart service, and his memory will be honored and revered as long as men rise above selfishness and greed and regard with consideration the sufferings of mankind. The kernel of the whole situation is contained in your remarks, and the solution of the African problem will be reached when the negro is impressed with the truth of your statements that

"Laziness and shiftlessness; these, and above all, vice and criminality of every kind, are evils more potent of harm to the black race than all acts of oppression of white men put together. \* \* \* If the standards of private morality and industrial efficiency can be raised high enough among the black race, then its future on this continent is secure."

Dreamers and academic publicists may prate of humanity, but the wise man and practical ruler understands that a strong rein is necessary to hold in check the propensities of a savage people.

Though the history of the Congo is but of yesterday, it presents a striking example of Belgian enterprise and devotion to principle. The conquests of Spain and of England have indeed astounded the world, but when Leopold has passed to the great beyond and the story is told of his life-work, it shall be said of him, as it has been said of few monarchs, that he entered upon the work of conquest not for glory, not for self-aggrandizement, but for the benefit of the benighted savages who peopled the Congo and in order to rescue them from the dreadful tyranny of Arab slave-traders and the atrocities consequent upon their tribal wars and fetich worship.

#### **STANLEY ENTERS THE CONGO BASIN.**

When the great Stanley entered the Congo Basin, in 1872, it was through the philanthropy of the press. When he returned and laid the foundation of the Congo Free State, it was through the beneficence of Leopold II., whose private purse was used without stint in behalf of the enterprise, and who pledged himself that whatever others might do, he stood for the principle that the light of religion and civilization should shine resplendent even in the darkest confines of the African forest. And now, to-day, when the busy hum of industry is heard even beyond Stanley Pool, when the emblem of salvation has been erected and is fast being understood by the natives, when the hopes of the monarch who has labored and toiled, even during the heat of the day, are about to be consummated, and when his cup of happiness is filled to the brim, there are found disciples of the carpenter of Nazareth, whose mission on earth was good will, and whose chief admonition was to speak no ill of one's brother, eager in the work of dashing



the cup from his lips and heaping obloquy and contumely upon his venerable and venerated head. Venerated, I say, not because of his kingship, not because of any royalty which attaches to him, but because he has suffered and overcome, because he has gone to the farthest end of the earth and risked his private fortune in an enterprise which is a jewel in the crown of Christian endeavor, and further, that he has done this with humility and in order that it might be said of him when his life-work was done and he was free alike from calumny and praise, "Well done, thou good and faithful servant; thou hast been faithful over a few things, I will make thee lord over many."

#### **LEOPOLD'S AID TO STANLEY.**

When the cry went out from Stanley that there were thirty millions of negroes burning to be rescued from the Nile Arabs, Leopold alone came to the relief of this intrepid explorer and enabled him to crown with glory a life whose noblest achievement was the work he did in behalf of African development. How comes it, then, that the work of the friends of Africa is followed by denunciation and calumny? To this question there can be but one answer, "Thrift." Cupidity has taken possession of many souls and wherever cupidity abounds, there will be found its faithful and devoted servitors. This phenomenon appears to be inbred in the nature of man. Perhaps it is the work of the serpent. Whatever the cause, it is a factor which must be taken notice of, and I shall proceed in my poor way to demolish this house of cards erected by the enemies of the Congo State, whose gospel is that of the soil rather than that of the soul.

#### **CHARGES:**

The chief charges against the Congo government are:

- 1st. That it has been cruel and inhuman in its treatment of the natives.
- 2d. That it has declared all unoccupied lands to be a part of the public domain, and
- 3d. That it has imposed upon the natives the obligation to work.

That it is a great deal easier to criticise than to construct has long been recognized as a self-evident proposition. This truism,

however, seems to have been lost sight of by our amiable opponents, and for that reason I desire to commend to them a careful reading of the words of J. M. Gibson, who says :

“The critical faculty has its value in correcting errors, reforming abuses, and demolishing superstitions. But the constructive faculty is much nobler in itself, and immeasurably more value in its results, for the obvious reason that it is a much nobler and better thing to build up than to pull down. It requires skill and labor to erect a building, but any idle tramp can burn it down. Only God can form and paint a flower, but any foolish child can pull it to pieces.”

It may be said of Leopold that he is essentially a constructive statesman and not an academic dreamer. That while his enemies have been indulging in diatribes against his administration of the governmental affairs of the Congo he has had an eye single to the building up of a great state. Firmly convinced of the rectitude of his intentions, he has pursued his policy for good unswervingly, and he may rest assured that long after the names of his detractors have been lost in oblivion and their works forgotten, he will be remembered as the great benefactor of the African race.

#### **PENAL LAWS.**

The penal laws of the Congo State are justly and zealously maintained. The white man, by reason of his superior education, is generally impressed more emphatically with the necessity of the law of obedience than it is possible to impress this law upon the native, but there is no opportunity that is not seized upon by the officials and the educators to bring the native to an understanding of the necessity of being law-abiding. A well organized police protects the country in every direction. Magistrates and judges are performing their duties under prescribed law. The prisons and the punishments meted out to offenders are upon the highest plane of human justice, and yet the political critic, when referring to the incidents which occur in the Congo, holds up to public view the individual act of every native; in fact, there is a constant and continuous espionage going on by the Liverpool Association to find, under any pretext, something that they believe may arrest the attention of the outside world and create a sensa-

tion and thereby bring about the condemnation of the Congo government by reason of the act of some individual malefactor. In other words, the wrongdoing or crime of the individual is attributed to the government, or it is charged to have been done under the government's direction, or through or by the instrumentality of some government official, and in order to give publicity and to exploit whatever may happen in the natural course of events in the Congo, this political association of Liverpool carries on at a great expense a newspaper, under the editorial direction of the special censor and critic, Morel. The paper is entitled "The West African Mail." It would be more explanatory and less delusive to the public if the word "Black" were printed between the third and fourth words of its title.

#### BECK CASE.

We may well wonder what this Liverpool Association and its sensitive members would have said, or how they would have cried aloud in unholy terms against the Congo, if the Alfred Beck episode had taken place in the Congo. And yet it is a notorious fact that Beck, this tortured of men, innocent as a child, yet to be born of the crime with which he was charged, served four years at hard labor in a government prison in England; and, after serving his term, was again arrested and convicted and again sentenced to imprisonment, all in sight of the Liverpool Association for the correction of wrongs in other people's government, all in a land of advanced civilization, far beyond the Congo in its gratuitous advice and willingness to correct its neighbors' alleged wrong-doings. With all the boasted civilization that permeates England, it is that country's shame that it has existed and does still exist without a Court of Appeals in criminal cases. Let the English people turn their eyes to the much-criticised Congo and there they will find an advance in the interest of a higher class of justice, an advanced judicial system there existing, one worthy of the emulation of the British government. Justice in the Congo Free State is dealt even-handed and alike to all, and is in concert with the most advanced nations and in common with every other

form of human justice. Of course, it is neither infallible nor free from imperfections. It is the same system which has been applied to white men for centuries, and is now being exercised in the interest of suppressing crime among the natives. The government of the Congo has given exceptional pledges of firmness and impartiality, and these pledges have been well maintained. And so, to revert to the Beck case, if Beck had been tried even in the wilds of the jungle or on the banks of the Congo, or, in fact, in any part of its territory, he could have proved his innocence to fair-minded judges, who would have heard him on appeal, and he would not have suffered the destruction of his manhood by incarceration in a penal institution almost within sight of the Liverpool Reform Association. If Florence Maybrick had likewise been put to trial in the Congo, she would not have suffered fifteen years' imprisonment for a crime that most of her countrymen believe she was not guilty of.

#### U. S. PENAL STATISTICS.

Mr. President, you are a lawyer of attainments and a statesman who has reached the highest place in the gift of his country, and it would be but a waste of your valuable time to even attempt to argue that our own government, like other well-meaning governments, is constantly exerting the best moral influence possible over its people in order to avoid crime and wrong-doing. We have surrounded ourselves with the very best condition of higher education, thousands of churches and Sunday schools, great and gracious ministers of the gospel, the surrounding of the family with a pure home life, constantly legislating in our National Department, in our respective State Legislatures and in the Municipal boards of control, such laws as shall minister to the welfare of the people, all with the hope of keeping our citizens upright and industrious, and yet, with all these great instruments at our hand, we are compelled, nevertheless, to maintain in the respective state prisons of the United States nearly 100,000 felons. The man who would say, or the association that would declare that the government was responsible for each individual act of the criminal

would be denounced as an idiot, yet when you analyze all the charges of the Liverpool Association, when you hear its members exclaim against the Congo, they make every individual act of the criminal the act of the government, or they attribute to the government responsibility therefor.

#### **NEGRO CRIMINALS.**

A fact that is important in connection with the unjust criticism of this new State can in a way be deduced from the fact that here in the United States the negro is about one-sixth of the entire population, and it is strange to say that, though the negroes have had civilizing influences about them ever since this government came into existence, nearly twenty-five per cent. of the prisoners in penal institutions are black men. If the penal institutions of this country have been kept so busy with the American negro, what ought to be expected of the negro of the Congo? And yet there is no such proportion of criminal life in the Congo as the records disclose either in England or America.

#### **LONDON VICE.**

Strange as it may seem, the virtue of the native women compares favorably with many of the older nations. The Liverpool Association and its desire (if honest) to reform humanity might avoid criticism and be the recipient of great praise and gratitude if it opened its eyes to the unfortunate and needy white sufferers and coreligionists, as well as fellow countrymen, who are under its immediate eye, and lend them a helping hand and rescue them from their immoral and physical condition. There is nothing more abhorrent to an American visiting London than to find that vice is rampant in the very heart of the city of London, Picadilly, Trafalgar Square, the Strand—yes, under the very chimes of St. Paul and but a few squares from Buckingham Palace, circling back to the House of Parliament—there nightly, as one night follows the other, are thousands and thousands of young English women, unbridled in their shame, plying their nefarious and immoral trade. This is not of to-day, but has existed for years and



years, and will continue, unless a more intense humanity can be infused into the Liverpool Association, whose true object is political confiscation of the rights of others, expressed by a hypocritical and pretended interest in the sufferings of the Congo negro rather than an interest in their own country women. The profit of rubber and ivory seems to be the thinly-veiled ambition of those who are the head and front, as well as the heart and soul, of the Liverpool Reform Association. This Association recalls the nature of the ostrich, who, when it hides its head in the sand feels that it is not seen because it does not see. Individuals, as well as communities, would indeed be blind if they did not see the real purpose of the Liverpool organization and understand its motives. The pretense of this organization that it has no ambition beyond that of humanity recalls the character of those persons who always hide their ambitions beneath an affected humility, filling their speeches with quotations from the Bible and with mythical effusions, even accompanied by tears, in proclaiming that whatever they do on behalf of the State is as an obedient colleague in the service of the people. The ambitious in all ages, whose desire has been to acquire the end sought for by this Liverpool Association, have always had their pamphleteers and their reptiles who slander and sting their adversaries and assimilate their projects. It is an old saying that the man who proposes to confiscate liberty, vaunts and declares himself ready to combat despotism.

#### **ACTS OF CRUELTY.**

As to the charges of cruelty, which include the charges of maimed limbs and other atrocities, committed by regular and irregular troops, these are based mainly upon the testimony of such publicists as Mr. E. D. Morel, whose devotion to the interests of the Liverpool Association has carried him away to such an extent that he did not hesitate to attempt to debauch Mr. Benedetti, an agent of the Congo Free State, paying him money and offering him more if he would only furnish information, true or false, which would reflect upon the government of the Congo. This transaction is vouched for, and the whole pitiable story is set

forth in an article published in the *Independence Belge* of December 1st, 1904. It must further be remembered that Mr. Morel was apparently assisted in this nefarious business by Mr. John Holt, merchant, of Liverpool, Vice-President of the Liverpool Chamber of Commerce and a founding member of the Congo Reform Association. To readers of history, and especially to those who remember the African slave trade and its attendant horrors, it will appear significant that the most bitter and implacable enemy of the Congo government, namely, the pseudo publicist, Mr. E. D. Morel, should have the support and sympathy of the Vice-President of the Liverpool Chamber of Commerce. History appears to be repeating itself. It was the Liverpool merchants who rallied to the danger cry of the African slave traders, when Wilberforce and his associates began their attack upon this institution. From Liverpool went forth the specially constructed prison ships freighted with shackles with which to bind the captive African, and Bibles with which to convert him. It was in Liverpool that the last stand for African slave trade was made, and strange to say, Liverpool is the home and furnishes the inspiration to the societies whose avowed purpose is opposition to and condemnation of King Leopold's reign over the Congo Free State, a reign that has resulted in the manumission of millions of negroes and their physical and moral betterment.

#### **MOREL'S ATTACKS.**

Mr. Morel's literary style is almost as execrable as his facts. What he lacks in information he makes up in denunciation. From the title page to *finis* carping criticism and unlimited condemnation abound. Mr. Morel's style is a recrudescence of the style of the political pamphleteer, who flourished during the reign of Anne and the first George. Happily for us, this sort of work is no longer regarded as literature, and seldom does it appear except to bolster up some special interest. It has been said, and with apparent truth, that if special interests were opposed to the law of gravitation, literary pirates would be found fulminating against the theory, and this perhaps accounts for the misguided pen of Mr.

Morel. England for centuries, both by her public men and governmental acts, has time and time again proclaimed to an admiring world the glad tidings that she alone was fitted by divine providence to carry on the work of colonization. The success of the Belgians in the Congo Basin is a confutation of that idea and the English merchant, ever jealous of inroads made upon his business and traditionally possessed of the idea that to him belongs the earth and the fullness thereof, views with alarm the supremacy of Belgian interests in the Congo and would be well pleased if the powers signatory to the Berlin Conference, or failing in that, the government of the United States, would take such action as would result in disturbances in the Congo, thereby justifying active interference in the affairs of that State and eventually permitting England to rehabilitate and act upon the idea that she alone of all the governments of the earth is the natural protector of the down-trodden and the oppressed. I venture to say no unbiased person can rise from a reading of Morel's book without being convinced that he holds a brief for some interest inimical to the government of the Congo as at present instituted and that his personal and undignified reflections upon King Leopold are founded upon commercialism and are born of a desire to further the commercial interests of the country in which the societies signatory to this memorial have their habitat. Without ever having set foot in the country he is describing and whose institutions he is attacking, with slovenly disregard for the sources of information which are open to him in common with all other writers, he presents as a basis for his attack and as a foundation for his grossly exaggerated condemnation, the warmed-over statements of a few disgruntled missionaries and the charges of men who have been refused concessions for privileges no self-respecting government would grant. In indulging in his strictures on the Congo government, Mr. Morel might have remembered what every tyro in governmental affairs is conscious of, that one of the greatest difficulties a government has in administering the affairs of a colony inhabited by barbarous natives is to restrain the native chiefs and other natives in authority from preying upon their fellows, and whatever atro-

cities have been committed under the flag of the Congo Free State have been due to these barbarous propensities and have never received the countenance or sanction of either King Leopold or the government of which he is the honored sovereign. While the critics in behalf of the enemies of good government in the Congo may excite the feelings of those who always take a long range view of inhumanities and who, indifferent to the vice and misery which surround them at home, are keenly alive to the shortcomings of the people of other nations, they can have no other effect upon the judicious than to make them grieve. We say "Farewell" to Mr. Morel with the statement that to all those who have intelligently investigated the conditions in the Congo Basin his work reads like the tale of a paid carper full of sound and fury signifying nothing.

#### **MR. FOX BOURNE'S ANSWER.**

Another critic who has consecrated his literary talents to the enemies of Leopold is Mr. Fox Bourne. Truth compels us to say, however, that he is a mere zealot, the leading spirit of one of the memorialists, the Aborigines' Protection Society, and one who has belabored, in and out of season, every nation which has furthered the hope of doing something towards encouraging peace and the arts of civilization among savage peoples. The same charges which Mr. Fox Bourne and his society make against the Congo government they have made with equal venom against the British in the Transvaal and Rhodesia, charging that government with pursuing a policy of exploitation against the natives and administering the affairs of these countries with an eye signal to its own profit and in utter disregard of the rules of morality and the canons which civilized nations should observe in their treatment of the weak and helpless people of the earth.

It is not to be supposed that within the limits of this article I should be able to answer all the charges, both true and false, which have been leveled against the Congo government. The breed of its detractors is largely British. Volumes have been



written upon the subject, have found a resting place upon the stalls of the book-sellers, and, after a short lease of life, have followed the works of many of their Grub Street predecessors and have been utilized in the not very literary, but extremely utilitarian business of making trunks.

#### CAPT. GUY BURROWS' LIBEL.

It may be said, however, in passing, that one of the shining lights of Congo detraction is a certain Captain Guy Burrows, sometime captain in his Britannic Majesty's service and erstwhile employee of the Congo government engaged in service in the Congo Basin. After a short term in the Congo, Captain Burrows, for reasons which we may, in charity, assume to have been honorable, tired of the service and returned to Europe, and, after a little sparring with the European representatives of the Congo government with a view of re-engaging himself in its service at advanced compensation, having in mind the lamentations of Job, but disregarding the philosophy thereof, proceeded to deliver himself of a book. Thrift, however, was the guiding star of Captain Burrows' literary bark, and, after looking over the proof sheets and finding them well loaded with calumny, falsehood and detraction, he conceived the brilliant, if not very author-like idea of blackmailing the Congo government, and sent post-haste the proof sheets of his *magnum opus*, calling attention to some choice bits of libelous matter contained therein, to the European representatives of the Congo government, accompanying it with the proposition to sell to them the European rights of publication. The answer of the Congo government was a suit for libel, brought by Captain de Keyser, long stationed in the Congo Basin, who was grossly libelled in the screed of Burrows. The whole matter was aired in the English courts, and the Captain and his English publishers, Messrs. R. A. Everett & Company, left the court in dismay and lamentation, self-convicted libelers, and the publication of the work was perpetually enjoined, which injunction is still in full force and effect.



**WORK OF HENRY WELLINGTON WACK.**

This work subsequently found its way into print and has been the inspiration of many of the libels and calumnies hurled at the head of King Leopold and the Free State government. "The Curse of Central Africa," Captain Burrows' book, has performed yeomanry service in the work of Congo detraction. Poison may still lurk in its pages, but I venture to say that it, and many other works of the same ilk, received their quietus upon the publication recently of a work entitled "The Story of the Congo Free State," by Henry Wellington Wack, of the New York Bar, Fellow of the Royal Geographical Society. Whatever excuse there may have been heretofore for ignorance on this subject, it no longer exists. Mr. Wack, a disinterested and scholarly gentleman, has given us the truth. He has not extenuated or set down aught in malice. A plain, unvarnished tale is his, and it must carry conviction. I commend a reading of this work to all those who desire to learn the true history of the Congo Free State and the struggles and aspirations of its founders.

**ALLEGED ATROCITIES.**

Anyone acquainted with the bibliography of Congo detraction must have been impressed with the utter dearth of specification. They speak of the natives being robbed of their lands, of enforced labor without compensation, of irregular, and for that matter, regular troops, perpetrating atrocities, of maimed children and scourged and outraged women; but, when called upon to place their finger upon any particular sore spot, they fall back on generalities or regale the public with accounts of outrages committed in the campaign against the Arabs in 1892-3. Gongo Lutete, ally of the Arab slave raiders, was defeated by Baron Dhanis, whereupon Gongo made his submission to the Congo government and was employed, along with the native forces he raised, against his former allies, the Arabs. In the engagement which followed, cannibalism was undoubtedly practised, but not among the State troops.

**CHARGES IN MEMORIAL.**

But to return to the charges contained in the Memorial. The primary objects sought to be obtained by the Berlin Conference were, the inauguration of free trade within the Congo Basin, the preservation of the native populations, and the improvement of their moral and material condition. That these conditions have been faithfully complied with is attested by the testimony of such disinterested witnesses as Major James Harrison, the famous Central African traveler, who has journeyed through many portions of the dark continent where no other traveler has ever laid his foot, who has added many important and valuable observations and items of information to our store of knowledge of the black man's country, and has been personally associated for more than a generation with Equatorial Africa, and the travelers who have literally given Africa to the world.

**MRS. FRENCH-SHELDON.**

Mrs. French-Sheldon, the famous traveler, having made an independent investigation of Congolese conditions in the Free State, recently returned to Europe, and, in an interview published in the *Journal of Commerce* of January 4th, 1905, announced to the world that the charges made against King Leopold and the Congo government were absolutely without foundation. To use her own words, "The evidence is absolutely conclusive that the labors of the Congo Free State have added to the material prosperity, the happiness, and the development of the natives, whilst the opening up of the country and the introduction of order and system in place of chaos will forever redound to the credit of King Leopold and those with whom he is associated."

**FREE TRADE.**

Free trade exists within the confines of the territory of the Congo State, if one has a correct understanding of the term. Free trade, as everyone knows, implies the right of interchange of commodities between the people of different countries and has no reference to strictly internal commerce. There is no country

in the world, with whose institutions I am familiar, which does not impose conditions upon the right to carry on internal traffic. These conditions generally take the form of a license tax, and in some countries individuals are absolutely excluded, as is the case, as I understand it, in France, whose government possesses a monopoly of the tobacco business, and in South Carolina, where the State Dispensary has taken the place of the saloon. In the very nature of things, there can be no such thing as free trade in land. Access to land in every country boasting of even the rudiments of civilization is of necessity restricted to the proprietors of the soil, and in most countries, including our own, the legal theory is indulged that the original and ultimate ownership reside in the government. The granting by a government of the exclusive right to the use of a tract of land implies, in a sense, a monopoly, for the granting to one person implies the exclusion of every one else. This sort of monopoly, which flourishes wherever civilization exists, and which, in the opinion of leading economists, is the very foundation of our institutions, and lies at the base of whatever good our civilization has accomplished, is not the monopoly forbidden by the act of the Berlin Conference.

#### **NATION DEFINED.**

A nation has been defined to be a body politic, a society of men united for the purpose of promoting their mutual safety and advantage by the joint effort of their combined strength. Such a society has its affairs and its interests. It is susceptible of obligations and rights, thus becoming a moral person possessing an understanding and will peculiar to itself. That the Independent State of the Congo is a Government within the foregoing definition has passed beyond the domain of discussion, and as far at least as this government is concerned, is a closed question. The State existed by right and in fact long before the meeting of the Berlin Conference. It was founded before 1883 by the King of the Belgians by right among other forms of title of the priority of his occupations in the Congo Basin. Under the name of the International Association of the Congo, it was recognized as an inde-

pendent sovereign and autonomous State by the government of the United States, and any interference on our part with its internal policy might very well be regarded as an unfriendly act.

#### **CONGO GOVERNMENT TREATIES.**

The Congo government has the right to and does demand that the treaties which were the result of the Berlin Conference should be interpreted in the light of the foregoing declaration. In common with, and following the practice of civilized nations, the government in question has entered into treaties of amity, commerce and navigation with the other nations of the globe. These treaties do not involve the surrender of any rights which the Congo government has in common with all civilized states to the absolute and exclusive control of its own internal affairs and to adopt such laws and customs as in its judgment shall best conduce to the happiness and welfare of its people. The monopolies alleged and exclusive privileges complained of by the commercially interested critics of the Congo government are not peculiar to that country, but flourish wherever civilization sheds its light. They result from the fact that the nature of mankind requires that laws should be established for the regulation of property and personal rights. The necessity of these laws is exemplified by the action of the British government with reference to its colonial possessions, and also by the action of the government of the United States in controlling its internal affairs, particularly with reference to its public domain and its control of the Indian tribes.

#### **BRITISH INDIA.**

The trading powers given by the English government to the companies organized for the purpose of exploiting the resources of British India were restricted to the grantees exclusively, and were accompanied by the exercise of governmental powers out of all proportion to the powers exercised by the Congo Free State.

#### **LAND LAWS, ETC., U. S.**

The laws of the United States granting exclusive privileges to the Alaska Commercial Company for the taking of fur-bearing



animals upon the islands adjacent to the Alaskan Coast are a striking illustration of the necessity for regulating the control of public property in order to prevent its annihilation. The laws of the United States relating to forest reservations, the timber culture act, the granting of lands to the Pacific railroads for the purpose of aiding in their construction, the land laws of the United States and the general policy of the government with reference to its property, all point strikingly to the fact that the government of the Congo in imposing conditions upon the right to use its lands and exploit its natural resources was acting in accordance with principles which are at the very base of civilization, and doing what was absolutely necessary to preserve for posterity the natural resources of the country.

#### **INTERNATIONAL LAW—DEFINITION OF.**

Under international law, which has been defined as the rules which determine the conduct of the general body of civilized states in their dealings with one another, a nation is under no obligation to fashion its internal policy so as to comport with the desires or prejudices of any foreign state. Whether we use the term international law or the law of nations, which is the modern terminology, we are forced to the same conclusion. States are separate entities, and, outside of the obligation to manage their affairs so as not to offend against those principles the observance of which, in their strict integrity, are essential to the peace and harmony which should characterize the relations between states, they owe no duty to foreign governments. When a nation preserves in their integrity those rules of conduct regulating the intercourse of states, and which civilized nations acknowledge to be obligatory in their dealings with one another, and that collection of usages which civilized states have agreed to observe in their dealings with one another, they have performed all that they are required to do under the canons of international law, and although their internal polity may be open to criticism from an abstract or moral point of view, this affords no justification for interference nor does it give rise to the necessity of taking any action, either



by an expression of executive sentiments or legislative resolution in condemning that which mayhap does not meet with our approval. I cannot do better in support of my contentions than to quote your own words in your last annual message to Congress :

"We have plenty of sins of our own to war against, and under ordinary circumstances we can do more for the general uplifting of humanity by striving with heart and soul to put a stop to civic corruption, to brutal lawlessness and violent race prejudices here at home, than by passing resolutions about wrong-doing elsewhere. \* \* \* There must be no effort made to remove the mote from our brother's eye if we refuse to remove the beam from our own."

#### **PRESIDENT ROOSEVELT'S MESSAGE.**

These are words that make for peace and goodwill among the nations, and any departure therefrom must be fraught with evil consequences, not only to ourself as a nation, but to all countries with which we hope to maintain friendly intercourse and whose good report we value.

#### **NEGRO UPLIFTING.**

The people of this country are not ignorant of the difficulties connected with the uplifting of the negro. When we consider that in this country millions of treasure and thousands of lives were offered up in order to strike the shackles from four millions of slaves, and that the heart-burnings which followed the destruction of an institution which many members of the Anglo-Saxon race regarded as of divine origin have not been quenched, it behooves us to be charitable in our estimation of the work performed by the Congo State and its ruler, King Leopold.

#### **LEOPOLD'S CHARACTER.**

We recall that here, in our own land, this beloved nation of ours was almost severed in twain—that millions of money were expended and will still be expended—hundreds of thousands of precious lives have gone to their deaths, our whole nation has been bent in sorrow, and we can still hear the sobs of the aching hearts of those who have lingered behind. All of which makes up

in part the sum that it cost to free four million civilized, Christianized negro slaves in America. Though freed forty years ago, the problem of their future is still a question that agitates this country and exercises the mentality of our very best statesmen, who are in deep meditation for a solution that will fully carry out the hopes and ambitions of the great Lincoln, who has been and always will be, revered by a loving and a grateful nation as the Moses that led the black man from out of bondage. When all of this is reflected upon, and the thoughtful and unprejudiced mind looks at the Congo situation, and the work of its sovereign and his subjects; when they contemplate that nearly two thousand years of civilization has been crowded into twenty-five years, within which time Leopold has unshackled over thirty millions of savage negroes, they view with admiration this wise statesman and philosopher king. Twenty-five years ago he adopted as the motto of the State the sentiment that we are just coming to appreciate as a method of bringing the American negro to a future, to wit, the sentiment: "Work and labor." Work and labor mean the retirement from a state of idleness and irresponsibility into that of responsibility and industry, and that beneficent result has not been obtained in the Congo without the cost of many precious lives, white and black, and great hardship on the part of those who have been active in bringing about this condition, as well as the expenditure of millions of money out of the personal and private purse of Leopold, who has given a life-time to this grand work and who is still devoting the energy of his splendid three-score years and ten to the continuance of the betterment of the government of the Congo Free State. The time is not far distant, if indeed it is not already present, when the world, white and black, must attorn in gratitude and treat with great nobility and reverence the life work of this philosophical, gracious and kindly sovereign.

The American people and its governing power have been face to face with a kindred subject, to wit, civilizing natives that came to us as heritage through our late war with Spain. The kaleidoscope of time need not be presented to you, Mr. President,

for you are now using the wisdom of your administration in developing, civilizing and bringing about religious conditions in the Philippines, it would be an usurpation of your valuable time to attempt to recall the great labor attending this great work and that yet to be accomplished, and though every effort comes from the heart and conscience of duty, still there are hundreds of carping critics, who are calling the administration's motives into question, and would, if they could, tear down all the grand work that has been built up in the advancement of the wards of this nation.

#### **FOREIGN RELATIONS.**

While the conduct of the Congo Free State in its foreign relations has always been marked by courtesy and goodwill, it is nevertheless true that, had it been otherwise, it would present no just cause for complaint, for nothing is better settled, as a matter of international law, than that a nation may do things which are discourteous, high-handed and unfair and yet be within its admitted rights and giving no formal ground for complaint.

#### **STATEHOOD.**

The essential features of statehood are dominion over persons and property. The want of either of these requisites completely destroys all idea of statehood. The dominion must of necessity be absolute, and this is true no matter what form the government assumes, whether autocratic, monarchical or democratic. The supreme power must rest somewhere, and wherever lodged, whether in the people, the sovereign or the government, it is in its nature plenary and beyond the influence of any foreign state. Absolute internal power and outward independence, except as modified and controlled by the law of nations, are the marks which distinguish independent states, and wherever these are controlled or modified, the result is a surrender of sovereignty and a consequent destruction of independence.

#### **U. S. GOVERNMENT—ACTION BY.**

Any official action on the part of the President of the United States in the nature of an expression of sympathy with the work

of the maligners of the Congo government, or any executive action on his part, having in view the investigation of the internal affairs of the Congo, would be a direct attack upon its integrity as a government, and, if effectual, would involve a complete or partial surrender of its governmental functions.

#### **ROYAL GRANTS.**

In dealing with the questions of royal grants and monopolies, whether considered historically or comparatively, the absolute adherence to well settled principles is a marked feature of the policy of the government which I have the honor to represent. There has been no departure from rules which the experience of mankind has demonstrated are necessary for the conservation of public property and the encouragement of private enterprise. Crimes and offenses in this country, as everywhere else, are defined, prosecuted and punished by the sovereign authority of the state. In some respects the criminal laws of the country differ from those of civilized nations and for this reason, which must be apparent to everyone, that the circumstances surrounding the administration of justice in the Congo Basin are peculiar and repressive measures are necessary to restrain the savage tribes and bring them into a condition of subjection and order.

#### **MONOPOLIES.**

As to the granting of monopolies, this has always been held to relate to the internal policy of the government and grows out of its right to exercise the police power which is inherent in every state. The question as to public policy is a matter to be determined by the state itself, and if the right to exercise a monopoly is conferred by public authority, that fact is conclusive upon the question of public policy. In other words, every government determines for itself, and without reference to the interests of foreigners, just what franchises it shall bestow and who shall be its beneficiaries. There can be no natural or legal right to engage in a business which the public authority of a state has conferred exclusively upon some one else. Even in a government such as



ours, special privileges are in many cases conferred upon citizens. In most, if in not all of the states, the right to a grant of corporate privileges is restricted to such associations of individuals a majority of whose board of directors are citizens and in many cases residents of the state granting the franchise. The Federal Government has always maintained, and this without question, the absolute right to dispose of its lands to such persons, at such times, in such modes, and by such titles as it has deemed most advantageous. The power which a government has to dispose of its lands includes the power to lease, as well as to sell, a government having the same rights with reference to its lands and other property as any individual, and the possession or occupancy of land belonging to the government without a license constitutes a trespass. As everyone knows, the acquisition of title to lands under the Timber Culture Act of the United States is conditional upon the planting of a part of the claim with timber and keeping it in a good state of cultivation for a term of years after the entry of the land. Our government has always, in its treatment of the Indian tribes, assumed that they were under a state of tutelage and refused to recognize in them any right to transfer their lands. A transfer of lands unaccompanied by governmental consent by Indians maintaining their tribal relations is a void act and contrary to the expressed policy of this government.

#### **EXCLUSIVE PRIVILEGES.**

The granting to individuals or corporations of privileges not of common right has never been held to create monopolies, for the reason that unless a person has a right common with others in a particular business or calling, his deprivation of it by the state cannot give rise to any just cause of complaint. To render a grant by the state of exclusive privileges unlawful as a monopoly, the grant must apply to things which are of common right, not to those which are in their nature a monopoly, and over which the state having antecedent proprietorship by right of eminent domain or otherwise, may confer exclusive control. There are, therefore,



legislative grants of exclusive privilege which are upheld, even though in effect they create monopolies, such as the exclusive permit to operate a ferry, to erect a toll bridge, to erect wharves, and generally, whenever, by accepting the grant of an exclusive franchise rested in the state, the grantee becomes bound by an express or implied undertaking to render service to the public.

#### TESTIMONY OF SIR HENRY STANLEY.

The Congo Free State, in answer to its critics, may invoke in its behalf the testimony of Sir Henry Stanley, whose life was given to African exploration, and the testimony of leading missionaries, travelers and publicists, who either moved by a spirit of curiosity or inspired by a desire to add to the sum of human happiness, have put aside all idea of physical comfort and have traveled extensively in Central Africa.

Mr. Stanley, in the "Petit Bleu" of the 13th of November, 1903, in speaking of the difficulties of impressing the natives with the ideas of civilization and calling attention to the fact that the abuses with which the Congo State is taxed are individual offenses, mistakes of inexperienced officers and local incidents such as take place in all colonies, says:

I am certain that not one of the countries who are invited by the newspapers to put itself in its (Belgium's) place would have been able to do better.

The recitals of atrocities and bad administrations which have of late been spread about are almost all, if not all, pure reports.

To-day, with its forests pierced and open, its routes, its stations, it is in advance of all other African States. Take the French Congo, the German East Africa, Portuguese West Africa, and compare them. The Congo State prospers in a greater degree than any other part of the black continent.

When I was on the Congo and accused a tribe of cannibalism, it replied: "We are not cannibals, but our neighbors are." The neighboring tribe said: "It is not we, it is the next tribe that you will meet"; and that tribe referred us on to the next, and so on continually. They seemed to be ashamed of their cannibalism. They concealed it. Yet there was no doubt as to the existence of the practice. It was very seldom that I could discover the guilty. How, then, in recruiting its troops, was the Congo to distinguish the black cannibals from those who were not cannibals?

They discharge their mission under the most difficult conditions, and I believe that I may assert that, from the Governor-General down to the humblest official, there is not one guilty of cruelty.

I had on the Congo under my orders three hundred men, English, Germans, Dutch, Portuguese, Belgians. I found no difference between them. All did their best according to their means. All were in the course of duty the object of some charge. I examined the charges minutely and always found them to be without foundation. That did not prevent these stories reaching Banana, and from there, Europe.

England would not have managed the Congo better than King Leopold has done if she had been mistress of it, as she might have become in 1877.

I crossed Africa from East to West and from West to East, and I never saw any excesses committed. I do not think that from this point of view there is a single sovereign living who has done so much for humanity as Leopold II."

#### **TESTIMONY OF SIR HARRY JOHNSTON.**

Sir Harry Johnston furnishes decisive testimony in favor of the Independent State in his book "The Uganda Protectorate." He contrasts the differences between the governments of British Central Africa and the Free State and concludes that the government of this portion of African territory left little to be desired, and in some respect was better organized than the adjoining districts of the British Protectorate.

#### **TESTIMONY OF MR. MCGUIRE.**

Like testimony has been given by Mr. McGuire, the English missionary, who, after traveling the length and breadth of the Congo Basin, says that he never heard of any atrocities committed by the agents of the Free State and that the little work which is occasionally exacted of the natives by way of taxes is as nothing compared with the immense benefits conferred upon them by the State.

#### **GENERAL TESTIMONY.**

We could cite pages and pages of laudation of King Leopold's reign over the Congo Basin, written by zealous, active, high-hearted and aggressive men and women who have penetrated into the darkest confines of the African forest in order to confer the bless-

ings of civilization and religion upon the hapless people of that country. Suffice it to say that, when such persons are agreed that the Belgians have performed a great work along civilizing and uplifting lines, it ill becomes the executives of missionary societies sitting in their luxurious offices in Boston and New York to hurl their anathemas at the one Prince of modern times, who, setting aside all desire for glory or emolument, has devoted his long life to the building up of a civilization in the very heart of the dark continent. It must be remembered in considering this evidence that it comes from an absolutely disinterested source and from persons who have been over the ground and who could not be misled into forming misconceptions of the true situation.

#### **MISSIONARIES.**

A powerful blow is delivered against the pretender who sits in his Boston office, claiming in the interest of the religious people of America that he is justified in exclaiming against the Congo and its cruelties as administered by the Belgic forces. This blow comes from the British Baptist Missionary Society, which, in January, 1903, sent to Brussels a deputation with an address which was tendered to the King-Sovereign, wherein the deputation expressed its feelings of gratitude and tendered its commendation for the kind, humane and ever-considerate and devoted attention that had been accorded to its members. The address reads as follows:

"The Committee of the British Baptist Missionary Society, of London, desire most respectfully to address Your Majesty as Sovereign of the Congo Free State, and to express their grateful acknowledgments for Your Majesty's gracious and helpful sympathy with all wisely considered efforts put forth for the enlightenment and uplifting of Your Majesty's native subjects living within the territories of the Congo Free State.

"In the prosecution of these labours, the Committee of the Baptist Missionary Society desire gratefully to acknowledge the many signal and helpful proofs they have received of Your Gracious Majesty's approval and support; and very specially at this juncture they are pleased to express to Your Majesty their respectful appreciation of the great boon granted "to all religious, scientific and charitable institutions," by the reduction of direct and personal taxes by 50 per cent, from, on, and after the first day

of July last, as proclaimed by Your Majesty's command in the May and June issues of the *Bulletin officiel de l'Etat independant du Congo*, which the Committee regard as a further and significant proof of Your Majesty's desire to promote the truest welfare of Your Majesty's Congo subjects, and to help forward all institutions calculated to produce enduring and beneficent results."

It may be said that it has been the experience of all governments, colonial and otherwise, that the good missionary who labors with his flock, and among them, and produces results, is of great benefit to the progress of a country, but the indolent, selfish, vicious-minded missionary who abandons his vineyard and his flock while he may here and there find a listener whose sympathies may be momentarily aroused, when he is carefully scrutinized, he is unmasked and fails in his purpose of deluding the most ordinary of men.

This country has been made to taste of the insincerity of a class of missionaries that were sent to the Philippines, and we certainly know the value of and are able to discriminate between the good and bad of that calling.

The Congo Free State has been most generous to the missionaries of every religion and has invited them with open arms from wherever they may come, into any and every part of Africa, and has aided them with the State lands and the greatest consideration in the matter of taxes. It would be interesting to observe the great number of missionaries which exist in the Congo and the varied denominations among them.

According to the information contained in a recent book by Dr. Henry Guinness entitled "Our Mission on the Congo," the Doctor presents the striking information that there are 211 Protestant missionaries in the Congo Basin, besides 283 native evangelists and 327 native catechists. There are forty principal stations and 192 mission posts, and 6,021 communicants. The attendance at Sunday schools numbers 5,641 natives, and at the day schools 10,162. And, according to a statement recently published by the Catholic authorities, the staff of the Catholic missions comprises 119 priests, 41 laybrethren and 84 sisters, making a total of



244. These missions comprise in all 18,973 Christians, including 5,515 children. The State is liberality itself in granting them the enjoyment of the land necessary for cultivation besides subsidies or reduction of taxes.

The instructions given to the agents of the Congo government direct them to help the development and the prosperity of the missions by all means in their power, and even a cursory examination of the periodicals issued by the evangelizing missions will show considerable evidence that the missionaries of the various sects are grateful for the practical help accorded to them by the Congo government and its officials.

#### **MR. BARBOUR.**

It may be noted that, immediately after I had the honor of presenting to you the reply of the "Federation pour la Defense des Interets Belges a l'Etranger" to the Liverpool Memorial, a publication of the same was noted in the daily journals, I was challenged by the Foreign Secretary of the American Baptist Missionary Union, Mr. Barbour. It appeared somewhat strange to me, why Mr. Barbour should take it upon himself to venture the expense of hiring halls, paying for advertising matter, and entering into a debate between himself and me on the subject of "Ought existing conditions in the Congo State to be made a subject of international inquiry?" I give his entire letter in the appendix to this brief and wish to call attention to the fact that he said it seemed very important to him that a correct understanding of the situation should be reached, not only by ourselves, but by the general public. Of course, I can readily understand how Mr. Barbour could talk for himself, but his license to include the general public seems slightly grotesque and rather a wholesale assumption of duty on his part.

#### **CARDINAL GIBBONS.**

After reading the letter, I recall that that eminent and highly respected divine Cardinal Gibbons, of Baltimore, had written an



advice concisely and learnedly upon the subject, which he addressed to the Boston Peace Congress, but that, of course, afforded no particular opportunity for the personnel of the Association to exploit themselves, and the advice of His Eminence was swept aside and resolutions were passed upon a subject which the Foreign Society admits he was seeking for a clearer understanding regarding the issues thereof. Notwithstanding his clouded state of mind, Barbour and others indulged in passing resolutions of stricture against the Congo State.

This letter was brought to my attention during the heat of the campaign, and I confess I was much happier in discussing the views of my party with my fellow citizens than I would have been discussing the subject of the Congo Free State with a learned and reverend gentleman whom I never had the pleasure of knowing or hearing before, and I could not understand how any number of people would desire to make up an audience to listen to Mr. Barbour on one side, whose interest in this matter must at least be considered doubtful, and myself on the other side, whose interest in the matter is an open secret, being the retained counsel for the Congo Free State to protect its interests as far as it lies within my ability so to do, here and elsewhere, and, knowing that the discussion of generalities never leads to any conclusion, I sought to have the learned gentleman indite a complaint, specifying some specific acts and the persons committing the acts, and other things important, so that a direct answer could be made, and I sent the reverend gentleman the letter, which will be found in the appendix.

But in the meantime one of the associates of Mr. Barbour, a Mr. Parker, through the newspapers, whipped himself into a frenzied state, claiming that His Majesty King Leopold, through his agents and hired attorneys, was encroaching upon the drawing rooms of our best citizens, as well as into the counting rooms of the banking houses, and was in some way interfering with what the Boston Society seemed to think was its rightful monopoly.

To the letter written by me, no answer was returned.

It may be well to conclude this brief with a summary of what is shown by actual figures to be the industrial condition of the country :

In the year 1886 the special commerce of the country showed .....	Fcs. 1,980,441.45
And the general commerce .....	7,667,969.41
In the year 1903 the special commerce amounted to .....	54,597,835.21
And the general commerce .....	63,955,400.53

There is paid out by the government for the maintenance of the army, navy, sanitary department, public works, missions and educational establishments and the administrative service of Africa and Europe, as well as the expense relating to transports in Africa, agriculture, exploitation of the domain, savings banks, interest on the loan on guaranteed stock, postal department, navigation, justice and worship expenditures, amounting to about thirty odd million francs. This money is, of course, distributed among the people. Thousands of natives are used in building roads of all kinds; the natives are fast learning trades. The state of agriculture is progressing rapidly—in fact the industries of the country are multiplying with such rapidity that it is difficult to keep pace with them. The Congo Free State is alive to work, and its people are more prosperous and earning more money, and it will continue so. And when the work of its sovereign is completed and he is no longer of this earth, all the fruits of his labors are disposed of as set forth in his will, which will be found in the appendix.

I ask, Mr. President, after perusing the documents set forth in the appendix, whether you find it justifiable, by word or act, to do aught save in commendation of him who, during his life's labor, has carried many burdens.

In conclusion, permit me to say that Leopold II represents in a greater degree, perhaps, than any man living, the spirit of progress. It is given to few men in one short generation to reclaim from barbarism thirty millions of people. That he has done

this entitles him to the eoniums of the world and he may rest assured, notwithstanding the venom of his detractors, his fame is secure in the hands of posterity.

Respectfully submitted,

HENRY I. KOWALSKY,

51 Wall Street, New York.

Attorney and Counsellor for

LEOPOLD II.,

King of Belgium and Sovereign of the  
Independent State of the Congo.



## APPENDIX.

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### WILL OF LEOPOLD II.

We, Leopold II., King of the Belgians, Sovereign of the Independent State of the Congo :

Wishing to assure to Our well-beloved country the fruits of the work which for many years we have pursued on the African Continent, with the generous and devoted co-operation of many Belgians :

Convinced of thus contributing to assure for Belgium, if she wishes it, the outlets indispensable for her commerce and her industry, and to open new paths for the activity of her children :

Declare by these presents, that We bequeath and transmit after Our death to Belgium all our sovereign rights over the Independent State of the Congo, as they are recognized by the Declarations, Conventions, and Treaties concluded since 1884 between the foreign Powers on the one side, the International Association of the Congo and the Independent State of the Congo on the other, as well as all the benefits, rights and advantages attached to that sovereignty.

Whilst waiting for the Belgian Legislature to pronounce its acceptance of Our aforesaid disposition, the sovereignty will be exercised collectively by the Council of the three administrations of the Independent State of the Congo, and by the Governor-General.

LEOPOLD.

Done at Brussels the 2d of August, 1889.





## LETTERS.

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LEOPOLD II. TO HENRY I. KOWALSKY.

DEAR COLONEL KOWALSKY:

I beg to confirm to you that I have instructed you to defend in the United States the case of the Congo Free State which is now being attacked by a group of English merchants and missionaries, at present represented in Washington by Mr. Morel.

You have, in the course of your stay here, been enabled to convince yourself of the unfairness and falseness of these attacks, and the Free State Government rely on your endeavors to enlighten statesmen and political men in the United States as to the true motives of this disparaging campaign, to show them the inanity of the charges and to lay the truth before them, namely that for the last twenty-five years the Congo State has been working with a success that accounts for all this hatred and jealousy, toward introducing into territories, formerly abandoned to barbarism, civilization and progress and toward improving the material and moral conditions of existence of the natives.

Under the stress of the indignation aroused in Belgium by the English calumnies, an extensive association has been formed in this country under the title of *Federation pour la defense des interets belges a l'etranger* (Federation for defending Belgian interests abroad) which consists of prominent men in the army, and in commercial and industrial circles.

This association desired to submit to the enlightened mind of the President of the United States their protests against the audacious and untruthful statements contained in the Memorial which Mr. Morel has delivered to Mr. Roosevelt.

At the request of said organization representing as it does the elite of the Belgian Nation, I beg you to hand the President the accompanying letter which faithfully sets out the higher principles of the Congo State's internal policy. You will, in delivering this communication to President Roosevelt, reiterate to him, on my behalf, the feelings of high esteem I have for him and the

unshaken confidence I place in his spirit of justice and impartiality.

I have to express the desire that Mr. Roosevelt will kindly take cognizance of this address in your presence, so that you may be afforded an opportunity to give him any further information he might wish to obtain from you.

The foundation and fairness of the case which you have been good enough to undertake to defend will supply you with such numerous and conclusive arguments as to confound the enemies of the Congo Free State.

A mere examination of the Memorial issued by the Congo Reform Association will show the bad faith of these people when they affirm that the Commission of Enquiry recently appointed by the Government of the Congo does not enjoy complete liberty of investigation nor afford every guarantee of impartiality. This affirmation is at once denied by a perusal of the instructions of the Commission, which as will be seen by the accompanying text, have given them full liberty and full autonomy.

This fact taken alone amongst many others is sufficient to caution honest people against the biased assertions of our opponents; these are set at naught by the economic progress realized by the Congo State as is demonstrated by numbers of facts and illustrated by the album of photographic reproductions taken in the Congo, a copy of which will interest President Roosevelt.

Believe me, dear Colonel Kowalsky,

Yours truly,

(Signed)

LEOPOLD.

Brussels, October 4, 1904.

## DUFOURNE TO THEODORE ROOSEVELT.

BRUSSELS, October 3, 1904.

FEDERATION

pour la

Defense des Interets Belges,  
l'Etranger.

TO HIS EXCELLENCY, THEODORE ROOSEVELT,  
President of the United States.

MR. PRESIDENT:

The Federation for the Defense of Belgian Interests Abroad presents its compliments to the President of the United States and begs leave to state:

That we are loth to impose upon the President of the United States considerations which are foreign to the interests of his government. But inasmuch as certain persons are conducting within the United States a movement to involve the Government of the United States in the consideration of their unfounded charges and interested misrepresentations against the Government of the Congo Free State, we feel it our duty to present a brief statement of the objects of the Congo Government to the President of a friendly power in order that the unjust methods being employed by the enemies of the Congo Free State may not mislead the President to encourage Congressional action prejudicial to our interests before we shall have been fully heard.

Our Association has been formed for the defence of Belgian interests and possessions abroad. Our people esteem and admire the people of the United States and have great respect for their President. The Belgians desire that they shall not be slandered and vilified in the midst of the American people. They feel it their duty to assist the American people to a proper understanding of the lofty purposes which actuate the Government of the Congo Free State. In this connection the Belgians recall with pleasure and with pride the fact that the Government of the United States was the first great nation to recognize the flag of the International Association of the Congo as that of an independent State. By its treaties and by its adherence to the Berlin and Brussels

Acts it promised liberty of trade in its part of the Congo Basin, and it respectfully asserts that it has fulfilled that promise in spirit and to the letter, insofar as the short term of its existence in a savage country has enabled it to establish an organization which, by its prosperity and progress, now excites the envy of those who seek to disrupt it.

The principles which actuate the Congo Government are tersely set out in an essay written by a highly qualified American subject, which is herewith enclosed. May we humbly beg the President of the United States to honor us by perusing this concise exposition of the fundamental principles which underlie, and which have given such progressive momentum to, the Government of the Congo Free State?

The principles of the Congo Government are devoted to progress and civilization. The State's motto is "Work and Progress." We have always felt that to intelligently follow that motto was to firmly establish in the midst of conditions of savagery the habit of industry and a respect for property as well as for life, according to the universal law of nations.

Concerning the term "Freedom of Commerce," which Congo enemies are interpreting to mean ungoverned license, we beg to refer the President to the United States Laws and Penalties concerning trespass upon and pillage of public lands and their product. Perhaps no nation in the world has so precisely developed the law of private and public property nor administered it with finer understanding of the principles of equity and justice than the United States. The Congo law relating to property is in consonance with the law of the world's greatest nations. The great success which has been attained by the Congo Government for the betterment of its native inhabitants by the operation of this law and the order which exists thereunder, has excited the envy and the avarice of those whose ulterior motive is being cloaked in the garb of humanitarianism and questionable philanthropy. On the one hand it is charged that the Congo Government by its methods seeks to enslave the native in order that he may serve it with his hands for the benefit of interests whose welfare he does not



share. On the other hand, the libelers of the Congo wilfully utter not only the unfounded accusation, but the inconsistent charge, that the government cuts off the hand whose work it seeks to enslave. Concerning the untruthful character of the testimony in this respect which has been published against the Congo by the promoters of the so-called "Congo Reform Association" of Liverpool, we beg to refer your Excellency to the great mass of genuine and reliable evidence uttered by Englishmen, Frenchmen, Germans, Americans, Italians and Belgians in direct contradiction of the falsehoods which form the traffic of the Association, whose leading spirit has never been near the Congo nor the natives who form the pretext of his search for personal notoriety and aggrandisement.

May we also call your Excellency's attention to the fact that the Congo Government, when assailed by missionaries at all, is assailed by a few individual missionaries operating in conjunction with the Liverpool Association, whose object we shall in due course expose? The Congo Government has not been assailed by Catholic missionaries at all. The Catholic missionaries are in reality seeking the moral, spiritual and intellectual betterment of the native race, while those of a material faith, who have sought from the Congo Government and been denied personal concessions of material value solely, are secretly working in directions entirely unconnected with the spiritual and moral welfare of the Congo population. In due time and in the proper place the government of the Congo Free State will produce its testimony bearing upon this phase of the campaign begun in England, and now carried to the United States, against an undertaking which, within twenty years, has accomplished a greater success of civilization than has ever before been attained in all the great continent of Africa.

We beg your Excellency to receive from the hands of our representative an abundance of carefully-prepared matter upon this subject, and to command him in any further desires which you may wish to express. A cursory outline, limited to only a few phases of the questions which the enemies of the Congo so

confusedly mince in their wild condemnation of a State justly founded and intelligently and humanly governed, is not, of course, intended as a sufficient statement of our case. It is merely intended to introduce your Excellency to the subject on which our representative and the evidence and literature he will offer to you may lead you to those wise and equitable conclusions which have always characterized the highest tribunals of the American people.

Your Excellency is too well versed in the science of general government to be influenced by the statement that where individual acts are committed in violation of enacted penal laws the government should be primarily charged therewith. If such were the case penal institutions for the incarceration of violators of police law would be no part of a nation's structures.

It is not infrequent that the cable bears to us mention that in some sections of your own free and glorious country an inflamed mob seizes upon a black inhabitant and burns him at the stake. Our governmental experience has taught us that such acts would have been impossible if your government had been advised in time to prevent them. And yet we know that your government is the subject of harsh criticism by self-constituted associations formed in the same country from whence come those who accuse the sincere governmental effort of the Congo Free State. The law of the Congo Free State is based upon the loftiest ideals of humane control of a vast territory and undeveloped interests, and every part of the State's machinery is employed to ensure equal justice to all.

The "method of the State" at which Congo accusers hurl their shafts, cannot be charged with the responsibility for the lawless acts, in a vast territory of a million square miles, where the government of that State is vigilently and earnestly seeking by the extension of its organization and police powers to suppress and punish all crime and redress all wrongs. If the subjects of one nation were compelled to submit to the opinion of its unfriendly neighbors as to the correctness of their habits and conduct, and were compelled to submit themselves to the penalties

that their neighbors would attach to the alleged misconduct, the subjects of one nation would be in the prisons of another.

We need hardly call the attention of your government to the great and humane work which your government is now so earnestly and with so much sacrifice furthering in the Philippine Islands, to meet with that broad and sympathetic view of the situation in all savage countries which, if fairly and justly applied to the Congo Free State, would place us upon that plane where co-operation, not criticism, were the merit of our sacrificial work in the darkest part of Africa.

It has been the pleasure of our beloved King, Leopold II., Sovereign of the Congo Free State, to appoint a Commission composed of eminent men to undertake with the utmost freedom a judicial investigation upon all and singular the vague charges from time to time used by the promoters of the "Congo Reform Association" in prostituting certain public journals published in England. Your Excellency may be assured of the utmost integrity of the gentlemen who compose this Commission and that the Congo Government will afford them all the help in its power to place the truth before the eyes of the world.

In this connection Congo reformers pretend that the decisions of the Congo courts indicate that the government is bad, when in truth and in fact these very decisions are, in our opinion, proof of unimpeachable good faith and judicial independence.

Concerning the Congo standing army of 14,000 natives, as to which some criticism is uttered by the same persons, we need only indicate that the State Government is so well respected in the Congo Basin that it is able to control its vast territory with only seven soldiers to every 625 square miles. We have no doubt that if the Congo governmental system had not included this meagre police force for the repression of tribal strife and the maintenance of order, its critics would have represented the Congo Government as unprepared to guarantee protection to persons and to property, and unable to maintain the integrity of its frontiers. The Congo army is recruited in conformity with the Belgian law of Conscription, which is a restriction of the universal

service in continental Europe. When heretofore the government enlisted a part of its army in a neighboring colony, it was requested to desist, the promises of England to permit such recruiting notwithstanding. Now the Congo Army is characterized as barbarian! We are assured that the Congo Government would have no objection to the advantage of recruiting its army in China, in a manner following that of the Transvaal.

It is the earnest desire of the Belgian people and those who are sincerely interested in the welfare and progress of the native population of mid-Africa, that the good-will and respect of the people of the United States and their President may continue, by their sympathy, to enliven the devotion, energy and sacrifice which the builders of the Congo Free State are expending upon races which but a few years ago were in a state of the wildest savagery. The vein of sympathy between Belgium and America has its highest proof from the fact that we have a large population of Americans residing in Belgium, where their residence has always been peculiarly pleasurable to the Belgian people.

Commending to your Excellency our representative, who is an eminent citizen of the United States and well known to its President, we beg for him that courtesy and attention and the application of those broad principles which your Excellency invariably brings to the consideration of all subjects.

We are, Mr. President, with great respect,

Your obedient servants,

(Signed)

DUFOURNE,

The President of the Federation pour  
le Defense des Interets Belges a  
l'Etranger.



THOMAS S. BARBOUR TO HENRY I. KOWALSKY.

THE AMERICAN BAPTIST MISSIONARY UNION.

TREMONT TEMPLE, BOSTON, MASS., U. S. A.

OCTOBER 18, 1904.

COLONEL HENRY KOWALSKY,  
Care Baron Moncheur, Minister,  
Washington, D. C.

MY DEAR SIR :

I have read with interest the statements made in the papers of this morning regarding your interview with President Roosevelt, and your conversation with newspaper correspondents in reference to Conditions in the Independent State of the Congo. I observe that the views to which you give expression differ widely from the impressions made upon my mind by testimony received from many sources. As this subject is one of profound interest, affecting the well-being of many millions of people, and concerning the duty of our own Government as well as that of other governments in relation to these people, it seems to me very important that a correct understanding of the situation shall be reached, not only by ourselves but by the general public.

As you are aware, the body which I have the honor to represent in the appeal made to the Congress of the United States, has asked only that the influence of our Government shall be given to the promotion of an impartial inquiry into the conditions prevailing under the rule of the Congo Government. With a view to a clear understanding of the issue thus recognized, and the ascertainment of the true facts of the situation, I venture to make to you the proposition that we shall meet in some public hall in the City of Washington, at a time and under conditions to be determined through correspondence, for a frank discussion of the question, "Ought existing conditions in the Congo State to be made a subject of international inquiry?"

I may add that in case you should find it inconvenient to arrange for the appointment suggested I would consent that any



other representative of the Congo State should meet the engagement in your place.

In behalf of the Conference of Societies represented in Missionary and Philanthropic Work in the Congo State, believe me

Very truly yours,

THOMAS S. BARBOUR,  
Chairman of Conference.

HENRY I. KOWALSKY TO THOMAS S. BARBOUR.

NEW YORK, November 16, 1904.

THOMAS S. BARBOUR, D.D., Cor. Sec'y,  
American Baptist Missionary Union,  
Tremont Temple, Boston, Mass.

MY DEAR SIR:

Your letter of October 18th addressed to me under care of Baron Moncheur, Belgian Minister, Washington, D. C., was forwarded to me at the Hoffman House. I learned of the existence of this letter through the newspapers before I had the honor of receiving the original. The important position you occupy as the executive head of the foreign department of the American Baptist Missionary Society entitles your letter to respectful consideration. Absence from the city and important engagements must be my excuse for not having answered it before this.

I note with pleasure the interest you take in the affairs of the Congo Free State and your desire for light in regard to the conditions existing in that country. You say the impressions made upon your mind by testimony obtained from many sources differ materially from the statements made by me in my conversations with newspaper correspondents regarding the subject. I may say that my views in relation to this subject are in no wise peculiar; they were arrived at after a full investigation of the testimony of reputable and disinterested persons and after an examination of many documents. In fact, I reserved for myself a lawyer's right of thorough investigation, and of being convinced of the truth and justice of the cause of the Congo Free State before consenting to be retained. My continued investigations into the State's affairs and my observation of the methods of those who are slandering and vilifying it, only tend to confirm my belief that a great wrong is being heaped upon a government which is working nobly and unselfishly to advance civilization and religion among a race which but a few years since was wild and savage. Ministers properly following their vocation should be peacemakers, not tormentors of those who, according to the testimony of honest

travelers, regardless of creed, have embraced this vast field, and its opportunities to serve God and humanity.

My beliefs represent in the main the views heretofore expressed by his Eminence, Cardinal Gibbons.

Your proposition to meet me in joint debate in the City of Washington would have my hearty approval were it not for the fact that I question the propriety of either you or I engaging, as mere partisans, in debating a question, which as you well say, involves a subject of profound interest affecting the well-being of many millions of people. The subject, in my humble judgment, is too grave and is fraught with too serious consequences to warrant the indulgence of any partisanship, and I am not ambitious to occupy the public eye unnecessarily, especially for the purpose of debating at random along partisan lines.

Permit me to say in all kindness that your letter indicates the advocate and controversialist rather than the unbiased seeker after truth, and I fear that, owing to the weaknesses common to humanity and of which it is reasonable to assume you and I possess our share, a public controversy in the form of a debate would lead only to heated argument not conducive to a correct understanding of the conditions now existing in the Congo Free State. What the Congo Government has always desired and what up to this time it has absolutely been denied, has been the opportunity to meet and answer specific charges made by a complainant whose motives are unquestionably fair and impartial and whose charges are based upon the positive knowledge of a correctly informed person rather than upon irresponsible information and belief.

In order to render the proposed debate of any value in the interests of truth, it must occur to you, as to any right-minded man, that specific charges should be formulated and persons should be directly accused of the crimes so idly made against the Congo Government. I ask you, therefore, to specify the exact charges which are to be the subject of this debate so as to enable me to frame an answer.

In approaching the discussion of this subject, permit me to call your attention to the fact that the claim of impeccability is

not asserted by the government in question. It freely confesses that it is a human institution and that at times it may have failed to discover and legally punish grave and serious offenses. On the other hand, it should be conceded by our opponents that the government of such a people as inhabit the immense domain known as the "Congo Free State" is not without difficulty, and that the inhabitants of that region, in common with the other children of Adam, are somewhat marked by the trail of the serpent.

That atrocities were committed by the natives on each other in the early life of this State in accordance with tribal customs, which acts would now be subject to the penal law of the country, may be conceded. These occur even in highly civilized States, and it is not to be wondered that they occasionally happen among a savage and uncivilized people.

The Congo Free State contends, and this contention cannot be successfully denied, that in the main its government has been enlightened and civilized. It has always had an eye single to the welfare and prosperity of its people, and wherever these principles have been departed from it has been due to the infirmities of the human instruments it has employed, infirmities common to all governments and human institutions.

In conclusion, permit me to say that the most disheartening feature of the attempts of the Congo Government to firmly plant civilized institutions in this great territory has been the carping criticism of some of the organizations whose purpose it was believed to be the planting of the seed of Christianity among the uncivilized races of the globe. I recall the fact that at the late Peace Congress held in Boston, it was with difficulty that one of our friends obtained ten minutes' time to reply to an hour's discussion presented by the friends of the Honorary Secretary of a self-constituted Liverpool association. A disgruntled American missionary to whom concessions in the Congo were refused was permitted to inveigh against the government without restriction, but a respectful hearing was denied those who sought to enlighten your Congress with facts and figures. The Resolutions passed were not openly given to the members of the Convention to delib-

erate upon, but were suddenly sprung upon the body, after a judicious amount of politics had been done to arrange for their passage and to avoid dissent. In fact the conduct of the Peace Congress creates the impression that even good men may not always be relied upon to act fairly; that they are often inclined to confound the denial of the commission of a crime with an expression of sympathy for it. Permit me to further say that neither you nor I are in a position to speak authoritatively for the United States Government, and to call your attention to the fact, which perhaps you have lost sight of, that the government of the Congo is an independent sovereignty, having absolute control, in common with all governments, over its own internal affairs, and that it is responsible only to its own subjects and to the law of nations for any infractions it may commit.

I am leaving for California immediately, where my legal engagements will require my attention until the latter part of December, at which time, if proper issues are framed and it is desirable in the interests of truth, I may arrange to meet you in a public debate.

I am,

Respectfully,

HENRY I. KOWALSKY.

P.S.—If this is to your satisfaction, you can give copies to *Washington Post* and *Star* and also Associated Press.