

## A Few Words that Changed the World



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*THOMAS PEACE*



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*A Few Words that Changed the World* is a digital primary source reader of short documents from around the world that have had deep influence in shaping the world in which we live. Drawing on full text documents that are either out of copyright, or published under copyright that allows for the reproduction and reuse, the reader challenges students to think about the rise of European empires between the fifteenth and nineteenth centuries, and their impact around the globe.

The reader itself is structured chronologically. Each part of the book includes a brief introduction and then the full text of the document itself. The main reason for putting this resource together, though, is the use of the Hypothes.is annotation tool, which allows students to annotate the book's pages with additional information and questions about the text. If you are using this book for a course, please register your class through Hypothes.is in order for your students' annotations to remain private.

Initially designed as an Open Educational Resource for students taking HIS 1808: *A Few Words that Changed the World* at Huron University College, we hope that this resource will grow and expand over time. 1808 is a global history course that focuses specifically on introducing students to key themes in the 15th to 19th century expansion of European empires. With time, we hope to see this resource grow more diverse in its scope. The whole purpose here is to provide students with short full-text primary documents that have brought about – or represent – substantive change on a global scale.

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*Cover Image:* LE 1ER. JUILLET , TOUSSAINT-LOUVERTURE, CHARGÉS DES POUVOIRS DU PEUPLE D'HAÏTY ET AUSPICES DU TOUT-PUISSANTE, PROCLAME LA GOUVERNEUR GÉNÉRAL, ASSISTÉ DES MANDATAIRES LÉGALEMENT CONVOQUÉS, EN PRÉSENCE ET SOUS LES CONSTITUTION DE LA RÉPUBLIQUE D'HAÏTY / LITH. DE VILLAIN, R. DE SÈVRES NO. 11. *Haiti*, 1801. *Photograph.* <https://www.loc.gov/item/2004669332/>.



PART I

# THE TREATY OF TORDESILLAS (1494)



# Introduction - Treaty of Tordesillas

Though crossing the Atlantic is most often associated with Spain and Christopher Columbus, the Kingdom of Castile (Spain) and Portugal had been expanding westward for much of the fifteenth century. Instability in the eastern Mediterranean, as well as the fall of the Mongol Empire, encouraged these kingdoms to look elsewhere for a trading route to India. In venturing into the Atlantic, seafarers for these kingdom's arrived in places previously unknown to them.

Early in the century, for example, Castilian colonizers laid claim to what we know today as the Canary Islands. Portugal, though, was the main driver of Europe's expansion at this time. Under Henry the Navigator, and then King John II, Portugal expanded its influence to the Madeira and Azores Islands, over 1,500 kilometers from the Portuguese shoreline, as well as along the African coast line, building trading relationships along the way with the hopes of finding a new route to India. Conflict arose between the Castilian and Portuguese crowns over ownership of the Canary Islands.

Both Portugal and Castile were Catholic monarchies. The crowns therefore turned to the Vatican for a ruling, leading to the 1479 Treaty of Alcáçovas, which sided that the Canary Islands belonged to Spain. More generally, though, the treaty outlined Portuguese and Spanish spheres of influence.

The 1494 Treaty of Tordesillas extended the diplomacy between the two crowns after Christopher Columbus returned from his first voyage and announced to King John that there were lands to the south and west of the Canary Islands.

Taking a diplomatic tack, Queen Isabella (Castile) and King Ferdinand (Aragon) sought a new decision from the church. In 1493, Pope Alexander VI issued a Papal Bull *Inter caetera* that allocated to the Kingdom of Castile all lands found 100 leagues (about 500 km) west of the Azores and Cape Verde Islands. Upset about this Papal decision – especially as it threatened Portuguese efforts to find a new route to India – John II took Isabella and Ferdinand to the bargaining table. The resulting Treaty of Tordesillas moved the line drawn from pole-to-pole a year earlier westward by 270 leagues (about 1,300 km) and acknowledged Portugal's dominance on the sea. Essentially, the Treaty of Tordesillas granted the lands discovered west of the Papal line to the Kingdom of Castile, while lands to the east belonged to Portugal.

The Treaty of Tordesillas reveals much about how Europeans saw the world at the end of the fifteenth century. It anchors a legal principle known as the Doctrine of Discovery – cemented in North American law in the nineteenth century – whereby European powers, initially through the Catholic Church, granted themselves the right to claim sovereignty over land occupied by non-Christian peoples. As you read through the treaty text, consider the following questions:

- What sense do you get about the state of geographic knowledge in Europe in 1494?
- What was the role of the church in shaping the relationship between John II, Isabella, and Ferdinand (among others)?
  - Why was the church so important in mediating this diplomacy?
- What problems do you see arising from this treaty? How do you think they might have been resolved?



Front page of the Portuguese-owned Treaty. Wikipedia.

This module was last updated in December 2021.

# The Treaty Text

**Source:** This transcription is from Frances G. Davenport, *European Treaties bearing on the United States and its dependencies* (Washington: Carnegie Institution of Washington Americana, 1917), p. 84-100. Transcription copied from the Yale University Avalon Project. The original manuscript of the ratification signed by Ferdinand and Isabella at Arévalo, July 2, 1494, is in the National Archives at Lisbon, gav. 17, maço 2, no. 24. The original manuscript of the ratification signed by John II. at Setubal on September 5, 1494, is in the Archives of the Indies, “Legajo escogido.”

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Don Ferdinand and Dona Isabella, by the grace of God king and queen of Castile, Leon, Aragon, Sicily, Granada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, Algarve, Algeciras, Gibraltar, and the Canary Islands, count and countess of Barcelona, lord and lady of Biscay and Molina, duke and duchess of Athens and Neopatras, count and countess of Roussillon and Cerdagne, marquis and marchioness of Oristano and Gociano, together with the Prince Don John, our very dear and very beloved first-born son, heir of our aforesaid kingdoms and lordships. Whereas by Don Enrique Enriques, our chief steward, Don Gutierre de Cardenas, chief commissary of Leon, our chief auditor, and Doctor Rodrigo Maldonado, all members of our council, it was treated, adjusted, and agreed for us and in our name and by virtue of our power with the most serene Dom John, by the grace of God, king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, our very dear and very beloved brother, and with Ruy de Sousa, lord of Sagres and Berenguel, Dom Joao de Sousa, his son, chief inspector of weights and measures of the said Most Serene King our brother, and Ayres de Almada, magistrate of the civil cases in his court and member of his desembargo, all members of the council of the aforesaid Most Serene King our brother, [and acting] in his name and by virtue of his power, his ambassadors, who came to us in regard to the controversy over what part belongs to us and what part to the said Most Serene King our brother, of that which up to this seventh day of the present month of June, the date of this instrument, is discovered in the ocean sea, in which said agreement our aforesaid representatives promised among other things that within a certain term specified in it we should sanction, confirm, swear to, ratify, and approve the above-mentioned agreement in person: we, wishing to fulfill and fulfilling all that which was thus adjusted, agreed upon, and authorized in our name in regard to the above-mentioned, ordered the said instrument of the aforesaid agreement and treaty to be brought before us that we might see and examine it, the tenor of which, word for word, is as follows:

In the name of God Almighty, Father, Son, and Holy Ghost, three truly separate and distinct persons and only one divine essence. Be it manifest and known to all who shall see this public instrument, that at the village of Tordesillas, on the seventh day of the month of June, in the year of the nativity of our Lord Jesus Christ 1494, in the presence of us, the secretaries, clerks, and notaries public subscribed below, there being present the honorable Don Enrique Enriques, chief steward of the very exalted and very mighty princes, the lord and lady Don Ferdinand and Dona Isabella, by the grace of God king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., Don Gutierre de Cardenas, chief auditor of the said lords, the king and queen, and Doctor Rodrigo Maldonado, all members of the council of the said lords, the king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., their qualified representatives of the one part, and the honorable Ruy de Sousa, lord of Sagres and Berenguel, Dom Juan de Sousa, his son, chief inspector of weights and measures of the very exalted and very excellent lord Dom John, by the grace of God king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, and Ayres de Almada, magistrate of civil cases in his court and member of his desembargo, all of the council of the said lord King of Portugal, and his qualified ambassadors and representatives, as was proved by both the said parties by means of the letters of authorization and procurations from the said lords their constituents, the tenor of which, word for word, is as follows:

[Here follow the full powers granted by Ferdinand and Isabella to Don Enrique Enriques, Don Gutierre de Cardenas, and Dr. Rodrigo Maldonado on June 5, 1494; and the full powers granted by John II. to Ruy de Sousa, Joao de Sousa, and Ayres Almada on March 8, 1494.]

“Thereupon it was declared by the above-mentioned representatives of the aforesaid King and Queen of Castile, Leon, Aragon, Sicily, Granada, etc., and of the aforesaid King of Portugal and the Algarves, etc.:

[1.] That, whereas a certain controversy exists between the said lords, their constituents, as to what lands, of all those discovered in the ocean sea up to the present day, the date of this treaty, pertain to each one of the said parts respectively; therefore, for the sake of peace and concord, and for the preservation of the relationship and love of the said King of Portugal for the said King and Queen of Castile, Aragon, etc., it being the pleasure of their Highnesses, they, their said representatives, acting in their name and by virtue of their powers herein described, covenanted and agreed that a boundary or straight line be determined and drawn north and south, from pole to pole, on the said ocean sea, from the Arctic to the Antarctic pole. This boundary or line shall be drawn straight, as aforesaid, at a distance of three hundred and seventy leagues west of the Cape Verde Islands, being calculated by degrees, or by any other manner as may be considered the best and readiest, provided the distance shall be no greater than abovesaid. And all lands, both islands and mainlands, found and discovered already, or to be found and discovered hereafter, by the said King of Portugal and by his vessels on this side of the said line and bound determined as above, toward the east, in either north or south latitude, on the eastern side of the said bound provided the said bound is not crossed, shall belong to, and remain in the possession of, and pertain forever to, the said King of Portugal and his successors. And all other lands, both islands and mainlands, found or to be found hereafter, discovered or to be discovered hereafter, which have been discovered or shall be discovered by the said King and Queen of Castile, Aragon, etc., and by their vessels, on the western side of the said bound, determined as above, after having passed the said bound toward the west, in either its north or south latitude, shall belong to, and remain in the possession of, and pertain forever to, the said King and Queen of Castile, Leon, etc., and to their successors.

[2.] Item, the said representatives promise and affirm by virtue of the powers aforesaid, that from this date no ships shall be despatched—namely as follows: the said King and Queen of Castile, Leon, Aragon, etc., for this part of the bound, and its eastern side, on this side the said bound, which pertains to the said King of Portugal and the Algarves, etc.; nor the said King of Portugal to the other part of the said bound which pertains to the said King and Queen of Castile, Aragon, etc.—for the purpose of discovering and seeking any mainlands or islands, or for the purpose of trade, barter, or conquest of any kind. But should it come to pass that the said ships of the said King and Queen of Castile, Leon, Aragon, etc., on sailing thus on this side of the said bound, should discover any mainlands or islands in the region pertaining, as abovesaid, to the said King of Portugal, such mainlands or islands shall pertain to and belong forever to the said King of Portugal and his heirs, and their Highnesses shall order them to be surrendered to him immediately. And if the said ships of the said King of Portugal discover any islands and mainlands in the regions of the said King and Queen of Castile, Leon, Aragon, etc., all such lands shall belong to and remain forever in the possession of the said King and Queen of Castile, Leon, Aragon, etc., and their heirs, and the said King of Portugal shall cause such lands to be surrendered immediately.

[3.] Item, in order that the said line or bound of the said division may be made straight and as nearly as possible the said distance of three hundred and seventy leagues west of the Cape Verde Islands, as hereinbefore stated, the said representatives of both the said parties agree and assent that within the ten months immediately following the date of this treaty their said constituent lords shall despatch two or four caravels, namely, one or two by each one of them, a greater or less number, as they may mutually consider necessary. These vessels shall meet at the Grand Canary Island during this time, and each one of the said parties shall send certain persons in them, to wit, pilots, astrologers, sailors, and any others they may deem desirable. But there must be as many on one side as on the other, and certain of the said pilots, astrologers, sailors, and others of those sent by the said King and Queen of Castile, Aragon, etc., and who are experienced, shall embark in the ships of the said King of Portugal and the Algarves; in like manner certain of the said persons sent by the said King of Portugal shall embark in the ship or ships of the said King and Queen of Castile, Aragon, etc.; a like number in each case, so that they may jointly study and examine to better advantage the sea, courses, winds, and the degrees of the sun or of north latitude, and lay out the leagues aforesaid, in order that, in determining the line and boundary, all sent and empowered by both the said parties in the said vessels, shall jointly concur. These said vessels shall continue their course together to the said Cape Verde Islands, from whence they shall lay a direct course to the west, to the distance of the said three hundred and seventy degrees, measured as the said persons shall agree, and measured without prejudice to the said parties. When this point is reached, such point will constitute the place and

mark for measuring degrees of the sun or of north latitude either by daily runs measured in leagues, or in any other manner that shall mutually be deemed better. This said line shall be drawn north and south as aforesaid, from the said Arctic pole to the said Antarctic pole. And when this line has been determined as abovesaid, those sent by each of the aforesaid parties, to whom each one of the said parties must delegate his own authority and power, to determine the said mark and bound, shall draw up a writing concerning it and affix thereto their signatures. And when determined by the mutual consent of all of them, this line shall be considered as a perpetual mark and bound, in such wise that the said parties, or either of them, or their future successors, shall be unable to deny it, or erase or remove it, at any time or in any manner whatsoever. And should, perchance, the said line and bound from pole to pole, as aforesaid, intersect any island or mainland, at the first point of such intersection of such island or mainland by the said line, some kind of mark or tower shall be erected, and a succession of similar marks shall be erected in a straight line from such mark or tower, in a line identical with the above-mentioned bound. These marks shall separate those portions of such land belonging to each one of the said parties; and the subjects of the said parties shall not dare, on either side, to enter the territory of the other, by crossing the said mark or bound in such island or mainland.

[4.] Item, inasmuch as the said ships of the said King and Queen of Castile, Leon, Aragon, etc., sailing as before declared, from their kingdoms and seignories to their said possessions on the other side of the said line, must cross the seas on this side of the line, pertaining to the said King of Portugal, it is therefore concerted and agreed that the said ships of the said King and Queen of Castile, Leon, Aragon, etc., shall, at any time and without any hindrance, sail in either direction, freely, securely, and peacefully, over the said seas of the said King of Portugal, and within the said line. And whenever their Highnesses and their successors wish to do so, and deem it expedient, their said ships may take their courses and routes direct from their kingdoms to any region within their line and bound to which they desire to despatch expeditions of discovery, conquest, and trade. They shall take their courses direct to the desired region and for any purpose desired therein, and shall not leave their course, unless compelled to do so by contrary weather. They shall do this provided that, before crossing the said line, they shall not seize or take possession of anything discovered in his said region by the said King of Portugal; and should their said ships find anything before crossing the said line, as aforesaid, it shall belong to the said King of Portugal, and their Highnesses shall order it surrendered immediately. And since it is possible that the ships and subjects of the said King and Queen of Castile, Leon, etc., or those acting in their name, may discover before the twentieth day of this present month of June, following the date of this treaty, some islands and mainlands within the said line, drawn straight from pole to pole, that is to say, inside the said three hundred and seventy leagues west of the Cape Verde Islands, as aforesaid, it is hereby agreed and determined, in order to remove all doubt, that all such islands and mainlands found and discovered in any manner whatsoever up to the said twentieth day of this said month of June, although found by ships and subjects of the said King and Queen of Castile, Aragon, etc., shall pertain to and remain forever in the possession of the said King of Portugal and the Algarves, and of his successors and kingdoms, provided that they lie within the first two hundred and fifty leagues of the said three hundred and seventy leagues reckoned west of the Cape Verde Islands to the above-mentioned line-in whatsoever part, even to the said poles, of the said two hundred and fifty leagues they may be found, determining a boundary or straight line from pole to pole, where the said two hundred and fifty leagues end. Likewise all the islands and mainlands found and discovered up to the said twentieth day of this present month of June by the ships and subjects of the said King and Queen of Castile, Aragon, etc., or in any other manner, within the other one hundred and twenty leagues that still remain of the said three hundred and seventy leagues where the said bound that is to be drawn from pole to pole, as aforesaid, must be determined, and in whatever part of the said one hundred and twenty leagues, even to the said poles, -they that are found up to the said day shall pertain to and remain forever in the possession of the said King and Queen of Castile, Aragon, etc., and of their successors and kingdoms; just as whatever is or shall be found on the other side of the said three hundred and seventy leagues pertaining to their Highnesses, as aforesaid, is and must be theirs, although the said one hundred and twenty leagues are within the said bound of the said three hundred and seventy leagues pertaining to the said King of Portugal, the Algarves, etc., as aforesaid.

And if, up to the said twentieth day of this said month of June, no lands are discovered by the said ships of their Highnesses within the said one hundred and twenty leagues, and are discovered after the expiration of that time, then they shall pertain to the said King of Portugal as is set forth in the above.

The said Don Enrique Enriques, chief steward, Don Gutierre de Cardenas, chief auditor, and Doctor Rodrigo Maldonado, representatives of the said very exalted and very mighty princes, the lord and lady, the king and queen of Castile, Leon, Aragon, Sicily, Granada, etc., by virtue of their said power, which is incorporated above, and the said Ruy de Sousa, Dom Joao de Sousa, his son, and Arias de Almadana, representatives and ambassadors of the said very exalted and very excellent prince, the lord king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea, by virtue of their said power, which is incorporated above, promised, and affirmed, in the name of their said constituents, [saying that they and their successors and kingdoms and lordships, forever and ever, would keep, observe, and fulfill, really and effectively, renouncing all fraud, evasion, deceit, falsehood, and pretense, everything set forth in this treaty, and each part and parcel of it; and they desired and authorized that everything set forth in this said agreement and every part and parcel of it be observed, fulfilled, and performed as everything which is set forth in the treaty of peace concluded and ratified between the said lord and lady, the king and queen of Castile, Aragon, etc., and the lord Dom Alfonso, king of Portugal (may he rest in glory) and the said king, the present ruler of Portugal, his son, then prince in the former year of 1479, must be observed, fulfilled, and performed, and under those same penalties, bonds, securities, and obligations, in accordance with and in the manner set forth in the said treaty of peace. Also they bound themselves [by the promise] that neither the said parties nor any of them nor their successors forever should violate or oppose that which is abovesaid and specified, nor any part or parcel of it, directly or indirectly, or in any other manner at any time, or in any manner whatsoever, premeditated or not premeditated, or that may or can be, under the penalties set forth in the said agreement of the said peace; and whether the fine be paid or not paid, or graciously remitted, that this obligation, agreement, and treaty shall continue in force and remain firm, stable, and valid forever and ever. That thus they will keep, observe, perform, and pay everything, the said representatives, acting in the name of their said constituents, pledged the property, movable and real, patrimonial and fiscal, of each of their respective parties, and of their subjects and vassals, possessed and to be possessed. They renounced all laws and rights of which the said parties or either of them might take advantage to violate or oppose the foregoing or any part of it; and for the greater security and stability of the aforesaid, they swore before God and the Blessed Mary and upon the sign of the Cross, on which they placed their right hands, and upon the words of the Holy Gospels, wheresoever they are written at greatest length, and on the consciences of their said constituents, that they, jointly and severally, will keep, observe, and fulfill all the aforesaid and each part and parcel of it, really and effectively, renouncing all fraud, evasion, deceit, falsehood, and pretense, and that they will not contradict it at any time or in any manner. And under the same oath they swore not to seek absolution or release from it from our most Holy Father or from any other legate or prelate who could give it to them. And even though, proprio motu, it should be given to them, they will not make use of it; rather, by this present agreement, they, acting in the said name, entreat our most Holy Father that his Holiness be pleased to confirm and approve this said agreement, according to what is set forth therein; and that he order his bulls in regard to it to be issued to the parties or to whichever of the parties may solicit them, with the tenor of this agreement incorporated therein, and that he lay his censures upon those who shall violate or oppose it at any time whatsoever. Likewise, the said representatives, acting in the said names, bound themselves under the same penalty and oath, that within the one hundred days next following, reckoned from the day of the date of this agreement, the parties would mutually exchange the approbation and ratification of this said agreement, written on parchment, signed with the names of the said lords, their constituents, and sealed with their hanging leaden seals; and that the instrument which the said lords, the king and queen of Castile, Aragon, etc., should have to issue, must be signed, agreed to, and sanctioned by the very noble and most illustrious lord, Prince Don Juan, their son. Of all the foregoing they authorized two copies, both of the same tenor exactly, which they signed with their names and executed before the undersigned secretaries and notaries public, one for each party. And whichever copy is produced, it shall be as valid as if both the copies which were made and executed in the said town of Tordesillas, on the said day, month, and year aforesaid, should be produced. The chief deputy, Don Enrique, Ruy de Sousa, Dom Juan de Sousa, Doctor Rodrigo Maldonado, Licentiate Ayres. Witnesses who were present and who saw the said representatives and ambassadors sign their names here and execute the aforesaid, and take the said oath: The deputy Pedro de Leon and the deputy Fernando de Torres, residents of the town of Valladolid, the deputy Fernando de Gamarra, deputy of Zagra and Cenete, continuo of the house of the said king and queen, our lords, and Joao Suares de Sequeira, Ruy Leme, and Duarte Pacheco, continos of the house of the

said King of Portugal, summoned for that purpose. And I, Fernando Alvarez de Toledo, secretary of the king and queen, our lords, member of their council, and their scrivener of the high court of justice, and notary public in their court and throughout their realms and lordships, witnessed all the aforesaid, together with the said witnesses and with Estevan Vaez, secretary of the said King of Portugal, who by the authority given him by the said king and queen, our lords, to certify to this act in their kingdoms, also witnessed the abovesaid; and at the request and with the authorization of all the said representatives and ambassadors, who in my presence and his here signed their names, I caused this public instrument of agreement to be written. It is written on these six leaves of paper, in entire sheets, written on both sides, together with this leaf, which contains the names of the aforesaid persons and my sign; and the bottom of every page is marked with the notarial mark of my name and that of the said Estevan Vaez. And in witness I here make my sign, which is thus. In testimony of truth: Fernando Alvarez. And I, the said Estevan Vaez (who by the authority given me by the said lords, the king and queen of Castile, and of Leon, to make it public throughout their kingdoms and lordships, together with the said Fernando Alvarez, at the request and summons of the said ambassadors and representatives witnessed everything), in testimony and assurance thereof signed it here with my public sign, which is thus.

The said deed of treaty, agreement, and concord, above incorporated, having been examined and understood by us and by the said Prince Don John, our son, we approve, commend, confirm, execute, and ratify it, and we promise to keep, observe, and fulfill all the abovesaid that is set forth therein, and every part and parcel of it, really and effectively. We renounce all fraud, evasion, falsehood, and pretense, and we shall not violate or oppose it, or any part of it, at any time or in any manner whatsoever. For greater security, we and the said prince Don John, our son, swear before God and Holy Mary, and by the words of the Holy Gospels, wheresoever they are written at greatest length, and upon the sign of the Cross upon which we actually placed our right hands, in the presence of the said Ruy de Sousa, Dom Joao de Sousa, and Licentiate Ayres de Almada, ambassadors and representatives of the said Most Serene King of Portugal, our brother, thus to keep, observe, and fulfill it, and every part and parcel of it, so far as it is incumbent upon us, really and effectively, as is abovesaid, for ourselves and for our heirs and successors, and for our said kingdoms and lordships, and the subjects and natives of them, under the penalties and obligations, bonds and abjurements set forth in the said contract of agreement and concord above written. In attestation and corroboration whereof, we sign our name to this our letter and order it to be sealed with our leaden seal' hanging by threads of colored silk. Given in the town of Arevalo, on the second day of the month of July, in the year of the nativity of our Lord Jesus Christ, 1494.

I, THE KING. I, THE QUEEN. I, THE PRINCE.

I, FERNANDO ALVAREZ de Toledo, secretary of the king and of the queen, our lords, have caused it to be written by their mandate.

. . . doctor.



PART II

# NZINGA MBEMBA TO THE KING OF PORTUGAL (1526)



# Introduction - Mbemba to King of Portugal

In 1483, the Portuguese sailor Diogo Cao arrived at the mouth of the Congo River, claiming Africa for Portugal under the authority granted that kingdom by the Vatican. At that time, the Kingdom was one of the largest on the continent. There were twelve provinces covering parts of Angola, the Democratic Republic of Congo, the Republic of Congo, Gabon, Namibia, and Zambia. It was an important player in the African trade in gold, copper, ivory, cloth and pottery, into which Cao hoped to integrate Portuguese commerce.

Things moved quickly in the 1480s. Cao had taken several nobles to Portugal after his initial visit and by 1485, the ruling King Nzinga a Nkuwu converted to Christianity. He was baptized in 1491, when Catholic priests arrived in the kingdom. Over the decades that followed, there was considerable back and forth between the Kongo and Portugal.

Nkuwu's successor, Nzinga Mbemba, is the author of this module's document. Trained by Catholic priests during the late fifteenth century, when he took power in 1509, he established the Catholic Church as the Kingdom's state religion, built schools for the elite, and sent many nobles to train in Europe; his son became the Kingdom's first Catholic bishop.

By 1526, forty years of trade and diplomacy with Portugal had led to the development of a fairly extensive trade in slaves, some heading to Sao Tomé, a previously uninhabited island off Africa's west coast that Portugal had developed to grow sugar. Initially, plantation workers were enslaved as part of warfare on Kongo's frontiers. Over time, though, the source of slaves became unclear, and – in Mbemba's view – bypassed Kongo law and sovereignty.

As you read through these letters ask yourself:

- How does Mbemba relate to Portuguese king Joao III?
- What is the relationship between Christianity and commerce?
- What solutions does Mbemba see to the problem of the Portuguese slave trade? What does this teach us about the Kongo state?



*Coat of Arms of the Kingdom of Kongo  
issued to King Affonso I (Wikimedia  
Commons)*

# Letter Text

**Source:** "Excerpt of letter from Nzinga Mbemba to Portuguese King João III ," in World History Commons, <https://worldhistorycommons.org/excerpt-letter-nzinga-mbemba-portuguese-king-joao-iii> [accessed December 11, 2021]

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To the most powerful and excellent prince Dom Joao, King our Brother.

Sir, Your Highness should know how our Kingdom is being lost in so many ways that it is convenient to provide for the necessary remedy, since this is caused by the excessive freedom given by your agents and officials to the men and merchants who are allowed to come to this kingdom to set up shops with goods and many things which have been prohibited by us, and which they spread through our Kingdoms and Domains in such an abundance that many of our vassals, whom we had in obedience, do not comply because they have the things in greater abundance than we ourselves; and it was with these things that we had them content and subjected under our vassalage and jurisdiction, so it is doing a great harm not only to the service of God, but the security and peace of our Kingdoms and State as well.

And we cannot reckon how great the damage is, since the mentioned merchants are taking every day our natives, sons of the land and the sons of our noblemen and vassals and our relatives, because the thieves and men of bad conscience grab them wishing to have the things and wares of this Kingdom which they are ambitious of, they grab them and get them to be sold; and so great, Sir, is the corruption and licentiousness that our country is being completely depopulated, and Your Highness should not agree with this nor accept it as in your service. And to avoid it we need from those Kingdoms no more than some priests and a few people to reach in schools, and no other goods except wine and flour for the holy sacrament. That is why we beg of Your Highness to help and assist us in this matter, commanding your factors that they should nor send here either merchants or wares, because it is our will that in these Kingdoms there should not be any trade of slaves nor outlet for them. Concerning what is referred to above, again we beg of Your Highness to agree with it, since otherwise we cannot remedy such an obvious damage, Pray Our Lord in His mercy to have Your Highness under His guard and let you do forever the things of His service, I kiss your hands many times.

Many of our people, keenly desirous as they are of the wares and things of your Kingdoms, which are brought here by your people, and in order to satisfy their voracious appetite, seize many of our people, freed and exempt men, and very often it happens that they kidnap even noblemen and the sons of noblemen, and our relatives, and take them to be sold to the white men who are in our Kingdoms; and for this purpose they have concealed them; and others are brought during the night so that they might not be recognized.

And as soon as they are taken by the white men they are immediately ironed and branded with fire, and when they are carried to be embarked, if they are caught by our guards' men the whites allege that they have bought them but they cannot say from whom, so that it is our duty to do justice and to restore to the freemen their freedmen, but it cannot be done if your subjects feel offended, as they claim to be.

At our town of Congo, written on the sixth day of July

The King, Dom Affonso

PART III

## EDICTS AGAINST CHRISTIANITY (1587)



# Introduction - Edicts Against Christianity

The Portuguese arrived in Japan in 1543, laying claim to the islands under the Treaty of Tordesillas. Japan was in the middle of a civil war that had lasted for nearly a century. Contemporary to the arrival of the Portuguese, the country began to come back together under the “three unifiers”: Oda Nobunaga (1534-1583), Toyotomi Hideyoshi (1536-1598), and Tokugawa Ieyasu (1543-1616). Important to this was the arrival of the arquebus, an early musket, which Nobunaga and the two unifiers who followed used to help consolidate their power.

With the Portuguese came dozens of priests. Disputed by Spain, priests, mostly Jesuits, but also Franciscans, and Dominicans began to evangelize throughout the country, leading to thousands of conversions. In Europe, religious turmoil reigned following the Protestant Reformation. In response, a new wave of Catholic evangelism emerged to respond to the church’s declining influence. Out of this renewed focus emerged the Jesuits (also known as the Society of Jesus) in 1539. A decade later, Francis Xavier, one of the order’s founders arrived in Japan.

The Jesuit strategy was to achieve their religious goals through the elite. One of the most receptive to their entreaties was Omura Sumitaga who, in 1569, allowed a port to be established at Nagasaki, and began a campaign against Buddhists. Amidst the instability of war, the Jesuits were able to secure administration of the growing city. But, when Toyotomi Hideyoshi arrived in the region (Kyushu province) he found the faith – which had expanded across Japan – an obstacle to unification, issuing the edicts that serve as this week’s module.

As you read through these edicts, consider the following questions:

- What do the edicts tell us about Hideyoshi’s approach to unifying Japan?
- What is the relationship between Christianity and trade?
- What is the place of Buddhism in these edicts?



Notice board with anti-Christian edict, posted in 1682. After the official banning of Christian religion from Japan in 1614. (British Museum under CC BY-NC-SA 4.0)

*Translation of noticeboard:* “Regulation. Christianity has been banned for many years. Of course, if someone appears suspicious, you must report them. Rewards given as follows: For handing over a priest – 500 pieces of silver. For handing over a brother (monk) – 300 pieces of silver. For handing over someone who has returned to the (Christian) faith – 100 pieces of silver. For handing over someone who shelters Christians, or an ordinary believer – 100 pieces of silver. For reporting someone who shelters Christians, or an ordinary believer, you might be paid (up to) 500 pieces of silver, depending on the person’s importance. If a Christian emerges from hiding or some other place, then the headman and the five-man committee of that place may also be treated as criminal. Know ye well: By the Magistrate, 1st day, 5th month, Tenna 2 (1682), it is hereby ordered and must be strictly observed in this territory.” (British Museum)

*This module was last updated in December 2021.*

# Edict expelling Jesuit Missionaries (1587)

**Source:** Edict Expelling Jesuit Missionaries, <https://www.japanese-wiki-corpus.org/history/Edict%20expelling%20Jesuit%20missionaries.html>. Generated from the Japanese-English Bilingual Corpus of Wikipedia's Kyoto Articles which is translated by the National Institute of Information and Communications Technology (NICT) from Japanese sentences on Wikipedia, used under CC BY-SA.

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1. Japan is the land of gods, and thereby it is not possible to accept the evil belief from the Christian countries.
2. It is unprecedented that they made the domain people their believers, destroyed shrines and temples, and places of living, enfeoffment, and other things that have been done only for the time being. Obey Acts by the realm, making anything possible and doing ad arbitrium are vile for people of low ranks.
3. The missionaries held temples' supporters with their wits as they desired and destroyed the Buddhist law, therefore, they should not be allowed in the land of Japan, and should prepare to leave and return to their country within twenty days from this day, and also those who harm the missionaries during this period shall be punished.
4. The black ships are for commerce, and thereby they shall be treated differently and we shall buy and purchase various items over the years.
5. For those who do not try to prevent Buddhist law, such foreign merchants shall be allowed to come to or leave Japan any time after this.

The end of the text.

June 19, 1587 Red seal



PART IV

## ROYAL PROCLAMATION (1763)



# Introduction - Royal Proclamation

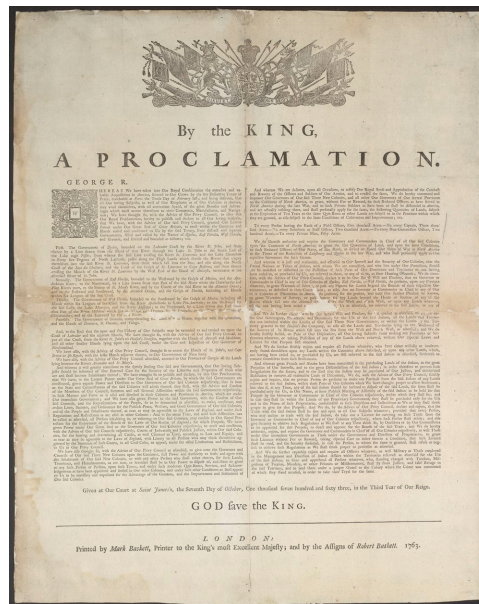
On February 10 1763 the Seven Year's War came to a formal end. On a global stage, Britain had effectively collapsed the French Empire.

The conflict – fought mostly between France and Britain (though involving several other European powers on the continent) – had been brewing for over a decade. Rekindled just five years after a major dynastic struggle – known as the War of Austrian Succession – the 1740s and 1750s were years during which both France and Britain invested heavily in their militaries, especially in the places they claimed as colonies. In Mi'kma'ki/Acadie/Nova Scotia, for example, arose Fort Beauséjour (French) and Fort Lawrence (British) during the early-1750s, just four kilometers from each other.

Though officially war between the European powers was not declared until 1756, its violence began in the late spring of 1754 in the Ohio Valley. There, a young George Washington was sent by Virginia to stop the expansion of French forts being built to protect French interests. Washington attacked a small French force that had left the main work site, killing ten men, including the commander. France retaliated, capturing Washington, and causing both imperial powers to entrench their positions in North America. The next year, unable to resolve these tension, violence broke out between Forts Beauséjour and Lawrence, marking the beginning of the conflict's North American theatre.

The Royal Proclamation of 1763 – issued eight months after the peace made in Paris – illustrates what was at stake. The February peace confirmed what had transpired during the war, France's colonies in North America were formally ceded to Britain. As Britain grappled with how to govern these new places, it also faced older and thornier problems related to claiming sovereignty over the Homelands of hundreds of North American nations. In this document, the newly crowned George III creates a new set of ground rules for North America. As you read through the Proclamation, consider the following questions:

- What assumptions does the Proclamation make about North America and Britain's relationship to it?
- How did Britain understand its relationship to North American nations? How might they have understood their relationship to Britain?



Source: Royal Proclamation, King George III of England Issued October 7, 1763. Broadside. Library and Archives Canada, e010778430, AMICUS no. 7468714

*This module was last updated in December 2021.*

# Proclamation Text

**Source:** Royal Proclamation, King George III of England Issued October 7, 1763. Broadside. Library and Archives Canada, e010778430, AMICUS no. 7468714. Transcription from: *Royal Proclamation of 1763*, Wikisource, [https://en.wikisource.org/wiki/Royal\\_Proclamation\\_of\\_1763](https://en.wikisource.org/wiki/Royal_Proclamation_of_1763)

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Whereas We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to our Crown by the late Definitive Treaty of Peace, concluded at Paris. the 10th Day of February last; and being desirous that all Our loving Subjects, as well of our Kingdom as of our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation, We have thought fit, with the Advice of our Privy Council. to issue this our Royal Proclamation, hereby to publish and declare to all our loving Subjects, that we have, with the Advice of our Said Privy Council, granted our Letters Patent, under our Great Seal of Great Britain, to erect, within the Countries and Islands ceded and confirmed to Us by the said Treaty, Four distinct and separate Governments, styled and called by the names of Quebec, East Florida, West Florida and Grenada, and limited and bounded as follows, viz.

**First**—The Government of Quebec bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John, to the South end of the Lake Nipissim; from whence the said Line, crossing the River St. Lawrence, and the Lake Champlain, in 45. Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St. Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River of St. John.

**Secondly**—The Government of East Florida. bounded to the Westward by the Gulph of Mexico and the Apalachicola River; to the Northward by a Line drawn from that part of the said River where the Chatahouchee and Flint Rivers meet, to the source of St. Mary's River. and by the course of the said River to the Atlantic Ocean; and to the Eastward and Southward by the Atlantic Ocean and the Gulph of Florida, including all Islands within Six Leagues of the Sea Coast.

**Thirdly**—The Government of West Florida. bounded to the Southward by the Gulph of Mexico. including all Islands within Six Leagues of the Coast. from the River Apalachicola to Lake Pontchartrain; to the Westward by the said Lake, the Lake Maurepas, and the River Mississippi; to the Northward by a Line drawn due East from that part of the River Mississippi which lies in 31 Degrees North Latitude. to the River Apalachicola or Chatahouchee; and to the Eastward by the said River.

**Fourthly**—The Government of Grenada, comprehending the Island of that name, together with the Grenadines, and the Islands of Dominico, St. Vincent's and Tobago. And to the end that the open and free Fishery of our Subjects may be extended to and carried on upon the Coast of Labrador, and the adjacent Islands. We have thought fit. with the advice of our said Privy Council to put all that Coast, from the River St. John's to Hudson's Streights, together with the Islands of Anticosti and Madelaine, and all other smaller Islands lying upon the said Coast, under the care and Inspection of our Governor of Newfoundland.

We have also, with the advice of our Privy Council. thought fit to annex the Islands of St. John's and Cape Breton, or Isle Royale, with the lesser Islands adjacent thereto, to our Government of Nova Scotia.

We have also, with the advice of our Privy Council aforesaid, annexed to our Province of Georgia all the Lands lying between the Rivers Alatomaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling of our said new Governments, that our loving Subjects should be informed of our Paternal care, for the security of the Liberties and Properties of those who are and shall become Inhabitants thereof, We have thought fit to publish and declare, by this Our Proclamation, that We have, in the

Letters Patent under our Great Seal of Great Britain, by which the said Governments are constituted. given express Power and Direction to our Governors of our Said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government: And We have also given Power to the said Governors, with the consent of our Said Councils, and the Representatives of

We have also thought fit, with the advice of our Privy Council as aforesaid, to give unto the Governors and Councils of our said Three new Colonies, upon the Continent full Power and Authority to settle and agree with the Inhabitants of our said new Colonies or with any other Persons who shall resort thereto, for such Lands. Tenements and Hereditaments, as are now or hereafter shall be in our Power to dispose of; and them to grant to any such Person or Persons upon such Terms, and under such moderate Quit-Rents, Services and Acknowledgments, as have been appointed and settled in our other Colonies, and under such other Conditions as shall appear to us to be necessary and expedient for the Advantage of the Grantees, and the Improvement and settlement of our said Colonies.

And Whereas, We are desirous, upon all occasions, to testify our Royal Sense and Approbation of the Conduct and bravery of the Officers and Soldiers of our Armies, and to reward the same, We do hereby command and empower our Governors of our said Three new Colonies, and all other our Governors of our several Provinces on the Continent of North America, to grant without Fee or Reward, to such reduced Officers as have served in North America during the late War, and to such Private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following Quantities of Lands, subject, at the Expiration of Ten Years, to the same Quit-Rents as other Lands are subject to in the Province within which they are granted, as also subject to the same Conditions of Cultivation and Improvement; viz.

To every Person having the Rank of a Field Officer—5,000 Acres.

To every Captain—3,000 Acres.

To every Subaltern or Staff Officer,—2,000 Acres.

To every Non-Commission Officer,—200 Acres .

To every Private Man—50 Acres.

We do likewise authorize and require the Governors and Commanders in Chief of all our said Colonies upon the Continent of North America to grant the like Quantities of Land, and upon the same conditions, to such reduced Officers of our Navy of like Rank as served on board our Ships of War in North America at the times of the Reduction of Louisbourg and Quebec in the late War, and who shall personally apply to our respective Governors for such Grants.

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them. or any of them, as their Hunting Grounds.—We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure. that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida. or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments. as described in their Commissions: as also that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pa

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid.

And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved. without our especial leave and Licence for that Purpose first obtained.

And. We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated

themselves upon any Lands within the Countries above described. or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests. and to the great Dissatisfaction of the said Indians: In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do. with the Advice of our Privy Council strictly enjoin and require. that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement: but that. if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie: and in case they shall

And we do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all our Colonies respectively, as well those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And we do further expressly conjoin and require all Officers whatever, as well Military as those Employed in the Management and Direction of Indian Affairs, within the Territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all Persons whatever. who standing charged with Treason. Misprisions of Treason. Murders, or other Felonies or Misdemeanors. shall fly from Justice and take Refuge in the said Territory. and to send them under a proper guard to the Colony where the Crime was committed of which they, stand accused. in order to take their Trial for the same.

Given at our Court at St. James's the 7th Day of October 1763. in the Third Year of our Reign.

GOD SAVE THE KING



PART V

## TREATY OF ALLAHABAD (1765)



# Introduction - Treaty of Allahabad

The Seven Year's War was one of the first European conflicts with theatres around the world. In India – much like North America – French and British trading companies had been vying for control and influence for several decades. Their increasing commercial influence overlapped with the decline of the Mughal Empire and – like in North America – by the 1740s, there was widespread imperial violence; known locally as the Carnatic Wars.

Different from North America, however, was the role in the conflict of private companies. With no settlers on the ground, the French and British presence in India was indirect, through the *Compagnie française pour le commerce des Indes orientales* and the British East India Company. Unlike companies today, these corporations had extensive powers, raising mostly Indian troops and – increasingly over time – formally representing their respective crowns.

The Carnatic Wars were a series of conflicts where these companies and local Indian rulers vied for power and key trading locations. Sparked by British belligerence during the War of Austrian Succession (the Companies had initially agreed to peace), by the end of that war, conflict in India continued, while Europe saw a brief peace; the second Carnatic War took place between the War of Austrian Succession and the Seven Year's War. During the third war – which overlapped exactly with the Seven Year's War – the British East India Company gained the upper hand, capturing key French trading factories at Chandernagore and Pondichéry. Though the French right to trade from these ports was returned in 1763, French administration of the ports was banned.

Though the fighting had ended between Europeans, these wars were not solely European affairs. The British East India Company continued to fight the remnants of the Mughal Empire. In Bengal, in 1764, Company forces roundly defeated the Mughal army, removing much of the political opposition along the Ganges River. The Treaty of Allahabad is the agreement made following this battle between the Mughal Emperor Shah Alam II and British East India Company officer Robert Clive. As you read through it, consider the following questions:

- What are the basic terms of this treaty?
- How does this agreement position the British East India Company in the region?



*The grant of the Diwani, Shah 'Alam (Mughal Emperor 1759–1806) conveying the grant of the Diwani to Lord Clive, August 1765. Oil on canvas. (Wikimedia Commons)*

*This chapter was modified in December 2021.*

# Treaty Text

**Source:** Wikisource. Original: 'Source: William Bolts, *Considerations on India Affairs; Particularly Respecting the Present State of Bengal Dependencies* (1772), Appendix No. XVII: 'Copy of the new agreement or treaty entered into between the Nabob Najim al Dowlah, the Nabob Sujah al Dowlah, THE EMPEROR SHAH ALLUM, and Lord Clive and the Secret Committee of Calcutta ; upon the latter's revoking of all former treaties and new modelling the affairs of the Company, by affirming the Dewannee. dated the 16th August 1765.

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Whereas the Right Honourable Robert Lord Clive, baron Clive of Plassey, Companion on the most Honourable Order of the Bath, Major General and Commander of the Forces, President of the council and Governor of Fort-William, and of all the settlements belonging to the united Company of Merchants of England trading to the East Indies in the provinces of Bengal, Behar, and Orissa ; and John Carnac Esquire, Brigadier General, Colonel in the service of the said Company, and commanding officer of their forces upon the Bengal establishment, *are invested with full and ample powers*, on the behalf of his Excellency the Nabob Najim al Dowlah, Subahdar of Bengal, Bahar, and Orissa, and likewise on behalf of the united Company of Merchants of England trading to the East Indies, to negotiate, settle, and finally to conclude a firm and lasting peace with his Highness the Nabob Sujah al Dowlah, Vizier of the Empire : Be it known to all those to whom it may or shall in any manner belong, that the above-named plenipotentiaries have agreed upon the following articles with his Highness.

1st. A perpetual and universal peace, sincere friendship, and firm union shall be established between his Highness Sujah al Dowlah and his heirs, on the one part, and his Excellency Najim al Dowlah, and the English East India Company, on the other, so that the said contracting powers shall give their greatest attention to maintain between themselves, their dominions, and their subjects, this reciprocal friendship, without permitting, on either side, any kind of hostilities to be committed from henceforth for any cause, or under any pretence whatsoever ; and every thing shall be carefully avoided, which might hereafter prejudice the union now happily established.

2d. In case the dominions of his Highness Sujah al Dowlah shall at any time hereafter be attacked, his Excellency Najim al Dowlah and the English Company, shall assist him with a part or the whole of their forces, according to the exigency of his affairs, and so far as may be consistent with their own security ; and if the dominions of his Excellency Najim al Dowlah, or the English Company, shall be attacked, his Highness shall in like manner assist them with a part or the whole of his forces ; in the case of the English Company's forces being employed in his Highness's service, the extraordinary expence of the same is to be defrayed by him.

3d. His Highness solemnly engages never to entertain Coffim Aly khawn, the late Subahdar of Bengal, &c. Sumroo the assassin of the English, nor any of the European deserters within his dominions, nor to give the least countenance, support, or protection to them : he likewise solemnly engages to deliver up to the English whatever Europeans may in future desert from this into his country.

4th. The King, Shah Allum, shall remain in full possession of Cora, and such part of the province of Illahabad as he now possesses, *which are ceded to his Majesty* as a royal demesne for the support of his dignity and expences.

5th. His Highness Sujah al Dowlah engaged, in the most solemn manner, to continue Bulwant Sing in the Zemindaries of Banaras, Ghazipoew, and all those districts he possessed at the time he came over to the late Nabob Jaffier Ally Khawn and the English, on condition of his paying the same revenue as heretofore.

6th. In consideration of the great expence incurred by the English Company in carrying on the late war, his Highness agrees to pay them (fifty) 50 lacks of rupees, in the following manner, viz. (twelve) 12 lacks in money, and a deposit of jewels, to the amount of eight lacks, upon the signing of this treaty ; (five) 5 lacks one month after, and the remaining (twenty-five) 25 lacks by monthly payments, so as that the whole may be discharged in (thirteen) 13 months from the date hereof.

7th. It being firmly resolved to restore his Highness the country of Banaras, and the other districts now rented by Bulwant Sing, notwithstanding *the grant of the same from* THE KING to the English Company ; it is therefore agreed that they shall be ceded to His Highness in manner following, viz. They shall remain in the hands of the English Company with their revenues, till the expiration of the agreement between the Rajah Bulwant Sing and the Company, being on the 27th November next ; after which his Highness shall enter into possession, th fort of Chunar excepted, which is not to be evacuated until the 6th article of this treaty be fully complied with.

8th. his Highness shall allow the English Company to carry on trade, duty free, throughout the whole of his dominions.

9th. All the relations and subjects of his Highness, who in any manner assisted the English during the course of the late war, shall be forgiven, and no ways molested for the same.

10th. As soon as this treaty is executed, the English forces shall be withdrawn from the dominions of his Highness, excepting such as may be necessary for the garrison of Chunar, or for *the defence and protection of* THE KING in the city of Illahabad, if his Majesty should require a force for that purpose.

11th. his Highness the Nabob Sujah al Dowlah, his Excellency the Nabob Najim al Dowlah, and the English Company, promise to observe sincerely all the articles contained and settled in the present treaty ; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects ; and the said contracting powers generally and reciprocally guarantee to each other all the stipulations of the present treaty.

CLIVE, JOHN CARNAC, SUJAH AL DOWLAH's Seal and Ratification, MIRZA COSSIM KHAWN, RAJAH SHETTABROY, MEER MASHA ALLAH,

Signed, sealed, and solemnly sworn to, according to their respective faiths, by the contracting parties at Illahabad, this 16th day of August, in the year of our Lord 1765, in the presence of us,— EDMUND MASKELYNE, ARCHIB. SWINTON, GEORGE VANSITTART.

Fort-William, September 30th 1765. A true Copy. ALEXANDER CAMPBELL



PART VI

THE DECLARATION OF THE RIGHTS OF MAN  
AND CITIZEN (1789)



# Introduction - Rights of Man and Citizen

The eighteenth century was defined by warfare. In both France and Britain, these conflict – especially the Seven Year's War – led to crippling debt and a search for new revenues. New fiscal demands from the state brought old political relationships into question and built upon emerging Enlightenment ideas that challenged the hierarchies of an earlier era. Combined, these immediate and more longer term factors ushered in a period of profound change throughout the Atlantic World. Known as the Age of Revolution, between 1775 and 1830, nearly every European (and Euro-American) polity around the Atlantic Ocean was overturned, building new political systems that claimed to better represent the “people.”

Though the American Revolution was first chronologically – and influential in shaping what followed – the French Revolution was far more transformative and significant. The social structure of *ancien régime* France was rigidly hierarchical, with little opportunity for movement within it. A growing middle class, visceral poverty among the poor, and the circulation of enlightenment ideas that questioned the inherited authorities of the aristocracy and the Catholic church brought all of this into question.

In May 1789, facing bankruptcy, Louis XVI called forth the Estates General. It had been 175 since this body last met. The Estates comprised of three equally represented groups of men: clergy (the first estate), aristocrats (the second estate), and everybody else (the third estate). In a kingdom of about 25 million people, only about 500,000 people were part of the first two estates; the rest were in the third estate or completely disenfranchised.

The king's hope was to use the Estates General to impose new taxes. Louis XVI quickly lost control. Before meeting, representatives from the Third Estate asked for double their representation. The King agreed. When they arrived, however, they realized that though they had more representatives, their vote would count the same as the other estates. Over the following weeks, the Third Estate increasingly worked alone, eventually declaring itself a National Assembly, inviting the other Estates to join them as France's sole legislative body.

By August, the body had produced this module's document: *The Declaration of the Rights of Man and Citizen* and the French Revolution had begun. Penned by the Marquis de Lafayette, a French officer who had risen prominently during the American Revolution, and Thomas Jefferson, the principal author of the *American Declaration of Independence*, this document lay the groundwork for a new France.

As you read through these documents, consider these questions:

- What are the core principles underpinning each article in the Declaration?
- What problems do you think might arise for the Revolutionaries in taking up these articles?
- Given its ties to the United States, what do these documents suggest about how we think about the flow of ideas during the eighteenth century?



Print of the 17 articles of the Declaration of the Rights of Man and of the Citizen in 1789 (Musée de la Révolution française)

This chapter was last modified in December 2021.

# Declaration Text

**Source:** France: *Declaration of the Right of Man and the Citizen*, 26 August 1789, available at: <https://www.refworld.org/docid/3ae6b52410.html> [accessed 15 December 2021]

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The representatives of the French People, formed into a National Assembly, considering ignorance, forgetfulness or contempt of the rights of man to be the only causes of public misfortunes and the corruption of Governments, have resolved to set forth, in a solemn Declaration, the natural, unalienable and sacred rights of man, to the end that this Declaration, constantly present to all members of the body politic, may remind them unceasingly of their rights and their duties; to the end that the acts of the legislative power and those of the executive power, since they may be continually compared with the aim of every political institution, may thereby be the more respected; to the end that the demands of the citizens, founded henceforth on simple and incontestable principles, may always be directed toward the maintenance of the Constitution and the happiness of all.

In consequence whereof, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following Rights of Man and of the Citizen.

## Article first

Men are born and remain free and equal in rights. Social distinctions may be based only on considerations of the common good.

## Article 2

The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are Liberty, Property, Safety and Resistance to Oppression.

## Article 3

The source of all sovereignty lies essentially in the Nation. No corporate body, no individual may exercise any authority that does not expressly emanate from it.

## Article 4

Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by Law.

## Article 5

The Law has the right to forbid only those actions that are injurious to society. Nothing that is not forbidden by Law may be hindered, and no one may be compelled to do what the Law does not ordain.

## Article 6

The Law is the expression of the general will. All citizens have the right to take part, personally or through their representatives, in its making. It must be the same for all, whether it protects or punishes. All citizens, being equal in its eyes, shall be equally eligible to all high offices, public positions and employments, according to their ability, and without other distinction than that of their virtues and talents.

## Article 7

No man may be accused, arrested or detained except in the cases determined by the Law, and following the procedure that it has prescribed. Those who solicit, expedite, carry out, or cause to be carried out arbitrary orders must be punished; but any citizen summoned or apprehended by virtue of the Law, must give instant obedience; resistance makes him guilty.

## Article 8

The Law must prescribe only the punishments that are strictly and evidently necessary; and no one may be punished except by virtue of a Law drawn up and promulgated before the offense is committed, and legally applied.

## Article 9

As every man is presumed innocent until he has been declared guilty, if it should be considered necessary to arrest him, any undue harshness that is not required to secure his person must be severely curbed by Law.

## Article 10

No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order.

## Article 11

The free communication of ideas and of opinions is one of the most precious rights of man. Any citizen may therefore speak, write and publish freely, except what is tantamount to the abuse of this liberty in the cases determined by Law.

## Article 12

To guarantee the Rights of Man and of the Citizen a public force is necessary; this force is therefore established for the benefit of all, and not for the particular use of those to whom it is entrusted.

## Article 13

For the maintenance of the public force, and for administrative expenses, a general tax is indispensable; it must be equally distributed among all citizens, in proportion to their ability to pay.

## Article 14

All citizens have the right to ascertain, by themselves, or through their representatives, the need for a public tax, to consent to it freely, to watch over its use, and to determine its proportion, basis, collection and duration.

## Article 15

Society has the right to ask a public official for an accounting of his administration.

## Article 16

Any society in which no provision is made for guaranteeing rights or for the separation of powers, has no Constitution.

## Article 17

Since the right to Property is inviolable and sacred, no one may be deprived thereof, unless public necessity, legally ascertained, obviously requires it, and just and prior indemnity has been paid.



PART VII

THE HAITIAN CONSTITUTION (1801)



# Introduction - Haiti's Constitution

Though the *Declaration of Independence* and the *Declaration of the Rights of Man and Citizen* used the language of liberty, nowhere was the spirit of revolution made more manifest than in the French colony of Saint Domingue. Saint Domingue was the most economically productive European colony in the world. Known as the “pearl of the Antilles,” estimates suggest that it was the single largest supplier of the world’s sugar and coffee. All of this wealth was based on the labour of enslaved Africans.

Though there were free people of colour in Saint Domingue, over seven people were enslaved for every free person living in the colony. Enslavement was particularly brutal in this colony. In the six years leading up to the Revolution, nearly half of the people enslaved were newly arrived from Africa, implying that the working conditions were particularly harsh. Even for the free Black population, over the mid-eighteenth century, their own freedoms were increasingly restricted. Race, in addition to class, was becoming an even starker point of division.

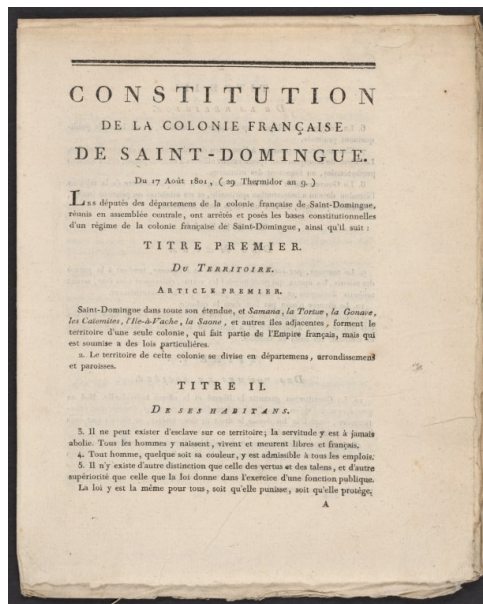
The French Revolution had immediate impact in the colony. Under the Assembly, the colony gained greater autonomy and political representation in France. Reaction to the Revolution in the colony, though, was varied. Plantation owners (Grands Blancs) generally saw the Revolution as an opportunity for more autonomy and freer trade. Poor Whites (Petits Blancs) in the colony saw opportunity for common European citizenship, while free Black people (Gens de Couleur Libres) saw opportunity for equality with White society. The enslaved, however, saw in the Revolution the opportunity for abolition. We must be careful with this latter point, though, not to ascribe too much significance to the Revolutionary ideas circulating the Atlantic during the 1790s. Though they wielded influence in the Haitian Revolution, the desire to escape forced captivity is one that is intrinsic to the condition of enslavement. To think otherwise, normalizes and legitimizes the practice of chattel slavery.

Violence broke out in the summer of 1791 and – over the intervening years – the Haitian Revolution took on two common goals. First, it marked a fight for the abolition of slavery. Second, it was also a struggle against European imperialism. This latter point matters a lot for understanding what happened in Haiti. With the outbreak of violence, both Britain and Spain sought to capture the island with a promise to the Grands Blancs to reinstate slavery. The Haitian Revolutionaries fought on two fronts. First, they fought for their emancipation from their enslavers, and then they fought European powers.

In 1801, after resisting British incursions, Toussaint L'Ouverture, the most prominent leader of the Revolution, issued Haiti's first constitution. France, now under Napoleon Bonaparte, retaliated by sending significant troops and secretly working to restore the island's system of African enslavement. L'Ouverture was arrested and sent to France. Violence continued for another two years before the Haitians successfully removed European influence.

In this module, you will read L'Ouverture's 1801 constitution. As you read this document, consider the following questions:

- Compare this document to the Declaration of the Rights of Man and Citizen.
  - Where are the similarities?
  - In what ways is it different?
- What is the relationship envisioned between Haiti and France?



This module was modified in December 2021.

# The Constitution

**Source:** The Louverture Project, translation by Charmant Theodore, June 2000, [http://thelouvertureproject.org/index.php?title=Haitian\\_Constitution\\_of\\_1801\\_%28English%29](http://thelouvertureproject.org/index.php?title=Haitian_Constitution_of_1801_%28English%29) (originally published under a Creative Commons CC BY 2.5 license).

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The representatives of the colony of Saint-Domingue, gathered in Central Assembly, have arrested and established the constitutional bases of the regime of the French colony of Saint Domingue as follows:

## TITLE I

### Of the Territory

Art. 1. – Saint-Domingue in its entire expanse, and Samana, La Tortue, La Gonave, Les Cayemites, L'Île-a-Vache, La Saône and other adjacent islands form the territory of a single colony, which is part of the French Empire, but ruled under particular laws.

Art. 2. – The territory of this colony is divided in departments, arrondissements (districts) and parishes.

## TITLE II

### Of the Inhabitants

Art. 3. – There cannot exist slaves on this territory, servitude is therein forever abolished. All men are born, live and die free and French.

Art. 4. – All men, regardless of color, are eligible to all employment.

Art. 5. – There shall exist no distinction other than those based on virtue and talent, and other superiority afforded by law in the exercise of a public function. The law is the same for all whether in punishment or in protection.

## TITLE III

### Of the Religion

Art. 6. – The catholic, apostolic, roman faith shall be the only publicly professed faith.

Art. 7. – Each parish shall provide to the maintaining of religious cult and of its ministers. The wealth of the factories shall be especially allocated to this expense, and the presbyteries to the housing of ministers.

Art. 8. – The governor of the colony shall assign to each minister of the religion the extent of his spiritual administration, and said ministers can never, under any circumstance, form a corps in the colony.

## TITLE IV

### Of the Mores

Art. 9. – Marriage, by its civic and religious institution, tend to the purity of mores; spouses who will practice the virtues required by their condition shall always be distinguished and especially protected by the government.

Art. 10. – Divorce shall not take place in the colony.

Art. 11. – Laws that will tend to expand and maintain social virtues, and to encourage and cement family bonding shall fix condition and rights of children born in wedlock.

## TITLE V

### Of Men in Society

Art. 12. – The Constitution guarantees freedom and individual security. No one shall be arrested unless a formally expressed mandate, issued from a functionary to whom the law grants the right to order arrest and detention in a publicly designated location.

Art. 13. – Property is sacred and inviolable. All people, either by himself, or by his representatives, has the free right to dispose and to administer property that is recognized as belonging to him. Anyone who attempts to deny this right shall become guilty of crime towards society and responsible towards the person troubled in his property.

TITLE VI  
Of Cultures and Commerce

Art. 14. – The colony being essentially agricultural cannot suffer the least disruption in the works of its cultivation.

Art. 15. – Each habitation shall constitute a manufacture that requires the gathering of cultivators and workers; it shall represent the quiet haven of an active and constant family, of which the owner of the land or his representative shall be the father.

Art. 16. – Each cultivator and each worker is a member of the family and shares in parts of the revenues.

Every change in domicile on the part of the cultivator carries the ruin of the cultivation. In order to repress a vice as disruptive to the colony as it is to public order, the governor issues all policy requirements necessary in the circumstances and in conformance with the bases of rules of police of 20 Vendémiaire, year IX [1801], and of the proclamation of the following 19th Pluviôse of the Chief General Toussaint-Louverture.

Art. 17. – The introduction of cultivators indispensable to the reestablishment and to the growth of agriculture shall take place in Saint-Domingue. The Constitution charges the Governor to take convenient measures to encourage and favor the increase in manpower, to stipulate and balance the diverse interests, to ensure and guarantee the execution of respective engagements resulting from this introduction.

Art. 18. – Commerce in the colony consists uniquely of exchange goods produced on its territory; consequently, the introduction of goods similar in nature is and shall remain prohibited.

TITLE VII  
Of the Legislation and Legislative Authority

Art 19. – The colonial regime is determined by laws proposed by the Governor and rendered by a gathering of inhabitants, who shall meet at fixed periods at the central seat of the colony under the title Central Assembly of Saint-Domingue.

Art. 20. – No law relative to the internal administration of the colony shall be promulgated unless it contain the following formula: The Central Assembly of Saint-Domingue, upon the proposition of the Governor, renders the following law:

Art. 21. – No law shall be obligatory to the citizen until the day it is promulgated in the chief town of departments. The promulgation of law shall take place as follows: In the mane of the French colony of Saint Domingue, the Governor orders that the subsequent law be sealed, promulgated and executed in all of the colony.

Art. 22. – The Central Assembly of Saint-Domingue shall be composed of two representatives of department, whom, to be eligible, shall be at least 30 years of age and have resided for 5 years in the colony.

Art. 23. – The Assembly shall be renewed every two years by half; no one shall be a member for six consecutive years. The election shall proceed as follows: municipal administrations nominate every two years, on the 10th Ventôse (March 1st) each of the deputies, whom shall meet ten days thereafter at the chief town of their respective departments, where they shall form as many departmental electoral assemblies that will nominate, each, one representative to the Central Assembly. The next election shall take place on the 10th Ventôse of the eleventh year of the French Republic [March 1st 1803]. In case of death, resignation or other vacancy of one or several members of the Assembly, the Governor shall provide a replacement. He shall equally designate the members of the actual Central Assembly who, at the time of first renewal, shall remain members of the Assembly for two additional years.

Art. 24. – The Central Assembly shall vote the adoption or the rejection of laws that are proposed to it by the Governor; it shall express its vote on rules made and on the application of laws already made, on abuses to correct, on improvements to undertake in all parts of service of the colony.

Art. 25. – The session shall begin each year on the 1st Germinal (March 22) and shall not exceed three months in duration. The Governor can convoke the Assembly in extraordinary meeting; the hearings shall not be public.

Art. 26. – On the state of revenues and spending that are proposed to the Assembly by the Governor, the Central Assembly shall determine, when appropriate, establishment of rates, quotas, the duration and mode of tax collection, its increase or decrease; these conditions shall be summarily printed.

TITLE VIII  
Of the Government

Art. 27. – The administrative direction of the government shall be entrusted to a Governor who corresponds directly with the government of the Metropole, on all matters relative to the interests of the colony.

Art. 28. – The Constitution nominates the citizen Toussaint-Louverture, Chief General of the army of Saint-Domingue, and, in consideration for important services rendered to the colony, in the most critical circumstances of the revolution, and upon the wishes of the grateful inhabitants, he is entrusted the direction thereof for the remainder of his glorious life.

Art. 29. – In the future, each governor shall be nominated for five years, and shall continue every five years for reasons of his good administration.

Art. 30. – In order to strengthen the tranquility that the colony owes to steadfastness, activity, indefatigable zeal and rare virtues of the General Toussaint-Louverture, and in sign of the unlimited trust of the inhabitants of Saint-Domingue, the Constitution attribute exclusively to this general the right to designate the citizen who, in the unfortunate event of the general's death, shall immediately replace him. This choice shall remain secret; it shall be cosigned under sealed envelope and to be opened only by the Central Assembly, in presence of all active generals and chief commanders of departments of the army of Saint-Domingue.

The Governor Toussaint-Louverture shall take all necessary precautionary measures to let the Central Assembly know the depository of this important envelope.

Art. 31. – The citizen that shall be chosen by the Governor Toussaint-Louverture to take the direction of the government upon his death, shall swear in front of the Central Assembly to execute the Constitution of Saint-Domingue and to remain attached to the French government, and shall be immediately installed in his functions; all shall be in presence of active generals and chief commanders of departments of the army of Saint-Domingue, who all, individually and without delay, shall swear obedience to the orders of the new Governors Saint-Domingue.

Art. 32. – At least one month before the expiration of the five years fixed for the administration of each General, the one in central function, jointly with the active-duty Generals and Chief Commanders of Departments, shall meet at the ordinary place of hearing of the Central Assembly to the effect of nominating, concurrently with the members of this Assembly, the new Governor or continue the administration of the one who is in function.

Art. 33. – Failure on the part of a Governor in function to convoke constitutes a manifest infraction to the Constitution. In such circumstance, the highest ranked General or the senior General of equal rank, who is in active service in the colony, shall take, of right, if provisionally, the control the government.

This General shall convoke immediately the other General in active duty, the Chief Commanders of Departments and the members of the Central Assembly, who shall all obey the convocation, to the effect of proceeding concurrently to the nomination of a new Governor.

In the event of death, resignation or other vacancy by a Governor before the expiration of his mandate, the Government passes as well provisionally to the highest ranked General, or the senior General of equal rank who shall convoke, to the same ends as above, the members of the Central Assembly, the active-duty Generals and Chief Commanders of Departments.

Art. 34. – The Governor shall seal and promulgate the laws; he nominates to all civilian and military employment. He is the chief commander of the armed forces and is charged with its organization; State vessels in station at the shores of the colony receive orders from him.

He shall determine the divisions of the territory in manners most conform to internal relations. He watches and provides, according to the law, for internal and external security of the colony and given that the state of war is a state of abandonment, malaise and nullity for the colony, the Governor is charged to take in those circumstances measures he deems necessary to ensure the subsistence and the supply of goods of all sorts to the colony.

Art. 35. – He shall exercise the general police of inhabitants and of the factories, and enforces the obligations of owners, farmers and of their representatives towards cultivators and workers, and the duty of cultivators towards owners, farmers or their representatives.

Art. 36. – He shall propose laws to the Central Assembly, as well as changes to the Constitution that experience may necessitate.

Art. 37. – He shall direct, supervise the collection, the payments and the use of finances of the colony, and shall give, to this effect, any and all orders.

Art. 38. – He shall present, every two years, to the Central Assembly the conditions of receipts and disbursements of each department, year by year.

Art. 39. – He shall supervise and censor by the authority of his commissaries, all writings designed for printing on the island he shall cause to be suppressed all those coming from abroad that would tend to corrupt mores or trouble the new colony; he shall punish the authors or colporteurs, according to the severity of the situation.

Art. 40. – If the Governor is informed of some plot against the tranquility of the colony, he shall immediately proceed to the arrest of the presumed authors, instigators or accomplices; after having them undergo extra-judiciary questioning, he shall cite them in front of a competent tribunal.

Art. 41. – The salary of the Governor is fixed at the present time at 300.000 Francs. His honor guard shall be charged to the colony.

## TITLE IX

### Of the Courts

Art. 42. – Citizen shall have an inalienable right to be judged by arbiters at their choice.

Art. 43. – No authority shall suspend nor impeach the execution of judgments rendered by the Courts.

Art. 44. – Justice shall be administered in the colony by Courts of first instance and by Courts of appeal. The law determines their organization, their number, their competence and the territory of each Court's jurisdiction.

These tribunals, according to their degree of jurisdiction, shall recognize all civil and criminal affairs.

Art. 45. – There shall exist for the colony a Court of Cassation that shall pronounce on demands of annulments against judgments rendered by Appeal Courts, and issue opinions against an entire tribunal. This court does not hear the facts of the cases, but overturn judgments rendered on procedures in which the forms have been violated; or that contain some express contravention [infringement] to the law, and shall return the facts of the process to the tribunal in question.

Art. 46. – Judges of divers Courts conserve their function for life, unless they are condemned for forfeiture. Commissaries of the government can be revoked.

Art. 47. – Military misdemeanors shall be submitted to special tribunals and subject to special judgments.

These special Courts also hear cases of theft, abduction, domicile violation, murder, assassination, arson, rape, plotting and mutiny.

The organization of these Courts pertains to the Governor of the colony.

## TITLE X

### Of Municipal Administrations

Art. 48. – There shall be in each parish of the colony a municipal administration; where there is a Court of first instance, the administrative body shall be composed of a mayor and four administrators.

The commissary of the government near the tribunal shall hold gratuitously the functions of commissary near the municipal administration.

In other parishes, municipal administrations shall be composed of a mayor and two administrators; a substitute commissary of the responsible tribunal shall hold the function of commissary near the municipality gratuitously.

Art. 49. – Members of these municipal administrations shall be nominated for two years; they may always continue beyond that time. Their nomination devolves to the Governor, who, on a list of at least sixteen individuals, presented by each municipal administration, chooses the persons most appropriate to manage the affairs of each parish.

Art. 50. – The function of municipal administrators consists in the exercise of simple police of cities and towns, in the administration of taxes originating from revenues of factories and additional impositions of the parishes.

They are, in addition, especially charged with the record keeping of births, marriages and deaths.

Art. 51. – The mayors exert particular function that the law determines.

## TITLE XI

### Of the Armed Forces

Art. 52. – The Armed Forces are essentially obedient, they can never deliberate; they are at the disposition of the

Governor who can mobilize them only to maintain public order, protection due to all citizens, and the defense of the colony.

Art. 53. – They are divided in paid colonial guard and unpaid colonial guard.

Art. 54. – The unpaid colonial guard shall not go out of the limits of its parish unless there is a case of imminent danger, and upon the order and the responsibility of the local military commander.

Outside of its parish it shall be compensated; and shall be submitted, in this case, to the military discipline, and in all other case, is only subject to the law.

Art. 55. – The state police force of the colony shall be part of the Armed Forces; it shall be divided in a mounted force and a pedestrian force. The mounted force is instituted for the high police of security of the countryside; it has the charge of the wealth of the colony.

The pedestrian force is instituted for the police of cities and towns; it shall be at the charge of the city or town for which it performs services.

Art. 56. – The army is recruited upon the proposition the Governor makes to the Central Assembly, according to the mode established by law.

## TITLE XII

### Of Finances, of Sequestered and Vacant Estates

Art. 57. – The finances of the colony shall be composed of: 1) duties on imports, weights and measures; 2) duties on the rental value of city and town houses, and duties on manufactured goods, other than agriculture and salt marshes; 3) revenues from ferries and postal services; 4) fines and confiscated wrecks; 5) duties on rescue of wrecked ships; revenue of colonial domains.

Art. 58. – The product of closing from sequestered properties of absentee and represented owners becomes provisionally part of the public revenue of the colony and shall be applied to expenses of administration.

The circumstances shall determine the laws that should be made relative to outstanding public debt, and to farming of sequestered property collected by the administration prior to the promulgation of the present law.

Art. 59. – Funds originating from the sales of personal estate and from the price of closing of vacant inheritance opened in the colony under the French government since 1789, shall be placed in a particular coffer, shall not be available as well as real estate gathered under colonial domains until two years after the publication of peace in the island, between France and the maritime powers; let it be understood, that this deadline is only relative to successions whose five year deadline fixed by the edict of 1781 should expire; and concerning those opened on or around the peace period, they shall not become available and gathered until after seven years.

Art. 60. – Foreign successors of French parents or foreign parents in France shall succeed them also in Saint-Domingue; they shall be allowed to enter contract, acquire and receive properties situated in the colony, and dispose as well as the French by all means authorized by laws.

Art. 61. – Laws shall determine the mode of collection of the administration of finances and sequestered vacant estates.

Art. 62. – A temporary commission of accounting shall regulate and verify the revenue and disbursement accounts of the colony; this commission shall consist of three members, chosen and nominated by the Governor.

## TITLE XIII

### General Dispositions

Art. 63. – The residence of any person shall constitute an inviolable abode. During nighttime, no one shall have the right to enter therein unless in case of fire, flooding or upon request from within. During the day, one shall have access for a special determined object or, by a law, or by order issued from a public authority.

Art. 64. – For a lawful arrest to be executed; it must

1. formally express the motive of the arrest and the law in virtue of which it is ordered;
2. be issued from a functionary whom the law formally empowers to do so;
3. presented to the person in form of copy of the warrant.

Art. 65. – Anyone who, without authority of the law to make an arrest, gives, signs, executes or causes to be executed the arrest of a person, shall be guilty of the crime of arbitrary detention.

Art. 66. – Any person shall have the right to address individual petitions to all constitutional authority and especially to the Governor.

Art. 67. – There cannot exist in the colony corporations or associations that are contrary to public order.

No citizen association shall be qualified as popular society. All seditious gathering shall be dissipated immediately, first by way of verbal order and, if necessary, by development of armed force.

Art. 68. – Any person shall have the faculty to form particular establishments of education and instruction for the youth under the authorization and the supervision of municipal administrations.

Art. 69. – The law supervises especially all professions dealing with public mores, public safety, health and fortune of citizens.

Art. 70. – The law provides for awards to inventors of rural machines, or for the preservation of the exclusive ownership of their discoveries.

Art. 71. – There shall exist in the colony uniformity of weights and measures.

Art. 72. – It shall be given, by the Governor, in the name of the colony, awards to warriors who will have rendered exceptional services while fighting for the common defense.

Art. 73. – Absentee owners, for whatever reason, conserve all their rights to properties belonging to them and situated in the colony; it suffices, to remove any sequestration that might have been imposed, to reintroduce their titles of ownership and; in default of title thereof, supplementary acts whose formula is determined by law. Exempt of this disposition are, nevertheless, those who might have been inscribed and maintained on the general list of emigrants of France; their properties shall continue, in this case, to be administered as colonial domains until their removal from the list.

Art. 74. – The colony proclaims, as guarantee of public law, that all leases [beaux? /as spelled in original] of legally leased properties by the administration shall have their full effect, if the contracting parties prefer not to compromise with owners or their representatives who would obtain the return of their sequestered goods.

Art. 75. – It proclaims that it is on the respect of the citizen [personne] and of the properties that rest agriculture, all productions, all means of employment and all social order.

Art. 76. – It proclaims that any citizen owes services to the land that nourishes him or that guarantees his rights, and in regard to those [services] that shall have been collected, at a later time, they shall be exactable and reimbursed in the year that follows the lifting of sequestration of goods.

Art. 77. – The Chief General Toussaint-Louverture is and shall remain charged with sending the present Constitution to be sanctioned by the French government; nevertheless, and given the absence of laws, the urgency to exit from this condition of peril, the necessity to promptly reestablish agriculture and the unanimous wishes pronounced by the inhabitants of Saint Domingue, the Chief General is and remains invited, in the name of public good, to proceed with its execution in all areas of the territory of the colony.

Made at Port-Republican, this 19th Floréal year IX of the French Republic, one and indivisible.

Signed: Borgella, President

Raymond Collet Gaston Nogérée

Lacour,

Roxas,

Munos,

Mancebo,

E. Viert, secretary

After having taken knowledge of the Constitution, I give it my approval. The invitation of the Central Assembly is for me an order; consequently, I shall pass it to the French government in order to obtain its sanction; as for its execution in the colony, the wish expressed by the Central Assembly shall be fulfilled as well and executed.

Given at Cap Français, this 14 Messidor, year IX [July 3, 1801] of the French Republic, one and indivisible.

The Chief General:

Signed: Toussaint-Louverture



PART VIII

# TREATY OF NANJING (1842)



# Introduction - Unequal Treaties

The first of a series of “unequal treaties” between the Qing dynasty and European powers, the 1842 Treaty of Nanjing marked an end to the first Opium War.

The Opium Wars marked the coming together of two interrelated phenomena in Britain's imperial history. First, as British influence deepened in India, opium became an important part of the British East India Company's exports. Second, as Britain industrialized, its move to steam technology gave it advantaged unmatched by any other power. Together, these factors set the stage for this 1842 “agreement.”

In granting the British East India Company the power to collect revenue from Bengal, Bihar, and Orissa, the Company gained access to some of the richest opium producing regions in the world. Long a well-established drug – with global influence – China served as an especially large market for the drug. In the decades following the Treaty of Allahabad, the British tightened its control over opium production and increased its export to China. For the first time, with the trade in opium, Europeans were able to reverse a longstanding trade imbalance, making it easier to access Chinese tea and manufactured goods such as porcelain.

By the 1830s, China had two problems. In addition to the economic imbalance that had developed, millions of people – from all levels of society – were addicted to the drug. Over the course of the eighteenth century, Qing officials issued edicts outlawing the trade, but contraband – much of it fueled by the British East India Company warehouses in Gaungzhou – thrived. In 1839, after a near ten-fold increase in the trade, Chinese authorities cracked down, confiscating and destroying all of the opium in Gaungzhou.

Violence broke out and, upset over their losses, British traders petitioned the government to send troops to seek reparations for their losses. British merchants also had other interests, however. Foreign trade in China was tightly regulated. Only one port, the southern city of Guangzhou (Canton), was open to European traders. In requesting military intervention, the British East India Company hoped to gain greater access to Chinese markets and suppliers.

In 1840, a British flotilla arrived in the region. One of the ships, the *Nemesis*, had been kept secret. Iron hulled, steam powered, and with a shallower draft than conventional ships, the vessel was less dependent on weather conditions and could travel further up river. The technology was a game changer.

As you read through the treaty, ask yourself the following questions:

- What is the relationship established between the Qing Dynasty and the British Empire?
- How does this document compare with the Treaty of Allahabad?
- What impact do you think that this treaty might have had on China?



*The Signing of the Treaty of Nanjing (1842)*

*This module was last modified in December 2021.*

# Treaty Text

**Source:** Treaty of Nanking, Wikisource, [https://en.wikisource.org/wiki/Treaty\\_of\\_Nanking](https://en.wikisource.org/wiki/Treaty_of_Nanking) [accessed December 21 2021]

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Victoria, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c., &c., &c. To All and Singular to whom these Presents shall come, Greeting! Whereas a Treaty between Us and Our Good Brother The Emperor of China, was concluded and signed, in the English and Chinese Languages, on board Our Ship the “Cornwallis,” at Nanking, on the Twenty Ninth day of August, in the Year of Our Lord One Thousand Eight Hundred and Forty Two, by the Plenipotentiaries of Us and of Our said Good Brother, duly and respectively authorized for that purpose; which Treaty is hereunto annexed in Original:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, being desirous of putting an end to the misunderstandings and consequent hostilities which have arisen between the two Countries, have resolved to conclude a Treaty for that purpose, and have therefore named as their Plenipotentiaries. That is to say:

Her Majesty the Queen of Great Britain and Ireland, Sir Henry Pottinger, Bart., a Major General in the Service of the East India Company, &c., &c. And His Imperial Majesty the Emperor of China, the High Commissioners Keying, a Member of the Imperial House, a Guardian of the Crown Prince and General of the Garrison of Canton; and Elepoo, of Imperial Kindred: Graciously permitted to wear the insignia of the first rank, and the distinction of Peacock’s feather, lately Minister and Governor General &c., and now Lieutenant General Commanding at Chapoo: Who, after having communicated to each other their respective Full Powers, and found them to be in good and due form, have agreed upon and concluded the following Articles.

**Article 1:** There shall henceforward be Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, and between their respective Subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other.

**Article 2:** His Majesty the Emperor of China agrees, that British Subjects, with their families and establishments, shall be allowed to reside, for the purpose of carrying on their mercantile pursuits, without molestation or restraint, at the cities and towns of Canton, Amoy, Foochowfoo, Ningpo, and Shanghai; and Her Majesty the Queen of Great Britain, &c., will appoint Superintendents, or Consular Officers, to reside at each of the above named Cities, or Towns, to be the medium of communication between the Chinese Authorities, and the said merchants, and to see that the just Duties and other Dues of the Chinese Government, as hereafter provided for, are duly discharged by Her Britannic Majesty’s subjects.

**Article 3:** It being obviously necessary and desirable, that British Subjects should have some Port whereat they may careen and refit their Ships, when required, and Keep Stores for that purpose, His Majesty the Emperor of China cedes to Her Majesty the Queen of Great Britain, &c., the Island of Hong-Kong, to be possessed in perpetuity by Her Britannic Majesty, Her Heirs and Successors, and to be governed by such Laws and Regulations as Her Majesty the Queen of Great Britain, &c., shall see fit to direct.

**Article 4:** The Emperor of China agrees to pay the sum of Six Millions of Dollars as the value of the opium which was delivered up at Canton in the month of March, 1839, as a Ransom for the lives of Her Britannic Majesty’s Superintendent, and Subjects, who had been imprisoned and threatened with death by the Chinese High Officers.

**Article 5:** The Government of China, having compelled the British Merchants trading at Canton to deal exclusively with certain Chinese Merchants, called Hong Merchants (or Cohong), who had been licensed by the Chinese Government for that purpose, the Emperor of China agrees to abolish that practice in future at all Ports where British Merchants may reside, and to permit them to carry on their mercantile transactions with whatever persons they please; and His

Imperial Majesty further agrees to pay to the British Government the sum of Three Millions of Dollars, on account of Debts due to British Subjects by some of the said Hong Merchants or Cohong, who have become insolvent, and who owe very large sums of money to Subjects of Her Britannic Majesty.

**Article 6:** The Government of Her Britannic Majesty having been obliged to send out an Expedition to demand and obtain redress for the violent and unjust Proceedings of the Chinese High Authorities towards Her Britannic Majesty's Officer and Subjects, the Emperor of China agrees to pay the sum of Twelve Millions of Dollars, on account of the Expenses incurred; and Her Britannic Majesty's Plenipotentiary voluntarily agrees, on behalf of Her Majesty, to deduct from the said amount of Twelve Millions of Dollars, any sums which may have been received by Her Majesty's Combined Forces, as ransom for Cities and Towns in China, subsequent to the 1<sup>st</sup> day of August, 1841.

**Article 7:** It is agreed that the Total amount of Twenty One Millions of Dollars, described in the three preceding Articles, shall be paid as follows:

Six Millions immediately.

Six Millions in 1843. That is:

Three Millions on or before the 30<sup>th</sup>  
of the month of June, and Three  
Millions on or before the 31<sup>st</sup> of  
December.

Five Millions in 1844. That is:

Two Millions and a half, on  
or before the 30<sup>th</sup> of June, and two  
Millions and a half on or before  
the 31<sup>st</sup> of December.

Four Millions in 1845. That is:

Two Millions on or before the 30<sup>th</sup>  
of June, and two Millions on or  
before the 31<sup>st</sup> of December.

and it is further stipulated, that Interest, at the rate of 5 per cent per annum, shall be paid by the Government of China on any portions of the above sums that are not punctually discharged at the periods fixed.

**Article 8:** The Emperor of China agrees to release unconditionally all Subjects of Her Britannic Majesty (whether Natives of Europe or India) who may be in confinement at this moment, in any part of the Chinese Empire.

**Article 9:** The Emperor of China agrees to publish and promulgate, under His Imperial Sign, Manual, and Seal, a full and entire amnesty, and act of indemnity, to all Subjects of China, on account of their having resided under, or having had dealings and intercourse with, or having entered the service of, Her Britannic Majesty, or of Her Majesty's Officers; and His Imperial Majesty further engages to release all Chinese Subjects who may be at this moment in confinement for similar reasons.

**Article 10:** His Majesty the Emperor of China agrees to establish at all the Ports which are, by the 2<sup>nd</sup> Article of this Treaty, to be thrown open for the resort of British Merchants, a fair and regular Tariff of Export and Import Customs and other Dues, which Tariff shall be publicly notified and promulgated for general information; and the Emperor further engages, that when British Merchandise shall have once paid at any of the said Ports, the regulated Customs and Dues, agreeable to the Tariff to be hereafter fixed, such Merchandise may be conveyed by Chinese Merchants, to any province or City in the interior of the Empire of China, on paying a further amount as Transit Duties, which shall not exceed per Cent on the Tariff value of such Goods.

**Article 11:** It is agreed that Her Britannic Majesty's Chief High Officer in China shall correspond with the Chinese High Officers, both at the Capital and in the Provinces, under the term "Communication" 照會. The Subordinate British Officers and Chinese High Officers in the Provinces under the terms "Statement" 申陳 on the part of the former, and on the part of the latter, "Declaration" 割行, and the Subordinates of both Countries on a footing of perfect equality.

Merchants and others not holding Official situations, and therefore not included in the above, on both sides, to use the term “Representation” 稟明 in all Papers addressed to, or intended for the notice of the respective Governments.

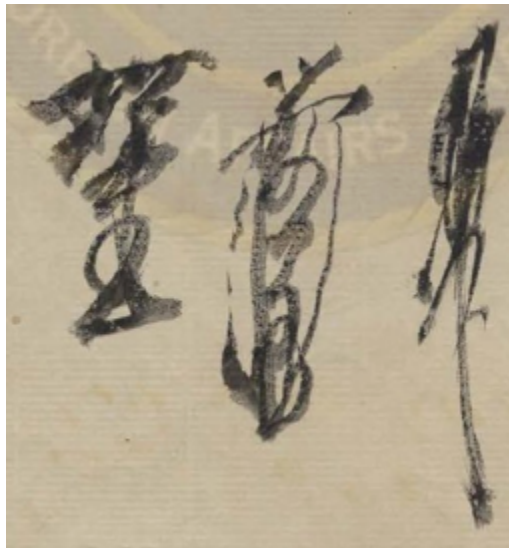
**Article 12:** On the assent of the Emperor of China to this Treaty being received, and the discharge of the first instalment of money, Her Britannic Majesty’s forces will retire from Nanking and the Grand Canal, and will no longer molest or stop the Trade of China. The military post at Chinhae will also be withdrawn, but the Islands of Koolangsoo, and that of Chusan, will continue to be held by Her Majesty’s Forces until the money payments, and the arrangements for opening the Ports to British Merchants, be completed.

**Article 13:** The Ratification of this Treaty by Her Majesty the Queen of Great Britain, &c., and His Majesty the Emperor of China, shall be exchanged as soon as the great distance which separates England from China will admit; but in the meantime, counterpart copies of it, signed and sealed by the Plenipotentiaries on behalf of their respective Sovereigns, shall be mutually delivered, and all its provisions and arrangements shall take effect.

Done at Nanking, and Signed and Sealed by the Plenipotentiaries on board Her Britannic Majesty’s Ship Cornwallis, this 29<sup>th</sup> day of August, 1842, corresponding with the Chinese date, 24<sup>th</sup> day of the 7<sup>th</sup> month in the 22<sup>nd</sup> Year of Taou-Kwang.

HENRY POTTINGER.

Her M’s Plenipotentiary

The image shows three distinct, vertical Chinese signatures written in black ink on a light-colored, aged paper. The signatures are highly stylized and calligraphic, typical of traditional Chinese writing. They are arranged side-by-side, each occupying its own vertical space.

*Signatures of the Chinese Plenipotentiaries*

We having seen and considered the Treaty aforesaid, have approved, accepted, and confirmed the same in all and every one of its Articles and Clauses, as We do by these Presents approve, accept, confirm, and ratify it for Ourselves, Our Heirs, and Successors: Engaging and Promising upon Our Royal Word, that We will sincerely and faithfully perform and observe all and singular the things which are contained and expressed in the Treaty aforesaid, and that We will never suffer the same to be violated by any one, or transgressed in any manner, as far as it lies in Our Power.

For the greater Testimony and Validity of all which, We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with Our Royal Hand.

Given at Our Court at Windsor Castle, the Twenty-eighth day of December, in the Year of Our Lord One Thousand Eight Hundred and Forty-two, and in the Sixth Year of Our Reign.

VICTORIA R.

PART IX

# DECLARATION OF RIGHTS AND SENTIMENTS (1848)



# Introduction - Declaration of Sentiments

In 1848, hundreds of delegates arrived in Seneca Falls, New York. They were there to attend the first women's rights convention organized by women. In the lifetime since the drafting of the American Declaration of Independence, women had become increasingly unhappy with their position in the new republic. The ideals espoused in that document clashed with American *coverture* law – inherited from British common law – which placed married women as legal dependents to their husbands and therefore limited their rights to property and a vote.

The ink had not dried on either the Declaration of Independence (1776) or the Declaration of the Rights of Man and Citizen (1789) before American and French women began to raise concerns about how the so-called universal emancipatory language would be applied. Indeed, even before the American Declaration was penned, future First Lady Abigail Adams wrote to her husband John asking him to “remember the ladies” and cautioning him about what was at stake:

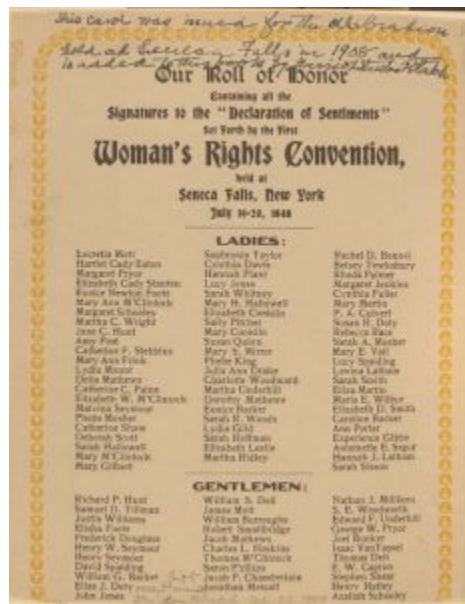
“Do not put such an unlimited power into the hands of the husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation” (March 31 1776)

In France, Olympe de Gouges held similar sentiments. Shortly after the National Assembly's Declaration of Rights began to circulate, she released her *Déclaration des droits de la femme et de la citoyenne*. In seventeen articles that mirrored the 1789 text, de Gouges' document sought to call attention to those people left out of the revolution's emancipatory claims.

Though framed here as a response to the way that patriarchy and misogyny were built into the Age of Revolutions, the men and women who gathered at Seneca Falls in 1848 were also motivated by the rising movement to abolish slavery. Like Olympe de Gouges – who similarly advocated for abolition – women found a political voice, setting a context upon which meetings like the Seneca Falls Convention could take place.

This document is a complete account of the meetings during which the *Declaration of Sentiments* was adopted. As you read through it, give consideration to the following questions:

- What was the place of women in the early nineteenth-century United States?
- What hopes are expressed about the future place of women in the United States?
- What relationship does this Declaration have to the *Declaration of Independence* and the *Declaration of the Rights of Man and Citizen*?



Our Roll of Honor. Listing women and men who signed the Declaration of Sentiments at first Woman's Rights Convention, July 19-20, 1848 (Library of Congress)

This module was last edited in December 2021.

# Report of the Woman's Rights Convention, held at Seneca Falls, New York, July 19th and 20th, 1848.

## Proceedings and Declaration of Sentiments

**Source:** REPORT OF THE WOMAN'S RIGHTS CONVENTION, HELD AT SENECA FALLS, NEW YORK, JULY 19TH AND 20TH, . PROCEEDINGS AND DECLARATION OF SENTIMENTS. John Dick at the North Star Office, Rochester, New York, July 19-20, 1848. Online Text. <https://www.loc.gov/item/rbcmiller001106/>.

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A Convention to discuss the Social, Civil, and Religious Condition of Woman, was called by the Women of Seneca County, N. Y., and held at the village of Seneca Falls, in the Wesleyan Chapel, on the 19th and 20th of July, 1848.

The question was discussed throughout two entire days : the first day by women exclusively, the second day men participated in the deliberations. Lucretia Mott, of Philadelphia, was the moving spirit of the occasion.

On the morning of the 19th, the Convention assembled at 11 o'clock. The meeting was organized by appointing Mary McClintock Secretary. The object of the meeting was then stated by Elizabeth C Stanton; after which, remarks were made by Lucretia Mott, urging the women present to throw aside the trammels of education, and not allow their new position to prevent them from joining in the debates of the meeting. The Declaration of Sentiments, offered for the acceptance of the Convention, was then read by E. C. Stanton. A proposition was made to have it re-read by paragraph, and after much consideration, some changes were suggested and adopted. The propriety of obtaining the signatures of men to the Declaration was discussed in an animated manner : a vote in favor was given; but concluding that the final decision would be the legitimate business of the next day, it was referred.

Adjourned to half-past two.

In the afternoon, the meeting assembled according to adjournment, and was opened by reading the minutes of the morning session. E. C. Stanton then addressed the meeting, and was followed by Lucretia Mott. The reading of the Declaration was called for, an addition having been inserted since the morning session. A vote taken upon the amendment was carried, and papers circulated to obtain signatures. The following resolutions were then read:

Whereas, the great precept of nature is en-coded to be, " that man shall pursue his own true and substantial happiness." Blackstone, in his Commentaries, remarks, that this law of Nature being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times; no human law can be of any validity if contrary to this, and such of them as are valid, derive all their force, and all their validity, and all their authority, mediately and immediately, from this original ; Therefore,

Resolved, That such laws as conflict, in any way, with the true and substantial happiness of woman, are contrary to the great precept of nature, and of no validity ; for this is "superior in obligation to any other."

Resolved, That all laws which prevent woman from occupying such a station in society as her conscience shall dictate, or which place her in a position inferior to that of man, are contrary to the great precept of nature, and therefore of no force or authority.

Resolved, That woman is man's equal – was intended to be so by the Creator, and the highest good of the race demands that she should be recognized as such.

Resolved, That the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation, by declaring themselves satisfied with their present position, nor their ignorance, by asserting that they have all the rights they want.

Resolved, That inasmuch as man, while claiming for himself intellectual superiority, does accord to woman moral

superiority, it is pre-eminently his duty to encourage her to speak, and teach, as she has an opportunity, in all religious assemblies.

Resolved, That (lie same amount of virtue, delicacy, and refinement of behavior, that is required of woman in the social state, should also be required of man, and the same transgressions should be visited with equal severity on both man and woman.

Resolved, That, the objection of indelicacy and impropriety, which is so often brought against woman when she addresses a public audience, comes with a very ill grace from those who encourage, by their attendance, her appearance on the stage, in the concert, or in the feats of the circus.

Resolved, That woman has too long rested satisfied in the circumscribed limits which corrupt customs and a perverted application of the Scriptures have marked out for her, and that it is time she should move in the enlarged sphere which her great Creator has assigned her.

Resolved, That it is the duty of the women of this country to secure to themselves their sacred right to the elective franchise.

Resolved, That the equality of human rights results necessarily from the fact of the identity of the race in capabilities and responsibilities.

Resolved, therefore, That, being invested by the Creator with the same capabilities, and the same consciousness of responsibility for their exercise, it is demonstrably the right and duty of woman, equally with man, to promote every righteous cause, by every righteous means ; and especially in regard to the great subjects of morals and religion, it is self-evidently her right to participate with her brother in teaching them, both in private and in public, by writing and by speaking, by any instrumentalities proper to be used, and in any assemblies proper to be held ; and this being a self-evident truth, growing out of the divinely implanted principles of human nature, any custom or authority adverse to it, whether modern or wearing the hoary sanction of antiquity, is to be rewarded as self-evident falsehood, and at war with the interests of mankind.

Lucretia Mott read a humorous article from a newspaper, written by Martha C. Wright. After an address by E. W. McClintock, the meeting adjourned to 10 o'clock the next morning.

In the evening, Lucretia Mott spoke with her usual eloquence and power to a large and intelligent audience on the subject of Reforms in general.

#### THURSDAY MORNING

The Convention assembled at the hour appointed, James Mott, of Philadelphia, in the Chair. The minutes of the previous day having been read, E.C. Stanton again read the Declaration of Sentiments, which was freely discussed by LUCRETIA MOTT, ANSEL BASCOM, S.E. WOODWORTH, THOMAS AND MARY ANN McCLINTOCK, FREDERICK DOUGLASS, AMY POST, CATHARINE STEBBINS, AND ELIZABETH C. STANTON, and was unanimously adopted, as follows:

#### DECLARATION OF SENTIMENTS

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the Laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident; that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of Government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their duty to throw off such government, and to

provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

He has withheld from her rights which are given to the most ignorant and degraded men – both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law, civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes, with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master – the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes of divorce; in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women – the law, in all cases, going upon the false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration.

He closes against her all the avenues to wealth and distinction, which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

He has denied her the facilities for obtaining a thorough education – all colleges being closed against her.

He allows her in Church as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and with some exceptions, from any public participation in the affairs of the Church.

He has created a false public sentiment, by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated but deemed of little account in man.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and her God.

He has endeavored, in every way that he could to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation, – in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of these United States.

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the State and national Legislatures, and endeavor to enlist the pulpit and the press in our behalf. We hope this Convention will be followed by a series of Conventions, embracing every part of the country.

Firmly relying upon the final triumph of the Right and the True, we do this day affix our signatures to this declaration.

Lucretia Mott

Harriet Cady Eaton

Margaret Pryor

Elizabeth Cady Stanton

Eunice Newton Foote

Mary Ann M'Clintock  
Margaret Schooley  
Martha C. Wright  
Jane C. Hunt  
Amy Post  
Catharine F. Stebbins  
Mary Ann Frink  
Lydia Mount  
Delia Mathews  
Catharine C. Paine  
Elizabeth W. M'Clintock  
Malvina Seymour  
Phebe Mosher  
Catharine Shaw  
Deborah Scott  
Sarah Hallowell  
Mary M'Clintock  
Mary Gilbert  
Sophrone Taylor  
Cynthia Davis  
Hannah Plant  
Lucy Jones  
Sarah Whitney  
Mary H. Hallowell  
Elizabeth Conklin  
Sally Pitcher  
Mary Conklin  
Susan Quinn  
Mary S. Mirror  
Phebe King  
Julia Ann Drake  
Charlotte Woodward  
Martha Underhill  
Dorothy Mathews  
Eunice Barker  
Sarah R. Woods  
Lydia Gild  
Sarah Hoffman  
Elizabeth Leslie  
Martha Ridley  
Rachel D. Bonnel  
Betsey Tewksbury  
Rhoda Palmer  
Margaret Jenkins  
Cynthia Fuller  
Mary Martin  
P. A. Culvert  
Susan R. Doty

Rebecca Race  
Sarah A. Mosher  
Mary E. Vail  
Lucy Spalding  
Lavinia Latham  
Sarah Smith  
Eliza Martin  
Maria E. Wilbur  
Elizabeth D. Smith  
Caroline Barker  
Ann Porter  
Experience Gibbs  
Antoinette E. Segur  
Hannah J. Latham  
Sarah Sisson

The following are the names of the gentlemen present in favor of the movement:

Richard P. Hunt  
Samuel D. Tillman  
Justin Williams  
Elisha Foote  
Frederick Douglass  
Henry Seymour  
Henry W. Seymour  
David Spalding  
William G. Barker  
Elias J. Doty  
John Jones  
William S. Dell  
James Mott  
William Burroughs  
Robert Smallbridge  
Jacob Mathews  
Charles L. Hoskins  
Thomas M'Clintock  
Saron Phillips  
Jacob P. Chamberlain  
Jonathan Metcalf  
Nathan J. Milliken  
S.E. Woodworth  
Edward F. Underhill  
George W. Pryor  
Joel D. Bunker  
Isaac Van Tassel  
Thomas Dell  
E. W. Capron  
Stephen Shear  
Henry Hatley  
Azaliah Schooley

The meeting adjourned until two o'clock

#### AFTERNOON SESSION

At the appointed hour the meeting convened. The minutes having been read, the resolutions of the day before were read and taken up separately. Some, from their self-evident truth, elicited but little remark ; others, after some criticism, much debate, and some slight alterations, were finally passed by a large majority. The meeting closed with a forcible speech from Lucretia Mott.

Adjourned to half-past seven o'clock.

#### EVENING SESSION

The meeting opened by reading the minutes, Thomas McClintock in the Chair. As there had been no opposition expressed during the Convention to this movement, and although, after repeated invitations, no objections, had presented themselves, E. G. Stanton volunteered an address in defence of the many severe accusations brought against the much-abused "Lords of Creation."

Thomas McClintock then read several extracts from Blackstone, in proof of woman's servitude to man; after which Lucretia Mott offered and spoke to the following resolution :

Resolved, That the speedy success of our cause depends upon the zealous and untiring efforts of both men and women, for the overthrow of the monopoly of the pulpit, and for the securing to woman an equal participation with men in the various trades, professions and commerce.

The Resolution was adopted.

M. A. McClintock, Jr. delivered a short, but impressive address, calling upon woman to arouse from her lethargy and be true to herself and her God, When she had concluded, Frederick Douglass arose, and in an excellent and appropriate speech, ably supported the cause of woman.

The meeting was closed by one of Lucretia Mott's most beautiful and spiritual appeals. She commanded the earnest attention of that large audience for nearly an hour.

M. A. McClintock, E. N. Foote, Amy Post, E. W. McClintock, and E. C. Stanton, were appointed a Committee to prepare the proceedings of the Convention for publication.

PART X

# ON THE ORIGINS OF SPECIES (1859)



# Introduction - Origin of Species

*On the Origin of Species* is an outlier in this collection of short and influential historical documents. Unlike the other texts – as a book, published in 1859 – Charles Darwin’s ideas do not fit well here. To understand the development of nineteenth-century ideologies of empire, however, it is important to engage with Darwin directly, considering deeply what he said – *and did not say* – about human evolution.

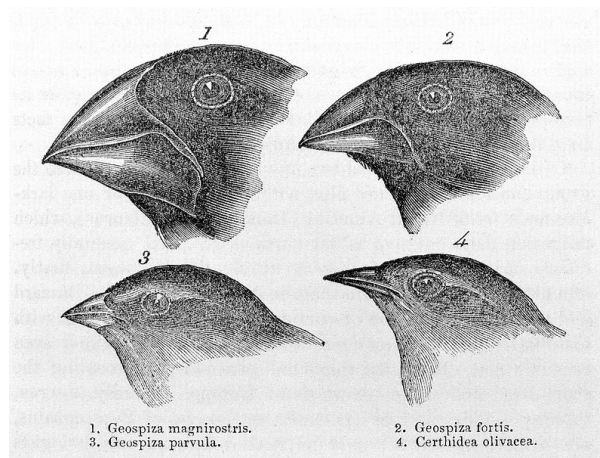
*On the Origin of Species* introduced the world to the idea that – over the course of generations – living creatures evolved new traits through a process he called “natural selection.” The book reports and builds upon a five year scientific expedition he took on the *HMS Beagle* during the early 1830s through the Southern Hemisphere (stopping in South America and Australia, among other places). Darwin’s ideas were not completely new – the idea of evolution was a matter of debate at the time – but the publication of *On the Origin of Species* popularized the idea and helped push towards a secularization of science.

Darwin’s work was written in an imperial age. The voyage of the *Beagle*, for example, was part of a long standing British practice of surveying the globe and bringing vast geographies and their eco-systems under scientific study. Though this furthered scientific understanding, Britain – and other European powers – also found in these places new resources that could be cheaply exploited, fueling their country’s economic growth. By the dawn of the industrialized age, Britain procured much of the raw materials for its industrialization from global sources known as “commodity frontiers.”

To justify exploiting these commodity frontiers, Europeans and White North Americans drew upon the ideas of evolution to claim their superiority relative to the peoples whose Land or labour they coveted. Though these ideas are often labelled “social Darwinism,” their association with Darwin is somewhat distant. By the time Darwin had returned to England from his trip on the *Beagle*, American Samuel George Morton was just finishing up his *Crania Americana* (1839), a book that – by measuring brain size – there were fundamental differences between peoples and that this biological difference explained the economic dominance of Northern Europeans. In England, one of the best-known evolutionary theorists – Herbert Spencer – applied these ideas broadly, moving from biology to culture and morals. Taken together, these ideas fostered a culture of *scientific racism* and discrimination that used the language of evolution – or as Spencer termed it: “Survival of the Fittest” – to legitimize the power and control being claimed by Europeans and their descendants who had moved elsewhere around the world.

As you read these selections from *On the Origin of Species* ask yourself the following questions:

- How did explain the results of his thinking about the origin of species? How did he organize his ideas?
- To what extent can we think about this book as a revolutionary text?
- To what extent did the *Origin of Species* enshrine the ideas of “Social Darwinism”?
- What hopes did Darwin have for how these ideas would be used?



*Journal of researches into the geology and natural history of the various countries visited by H.M.S. Beagle (Wikimedia Commons)*

*This module was last modified in December 2021.*

# Introduction to On the Origin of Species

**Source:** Charles Darwin, *On the Origin of Species*, (London: John Murray, Albemarle Street, 1859), accessed from project Gutenberg: <https://www.gutenberg.org/files/1228/1228-h/1228-h.htm>

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When on board H.M.S. 'Beagle,' as naturalist, I was much struck with certain facts in the distribution of the inhabitants of South America, and in the geological relations of the present to the past inhabitants of that continent. These facts seemed to me to throw some light on the origin of species—that mystery of mysteries, as it has been called by one of our greatest philosophers. On my return home, it occurred to me, in 1837, that something might perhaps be made out on this question by patiently accumulating and reflecting on all sorts of facts which could possibly have any bearing on it. After five years' work I allowed myself to speculate on the subject, and drew up some short notes; these I enlarged in 1844 into a sketch of the conclusions, which then seemed to me probable: from that period to the present day I have steadily pursued the same object. I hope that I may be excused for entering on these personal details, as I give them to show that I have not been hasty in coming to a decision.

My work is now nearly finished; but as it will take me two or three more years to complete it, and as my health is far from strong, I have been urged to publish this Abstract. I have more especially been induced to do this, as Mr. Wallace, who is now studying the natural history of the Malay archipelago, has arrived at almost exactly the same general conclusions that I have on the origin of species. Last year he sent to me a memoir on this subject, with a request that I would forward it to Sir Charles Lyell, who sent it to the Linnean Society, and it is published in the third volume of the *Journal* of that Society. Sir C. Lyell and Dr. Hooker, who both knew of my work—the latter having read my sketch of 1844—honoured me by thinking it advisable to publish, with Mr. Wallace's excellent memoir, some brief extracts from my manuscripts.

This Abstract, which I now publish, must necessarily be imperfect. I cannot here give references and authorities for my several statements; and I must trust to the reader reposing some confidence in my accuracy. No doubt errors will have crept in, though I hope I have always been cautious in trusting to good authorities alone. I can here give only the general conclusions at which I have arrived, with a few facts in illustration, but which, I hope, in most cases will suffice. No one can feel more sensible than I do of the necessity of hereafter publishing in detail all the facts, with references, on which my conclusions have been grounded; and I hope in a future work to do this. For I am well aware that scarcely a single point is discussed in this volume on which facts cannot be adduced, often apparently leading to conclusions directly opposite to those at which I have arrived. A fair result can be obtained only by fully stating and balancing the facts and arguments on both sides of each question; and this cannot possibly be here done.

I much regret that want of space prevents my having the satisfaction of acknowledging the generous assistance which I have received from very many naturalists, some of them personally unknown to me. I cannot, however, let this opportunity pass without expressing my deep obligations to Dr. Hooker, who for the last fifteen years has aided me in every possible way by his large stores of knowledge and his excellent judgment.

In considering the *Origin of Species*, it is quite conceivable that a naturalist, reflecting on the mutual affinities of organic beings, on their embryological relations, their geographical distribution, geological succession, and other such facts, might come to the conclusion that each species had not been independently created, but had descended, like varieties, from other species. Nevertheless, such a conclusion, even if well founded, would be unsatisfactory, until it could be shown how the innumerable species inhabiting this world have been modified, so as to acquire that perfection of structure and coadaptation which most justly excites our admiration. Naturalists continually refer to external conditions, such as climate, food, etc., as the only possible cause of variation. In one very limited sense, as we shall hereafter see, this may be true; but it is preposterous to attribute to mere external conditions, the structure, for instance, of the woodpecker, with its feet, tail, beak, and tongue, so admirably adapted to catch insects under the

bark of trees. In the case of the misseltoe, which draws its nourishment from certain trees, which has seeds that must be transported by certain birds, and which has flowers with separate sexes absolutely requiring the agency of certain insects to bring pollen from one flower to the other, it is equally preposterous to account for the structure of this parasite, with its relations to several distinct organic beings, by the effects of external conditions, or of habit, or of the volition of the plant itself.

The author of the 'Vestiges of Creation' would, I presume, say that, after a certain unknown number of generations, some bird had given birth to a woodpecker, and some plant to the misseltoe, and that these had been produced perfect as we now see them; but this assumption seems to me to be no explanation, for it leaves the case of the coadaptations of organic beings to each other and to their physical conditions of life, untouched and unexplained.

It is, therefore, of the highest importance to gain a clear insight into the means of modification and coadaptation. At the commencement of my observations it seemed to me probable that a careful study of domesticated animals and of cultivated plants would offer the best chance of making out this obscure problem. Nor have I been disappointed; in this and in all other perplexing cases I have invariably found that our knowledge, imperfect though it be, of variation under domestication, afforded the best and safest clue. I may venture to express my conviction of the high value of such studies, although they have been very commonly neglected by naturalists.

From these considerations, I shall devote the first chapter of this Abstract to Variation under Domestication. We shall thus see that a large amount of hereditary modification is at least possible, and, what is equally or more important, we shall see how great is the power of man in accumulating by his Selection successive slight variations. I will then pass on to the variability of species in a state of nature; but I shall, unfortunately, be compelled to treat this subject far too briefly, as it can be treated properly only by giving long catalogues of facts. We shall, however, be enabled to discuss what circumstances are most favourable to variation. In the next chapter the Struggle for Existence amongst all organic beings throughout the world, which inevitably follows from their high geometrical powers of increase, will be treated of. This is the doctrine of Malthus, applied to the whole animal and vegetable kingdoms. As many more individuals of each species are born than can possibly survive; and as, consequently, there is a frequently recurring struggle for existence, it follows that any being, if it vary however slightly in any manner profitable to itself, under the complex and sometimes varying conditions of life, will have a better chance of surviving, and thus be *naturally selected*. From the strong principle of inheritance, any selected variety will tend to propagate its new and modified form.

This fundamental subject of Natural Selection will be treated at some length in the fourth chapter; and we shall then see how Natural Selection almost inevitably causes much Extinction of the less improved forms of life and induces what I have called Divergence of Character. In the next chapter I shall discuss the complex and little known laws of variation and of correlation of growth. In the four succeeding chapters, the most apparent and gravest difficulties on the theory will be given: namely, first, the difficulties of transitions, or in understanding how a simple being or a simple organ can be changed and perfected into a highly developed being or elaborately constructed organ; secondly the subject of Instinct, or the mental powers of animals, thirdly, Hybridism, or the infertility of species and the fertility of varieties when intercrossed; and fourthly, the imperfection of the Geological Record. In the next chapter I shall consider the geological succession of organic beings throughout time; in the eleventh and twelfth, their geographical distribution throughout space; in the thirteenth, their classification or mutual affinities, both when mature and in an embryonic condition. In the last chapter I shall give a brief recapitulation of the whole work, and a few concluding remarks.

No one ought to feel surprise at much remaining as yet unexplained in regard to the origin of species and varieties, if he makes due allowance for our profound ignorance in regard to the mutual relations of all the beings which live around us. Who can explain why one species ranges widely and is very numerous, and why another allied species has a narrow range and is rare? Yet these relations are of the highest importance, for they determine the present welfare, and, as I believe, the future success and modification of every inhabitant of this world. Still less do we know of the mutual relations of the innumerable inhabitants of the world during the many past geological epochs in its history. Although much remains obscure, and will long remain obscure, I can entertain no doubt, after the most deliberate study and dispassionate judgment of which I am capable, that the view which most naturalists entertain, and which I formerly entertained—namely, that each species has been independently created—is erroneous. I am fully convinced that species are not immutable; but that those belonging to what are called the same genera are lineal descendants of some other

and generally extinct species, in the same manner as the acknowledged varieties of any one species are the descendants of that species. Furthermore, I am convinced that Natural Selection has been the main but not exclusive means of modification.

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# Concluding Remarks

**Source:** Charles Darwin, *On the Origin of Species*, (London: John Murray, Albemarle Street, 1859), accessed from project Gutenberg: <https://www.gutenberg.org/files/1228/1228-h/1228-h.htm>

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When the views entertained in this volume on the origin of species, or when analogous views are generally admitted, we can dimly foresee that there will be a considerable revolution in natural history. Systematists will be able to pursue their labours as at present; but they will not be incessantly haunted by the shadowy doubt whether this or that form be in essence a species. This I feel sure, and I speak after experience, will be no slight relief. The endless disputes whether or not some fifty species of British brambles are true species will cease. Systematists will have only to decide (not that this will be easy) whether any form be sufficiently constant and distinct from other forms, to be capable of definition; and if definable, whether the differences be sufficiently important to deserve a specific name. This latter point will become a far more essential consideration than it is at present; for differences, however slight, between any two forms, if not blended by intermediate gradations, are looked at by most naturalists as sufficient to raise both forms to the rank of species. Hereafter we shall be compelled to acknowledge that the only distinction between species and well-marked varieties is, that the latter are known, or believed, to be connected at the present day by intermediate gradations, whereas species were formerly thus connected. Hence, without quite rejecting the consideration of the present existence of intermediate gradations between any two forms, we shall be led to weigh more carefully and to value higher the actual amount of difference between them. It is quite possible that forms now generally acknowledged to be merely varieties may hereafter be thought worthy of specific names, as with the primrose and cowslip; and in this case scientific and common language will come into accordance. In short, we shall have to treat species in the same manner as those naturalists treat genera, who admit that genera are merely artificial combinations made for convenience. This may not be a cheering prospect; but we shall at least be freed from the vain search for the undiscovered and undiscoverable essence of the term species.

The other and more general departments of natural history will rise greatly in interest. The terms used by naturalists of affinity, relationship, community of type, paternity, morphology, adaptive characters, rudimentary and aborted organs, etc., will cease to be metaphorical, and will have a plain signification. When we no longer look at an organic being as a savage looks at a ship, as at something wholly beyond his comprehension; when we regard every production of nature as one which has had a history; when we contemplate every complex structure and instinct as the summing up of many contrivances, each useful to the possessor, nearly in the same way as when we look at any great mechanical invention as the summing up of the labour, the experience, the reason, and even the blunders of numerous workmen; when we thus view each organic being, how far more interesting, I speak from experience, will the study of natural history become!

A grand and almost untrodden field of inquiry will be opened, on the causes and laws of variation, on correlation of growth, on the effects of use and disuse, on the direct action of external conditions, and so forth. The study of domestic productions will rise immensely in value. A new variety raised by man will be a far more important and interesting subject for study than one more species added to the infinitude of already recorded species. Our classifications will come to be, as far as they can be so made, genealogies; and will then truly give what may be called the plan of creation. The rules for classifying will no doubt become simpler when we have a definite object in view. We possess no pedigrees or armorial bearings; and we have to discover and trace the many diverging lines of descent in our natural genealogies, by characters of any kind which have long been inherited. Rudimentary organs will speak infallibly with respect to the nature of long-lost structures. Species and groups of species, which are called aberrant, and which may fancifully be called living fossils, will aid us in forming a picture of the ancient forms of life. Embryology will reveal to us the structure, in some degree obscured, of the prototypes of each great class.

When we can feel assured that all the individuals of the same species, and all the closely allied species of most genera, have within a not very remote period descended from one parent, and have migrated from some one birthplace; and when we better know the many means of migration, then, by the light which geology now throws, and will continue to throw, on former changes of climate and of the level of the land, we shall surely be enabled to trace in an admirable manner the former migrations of the inhabitants of the whole world. Even at present, by comparing the differences of the inhabitants of the sea on the opposite sides of a continent, and the nature of the various inhabitants of that continent in relation to their apparent means of immigration, some light can be thrown on ancient geography.

The noble science of Geology loses glory from the extreme imperfection of the record. The crust of the earth with its embedded remains must not be looked at as a well-filled museum, but as a poor collection made at hazard and at rare intervals. The accumulation of each great fossiliferous formation will be recognised as having depended on an unusual concurrence of circumstances, and the blank intervals between the successive stages as having been of vast duration. But we shall be able to gauge with some security the duration of these intervals by a comparison of the preceding and succeeding organic forms. We must be cautious in attempting to correlate as strictly contemporaneous two formations, which include few identical species, by the general succession of their forms of life. As species are produced and exterminated by slowly acting and still existing causes, and not by miraculous acts of creation and by catastrophes; and as the most important of all causes of organic change is one which is almost independent of altered and perhaps suddenly altered physical conditions, namely, the mutual relation of organism to organism,—the improvement of one being entailing the improvement or the extermination of others; it follows, that the amount of organic change in the fossils of consecutive formations probably serves as a fair measure of the lapse of actual time. A number of species, however, keeping in a body might remain for a long period unchanged, whilst within this same period, several of these species, by migrating into new countries and coming into competition with foreign associates, might become modified; so that we must not overrate the accuracy of organic change as a measure of time. During early periods of the earth's history, when the forms of life were probably fewer and simpler, the rate of change was probably slower; and at the first dawn of life, when very few forms of the simplest structure existed, the rate of change may have been slow in an extreme degree. The whole history of the world, as at present known, although of a length quite incomprehensible by us, will hereafter be recognised as a mere fragment of time, compared with the ages which have elapsed since the first creature, the progenitor of innumerable extinct and living descendants, was created.

In the distant future I see open fields for far more important researches. Psychology will be based on a new foundation, that of the necessary acquirement of each mental power and capacity by gradation. Light will be thrown on the origin of man and his history.

Authors of the highest eminence seem to be fully satisfied with the view that each species has been independently created. To my mind it accords better with what we know of the laws impressed on matter by the Creator, that the production and extinction of the past and present inhabitants of the world should have been due to secondary causes, like those determining the birth and death of the individual. When I view all beings not as special creations, but as the lineal descendants of some few beings which lived long before the first bed of the Silurian system was deposited, they seem to me to become ennobled. Judging from the past, we may safely infer that not one living species will transmit its unaltered likeness to a distant futurity. And of the species now living very few will transmit progeny of any kind to a far distant futurity; for the manner in which all organic beings are grouped, shows that the greater number of species of each genus, and all the species of many genera, have left no descendants, but have become utterly extinct. We can so far take a prophetic glance into futurity as to foretel that it will be the common and widely-spread species, belonging to the larger and dominant groups, which will ultimately prevail and procreate new and dominant species. As all the living forms of life are the lineal descendants of those which lived long before the Silurian epoch, we may feel certain that the ordinary succession by generation has never once been broken, and that no cataclysm has desolated the whole world. Hence we may look with some confidence to a secure future of equally inappreciable length. And as natural selection works solely by and for the good of each being, all corporeal and mental endowments will tend to progress towards perfection.

It is interesting to contemplate an entangled bank, clothed with many plants of many kinds, with birds singing on the bushes, with various insects flitting about, and with worms crawling through the damp earth, and to reflect that

these elaborately constructed forms, so different from each other, and dependent on each other in so complex a manner, have all been produced by laws acting around us. These laws, taken in the largest sense, being Growth with Reproduction; Inheritance which is almost implied by reproduction; Variability from the indirect and direct action of the external conditions of life, and from use and disuse; a Ratio of Increase so high as to lead to a Struggle for Life, and as a consequence to Natural Selection, entailing Divergence of Character and the Extinction of less-improved forms. Thus, from the war of nature, from famine and death, the most exalted object which we are capable of conceiving, namely, the production of the higher animals, directly follows. There is grandeur in this view of life, with its several powers, having been originally breathed into a few forms or into one; and that, whilst this planet has gone cycling on according to the fixed law of gravity, from so simple a beginning endless forms most beautiful and most wonderful have been, and are being, evolved.

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PART XI

# GENERAL ACT OF THE CONFERENCE OF BERLIN (1885)



# Introduction - Scramble for Africa

Though it was Africa where Europe first honed its colonial practices during the fifteenth century, it was not until the mid-nineteenth century that Europeans began to make forays beyond Africa's coastlines. What changed by the mid-1850s was the use of quinine, a medicine produced from the bark of the cinchona tree. Quinine was an effective treatment for malaria and by 1850 had been developed enough to allow for its large-scale use, making it easier for Europeans to live in the tropics without risking lethal illness. As a product found only in the Andes mountains in Peru, and brought to Europe by the Jesuits during the seventeenth century, the medicine usefully reveals the self-fueling cycle of European imperialism whereby a commodity from Spanish America served to underpin Europe's expansion into Africa.

Access to the interior of Africa held out much promise for Europe and its business elite, whose wealth had grown over the centuries through the militarized exploitation of commodity frontiers and enslaved labour. Furthermore, the raw materials available in Africa—such as palm oil, rubber, cacao beans, and ivory—promised to propel the continent's further industrialization.

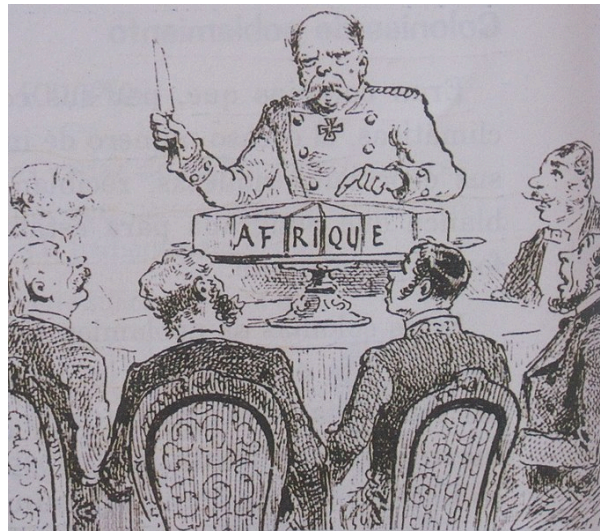
There were two main fronts of European invasion into Africa. Under French direction, the Egyptian government built the Suez Canal during the 1860s, connecting the Mediterranean to the Red Sea. Managed through a private company, by the 1880s, the British had gained control of the canal and most of Egypt and the Sudan. On the other side of the continent, along the banks of the Congo River, France, Portugal, and Belgium all sought inroads and control.

A prominent player in this expansion was American Henry Morton Stanley, who worked on behalf of Belgium's Leopold II, making treaties that would enable him to harvest ivory and rubber and claim these territories as his personal possession. By the time Belgium annexed Leopold's Congo "Free" State, millions of people had died and millions more had been mutilated as a result of quota rules that required victims' hands as evidence.

Although European behaviour in Africa was incredibly violent, in order to prevent violence between European powers, in 1884 German Chancellor, Otto von Bismarck called together diplomats from most of the European powers (and the United States). The aim of the meetings was to clearly delineate between each nation's interests in Africa and to set about the terms under which European powers would interact with each other when it came to the continent. No Africans were invited to attend. Before the conference most of Africa remained beyond Europe's direct influence. By the end of the century, about 90% of the continent was claimed by a European power.

As you read through the agreement struck between the Europeans, consider the following questions:

- What impact would each of the Act's chapters have on Africans?
- What perspectives did the diplomats take to trade?
- In what ways was the diplomacy in Berlin similar or different from other European practices examined in this book?



*The Cutting Up of Africa at the Berlin Conference, Journal L'Illustration (Wikimedia Commons)*

*This module was last modified in December 2021.*

# Text of the Act

**Source:** “General Act of the Conference of Berlin Concerning the Congo” *The American Journal of International Law*, vol. 3, <https://archive.org/details/jstor-2212022/page/n19/mode/1up>

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## GENERAL ACT OF THE CONFERENCE OF BERLIN CONCERNING THE CONGO.

Signed at Berlin, February 26, 1885.

In the name of Almighty God:

The President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia etc, and Apostolic King of Hungary, His Majesty the King of the Belgians, His Majesty the King of Denmark, His Majesty the King of Spain, the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of the Indies, His Majesty the King of Italy, His Majesty the King of the Netherlands, Grand Duke of Luxembourg, His Majesty the King of Portugal and of the Algarves, etc. etc. etc. His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway etc. etc., and His Majesty the Emperor of the Ottomans,

Wishing to regulate in a spirit of good mutual understanding the conditions most favorable to the development of commerce and of civilization in certain regions of Africa, and to assure to all peoples the advantages of free navigation upon the two principal African rivers which empty into the Atlantic ocean; desirous on the other hand to prevent misunderstandings and contentions to which the taking of new possessions on the coast of Africa may in the future give rise, and at the same time preoccupied with the means of increasing the moral and material well being of the indigenous populations, have resolved, upon the invitation which has been addressed to them by the Imperial Government of Germany in accord with the Government of the French Republic, to

assemble for this object a Conference at Berlin and have named for their Plenipotentiaries, as follows:

The President of the United States of America:

Mr. John A. Kasson, Envoy Extraordinary and Minister Plenipotentiary of the United States near His Majesty the Emperor of Germany, King of Prussia, and

Mr. Henry S. Sanford, formerly Minister;

His Majesty the Emperor of Germany, King of Prussia:

Othon, Prince de Bismarck, His President of the Council of Ministers of Prussia, Chancellor of the Empire,

Paul, Count de Hatzfeldt, His Minister of State and Secretary of State of the Department of Foreign Affairs,

August Busch, His Actual Privy Councillor of Legation and Under Secretary of State in the Department of Foreign Affairs, and

Henry de Kusserow, His Privy Councillor of Legation in the Department of Foreign Affairs;

His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary:

Emeric, Count Szechenyi, de Sarvari Felso-Videk, Chamberlain and Actual Privy Councillor, His Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of the Belgians:

Gabriel, August, Count van der Straten Ponthoz, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia, and

Auguste, Baron Lambermont, Minister of State, His Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of Denmark:

Mr. Emile de Vind, Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of Spain:

Don Francisco Merry y Colom, Count de Benomar, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

The President of the French Republic:

Alphonse, Baron de Courcel, Ambassador Extraordinary and Plenipotentiary of France near His Majesty the Emperor of Germany, King of Prussia ;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of the Indies:

Sir Edward, Baldwin Malet, Her Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of Italy:

Edward, Count de Launay, His Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia ;

His Majesty the King of the Netherlands, Grand Duke of Luxembourg etc:

Frederick, Philip, Jonkheer van der Hoeven, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of Portugal and of the Algarves etc. etc. etc.:

da Serra Gomes, Marquis de Penafiel, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia, and

Mr. Antoine de Serpa Pimentel, Councillor of State- and Peer of the Kingdom;

His Majesty the Emperor of all the Russias :

Pierre, Count Kapnist, Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Netherlands ;

His Majesty the King of Sweden and Norway etc. etc.:

Gillis, Baron Bildt, Lieutenant General, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia ;

His Majesty the Emperor of the Ottomans:

Mehemed Said Pacha, Vizier and High Dignitary, His Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

Who, furnished with full powers which have been found in good and due form, have successively discussed and adopted:

1st. A Declaration relative to the liberty of commerce in the basin of the Congo, embouchures and neighboring countries, with certain dispositions connected therewith;

2nd. A Declaration concerning the slave trade and the operations which on land or sea furnish slaves for the trade;

3rd. A Declaration relative to the neutrality of the territory comprised in the conventional basin of the Congo;

4th. An Act of navigation of the Congo, which while taking note of local circumstances, extends to this river, to its affluents and to the waters which are assimilated to them, the general principles announced in Articles 108 to 116 of the final Act of the Congress of Vienna and designed to regulate between the Powers signatory to said Act, the free navigation of navigable water courses which separate or traverse several States, principles since then conventionally applied to certain rivers of Europe and of America, and notably to the Danube, with the modifications provided by the treaties of Paris of 1856, of Berlin of 1878, and of London of 1871 and of 1883 ;

5th. An Act of navigation of the Niger which, while equally taking note of local circumstances, extends to this river and to its affluents the same principles inscribed in Articles 108 to 116 of the final Act of the Congress of Vienna ;

6th. A Declaration introducing into international relations certain uniform rules relative to the occupations which may take place in the future upon the coasts of the African Continent ;

And having judged that these different documents might be usefully coordinated in a single instrument, have collected them into a general Act composed of the following articles.

## **Chapter I**

### ***Declaration relative to the liberty of commerce in the basin of the Congo, its embouchures and neighboring country, and dispositions connected therewith***

## Article 1

The commerce of all nations shall enjoy complete liberty:

1st. In all the territories constituting the basin of the Congo and its affluents. This basin is defined by the crests of the contiguous basins, to wit : notably the basins of the Niari, of the Ogove, of the Schari and of the Nile, on the North; by the line of Eastern water shed of the affluents of lake Tanganyka on the East; by the crests of the basins of the Zambeze and of the Loge, on the South. It embraces, consequently, all the territories drained by the Congo and its affluents, including the lake Tanganyka and its Eastern tributaries.

2nd. In the maritime zone extending along the Atlantic ocean from the parallel of 2° 30' Southern latitude to the mouth of the Loge.

The Northern boundary shall follow the parallel of 2° 30' from the coast to the point where it strikes the geographical basin of the Congo, avoiding the basin of the Ogove to which the stipulations of the present Act do not apply.

The Southern boundary shall follow the course of the Loge up to the source of this river and shall be directed thence Eastward to the junction of the geographical basin of the Congo.

3rd. In the zone prolonged to the East of the Congo basin as it is above described, as far as the Indian ocean, from the fifth degree of North latitude to the mouth of the Zambeze on the South; from this point the line of demarcation shall follow the Zambeze to a point five miles above the confluence of the Shire and shall continue by the line of water shed separating the waters which flow towards the lake Nyassa from the waters tributary to the Zambeze to rejoin finally the line dividing the waters of the Zambeze and of the Congo.

It is expressly understood that in extending to this Eastern zone the principle of commercial liberty the Powers represented at the Conference only engage for themselves and that this principle shall apply to territories actually belonging to any independent and sovereign State only in so far as it shall give its consent thereto. The Powers agree to employ their good offices with the governments established upon the African littoral of the Indian ocean in order to obtain such consent and, in every case, to assure to the transit of all nations the most favorable conditions.

## Article 2

All flags, without distinction of nationality, shall have free access to all the littoral of the territories above enumerated, to the rivers which there empty into the sea, to all the waters of the Congo and its affluents including the lakes, to all the ports situated upon the borders of these waters, as well as to all the canals which may in the future be excavated with the object of connecting together the water courses or lakes comprised in the whole extent of the territories described in Article 1. They may undertake every kind of transport and exercise the coastwise navigation by sea and river as also small boat transportation upon the same footing as the allegiants.

## Article 3

Merchandise of every origin imported into these territories, under whatever flag it may be, by route of sea or river or land, shall have to discharge no other taxes than those which may be collected as an equitable compensation for expenses useful to commerce and which, under this head, must be equally borne by the allegiants and by strangers of every nationality.

All differential treatment is prohibited in respect to ships as well as merchandise.

## Article 4

Merchandise imported into these territories shall remain free from entrance and transit dues.

The Powers reserve to themselves to decide, at the end of a period of twenty years, whether freedom of entry shall or shall not be maintained.

## Article 5

Every Power which exercises or shall exercise rights of sovereignty in the territories under consideration shall not concede there either monopoly or privilege of any kind in commercial matters.

Strangers shall enjoy there without distinction, for the protection of their persons and their goods, the acquisition and transmission of their movable and immovable property and for the exercise of the professions, the same treatment and the same rights as the allegiants.

## Article 6

*Depositions relative to the protection of the natives, of missionaries and of travelers, and also to religious liberty.*

All Powers exercising rights of sovereignty or an influence in the Said territories engage themselves to watch over the conservation of the indigenous populations and the amelioration of their moral and material conditions of existence and to strive for the suppression of slavery and especially of the negro slave trade; they shall protect and favor without distinction of nationality or of worship, all the institutions and enterprises religious, scientific or charitable, created and organized for these objects or tending to instruct the natives and to make them understand and appreciate the advantages of civilization.

The christian missionaries, the savants, the explorers, their escorts, properties and collections shall be equally the object of special protection.

Liberty of conscience and religious toleration are expressly guaranteed to the natives as well as to allegiants and to strangers.

The free and public exercise of all forms of worship, the right to erect religious edifices and to organize missions belonging to all forms of worship shall not be subjected to any restriction or hindrance.

#### Article 7

##### *Postal regime*

The Convention of the universal postal Union revised at Paris June 1st. 1878 shall be applied to the conventional basis of the Congo.

The Powers who there exercise or shall exercise rights of sovereignty or of protectorate engage themselves to take, so soon as circumstances shall permit it, measures necessary for the execution of the preceding disposition.

#### Article 8

##### *Right of supervision attributed to the international commission of navigation of the Congo*

In all parts of the territory within the purview of the present Declaration where no Power may exercise rights of sovereignty or of protectorate, the International Commission of navigation of the Congo, instituted by virtue of Article 17, shall be charged to supervise the application of the principles proclaimed and established by this Declaration.

In all cases where difficulties relative to the application of the principles established by the present Declaration may happen to arise, the governments interested may agree to appeal to the good offices of the International Commission by deferring to it the examination of the facts which shall have given occasion to those difficulties.

### **Chapter II**

#### ***Declaration concerning the slave trade***

##### Article 9

Conformably to the principles of the law of nations, as they are recognized by the signatory Powers, the slave trade being interdicted, and as the operations which, by land or sea, furnish slaves to the trade ought to be equally considered as interdicted, the Powers who exercise or shall exercise rights of sovereignty or an influence in the territories forming the conventional basin of the Congo declare that these territories shall not serve either for a market or way of transit for the trade in slaves of any race whatever. Each of these Powers engages itself to employ all the means in its power to put an end to this commerce and to punish those who are occupied in it.

### **Chapter III**

#### ***Declaration relative to the neutrality of the territories comprised in the conventional basin of the Congo***

##### Article 10

In order to give a new guarantee of security to commerce and to industry and to favor, by the maintenance of peace, the development of civilization in the countries mentioned in Article 1 and placed under the regime of commercial liberty, the high signatory parties of the present Act and those who shall subsequently adhere to it engage themselves to respect the neutrality of the territories or parts of territories depending on said countries, including therein the territorial waters, so long as the Powers who exercise or shall exercise rights of sovereignty or protectorate over these territories, making use of the option to proclaim themselves neutrals, shall fulfill the duties which belong to neutrality.

##### Article 11

In the case where a Power exercising rights of sovereignty or of protectorate in the countries mentioned in Article 1 and placed under the regime of commercial liberty may be involved in a war, the high signatory parties of the Present Act and those who shall adhere to it subsequently engage themselves to lend their good offices to the end that the

territories belonging to this Power and comprised in the conventional zone of commercial liberty may be, with the common consent of this Power and of the other party or parties belligerent, placed for the duration of the war under the regime of neutrality and considered as belonging to a non-belligerent State; the belligerent parties may renounce, thenceforth, the extension of hostilities to the territories thus neutralised, as also their use as a base for the operations of war.

#### Article 12

In case a serious dissension, springing up on the subject or within the limits of the territories mentioned in Article 1 and placed under the regime of commercial liberty should happen to arise between the signatory Powers of the present Act or the Powers which may subsequently adhere to it, these Powers engage themselves, before appealing to arms, to have recourse to the mediation of one or more friendly Powers.

In the same case the same powers reserve to themselves the optional recourse to the procedure of arbitration.

### Chapter IV

#### *Act of navigation of the Congo*

#### Article 13

The navigation of the Congo, without exception of any of the branches or issues of this river, is and shall remain entirely free for merchant vessels, loaded or in ballast, of all nations, as well for the transport of merchandise as for that of travelers. It must conform itself to the dispositions of the present navigation Act and to the regulations to be established in the execution of the same Act.

In the exercise of this navigation the subjects and the flags of all the nations shall be treated, in all respects, upon the footing of a perfect equality, as well for the direct navigation from the open sea toward the interior ports of the Congo, and vice versa, as for the great and small coastwise navigation and also for the small-boat transportation throughout the extent of this river.

Consequently, throughout the extent and at the mouths of the Congo, no distinction shall be made between the subjects of riparian and non-riparian States, and no exclusive privilege of navigation shall be conceded, either to societies or corporations of any kind or to private persons.

These dispositions are recognized by the signatory powers as forming henceforth a part of public international law.

#### Article 14

The navigation of the Congo cannot be subjected to any hindrance or charge which may not be expressly stipulated in the present Act. It shall not be burdened with any obligation of scaled voyages, ports of stoppage, of depot, of breaking bulk, or of compulsory interruption.

In all the extent of the Congo, ships and merchandise passing along the river shall not be subjected to any transit dues, whatever may be their origin or their destination.

There shall not be established any maritime or river transit tax based upon the simple fact of navigation, nor any dues upon the merchandise which is found on board the ships. Only taxes or dues can be collected which shall have the character of compensation for services rendered to navigation itself, namely :

1st. Port taxes for the actual use of certain local establishments such as quays, storehouses, etc. etc.

The tariff of these taxes shall be calculated upon the expenses of construction and maintenance of said local establishments, and its application shall be made without regard to the origin of ships or to their cargo.

2nd. Certain dues of pilotage upon the sections of the river where it may appear necessary to create stations of commissioned pilots.

The tariff of these dues shall be fixed and proportioned to the service rendered.

3rd. Certain dues designed to cover the technical and administrative expenses, made in the general interest of navigation, including therein dues for lighthouses, lights and buoys.

Dues of this last category shall be based upon the tonnage of vessels, as it appears from the papers on board, and conformably to the rules adopted upon the lower Danube.

The tariffs according to which the taxes and dues, enumerated in the three preceding paragraphs, shall be collected, shall carry with them no differential treatment and must be officially published in each port.

The Powers reserve to themselves to examine, at the end of a period of five years, whether there is occasion to revise, by common accord, the tariffs above mentioned.

#### Article 15

The affluents of the Congo shall in all respects be submitted to the same regime as the river of which they are tributaries.

The same regime shall be applied to the rivers and streams as also to the lakes and canals of the territories denuded by Article 1, paragraphs 2 and 3.

The attributions of the International Commission of the Congo however shall not extend over the said rivers, streams, lakes and canals, except with the assent of the States under the sovereignty of which they are placed. It is well understood also that for the territories mentioned in Article 1, paragraph 3, the consent of the sovereign States on which these territories depend, remain reserved.

#### Article 16

The routes, railroads or lateral canals which may be established for the special object of supplementing the innavigability of imperfections of the river way over certain sections of the course of the Congo, of its affluents and of the other water courses which are assimilated to them by Article 15 shall be considered, in their quality of means of communication, as dependencies of this river and shall be equally open to the traffic of all nations.

In like manner as upon the river, upon these routes, railroads and canals transit taxes can only be collected which are calculated upon the expenses of construction, of maintenance and of administration, and upon the profits due to the constructors.

As to the rates of these transit taxes strangers and allegiants of the respective territories shall be treated upon the footing of perfect equality.

#### Article 17

There is instituted an International Commission charged to assure the execution of the dispositions of the present navigation Act.

The signatory Powers of this Act, as well as those who shall adhere to it hereafter, can, at all times, have themselves represented in the said Commission, each by one delegate. No delegate can dispose of more than one vote even in the case where he may represent several governments.

This delegate shall be directly compensated by his government.

The pay and allowances of the agents and employés of the International Commission shall be charged upon the product of the dues collected conformably to Article 14, paragraphs 2 and 3.

The figures of the said pay and allowances as well as the number, the grade and the attributions of the agents and employés, shall be inscribed in the report which shall be addressed each year to the governments represented in the International Commission.

#### Article 18

The members of the International Commission as well as the agents named by it, are invested with the privilege of inviolability in the exercise of their functions. The same guarantee shall extend to the offices, bureaus and archives of the Commission.

#### Article 19

The International Commission of navigation of the Congo shall constitute itself so soon as five of the signatory Powers of the present general Act shall have named their delegates. While awaiting the constitution of the Commission, the nomination of the delegates shall be notified to the Government of the German Empire, by whose care the necessary steps shall be taken to provoke the assemblage of the Commission.

The Commission shall immediately elaborate regulations of navigation, of river police, of pilotage and of quarantine.

These regulations, as well as the tariffs to be established by the Commission, before being put in force, shall be submitted to the approbation of the Powers represented in the Commission. The Powers interested shall make known their opinion with the least delay possible.

Infractions of these regulations shall be repressed by the agents of the International Commission, where it shall exercise direct its authority, and elsewhere by the riparian Power.

In case of an abuse of power or of an injustice on the part of an agent or employé of the International Commission, the individual who shall regard himself as injured in his person or in his rights may address himself to the consular agent of his nation. The latter shall examine the complaint; if he finds it *prima facie* reasonable, he shall have the right to present it to the Commission. Upon his initiative, the Commission represented by at least three of its members, shall join itself to him to make an investigation touching the conduct of its agent or employé. If the consular agent considers the decision of the Commission as giving rise to objections of right, he shall make a report of it to his government which may have recourse to the Powers represented in the Commission and invite them to come to agreement upon the instructions to be given to the Commission.

#### Article 20

The International Commission of the Congo, charged by the terms of Article 17 to assure the execution of the present Act of navigation shall have notably in its attributions :

1. The designation of the works proper to assure the navigability of the Congo according to the needs of international commerce.

Upon the sections of the river where no Power shall exercise the rights of sovereignty, the International Commission shall itself take the necessary measures to assure the navigability of the river.

Upon the sections of the river occupied by a sovereign Power, the International Commission shall come to an understanding with the riparian authority.

2. The settlement of the tariff of pilotage and that of the general tariff of navigation dues, provided in the 2nd. and 3rd. paragraphs of Article 14.

The tariff mentioned in the 1st. paragraph of Article 14 shall be settled by the territorial authority, within the limits provided in said Article.

The collection of these different duties shall be made by the care of the International or territorial authority for the account of which they are established.

3. The administration of the revenues proceeding from the application of the above paragraph 2.

4. The supervision of the quarantine establishment established in virtue of Article 24.

5. The nomination of the agents belonging to the general service of navigation and that of its own employés.

The institution of sub-inspectors shall belong to the territorial authority upon the sections occupied by a Power, and to the International Commission upon the other sections of the river.

The riparian Power shall notify to the International Commission the nomination of sub-inspectors whom it shall have instituted, and this Power shall charge itself with their pay.

In the exercise of these attributions as they are above defined and limited, the International Commission shall not depend upon the territorial authority.

#### Article 21

In the accomplishment of its task, the International Commission may have recourse, at need, to the war vessels of the signatory Powers of this Act and of those who shall accede to it in the future, subject to every reserve of the instructions which may be given to the commandants of these vessels by their respective governments.

#### Article 22

The vessels of war of the signatory Powers of the present Act which enter the Congo are exempt from the payment of the navigation dues provided in paragraph 3 of Article 14; but they shall pay the eventual pilot dues as well as port dues, unless their intervention may have been called for by the International Commission or its agents according "to the terms of the preceding Article.

#### Article 23

For the object of providing for the technical and administrative expenses with which they are charged, the International Commission instituted by Article 17 may negotiate in its own name loans exclusively based upon the revenues attributed to the said Commission.

The decisions of the Commission tending to the conclusion of a loan must be taken by a majority vote of two-thirds. It is understood that the governments represented in the Commission cannot, in any case, be considered as assuming

any guarantee or contracting any engagement or responsibility in respect to said loans, unless by special conventions concluded by them to this effect.

The product of the dues specified in the 3rd. paragraph of Article 14 shall be by priority assigned to the service of the interest and to the extinguishment of said loans, according to the agreements entered into with the lenders.

#### Article 24

At the embouchures of the Congo, there shall be founded, either by the initiative of the riparian Powers, or by the intervention of the International Commission, a quarantine establishment which shall exercise control over vessels as well on arrival as on departure.

It shall be decided later, by the Powers, whether and under what conditions a sanitary control shall be exercised over vessels in the course of the navigation of the river.

#### Article 25

The dispositions of the present Act of navigation shall remain in force in time of war. Consequently, the navigation of all nations, neutral or belligerent, shall be free, at all times, for the uses of commerce upon the Congo, its branches, its affluents and its mouths, as also upon the territorial sea opposite the mouths of this river.

Trade shall remain equally free, notwithstanding the state of war, upon the routes, railroads, lakes and canals mentioned in Articles 15 and 16.

There shall be no exception to this principle except in what relates to the transport of objects destined to a belligerent and considered, by virtue of the law of nations, as articles contraband of war.

All the works and establishments created in execution of the present Act, notably the bureaus of collection and their coffers, likewise the personnel attached in a permanent manner to the service of these establishments, shall be placed under the regime of neutrality and, under this head, shall be respected and protected by the belligerents.

### Chapter V

#### *Act of navigation of the Niger*

#### Article 26

The navigation of the Niger, without exception of any of the branches or issues of this river, is and shall remain entirely free for the merchant ships, laden or in ballast, of all nations, as well for the transport of merchandise as for that of travelers. It must conform to the dispositions of the present navigation Act and to the regulations to be established in execution of the same Act.

In the exercise of this navigation, the subjects and the flags of all nations, shall be treated, in all respects, upon the footing of a perfect equality, as well for the direct navigation from the open sea toward the interior ports of the Niger, and vice versa, as for the great and small coastwise navigation, and also for the small boat transportation throughout the extent of this river.

Consequently, upon all the extent and at the mouths of the Niger, there shall be no distinction made between the subjects of the riparian and non-riparian States, and no exclusive privilege of navigation shall be conceded, either to societies or corporations of any kind, or to private persons.

These dispositions are recognized by the signatory Powers as forming henceforth part of international public law.

#### Article 27

The navigation of the Niger cannot be subjected to any hindrance or charge based solely upon the fact of navigation.

It shall not be subjected to any obligation of scaled voyages, ports of stoppage, of depot, of breaking bulk, or compulsory interruption.

Upon all the extent of the Niger, vessels and merchandise passing upon the river shall not be subjected to any transit dues, whatever may be their origin or their destination.

There shall not be established any maritime or river transit tax, based upon the simple fact of navigation, nor any duty upon the merchandise which is found on board the vessels. There can be collected only the tax or duty which shall have the character of compensation for service rendered to navigation itself. The tariffs of these taxes or duties shall carry with them no differential treatment.

#### Article 28

The affluents of the Niger shall be in all respects submitted to the same regime as the river of which they are tributaries.

#### Article 29

The routes, railroads or lateral canals which may be established with the special object of supplementing the innavigability or imperfections of the river way upon certain sections of the course of the Niger, of its affluents, branches and issues shall be considered, in their quality of means of communication, as dependencies of this river and shall be equally open to the traffic of all nations.

In like manner as upon the river, there shall be collected upon these routes, railroads and canals, only transit taxes calculated upon the expenses of construction, of maintenance and of administration, and upon the profits due to the constructors.

As to the rates of these transit taxes, strangers and allegiants of the respective territories shall be treated upon the footing of perfect equality.

#### Article 30

Great Britain engages itself to apply the principles of the liberty of navigation announced in Articles 26, 27, 28, 29, in so far as the waters of the Niger, of its affluents, branches and issues, are or shall be under its sovereignty or protectorate.

The regulations which it shall establish for the safety and control of navigation shall be conceived in a manner to facilitate so far as possible the circulation of merchant vessels.

It is understood that nothing in the engagements thus taken can be interpreted as preventing or able to prevent Great Britain from making such regulations of navigation whatever they may be, as may not be contrary to the spirit of these engagements.

Great Britain engages itself to protect the foreign traders of all nations carrying on commerce in the portions of the course of the Niger which are or shall be under its sovereignty or protectorate, as if they were its own subjects, provided always that these traders conform to the regulations which are or shall be established in virtue of what precedes.

#### Article 31

France accepts under the same reserve and in identical terms the obligations established in the preceding Article, in so far as the waters of the Niger, of its affluents, branches and issues are or shall be under its sovereignty or its protectorate.

#### Article 32

Each of the other signatory Powers engages itself likewise, in case it should exercise in the future rights of sovereignty or protectorate upon any part of the waters of the Niger, of its affluents, branches and issues.

#### Article 33

The dispositions of the present Act of navigation shall remain in force in time of war. Consequently, the navigation of all nations, neutral or belligerent, shall be free at all times for the uses of commerce upon the Niger, its branches and affluents, its embouchures and issues, as also upon the territorial sea opposite to the embouchures and issues of this river.

Trade shall remain equally free, notwithstanding the state of war, upon the routes, railroads and canals mentioned in Article 29.

There shall be no exception to this principle except in what concerns the transport of objects destined to a belligerent and considered, by virtue of the law of nations, as articles contraband of war.

### Chapter VI

#### ***Declaration Relative to the Conditions Essential to be Fulfilled in Order that New Occupations upon the Coasts of the African Continent may be Considered as Effective***

#### Article 34

The Power which henceforth shall take possession of a territory upon the coast of the African continent situated outside of its present possessions, or which, not having had such possessions hitherto, shall come to acquire them, and likewise, the Power which shall assume a protectorate there, shall accompany the respective act with a notification addressed to the other signatory Powers of the present Act, in order to put them in a condition to make available, if there be occasion for it, their reclamations.

#### Article 35

The signatory Powers of the present Act recognize the obligation to assure, in the territories occupied by them, upon the coasts of the African Continent, the existence of an authority sufficient to cause acquired rights to be respected and, the case occurring, the liberty of commerce and of transit in the conditions upon which it may be stipulated.

### Chapter VII

#### General Dispositions

#### Article 36

The signatory Powers of the present general Act reserve to themselves to introduce into it later and by common accord the modifications or ameliorations the utility of which may be demonstrated by experience.

#### Article 37

The Powers who shall not have signed the present general Act may adhere to its dispositions by a separate Act.

The adhesion of each Power is notified, in a diplomatic way, to the Government of the German Empire, and by the latter to all the signatory or adhering States.

It carries by full right the acceptance of all the obligations and admission to all the advantages stipulated by the present general Act.

#### Article 38

The present general Act shall be ratified within a delay which shall be the shortest possible and which, in any case, shall not exceed one year.

It shall enter into force for each Power to begin from the date when it shall have ratified it.

Meanwhile the signatory Powers of the present general Act bind themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each power shall address its ratification to the Government of the German Empire, by whose care notice shall be given to all the other signatory Powers of the present general Act.

The ratifications of all the Powers shall remain deposited in the archives of the Government of the German Empire. When all the ratifications shall have been produced, there shall be drawn up an act of deposit in a protocol which shall be signed by the representatives of all the Powers having taken part in the Conference of Berlin and of which a certified copy shall be addressed to all these Powers.

In faith of which, the respective Plenipotentiaries have signed the present general Act and have affixed thereto their seal.

Done at Berlin, the 26th day of the month of February one thousand eight hundred eighty five.

John A. Kasson.

H. S. Sanford.

v. Bismarck.

Busch.

v. kusserow.

szechenti.

Cte Aug te van der Stbaten Pokthoz.

Bn Lambermont.

E. Vind.

Comte de Benomar.

Alph. de Courcel.

Edward B. Malet.

Launay.

F. P. van der Hoeven.

Marquis de Penafiel.

A. de Serpa Pimentel.

Cte P. Kapnist.

Gillis Bildt.

Said.



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