

21.9m

A THESIS
SUBMITTED TO FACULTY OF THE GRADUATE SCHOOL
OF THE
UNIVERSITY OF MINNESOTA
BY EUGENE A. RATEAVER,
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF MASTER OF ARTS.
MAY 23rd, 1911.

UNIVERSITY OF
MINNESOTA
LIBRARY

FOREWORD.

In presenting a work on the subject of colonization, the writer keenly feels his incompetency, owing to the vastness of the subject and the enormous amount of literature on colonization that has been written by competent men. But having chosen as his theme only a particular branch of the subject, he has ventured to present this treatise. Part One is a discussion of the general nature of colonization, while Part Two deals with that particular branch of the subject which in reality forms the topic of the thesis, namely the French Administrative Policy in Madagascar. Part One is presented because the writer feels that all the works on colonization that have come under his observation present a point of view that is one-sided. He wishes, therefore, to state, that in the discussion of the subject of colonization and in the development of the particular theme of the thesis, he has endeavored to present merely what he believes to be the full truth and understands to be the real situation. If there be any statements that seem extravagant or biased, the reader is assured that they have not been intentionally made so, and are so without willfull prejudice.

Owing to the limited amount of valuable sources available for the preparation of this work, the thesis is not here presented in its complete form. It is the intention of the writer, however, to complete it as soon as possible. The chapters that are still forthcoming are the following; (Part Two)-

SEP 15 1911 6.70

- Chap. IV. Administration of Land, Forests and Mines.
- " V Commercial and Industrial Policy.
- " VI. Educational and Religious Regulations.
- " VII. Financial System.
- " VIII. Civil and Political Status of the Natives.
- " IX. Military Organization.
- " X. Conclusion. Suggestions.

The literature that has been used is the following:-

- 1. Recueil General de Jurisprudence et de Legislation Coloniale, Paris.
- 2. Archives Diplomatiques, Paris.
- 3. Statesmen's Year Book, London.
- 4. Principes de Constitution et de Legislation Coloniale, A. Girault.
- 5. Madagascar, André You.
- 6. Colonial Government, Paul Reinsch.
- 7. Colonial Administration, Paul Reinsch.

THE FRENCH ADMINISTRATIVE POLICY IN MADAGASCAR.

-o-PART ONE.-o-

The General Nature of Colonization.

- Chap. I. Introduction.
- Chap. II. The Motive behind Colonization.
- Chap. III. The Credit and Debit Sides of Colonization
- Chap. IV. The Justifying Principles of Colonization

-o-Part Two.-o-

The French in Madagascar.

- Chap. I. History of the French Colonial Enterprises
in Madagascar.
- Chap. II. The Present French Administration.
- Chap. III. The Judicial Organization.

CHAPTER ONE.

PART ONE: THE GENERAL NATURE OF COLONIZATION.

INTRODUCTION.

In view of the large number of works now written on the history of the French occupation in Madagascar, as well as on the present French Government there, it seems superfluous to undertake to add anything more to the study of the subject. But as far as the writer knows, every work in elucidation of this matter that is now in print has been written by a Frenchman or some other European, and written from his view point. The Frenchman or any other European naturally looks at colonial administration from a point of view different from that of the native of a colony. The European writer always writes in defense of the acts of his government and never discusses the matter without bias. He may not always write with the purpose of defending the action of his government, but his mind is naturally prejudiced in favor of his state. His criticism is always a constructive one, at least when touching the main doctrines of colonialism. On the other hand, it is quite natural that if a native of Madagascar or of any other European colony should write a critical treatise on the subject of colonization and colonial legislation, he would be at variance with the European writer. The two necessarily look at the matter from different if not opposite points of view. Each is naturally prejudiced in favor of his own country. Yet, there must be some point of contact at which the native and European students of colonization will find common ground, and where the actually justifying principles of modern colonization are discovered and recognized by both.

To attempt to find this point of agreement, to study colonization from a native point of view, and to interpret the French administrative policy in Madagascar, from the legislative and administrative acts there in force is the purpose of the writer in undertaking the composition of this paper. In so doing he has pledged himself to deal with the subject with an unprejudiced mind, so far as it is in his power so to do. It is to be remarked also at this time, that in speaking of colonies or colonization, in as much as there are several types of colonies, he has in mind only one type of them, namely exploitation colonies. For after all the main object of colonization, as will be shown, is to exploit the natural riches of unexploited lands. The writer feels justified in arbitrarily using the word "colony" in this exclusive sense throughout this treatise, because of reasons already presented. Moreover, the term "colony" or "colonization", as generally understood, means an establishment for political control by a civilized nation over an uncivilized tribe. In other words, when we speak of a colony we generally mean thereby a tropical territory inhabited by barbarous or semi-civilized natives, where a civilized nation exercises political control and exploits the resources of the country. To do this a certain amount of immigration from the mother country is necessary, the immigrants forming, however, no permanent settlement. Exploitation colonies are thus in some measure also military, commercial, plantation and settlement colonies. But military, commercial, plantation, or settlement colonies proper are generally outside of the meaning of the term "colony" when it is accompanied with no modifying word. It is in this restricted meaning therefore, that we shall hereafter use the term. By confining our-

selves to this one type of colony, we shall appreciably simplify the task before us. As examples of plantation, military, commercial and settlement colonies respectively we may mention the island of Reunion, Gibraltar, the Philippine Islands, and Australia. As examples of exploitation colonies proper, of which there are many more than all the colonies of the other types put together, we may cite India, Indochina, Madagascar, and Ceylon. And of all the types of colonies the latter class forms the most complex subject of study, by virtue of the double nature of its problem, namely the European and native question. In fact it is this problem that makes colonization interesting and worthy of serious study. In a colony two peoples of widely different culture as well as of widely different interests are brought into contact with each other. The natural consequence from the contact of such peoples is friction and mutual distrust. But to establish harmony and goodwill between the two peoples in spite of everything is the task resting upon the colonizers, a task which constitutes the most difficult as well as the most interesting phase of the colonial problem. And by the very nature of things the task of bringing about peace and cooperation devolves upon the aggressive party.

But the success of such a task will depend largely upon the attitude taken by the aggressive nation toward the conquered tribe, and this attitude is again determined by the motives that have led the European state to subdue the native inhabitants of the colony and establish political domination over them. It is worth our while, therefore, that we look into this phase of colonization, and endeavor to determine the motives that have induced European states to undertake the task of colonial expansion.

For we have in colonialism a phenomenon which has an important historical meaning for the human race in the future. What the permanent result of such a contact will be is difficult to presage, yet one thing we know, namely, that much will depend upon the conduct and policy of the now stronger powers which subdue the weaker races. For this political movement is a deliberate action on the part of intelligent peoples of advanced civilizations, so that, although history repeats itself in a more or less modified form, this modern invasion of civilized peoples upon the barbarians is significantly dissimilar to the invasion of the barbarians upon the civilized states of the Middle Ages, the latter being a more or less spontaneous, unplanned and unorganized expedition. It is our purpose, therefore, in the succeeding chapter to discuss the motives that have prompted our modern states to launch upon colonial imperialism.

CHAPTER TWO

PART ONE.

THE MOTIVE BEHIND COLONIZATION.

What are the motive forces that have given birth to colonialism? A correct answer to this question will enable us to interpret colonial legislation correctly. Colonial enterprises have become a subject of great concern to every civilized nation of our day. Every European state, large or small, is anxious to possess trans-oceanic dependencies. That same nation today which possesses no colonies at all is simply due to financial shortage and military deficiency. Competition between the civilized states for power and influence in the uncivilized continents and in the islands of the seas has become so keen since the beginning of the 19th century that it has frequently resulted in colonial disputes which war alone has been able to settle. The motive force behind this form of political activity must, therefore, be a mighty one, and the results accruing from the enterprise must be most significant to the colonizing nation. It thus becomes at once a subject of interest to every student of political science to ascertain precisely the motive behind modern colonization, and to estimate the amount of economic and political gain derived therefrom. In the present chapter, however, we shall discuss only the former phase of the question, i.e., the motive force behind modern colonial expansion. The second phase of it we shall reserve for the following chapter. It is accordingly our purpose at this point to make a brief examination of the forces that have originated and are still animating modern colonialism.

Political historical economists have attributed colonial expansion to internal disharmony and to overpopulation, as was the case with the ancient Roman and

Greek nations. These were without doubt among the reasons for the colonial enterprises of those ancient nations; but political and economic interests certainly were the main reasons. For we learn that taxes and other revenues were extracted from their colonies, and military support were demanded from them. Revenue and aggrandizement were the two chief objects of the Roman conquests. And we shall presently see that our modern states have not far outgrown this kind of political and economic pursuits. In a movement of population to a settlement colony, where the climate is sufficiently congenial, internal discord or over-population at home may logically be the cause. But in the case of an exploitation colony it is illogical to assert that internal trouble and over-population have driven the state to undertake colonization; for relatively few citizens migrate to such a colony, and those who migrate do not form a permanent settlement. We may, therefore, correctly conclude that internal discord and over-population, if they led toward colonization at all, have done so only in an indirect way. Moreover, Europe has not up to this time suffered seriously from over-population, and whenever there were those who suffered injustice or destitution they betook themselves to foreign countries and to settlement colonies. An exact illustration of this is the Puritan migration to the American continent.

The establishment of the so called "balance of power" between the European nations about the middle of the 19th century, has been given as the cause of modern colonial expansion. The inter-relation of the states became so fixed that a slight disturbance of the balance thus established would upset the whole continent. Hence each nation sought to find an opportunity in the lands of the barbarians for political expan-

sion and economic development. This fact can, however, hardly be called the cause of modern colonial expansion; for colonization had begun among the European states long before the 19th century, and has since steadily grown in extent. It would be more accurate, therefore, to say that the establishment of the balance of power between the European nations towards the middle of the 19th century, was the occasion, not the cause of modern colonial enterprises. Consequently this theory as well fails to satisfy our inquiry.

A third explanation for the colonial movement of European nations is that given by the economist who is philanthropically disposed. It is declared that it is the moral duty of civilized nations to uplift the backward races by introducing among them their civilization. The European nations, finally realizing this moral obligation, are, it is said, fulfilling a duty by way of colonial enterprises. This explanation undoubtedly has an agreeable sound to the more cultured portion of the human races. It would very likely delight the savage if he could be convinced of its truth. But if that is the motive behind modern colonial expansion, why always subjugate the natives? The savages are not intelligent enough, you say, to appreciate the value of western civilization, nor wise enough to accept it voluntarily, and hence the coercive measure. But if that is true, can we then say that some day when the native inhabitants shall finally have become convinced of the salutary effect of western civilization and shall deliberately adopt the western mode of life, the European states will withdraw their control from their present colonial possessions? That constant study of colonial legislation which seeks to discover principles best adapted to safeguarding and perpetuating control in the colonies, does not seem to suggest such a conclusion. On the contrary we find that the tendency is to seek the

best advantages for the colonizing state and its citizens. It is not reasonable, moreover, to suppose that a nation should sacrifice thousands of the lives of its own citizens, and appropriate millions of dollars, in order to redeem some tribe of forlorn savages from the restraints of barbarism. No group of human beings has yet attained to that height of moral development. Furthermore, it is not always true that uncivilized races decline to accept western civilization when it is brought to them. The civilization of the Hovas of Madagascar, for instance, is not the product of forced importation; it is the product of voluntary response to the inducement of civilization, introduced by European missionaries and traders. The native civilization made, in fact, more rapid progress before the French conquest than after it. It is true, indeed, that representative modern colonizing nations have more or less seriously considered the interest of the native populations of their colonies, but such attention has been prompted not so much by feelings of sympathy toward the natives, as by the fear of creating discontent and causing rebellion among them. Industrial and other improvements have been accomplished and are being made, but they are made not primarily in order to benefit the natives, but to benefit the Europeans. This spirit is manifest also in the granting of many privileges to the Europeans that the natives do not enjoy. Whatever grants of the nature of privileges have been conferred upon the natives of a colony, are not only acts of flattery and diplomatic device, but are even empty fictions. Such, for instance, is the right granted to the natives of Madagascar and of other French colonies, to become French citizens, upon certain conditions. French citizenship thus acquired by natives carries with it no political or civil equality with the Frenchman. It entitles the possessor only to the right of a vote in elections for local officers, and a right with restrictions at that. The humanitarian

theory, therefore, fails to give us a satisfactory explanation of the growth of modern colonialism.

A fourth explanation is that presented by the economist of a cosmopolitan turn of mind. He holds that the backward races have no right to monopolize the natural wealths of their lands, and to exclude the rest of humanity from a share in the enjoyment of them. He further asserts that all the natural resources of the earth belong to humanity at large, so that if a particular group of men is unwilling or unable to utilize them in such a way that other people also have access to the enjoyment of them, any nation has a right to open such resources to exploitation, by force if necessary for the benefit of the world at large. This conception is nearer the point than any of the previous theories, but it is deceptively inaccurate. If it is to open the unexploited wealths of uncivilized lands to a more general access that the civilized nations have launched into the task of colonization, why should two or more nations, as it has happened, quarrel over one and the same piece of barbarian territory? Why the conflicts in Transvaal and in Morocco? Deducing from the theory in question we would first say that every civilized nation opens its own territory and natural resources to an equal opportunity of exploitation by all peoples and races; secondly, that any civilized nation, colonizing an uncivilized territory, opens the natural resources of such a country to exploitation by all other nations; and thirdly, that any one civilized nation ought, when it undertakes the colonization of a given barbarian territory, to satisfy such demands as may be rightly preferred by the rest of the civilized world. But evidently they do not practice the theory, even if they do recognize its merits. Great Britain, for instance, claims the exclusive right of exploiting and regulating its own resources; France does not suffer any other nation to

interfere with the exploitation and regulation of the natural resources of any of her colonies; all the European powers suspect one another of doing as the barbarous inhabitants do, i.e., of keeping the resources unexploited by others; hence arise the occasional conflicts between nations over colonial matters. They thereby expose their own inconsistency. As to the theory of ownership advanced by economic philosophers we can say that the uncivilized tribes own the natural resources of their territories just as truly and validly as France or Germany owns the natural wealth of her own state. They claim ownership of them in the same manner and for the same reason as France and Germany claim ownership of their respective natural resources. In both cases it is the gift of nature that has fallen to their lot respectively and not the product of human skill or industry. African savages, are not, by reason of their intellectual and industrial incapacity deprived of their title to the natural resources of their lands any more than a civilized man in a civilized state would be deprived of the title to his allotted property because for some reason he is physically or otherwise incapacitated. The fact is that the European powers deliberately refuse to recognize in the weaker races the very same rights that they strictly observe among themselves; they observe these rights among themselves on what they would call moral grounds, but these moral grounds are backed up by artillery and torpedo boats. In other words, the question is simply a case of "might is right". If the savage tribes had a sufficient number of Mousers and Dreadnoughts, and had enough courage and skill to use them, their title to the natural resources of their lands would have been recognized by the European states fully as much as such title is recognized in Europe.

Of late political philosophers have ingeniously advanced an interesting theory of ownership based on a time-serving philosophy, little short of being made-to-order. They warn us that there is a distinction between a "political" and a "philosophical" ownership of lands and resources. That the European states readily accept the theory no one can doubt, and on this basis they are clearly acting. But it would be interesting to ask whence is the distinction and why. It is understood as well as expressed by the exponents of the theory that philosophical ownership is one which rests upon nativity as its source. In other words, a savage tribe philosophically owns the natural wealths of its native land by virtue of its habitation there. But, politically speaking, the natives hold no right of ownership in resources, because they are not able to protect them from the hands of European invaders. This distinction of ownership is similar to the distinction between what we in international law call paper and effective blockade. In both cases it is a principle determined and maintained by the number of big guns; in both cases it is a matter of "might is right". The Italians by force of circumstances today recognize the title of the Abyssinians to their land and its resources. Had they defeated the Abyssinians in 1896 they would have been unable to conceive of the existence of such a title. But be what may, it remains true that the only morally ^{and real} true ownership is what we understand by philosophical ownership. The establishment of the distinction between "philosophical" and "political" ownership is an invention, the purpose of which is to justify the robbing of the weaker peoples by the stronger. If the civilized nations are respectably desirous of creating markets, trading stations, industrial establishments, and commercial intercourses within the domains of the less advanced

lands

46

human races, there are means of accomplishing this other than the soldier's rifle and the subjugation of the natives.

A fifth and last explanation of modern colonial expansion is that given by the business man. He tells us that the power that moves modern states to colonize is the demand of the business men and manufacturers for more consumers and larger market. Each state consciously or unconsciously responding to this demand, has endeavored to establish dependent territories in the lands of the barbarians. This interpretation is nearest to the truth, because it is the most frank; it is a confession; and the American nation itself can with concretion subscribe to it. Colonization may thus be called a business investment; it is a business speculation on the largest scale. But although to open outlet for domestic products is indeed a main object in modern colonization, it is not the only main object. Adding to it the statement that a chief object of the European colonial expansion is to extract the hidden wealths of the barbarians, we have the true explanation of modern colonial politics; for we observe that as soon as a European nation establishes political control over a new territory, markets for the produce of that nation are created there; and in addition to the taxes levied upon the natives for the maintenance of administrative and in some cases also for military organization, the natural resources of the country are exploited and the products exported to the mother country.

Having come this far in our investigation, we may finally inquire, what is the cause, the real motive, or, if you prefer, the psychology of colonialism. The result of our investigation will indeed help us to

answer the question correctly. For when we know the object of an enterprise, we can pretty accurately ascertain the nature of the motive behind it. We have seen that one main object of colonization is to create markets for domestic produce; herein we can understand readily for whose interest primarily colonization is undertaken. We saw later that it is also for the purpose of exploiting the natural wealths of fresh regions in order to profit therefrom. Here again we readily understand for whose benefit colonization is carried on. From these and all the other observations that we have made in the preceding pages, we may justly conclude that colonialism has found its origin and animating impulse not in the desire to benefit the backward portions of humanity, not in the desire to give the entire world a chance to share in the unexploited treasures of the earth, not in the instinct of self-preservation, but in that enduring dynamic which has always moved men to action, namely the love of self. This motive force, coupled with jealousy, envy and a spirit of retaliation, has, in our judgment, been the propelling motive behind colonial expansion. The voice of self-interest (to borrow a phrase from sacred history) has ever cried, "Kill and eat", and man has always been prone to obey this voice. With the colonizing nations it is always first the ego, and next, if ever, the native. Whatever improvements have been accomplished in colonies are merely incidents necessary to the work of exploitation. For this work political control is necessary. But for effective control, as well as for adequate exploitation, certain improvements must be made. The colonizing nation must establish highways and build railroads in order to facilitate the movement of its army as well as the transportation of the economic products acquired; it must improve the sanitary condition of the country in order to preserve the health and the lives of the administrative body, the soldiers and the promoters of industry.

In the consideration of these things by the administrative councils of the colonies or by the authorities in the mother country, the immigrated Europeans are primarily the people to be considered, while the natives are only given attention incidentally if at all. It is to these improvements that colonizers appeal when they want to justify their domination in the eyes of the native inhabitants or before outside critics. But could they very well attain their aim without making some improvements? And are these improvements equivalent to the gold, silver and other metals, not to speak of the rest of natural wealth, that the colonizers are extracting and expect to continue to extract from their colonies so long as they can keep the natives down? That can hardly be claimed.

In concluding this chapter we feel constrained briefly to consider still another phase of our topic, which well deserves our attention. It is the influence of Christian missionaries in colonialism. The subject is a delicate one, first because politics and religion are two different things, secondly because missionaries generally are men and women of irreproachable character. It is due only to illegitimate activity that missions are involved in colonial politics. Moving within ~~a~~ their proper and legitimate sphere, missionaries cannot become entangled in a political encroachment of European states upon pagan tribes. Unfortunately, however, some of them have acted more or less as direct agents of their respective governments. This is especially true of the French Jesuits in Madagascar, prior to the war of 1895. Uganda has come under British rule mainly through missionary tactics. New Guinea is today divided between three European powers chiefly through missionary agency. There is generally as much national jealousy among missionaries as among the nations themselves. Each desires

his own nation to take control over the territory in which he missionates, hoping perhaps thereby to secure better advantage and surer protection. Looking at this fact from a theoretical point of view, we can hardly blame the missionaries for thus thinking and acting. But looking at it from a practical view point, the idea is inconsistent with the missionary calling and is detrimental to missionary work. When the government comes in response to the persuasion of missionaries, and a political domination is consequently established, these messengers of peace perceive the real nature of their blunder and its expensiveness; then complaint and denunciation are raised against the demoralizing effect of European domination.

The fallacy and inconsistency of such a conduct on the part of the missionaries are apparent also, when it is borne in mind that missionaries, properly speaking, are sent out by the God of the Universe through the instrumentality of a special association of men, called the Christian Church, to propagate the Christian religion. As such messengers, they are supposed logically to look to the commissioning constituency for help, for means of subsistence, and for protection. But all men are human, and as such seek support from the ordinary visible source of help more readily than from the invisible All Powerful. It is thus by reason of a common, human weakness and common human instincts, if not from deliberate political scheming, that some titular missionaries appeal to their governments for battleships or urge them to annex certain territories. This aspect of the question belongs, however, to theological rather than to political philosophy. It suffices here to say in fine that some missionaries have been guilty of actually preparing the way for annexation, and are ~~then~~ responsible for several instances of sub-

sequent political domination over uncivilized races. But by so doing they have shown the lack of a right confidence in their Master and have injured their own cause. French Catholic missionaries in Madagascar have declared that their missions are for the interest of the French Republic as well as for the Catholic Church. Suspecting the English missionaries of carrying on the same policy in Madagascar, the French government has, since the conquest, determined to keep them out of the island. But in spite of such cases of missionary inconsistencies, this class of men still represents the noblest sons of the civilized races, and are the bearers of true morals and true civilization to benighted humanity.

Such is the nature of colonial politics as the native of a European colony sees it. His interpretation is presumably at variance with that of the European. Yet it is reasonable to believe that even the European student of colonization, if he studies thoroughly and without bias both sides of the question, i.e., the situation of the native versus that of the European, he would arrive at the same conclusion. For, as we have seen so far, there is no honorable motive behind modern colonialism. It is, however, not to be inferred therefrom that our conclusion excludes all possibilities of finding some principles which can rightly be urged in favor of colonization; for it was suggested in the introductory chapter that there must be such principles. We shall therefore endeavor to find those principles, but in order best to accomplish our purpose, we shall first briefly present the advantages and disadvantages derived from colonization by the colonizing race and the exploited tribe respectively. This forms the topic of the next chapter.

CHAPTER THREE

PART ONE

CREDIT AND DEBIT SIDES OF COLONIZATION.

It was said in the preceeding chapter that colonization is a business speculation on a large scale. We shall presently see that it is essentially that, and as such it presupposes investment and anticipates profitable returns. The acquisition and the maintenance of a colony costs many human lives and requires a prodigious outlay of capital, and the continuance of colonial expansion rests upon public sentiment. Patriotism and loyalty are the mainstay of colonization and greed its dynamic. It is the patriotism which looks for the future prestige of the state, the loyalty which seeks national coherence at home, and the arrogant national pride which delights in seeing its nation's flag wafted by foreign winds,- all manipulated by the spirit of selfish greed,- that have made colonization popular and possible. The cost of acquiring a colony is seldom if ever considered. The desire to possess and the hope of future success overrules hesitation. In fact the lives of noble citizens are scarcely a matter of vital concern when a colonial campaign is contemplated. Political prestige and the future economic prosperity of the state receives greater attention than the lives of citizens. For there is scarcely a colony which has been acquired without bloodshed, and such as have been acquired without it, have cost human lives in their maintenance.

When thus making a study of the advantages and disadvantages of colonization, we are practically forced

to leave out the element of human lives and confine ourselves to the economic and political phases of the subject. It is, moreover, impossible to estimate the comparative value of human lives in terms of economic and political worth, even if they apparently present no great importance in plans of colonial expansion. It is difficult, however, to ascertain even the amount of economic returns from colonies, in comparison with the money expended in acquiring and maintaining them. Up to the present time there are extremely few if any exploitation colonies which have refunded all the money expended in their behalf. The salaries of the leading officers in practically all exploitation colonies today are drawn from the national treasury. But the persistence in maintaining colonial enterprises despite the constant outlay of capital and men is due, as previously suggested, to the hope of bringing the colony some day, first to a state of self support, then to a condition in which it will be able to contribute directly to the treasury of the mother country, and finally, to a position where it will become a permanent source of economic, military, and political assistance. We thus find that even if the economic returns that hitherto have been received from colonies are relatively insignificant, we cannot yet pronounce colonization a business failure; for it has merely begun to operate, and its full economic justification still lies in the future. We should not wonder if we would find at the end of the 20th century, that colonies have scarcely reached a point beyond the first stage, namely the state of self-support. For a colony grows in demand as it advances in civilization, so that instead of exporting all of its net profit to the mother country, it is apt to turn part if not all into local improvements. The mother country may thus be compelled to wait several hundred years for the anticipated result, and perhaps wait in vain.

It is to be borne in mind, moreover, that a colony may become independent before it reaches the second or third stage. This has in the past been true of an exploitation colony as well as of a settlement colony. Tahiti and the thirteen original British American Colonies offer concrete examples; and the same phenomenon may well occur again, though perhaps not in the same manner. For it seems to be the verdict of history that a country or a nation cannot be held in bondage forever. It is perhaps due to a conscious or an unconscious appreciation of these facts that modern colonizing nations content themselves when the balance of trade with their respective colonies leans in their favor; and in order to attain to this, protective colonial tariff has been adapted by most nations. And it is for the same reason perhaps that they endeavor to extract the unexploited wealth of the colonies as soon and as rapidly as possible.

Having made this short analysis of the subject of colonial compensation, we shall add to our statements a few tables showing the commercial gain from colonial enterprise, indicating its tendency.

(1) TABLE I.

Statistics for 1903:-

Value of		
Imports from the British Colonies to Great Britain:		
" " foreign countries	" " "	113,000,000
		428,000,000
Exports " Great Britain to British Colonies:		
" " " " " foreign countries:		119,000,000
		240,000,000
Total British exports: 26% to her colonies.		

(1) P. Reinsch's "Colonial Administration: Chap. V.

(1) TABLE II.

Statistics for 1903 for France:-

(Imports from French colonies to France	fr433,000,000
(Total import trade	6,079,000,000
(Exports to colonies	fr551,000,000
(Total export trade	5,577,000,000

(1) TABLE III.

Statistics for 1903 for India:-

(a) Export trade to Great Britain	27.1 per cent
China	11.9"
Germany	9.9"
France	6.6"
United States	6 "
Belgium	5.1"
Straits Settlements	4.8"
Japan	5.6"
(b) Import trade from	
Great Britain	65 per cent
Belgium	4 "
Russia	2.9 "
Austria-Hungary	2.6 "
Straits Settlement	2.9 "
Germany	3.4 "
China	2.3 "
France	1.9 "
United States	1.5 "
Japan	1.5 "

(1) P. Reinsch's "Colonial Administration" Chap. V.

(1) TABLE IV.

Statistics for Indo-China:-

Cotton Imports, - from France		from foreign countries	
in	1893	1,536 tons	2,704 tons
"	1896	2,059 "	1,090 "
"	1898	3,170 "	551 "
"	1900	2,614 "	230 "
"	1902	2,253 "	42 "
"	1903	1,410 "	33 "

(1) TABLE V.

GREAT BRITIAN.

(a) Imports into India from

	1906	1909
Great Britain	Rs 687388069	Rs759267292
France	" 17287871	" 18108992
United States	" 22425650	" 32633007
Belgium	" 44760038	" 51708765
Germany	" 43725596	" 49297648
China	" 17746256	" 23244058

(b) Exports from India to

	1906	
Great Britain	Rs 399975820	Rs360721985
France	" 95398096	96025702
United States	" 130081951	132101411
Belgium	" 65004659	61795118
Germany	" 146978649	152980384
China	" 213156249	179729665

(1) P. Reinsch's "Colonial Administration" Chap. V

(c) (1)

Value of the total Imports of Great Britain from
Her colonies 1905 £127,868,726 1906 £142,165,240
Foreign Countries " £ 437,151,191 " £ 465,723,260

(d) (1)

Value of the total Exports of Great Britain to
Her colonies 1905 £113,437,811 1906 £121,341,278
Foreign Countries " £ 216,378,803 " £ 254,234,060

(1) TABLE VI.
FRANCE.

(a) Imports of French Colonies from France-

1905 (in 1000fr)	452,861
1906 " "	484,288
1907 " "	24,385
1908 " "	28,465

(b) Exports of French Colonies to France-

1905 (in 1000fr)	585,628
1906 " "	602,804
1907 " "	27,413
1908 " "	27,393

(c) Total French Imports-

1905 (in 1000fr)	47,789
1906 " "	56,272
1907 " " L	248,920
1908 " "	243,632

(d) Total French Exports

1905 (in 1000fr)	48,669
1906 " "	52,667
1907 " "	55,420
1908 " " L	202,028

(1) Statesman's Year Book

(1)
(e) Imports of French Colonies from Great Britain
1905 £ 2,346,748
1906 " 2,520,192

(f) Imports of French Colonies from Great Britain
1905 £ 1,910,411
1906 " 1,740,436

(1) Statesman's Year Book

These tables give ~~you~~^{us} a fairly accurate conception of the general trend of colonial commerce. The first two tables tend to show that the colonies yet constitute a minor portion of the world's market. Tables III. and IV. on the other hand, indicate that a colony has larger trade with its mother country than with any other country. The constant increase of France's trade with Indo-China since 1893 at the expense of foreign trade with the latter, is noteworthy. This swing of the pendulum may be attributed to the monopolistic protective tariff adopted in all French colonies since 1890. Such a tariff seems to be necessary in order to secure the largest trade of the colony, for otherwise the colony would do its buying and selling at the nearest and least expensive places. Yet, under the free trade policy, Great Britain has larger trade with her colonies than any other nation. There is no doubt but that a protective tariff would guarantee the colonial market against competing countries, but it is doubtful whether such a policy would contribute to the internal development of the colony, commercial or industrial. For under a monopoly of colonial trade, the colony may be deprived of its best customers and most suitable markets. An artificial and legal restriction of commerce is apt to kill its vitality and retards its development. The old saying that "competition is the life of trade" ought to be just as true in a colony as in an independent state. In general it may be said that although the trade with the colonies still constitutes a comparatively small part of the nations' commerce, yet it is a growing trade, as indicated by the above statistics.

The political and military advantages derived from colonization seem to be too insignificant at present to receive much attention. That a colony offers in time of war an advantageous strategic point, there can be no doubt. But direct military contribution of any con-

sequence from among the natives to the national forces can scarcely be expected, unless compulsory or semi-compulsory enlistment is adopted. For it is extremely doubtful that the natives of a colony would of their own accord and free will enlist to defend the land of their conquerors. Native soldiers, moreover, are not adequately trained to be able to fight an European army. They are drilled to combat unorganized savage mobs, not disciplined forces.

Looking now at the subject from the point of view of the natives, we shall endeavor to determine their position in the case. A few remarks would suffice to bring out the facts necessary. We find in all colonies that the conduct of the Europeans toward the natives is arrogant. This is to be expected. In nearly, if not all colonies, the natives are not dealt with as fairly and as justly as they wish and demand. This too, is to be expected. But these are minor disadvantages. Greater disadvantages consist in the drainage of economic resource, in the infliction of forms of slavery, such as "corvée" and the French "prestation". This phase of the matter will be discussed in the succeeding chapter, from another point of view. In this paragraph we are treating the subject with a view to determine the disadvantageous side of colonization, from the native view point. The sufferings and damages sustained by natives in the performance of compulsory labor is a capital subject of consideration. In most colonies they are treated as beasts. Whether the national authorities implicitly or expressly disavow these cruel practices on the part of minor officials, does not alter the fact. The story of Belgian Congo gives us an idea how far these cruelties may be practiced.

But a still greater evil remains to be presented; it is the introduction of the crimes and vices of the civilized races. It is not here contended that the uncivilized peoples are free from vices, but the elaborate vices which exist in the civilized world are not known among them. In other words vice and crime are not practiced on such a large scale, in such effective manner, and in such an organized form in the uncivilized lands as they are in the western world. It is sad indeed that the introduction of higher forms of civilization should necessarily bring with it all the vices and crimes known to western society. The natives do not and cannot sift or distinguish the bad from the good when these come together, preeminently because they look up to the Europeans as wiser, better, and more intelligent than themselves. The moral inconsistency of the civilized men stuns the barbarian. To a native studying abroad, the most striking anomaly which bewilders his mind is precisely this inconsistency. He observes, that while extolling civilization and intellectual enlightenment as the guide to morals and social betterment, the civilized and educated conduct themselves contrary to their doctrine.

The civilized man knows that it is harmful to drink spirituous liquors, that it is wrong to practice social vice, and be dishonest in business and politics; yet it is precisely among the more intelligent class that these moral and social lapses most prevail. Nevertheless the Europeans preach this worthless gospel of intelligence as the means of social and moral salvation; while at the same time they live contrary thereto. The majority of the Europeans in colonies are slaves of social vice.

You may ask what has this to do with the subject in hand. Indeed, it seems irrelevant, but we notice that whether deliberately or not, the Europeans in colonies introduce a new social and moral gospel to

the natives. The Europeans by their expressions and conduct intimate to the natives that the European mode of life and social customs are better than those of the pagans, and that this is due to civilization; and the pagans in turn, looking up to the European as better and more intelligent than themselves, readily adopt the European manners and customs as far as possible, hoping thereby to better their own conditions socially and even also morally. But in this very act of imitation or of copying the barbarians dig their own graves. They break away from whatever social and moral system or restraint they may have, yet are unable to build up a new structure of social custom. For they have neither sufficient intelligence nor adequate economic development to permit the establishing of new and more advanced social and moral systems. The result is that these poor deluded people are thrown into moral suicide. Changing from bad to worse, they gradually become demoralized social wrecks. The introduction of this gospel of intelligence, tacitly as well as verbally into the heathen lands by ungodly and vicious Europeans, and the importation of western social and moral vices, are the greatest crime that the civilized peoples are perpetrating against their inferior fellowmen. It is a crime for which all the intellectual and material advancements introduced cannot compensate. A thousand times better would it be for the savages to remain in their savagery than to be thus led to greater ruin by the coming of the civilized forms of sin and crime. The Europeans see and know that the natives adopt their vicious practices, but, as formerly stated, the colonizers are not in colonies to uplift the savages, but to seek their own material profit. Had it not been for the counteracting influence of the Christian missionaries, who are found in a small number in every colony, colonization would have been the greatest curse that could befall uncivilized humanity.

From a moral viewpoint, therefore, colonization is a condemnable enterprise, even though materially considered it has something to commend it. The issue is therefore whether man is to sacrifice morals for the sake of material gain, whether the moral issue is paramount to the material advantage, whether the European states should disregard the moral and social welfare of the natives of their colonies for the sake of colonizing, when such colonization brings about a demoralizing effect upon the natives. Without attempting to answer these questions, but leaving it to every man to answer for himself in the face of the facts brought forth, we shall in the following chapter present and discuss what we may point to as the justifying principles of colonization.

CHAPTER FOUR

PART ONE

THE JUSTIFYING PRINCIPLES OF COLONIZATION.

It was suggested in the introductory chapter that there must be certain principles in the work of colonization to justify its practice. It was stated also that the work of colonization is not without improvement to the colony involved. But it was argued that these improvements are made primarily, if not solely, in order to facilitate and promote the work of exploitation. Yet it is precisely on the merits of these improvements that we must seek the chief grounds of justification for colonialism. For whatever may be the object of making improvements, these will necessarily benefit the country, and the natives must reap advantage therefrom. In other words, the colonizers indirectly contribute to the material and cultural progress of the natives without deliberately so intending. This is a fact which deserves consideration, and for which natives justly owe gratitude. These improvements are for the most part permanent accomplishments which the natives, left to themselves, would in all probability never attain. With these considerations in view, we may rightly declare that from a certain point of view, colonization, despite its oppressive measures and demoralizing influences, is a beneficent undertaking to the natives. The backward races derive from it various benefits which the colonizing people deliberately do not propose to bestow upon them. The industrial stimulus alone which the Europeans give to the backward and sluggish races of the tropics makes up for much of the

sufferings incidental to the exercise of colonial domination.

But while urging the above argument we do not for a moment lose sight of the fact that the work of exploitation constantly drains the country of its valuable sources of wealth. It must be admitted, however, that even this, too, is a beneficent evil, or if you prefer, a tolerable plunder. For history seems to force the acknowledgement that every people or nation must pay the price of its progress. The present civilized nations have acquired their independence and progress through much bloodshed and through a period of economic devastation. In comparison the savage tribes have lost practically no human lives in their conflicts with the European usurpers; but instead they are losing a great deal of their natural wealth. Of course the uncivilized tribes do not perceive this loss, and they do not realize its significance. But this drainage of resources remains nevertheless a fact. At the rate that the colonizing states are exploiting the mineral wealth of their colonies today, the natives will in time have left for themselves only the fertility of the soil; for this is a source of wealth that is not quickly exhausted. But as already stated, this loss is only a part of the price that the savages are paying for the various industrial and cultural improvements that they receive from their dominators.

The physical effect of colonization upon the native inhabitants is also of considerable value. The majority of the tropical tribesmen are indolent and sluggish by nature. Their contact with the energetic races act upon ~~them~~^{them} as a stimulus to bodily activity. In most cases, through dire ~~and~~ need of laboring hands, on account of the disinclination of the natives to

physical exertion, the government adopts systems of compulsory labor, risking thus the peace of the colony. Compelled in this way to work, the natives become accustomed to industry, and ~~there~~ is in itself an educative process. Even this form of slavery therefore must be declared to be a blessing in disguise.

The cultural and intellectual stimulus is of no less significance. Although the ^{case of the} American Indian seems to demonstrate that a savage race does not or will not accept western civilization, we cannot set him up as an example for all savages. The insistent barbarism of the red man is not due to inherent incapacity for receiving and adopting a higher form of civilization. It is rather due to the rash and unsystematic introduction of higher culture at a pace too rapid for him to follow. In other barbarian countries where advanced civilization is being introduced at a proper speed and heedfully, the natives show practically unlimited capacity for grasping it. The apparent drawback seems to consist in the lack of perseverance in the children of the tropics. The case of Tahiti seems to corroborate the anthropological doctrine that civilized savages revert to savagery when the external stimulus by the higher race is removed; it seems therefore to establish an argument in favor of continued European domination over the tropical races. The climate's conditions of the tropics act with an influence like that of gravity upon the natives. The Europeans themselves are affected by this degenerating tendency of the hot climate, and would not retain the original amount of energy and power after two or three generations of continued residence in the tropics. It is doubtful whether even the Hoves of Magagascar, living under a fairly agreeable climate, would in time attain to an advanced stage of civilization, if left alone.

We must not, however, overlook the fact that in order to introduce superior culture among a barbarian people, it is not always necessary to employ coercive means. As stated before, the civilization of the Hovas was not the result of European political domination, but the product of the voluntary acceptance of western culture.

Still another advantage remains to be mentioned in behalf of colonization. It is the establishment of peace and of protected property rights, in place of the constant inter-tribal wars, robbery, and unpunished violation of property rights which are common in every barbarian society. This is a most striking gain, which the natives readily appreciate; and it is the most effective diplomatic stroke that colonizers can execute. It is thus always a favorite piece of legislation in colonial government. The French clearly understand the wisdom of this political measure, and generally put it into practice.

In conclusion we may present a few remarks regarding the education of the natives. It is gratifying to note that in nearly all colonies something is done toward the mental enlightenment of the native inhabitants. It is true that only a small percent of them are actually receiving some schooling, that a still smaller number are fortunate enough to acquire an education reaching beyond the common three R's. Yet the natives ought to be thankful and must be so for the little they get. We are compelled to say however, that it is the missionary, not the governor, who deserves by far the greater credit for introducing this portion of the arts of civilization. The government, as a general rule, enrolls in its schools only as many

pupils as it may need to fill petty offices and perform minor functions in the government. In other words the government does not believe in popular education in colonies. This is particularly so in Madagascar and in the French African colonies. But we are not surprised at this when we recollect the object of colonization.

One serious flaw in the education of natives calls for attention. The missionaries have looked upon literary education as the proper kind of education to give the savages. What native youths have opportunity to continue in their school work and desire to do so, are given instruction in advanced literature, in philosophy and in the sciences, but not in agriculture, manual crafts, or any other practical arts. The result is that the graduates turn out to be worthless, prone to every form of conceit and despising every form of bodily labor; they would rather starve than touch the spade or the axe; when they find no teaching or governmental positions open, they sink into economic destitution and moral depravity. Nowhere else is this truer than in Madagascar and India. It is not here contended that literary education in itself is harmful; far from it. But it is maintained that the education hitherto given the natives of the tropics is not of the right kind. The fault is to be sought in the circumstances. In the first place the missionaries are not in position, for obvious reasons, to give thorough academic training to their pupils; the highest education that they generally can give is slightly better than what the 10th grade of our High Schools offer. And if it is true in the civilized world that a little education is more injurious than none, it is doubly true in savage society. The

other explanation, which goes hand in hand with the first, is the peculiar economic and social status of the barbarians. The masses of the natives have not the economic efficiency and the social institutions to support and appreciate men of literary accomplishment. The educated or rather half-educated few cannot thrive in the primitive social structure of their fellow countrymen. Not knowing enough to respect and engage in normal work, unable to establish new economic and social foundations, they surrender themselves to an inevitable moral and economic decline.

The logical thing to do seems, therefore, to give the natives, not only literary and philosophical instruction, but practical training. The savage man needs an education which will fit him to raise the economic status of his people, and to improve their social institutions. In other words, they must begin at the bottom, not in the middle or at the top of civilization. Any student of history will admit that the basis of a growing and permanent civilization must be an economic efficiency; for without it no nation rises into and maintains a high grade of culture. Fortunately, the missionaries and also to some extent the governments, thanks to the science of anthropology, have begun to realize the mistake they have made in their efforts to educate the savages, so that industrial training is now beginning to be the main branch in the curriculum of colonial educational institutions.

To sum^{up} briefly ~~up~~ the principles discussed in this chapter, we may state that although European domination over an uncivilized race is an evil in itself, involving suffering, oppression, economic loss, and moral

degeneracy on the part of the natives, it nevertheless has blessings to bestow upon them,- advantages and benefits which they, left to follow their own natural inclinations, would perhaps never attain. The education of the natives could be more adequate than it is and would bring more desirable results were it conducted upon a more rational basis, such as can be ratified by anthropological science.

CHAPTER ONE

PART II.

THE FRENCH IN MADAGASCAR.

HISTORY OF THE FRENCH COLONIAL ENTERPRISES IN MADAGASCAR.

France began her attempts to occupy Madagascar in 1527, when a French vessel on a voyage to India was driven by a storm to the south-west coast of Madagascar. She has since that year endeavored to gain a foothold on the island by establishing small colonies and trading posts at various points on the coast and on the neighboring islets. This method of colonization was very precarious and was attended with disappointments chiefly on account of the hostility of the natives. The establishments on the smaller islands were permanent however, and much more successful than those on the coasts. These islands were therefore, used as bases of operation in the efforts to occupy the main island. Various means were used to gain control over the tribes along the coasts, particularly on the west. And it was in these activities that the French came in contact with the Hovas, who were then expanding their political domination over all the tribes on the island. The French were tactful enough to recognize the sovereignty of the Hovas at this time over the entire island, appealed to them for protection when in danger and demanded indemnity for damages from them when plundered by the savage tribes. But when they secured a fairly firm foothold at some points on the coast, and especially on the adjacent islands, they began to defy the Hovas, denied the sovereignty of their ruler over the entire island, and incited the savages against them. These tactics are distinctly French as is seen also in their

alliance with the American Indians in opposition to the enemies of France on this continent. During the Napoleonic wars, the undertaking was abandoned almost completely; but their claim upon the colonized points of Madagascar was never abandoned.

Upon the fall of Napoleon, #France was compelled to cede to Great Britain one of her only two possessions in the Indian Ocean, the island of Mauritius and, nota bene, "its dependencies". These two nations so historically rival, had now each one possession in the Indian ocean in close proximity and the large island near them became an object of alluring appetite. France determined to seek compensation for her loss by annexing Madagascar, and began the task by reclaiming the former establishments. But the British representative in Mauritius, Sir Robert Farquhar, unexpectedly protested, on the ground that the term "dependencies", embodied in the treaty of Oct. 30th, 1814, included Madagascar. Unfortunately for Sir Farquhar, his government, perhaps for diplomatic reasons, did not support him in his contention, and ordered him to deliver over to the French all the establishments that they had possessed on the coasts of Madagascar in 1792. Sir Farquhar did not at once give up his contention. On the 30th of August, 1817 he sent a letter to his government, stating that there were no establishments in Madagascar to be delivered to the French, as the island belonged to its inhabitants, and particularly to the Hovas, who inhabited the central region. He even spent some time in England traveling throughout the kingdom to secure support for his contention. The inconsistency of Sir Farquhar is apparent, for if he sincerely believed that Madagascar belonged to a sovereign in the island, the fact need have caused him no worry, nor need he have argued in its behalf.

By the treaty of Oct. 30th, 1814.

If there were sovereign owners of the country it was their duty, according to accepted principles of international law, to demonstrate their sovereignty by action, rather than to leave it to the arguments of an Englishman. In this matter the Hovas had been laboring and were laboring to satisfy the French without the revelation of Sir Farquhar. But, to return to Sir Farquhar's contention, the British authorities, deeming that another conflict with the French was inexpedient at the time, made no protest officially against them in Madagascar. France consequently resumed her activity in the island, first by re-occupying the points previously held. This marked her first definite step toward actual attempts at securing possession of Madagascar, and marked also the beginning of a constant rivalry and competition between France and Great Britain for influence on the island.

Conflict with the Hovas was now inevitable. King Radama I, undertaking to establish his claim of sovereignty over the whole island, sent military expeditions to the various French establishments, and forced the French to evacuate their oldest colony on the south-east coast, Fort Dauphin, which was captured in 1828, three hundred years after the very first arrival of the French on the soil of Madagascar. The Frenchmen verbally protested against the conduct of King Radama, still holding that he had neither "de jure" nor "de facto" sovereignty over Madagascar. They maintained that Radama assumed the title "King of Madagascar" only at the instigation of Englishmen. But if there was truth in this assertion, it is strange that the French insisted upon denying the king this title after having been driven out by the Hovas from their several

establishments, and after having on former occasions demanded indemnities and protection from the Hova government. Did they not recognize the sovereignty of the Hova kingdom by making such demands; and was not the "de facto" title of sovereignty established in behalf of the king when the Hova army drove the French out by force of arms?

But the French had determined to secure foothold in Madagascar in order to spite the English if for nothing else. For, while they were disputing with the Hovas, and striving to keep foothold on the neighboring islets, the English were tactfully and diplomatically establishing friendly relations with the Hova sovereign, by introducing amunition, industrial arts, and European culture, and even concluding treaties. But when Radama I. died on the 27th of July 1828, this state of affairs took an opposite turn. His wife, an anti-foreign fanatic, became queen, assuming the title Ranavalona I. She banished from the country all the missionaries, and even the British representative. She made it her program to purge the island of European s and placed strong military garrisons at all the former French colonies on the coast. Personally the Queen was not bitter against foreigners, but she was irredeemably misled by her tactless advisers. The news enraged the French, so that in 1829, under Charles X, an expedition was sent to recover the old establishments recently taken from them and to demonstrate against the Hovas by way of naval bombardment. But the expedition failed utterly and returned home after several unsuccessful conflicts on the east coast. In the meantime an anti-foreign edict was issued on May 21st, 1845, so that neither Englishmen nor Frenchmen could enter the country.

This provoked both, so that for once the English and the French united in common effort to overthrow a common enemy. Together they sent an expedition to drive the Hovas away from Tamatave, the main port on the east coast and one of the former French establishments. The battleships bombarded the fortresses and even disembarked a military detachment on June 15th, 1845; but after a series of close combats these were defeated and most of them were killed. Being unable to obtain sufficient reinforcements at the time, the invaders were once more compelled to leave the country.

For three years after this war the French practically abandoned the proposed conquest of Madagascar. But under Louis Philip, a French naval division was sent to re-establish colonies on the north-west coast and on the adjacent islets. Meanwhile the Hovas had been occupied with subduing rebellious tribes on the west coast, in consequence of which some of the tribesmen fled to the islands nearby, and welcomed the French there when they came. With these refugees under them, and induced by them, the French undertook to ally themselves with the tribes on the west coast and concluded contracts with them, first of friendship and later of suzerainty. But the tactful Englishmen resumed in the meantime their diplomatic relations with the Hovas, by offering an indemnity of \$15,000 for the damages caused by the bombardment at Tamatave. No more tactful procedure could have been adopted. Consequently the English were re-admitted into the country. Since this time it has been the politics of the English to maintain friendly relations with the Hovas, and various means have been employed to perpetuate such relations. Treaties were concluded; gifts were exchanged between the English and Hova Crowns from time to time; and English military officers were employed to train the

Hova army. The English undoubtedly had two purposes in view: 1st, to check the aggressions of the French; 2nd, in time to acquire suzerainty over Madagascar through peaceful and diplomatic negotiations. Their rival apparently understood their methods and determined in turn to gain advantage by force of arms if not otherwise. This was the main motive and the dominating spirit of the French interferences in Madagascar until the final conquest in 1895. The story offers an interesting illustration of the temperamental difference between the teutonic races of the north and the Latin peoples of the south.

The French have accused the English missionaries of being mere agents of the British government. This may have been true to some extent, but the accusation perhaps found its source in the secret consciousness of having themselves sent to Madagascar two men Laborde and De Lastelle, who were to be apostles of civilization, but who were at the same time commissioned by the French government to advance its interests in the island, in opposition to the influence of England. These men arrived in Tananarivo before the anti-foreign edict was issued. They established industrial institutions which pleased the government so much that the edict was not applied to them, mainly through the influence of the crown prince Rakota. In 1855, ten years after the first bombardment of Tamatave, another Frenchman, named Lambert, came to the island and reached Tananarivo in the early part of the year. He brought with him from the French authorities the following proposition; The Hova authority is to be recognized over the entire island, the independence of which is to be guaranteed by France, while the powers of a protectorate are to be granted the latter; all the mines, forests and uncultivated lands of the islands

are to be placed at the disposal of a grand European association (note the term "European") by way of concession, to which two ports on the coasts are to be thrown open. In this proposition one readily discerns what the French were contriving. But strange enough the proposition was secretly presented to the young crown prince, Rakoto, who was innocent and stupid enough to agree to it. Whether this act of the Frenchman was based upon fear of rejection by the proper authorities or upon disregard for the existing government, is an interesting question, but that it was an undiplomatic, illegal and cowardly procedure may ~~be~~ promptly be affirmed. In fact this attempt was virtually a recognition on the part of the French of the sovereignty of the Hova government and an acknowledgment of the failure of their former efforts. The term "European" was of course, inserted, in order not to awaken suspicion, the term itself including the English as well as the French. But Mr. Lambert well satisfied with the agreement by the young prince, exultingly brought the project before Napoleon III., who, while favoring the plan, did not wish to put it in operation without the co-operation and the consent of Great Britain. He accordingly proposed to England that she unite with France in forming the "grand European association" but England declined having already established friendly and satisfactory relations with the Hovas. Presently a rumor was circulated that the prince, with the support of the French, had plotted to surrender the country to France. The news came as a shock to the Hova authorities so that prompt measures were taken to check the development of such an intrigue. Accordingly Mr. Lambert and his associates were driven out in 1857, the English missionaries were ordered to leave the country, and the native christians were persacuted most cruelly. The French claimed, and still claim, that this agitation

was fostered by the English missionaries to frustrate the French plans embodied in the proposition of 1855. But the claim is without proof. On the contrary the event seems to disprove such an assumption, as the Englishmen themselves were expelled from the island.

This severe persecution ended only with the death of Ranavolova I. in 1861. Her son, Rakoto, succeeded her, under the title of Radama II. The young king brought up in a christian family and interested in European culture, promptly restored the privileges formerly enjoyed by Europeans, and encouraged the introduction of all western arts. Consequently, neither the Englishmen nor the Frenchmen lost any time in availing themselves of the favorable opportunity to reenter the country and resume their respective programs. The English missionaries returned with increased forces, while the French strengthened their corps of diplomatic agents, headed by a naval commander named Dupre'. Through their inducement Mr. Laborde was made French consul at Tanonarivo. This was a splendid stroke of diplomacy, for Laborde had won the confidence of the Malagary people and especially that of the king, through his industrial establishments. It may be of interest to mention in passing that in one of Mr. Laborde's establishments where they manufactured cartridges, only one cartridge out of every five would fire, and the deception was not discovered until during the next conflict with the French. The French now immediately resumed their negotiations. The proposition of 1855 was again presented and was accepted by the king and signed by commander Dupre' in 1862. As it were to strike the iron while hot, commander Dupre' and Mr. Lambert organized under the auspices of the Emperor, an association of Frenchmen, with a capital of \$10,000,000 to undertake the exploitation of Madagascar. Meanwhile, king Radama II. was engaged in social and political reforms, largely under the influence of Frenchmen. But the

reforms were so radical and rapid that the people and the officials became suspicious. The secret source and underlying trend of the movement was soon discovered and as a result the king was impeached. The Premier Minister, Rainilaiarivony, refused to recognize the validity of the treaty of 1862, both because it was the reiteration of the unlawfully concluded treaty of 1855 and because when it was signed again in 1862 it was signed without the knowledge and the concurrence of the Premier Minister. Shortly thereafter the king was murdered by some fanatical court official. For this condition of affairs the French again held the English missionaries responsible. But evidence thereof is absolutely wanting. Their own headlong eagerness and clumsy manipulations were the real cause of their defeat. For it would not long be concealed from men of affairs that the treaty in question was illegally concluded and that its project was fatal to the political and national existence of the Malagary people. Yet the French held it to be a valid contract, upon which they ever since have based their favorite phrase, "nos Droits sur Madagascar", (1). All the subsequent propositions presented to the Hova government were mere reiterations of the terms of this treaty of 1855, slightly modified, a treaty which had been unlawfully concluded, as Rakoto had no official capacity at the time when he signed it the first time; and although the king when he signed it for the second time in 1862, he did so without the knowledge and the concurrence of the Premier Minister, a circumstance which rendered the treaty invalid. This is noteworthy, for it is upon the basis of this treaty that the French have ever since claimed the right of protectorate over Madagascar and the privilege of exploitation. Maintaining the validity of this claim with the uncompromising persistency characteristic of the Latin races, the French pressed on till they finally subdued this youthful nation which was

(1) Read, for instance, G. Routier's book of this title.

struggling in vain to resist their encroachment and preserve its antonomy.

The French diplomats were undoubtedly surprised at the measures taken by the Premier Minister, but they evidently lost no courage. The naval commander threatened the government by making a naval demonstration at Tamatave, and demanded material reparation for the damage done to the Exploitation Association. Unfortunately enough, the king's widow, Rasoharina, now on the throne, authorized the payment of an indemnity of \$174,000 to the association, styled "Compagnie de Madagascar". The Imperial Government not insisting on a larger sum, the French once more and for the third time since the first war, abandoned their project in Madagascar. But while the French evacuated, England continued her peaceful intercourse with the Hova government, the subjects of the former being protected by the latter, under a treaty concluded in 1865. Three years thereafter Queen Rasoharina died, and a relative of hers was crowned queen, assuming the title of Ranavalona II. The Premier Minister sagaciously married her, and thus obtained increased power in the government. In 1867 when Andrew Johnson was president of the United States, a treaty was also concluded with the United States similar to the treaty of 1865 with England. Rainilaiarivony turned his attention to internal improvements and reforms. During this period he established the protestant religion as the Malagary national religion; adopted a system of compulsory education in primary schools and alleviated the conditions of the slaves. As A. You states it, "he worked for thirty years in directing the education of his fellow countrymen in the channel of progress; all acts of the public life of the Hova people from 1864 to 1895 bear the mark of his intelligent direction and political sagacity, (1).

(1) A. You; "Mad^{agascar}". p 63

It was three years after the treaty with England, in 1868, that France, through the agency of Mr. Garnier, secured from Ranavalona II. a treaty granting to Frenchmen favors similar to those granted to Englishmen under the treaty of 1865. The chief provision of this treaty was, 1st, the privilege of French citizens to practice and teach their religion, and to enjoy the protection of the Queen in so doing. (Art. 3); 2nd, the privilege of French citizens to establish themselves, lease and acquire real estate, and freely undertake commercial and industrial business in Madagascar, under the protection of the Queen, (Art 4); 3rd, the obligation of the Malagasy authorities to arrest, but not judge, French culprits, deliver them to the French consul to be judged according to French laws, (Art 7); 4th, property of French citizens deceased in Madagascar, or of Malagasies deceased in a French territory, shall be transferred to their heirs or, in their absence, to the consul or consular agent of the nation to which the deceased belonged, (Art 11).

Article 3 was clearly inspired by the catholic church whose missionaries the French government used as agents to counteract the influence of the English missionaries. The jealousy of the French against the English openly expresses itself in this diplomatic manœuvre. It is to be especially noted that it is precisely the terms of articles 4 and 11 that constituted the main ground of the Franco-Malagasy dispute ever since the conclusion of this treaty of 1868. The Hova government interpreted the terms "acquire real estate property" to mean the right merely of holding real estate on lease, not of owning, it being against the law for foreigners to own land. Partly on the basis of this interpretation the government refused to transfer

Mr. Laborde immovable property to his successors when he died. In the meantime the French were once more obliged to abandon their affairs in Madagascar, due mainly to the disaster which befell them in 1870. Nothing was done until 1883 when they again waged war against the Hovas, on account of the refusal of the government to transfer Mr. Laborde's real estate holding to his alleged successors, he having died in 1878, and leaving property worth about \$500,000. The government refused to transfer the property on two grounds; 1st, that the concessions to Laborde were only for life; 2nd, that no foreigner might own land; (this unwritten law was later incorporated in the laws of March 29th, 1881, Art. 85 & 86). We have no record to show the validity of the first contention; the terms of the concession were probably ambiguous. Under the second, in which the terms of Article 4 of the treaty of 1868 were applied, Laborde's successors were entitled to inherit his property. Mr. Bandois, who came to reclaim the Laborde property, protested vehemently against the decision of the government, but accomplished nothing. He consequently brought the case before the French government, which supported him by sending battleships to bombard Tamatave in May 1883. Naval bombardment seemed to appeal to the Frenchmen as the most effective boomerang, although the Hovas had their military strength in the interior. Shortly prior to the beginning of the hostilities the Hovas had set out to expell the French who had established themselves on the north and nort-west coasts, while the French consul took his leave from the country, late in 1882. Tomatave was bombarded, and the Hova vessel "Tananarivo" was captured.

It was at this time that the Hova government sent ambassadors to Europe to obtain from the powers a

recognition of the integrity and independence of the kingdom of Madagascar. The ambassadors came first to Paris on September 30th, 1882. After a series of unsuccessful negotiations the French representatives presented the following conditions of peace; 1st, the evacuation of the Hovas from the territories on the north-west coast recently captured by them; 2nd, formal recognition of the right of owning real estate property in Madagascar and of the privilege of exercising this right by French citizens, as granted to them by the treaty of 1868. Failing to arrive at an agreement with the French, the Malagasy ambassadors left Paris for London on January 24th, 1883, to solicit the support of England. The Cabinet declined to give the support they sought, but Lord Granville officially declared his respect for the Hova law relative to land ownership. The ambassadors then went to America (during the presidency of Chester A. Arthur), to Italy, and Germany, to solicit support and recognition. The mission was sufficiently successful. The ambassadors concluded treaties with these powers which recognized the sovereignty of the Hova crown over the entire island of Madagascar, and renounced all claim of right to obtain ownership of real estate property in the country that their citizens might have held. Enraged by these results France resolved to make decisive negotiation with the Hovas, submitting to them the following ultimatum; 1st, to cede to France north Madagascar; 2nd, to grant an indemnity of \$200,000, the Laborde property included; 3rd, to subordinate external politics to the control of France. The French knew well what would result if the Hovas were free to negotiate with foreign powers, and hence provision 3 of the ultimatum. But the proposition was, of course, rejected, whereupon the French once more sent a naval detachment to bombard Tamatave and several other un-

important points on the east coast, seizing Tamatave on June 15th, 1883. In this city, soon after its capture, an interesting incident occurred, illustrative of French hatred and suspicion toward Englishmen. A certain English missionary, Rev. F. B. Shaw by name, being suspected of giving information to the Hovas, was arrested by the French officials. When released this gentleman duly notified his government and demanded indemnity through the Foreign Office. Upon satisfactory investigation the English government sought from France an indemnity of \$5,000 for the missionary, which the French government duly granted.

While the French were still occupying Tamatave unsuccessful negotiations for peace were carried on between the two governments. This resulted in another series of naval demonstrations by the French in May 1884. Meanwhile Ranavalova II. died, and her cousin succeeded her on July 13th, 1884, assuming the title of Ranavalova III. marrying the widowed Premier Minister. The hostilities were still on when the French Chamber of Deputies instructed the naval commander at Tamatave to present to the Hovas the following terms of peace, the condition of which were less exacting than those of the former proposition; 1st, the payment of an indemnity of \$600,000 by the Hova government; 2nd, the enjoyment by the French of the privileges contained in the treaty of 1868, especially in regard to the right of land ownership; 3rd, the reparation of all the damages done to individuals of all nationalities in the course of the present conflict. The rejection of the proposition brought on the war of 1885. Not immediately, however, due mainly to her wars in Tonkin and Indo-China at the time. Petty wars were carried on in the old French establishments, with the view of harassing the Hovas and hampering their foreign commerce.

In September, 1885, however, more serious hostilities ensued, in which the Hovas, led by an Englishman, defeated the French at Tanatove, but the latter succeeded in holding their ground on the north-west coast. This state of affairs induced the French once more to negotiate for peace. Another treaty was consequently drawn up, presented to the government and adopted on the 17th of December, 1885, with the exception of Article 1, which was modified in the final text. Article 2 and 3 of this treaty provides for a French Resident-General in Tananarivo with a military escort, the size of which was limited to fifty men; this Resident was to preside over the external relations of Madagascar; Art. 6 grants to Frenchmen the right to hold and utilize real estate on renewable term of lease, and to transfer such property to their heirs or successors who may hold it until the term expires; Art. 7 reaffirms the liberty of conscience and religious belief, stipulated in the treaty of 1868; Art. 8 stipulates the payment of an indemnity of \$2,000,000 by the Hova government, while Art. 9 provides that the French should occupy Tamatave until the indemnity is paid; Art. 12 excluded French interference in internal administration, while Art. 14 granted to Frenchmen the right to establish industrial and commercial institutions in Madagascar, "to help the Malagasces along the path of progress". Art. 15 surrendered all the former French colonial establishments on the coast, retaining, however, the bay of Diego-Suarez.

The spirit of this treaty is very apparent, although it seems to have been hidden to the unexperienced statesmanship of the Hova officials at the time. There could be but two reasons that induced the Hova Government to accept the treaty; the Hovas were either

afraid of the French or else lacked sufficient diplomatic sagacity. Indeed the term "protectorate" was deliberately avoided in Art. 1, 2 and 3, but the provisions set forth are fully equivalent to establishing a protectorate over the island. The agreement to pay an indemnity of war without being defeated in the war strongly suggests that the Hovas were either stupid diplomats or else thoroughly afraid of the French. Art. 5 freed all French citizens from the jurisdiction of the civil or criminal court of the country. What could more clearly show the diplomatic stupidity or cowardice of the Hova statesmen when they accepted the provision of this article? The privilege granted to Frenchmen to carry on commercial and industrial pursuits in the island as set forth in Art. 14, furthermore shows a lack of foresight on the part of the government. Under this provision the French could exploit all the mines and forests of the country by interpreting such enterprises as commercial and industrial pursuits. But what was most puerile in the entire transaction was the permission granted to the French to retain the Bay of Diego-Suarz, the best harbor in the Indian ocean. The Malagasy statesmen evidently did not appreciate the significance of this harbor to the French. This is not to be wondered at, for the Hovas were not a maritime people. But it is amazing that their diplomats did not perceive the encroaching intent of the entire treaty at the time. It is perhaps partly due to subsequent realization of its blunder that the Hova government deliberately, as it seems, failed to live up to the terms of the treaty. The language of some of the provisions was, moreover, a source of trouble between the French Resident in Tananarivo and the Malagasy authorities, the Malagasy version giving meanings different from the ideas conveyed by the French text.

These two circumstances were thus a part of the causes that brought on the subsequent wars, which ended with the annexation of the island in 1897.

According to the treaty of 1885 a French Resident, Le Myre de Vilers, with a military escort was located in Tananarivo. It was not long before friction occurred between him and the Premier Minister. The first difficulty arose as to the manner of the payment of the \$2,000,000, stipulated in Article 8 of the treaty. The Hova government entered into a contract with a certain Englishman called Kingdon, for a loan of \$4,000,000 with which to create a national bank of Madagascar, with the privilege of issuing notes and coining money. Mr. Kingdon was to collect 7% interest yearly and get a monopoly of the collection of custom duties until the capital is paid. Through this arrangement the government hoped to pay off the \$2,000,000 indemnity within a fairly short time. But France vigorously protested against this financial arrangement with an Englishman, and refused to recognize the monetary value of the notes of the proposed bank. The plan was consequently dropped on Dec. 4th, 1886 and the government made a loan of \$3,000,000 from the National Bank of Paris, at 6% interest; and the following year it was agreed that the French should collect the customs duties until the debt be paid. The second difficulty arose in the operation of the principles set forth in Art. 1, 2 and 3. In 1887 the Premier issued the exequatur to the United States and English consuls, without consulting the French Resident, maintaining that this was not an act touching the foreign politics of Madagascar. France promptly secured conferences with England and the United States regarding the matter. According to the resolutions adopted in this conference the United States and England urged their

consuls in Madagascar to make new applications for their exequatur, through the French Resident general. But the Premier Minister refused to issue the exequatur on such a condition, whereupon the French Resident threatened hostilities and ordered his escort to leave the city. But failing to move the authorities by this means, he agreed to concede to the government the right to issue the exequatur directly to foreign consuls, provided that the documents made mention of the fact that the French Resident General "had knowledge of the act". This friction and others brought about ill-feeling between the French Resident and the Premier Minister. The government had now evidently come to perceive that the ambition of the French was bent upon reducing the country into a protectorate pure and simple. The people themselves grew hateful toward Frenchmen, while the latter became more and more arrogant.

This state of affairs embittered the feelings between the two countries. The French Resident in Tananarivo grew haughty and insolent in his dealings with the authorities. In the meantime the Hova government was engaged in a series of expeditions against rebellious tribes on the west coast who were constantly incited by the French against the Hova authority. France in her turn entered into a treaty with England and Germany in 1890 according to which Germany and England recognized the right of France to exercise a protectorate over Madagascar, while France in return recognized the English protectorate over Zanzibar and agreed not to interfere with Germany's campaign involving the Sultan of Zanzibar and the island of Mafia. This is the well known Treaty of Zanzibar. When this concord was announced in Madagascar, the authorities refused to recognize its validity. They could not do otherwise, for to recognize it simply meant surrender to the encroachment

of France. Moreover, they understood well that their refusal to recognize the treaty in question would bring on war with France. Anticipating, therefore another clash with the French the government proceeded to prepare for war by ordering large quantities of arms and amunitions from abroad. Apparently understanding the object of this activity, the French government through the instigation of the Resident, ordered the Hovas to stop the importation of arms, threatening open hostilities. But the people knew very well that a conflict was inevitable. France had determined since 1845 to subdue Madagascar, and the Zanzibar treaty assured her of non-interference by her rival powers. The Hovas refused to heed the warning threats of the French government and proceeded to erect fortresses at all the leading ports. To prevent the further importation of arms as far as possible, the French in 1894 sent a naval division to guard the ports of Madagascar.

During this period perplexing conditions arose for the French in Madagascar. Some of them were murdered by savage tribesmen on the west coast; others were unable to get native labor, while the government found no time to punish the offending tribes. In Tananarivo they were heartily hated. The insolent conduct of the French Resident ~~and~~ soldiers in the city was largely responsible for this feeling. The Frenchmen showed no respect even to the authorities. The prevailing sentiment toward the French expressed itself forcibly when a mob eventually seized one of the French soldiers and lynched him. The Premier Minister was now aged, and the government largely controlled by ambitious and less thoughtful young advisors. In the meantime the French resolved to make another attempt at subduing the Hovas to their protectorate by dip-

lomatic means. An extraordinary ambassador was consequently commissioned to negotiate with the Hovas, presenting a proposition containing five articles, establishing absolute French protectorate over external affairs and public works. After ~~the~~^{due} consideration the Hova government replied that it agreed to give over to the French the supervision of foreign affairs of a political character, but retaining all internal administration. It drew up in turn a proposition containing 12 articles, and submitted it to the French ambassador for acceptance. But the ambassador having been charged only with obtaining from the Hovas an affirmative or negative reply to the five articles of 1894, gave no attention to the proposition, and departed from the island, taking with him the French military escort of Tananarivo and the rest of the Frenchmen in the city. Upon his arrival in France with his report, Parliament voted a bill authorizing an expedition to Madagascar, while the Hova government in turn expelled all Frenchmen from the island and prepared for war. The war began on the 6th of May, 1895, in Majunga on the west coast, and ended in Tananarivo on the 30th of Sept, a victory for the French. A treaty of peace was instantly concluded and Madagascar was declared a French protectorate. Two years later it was annexed as a colony. Thereupon the Queen was exiled, first to the island of Reunion, and thence to Algeria, where she is today. From the French government she enjoys a yearly munificence of \$7,000 with house and a guard; this sum is paid out of the colonial treasury of Madagascar.

The details of the war are of no special interest to us in this paper, but a few facts ought to be mentioned. It is interesting to know that three English generals volunteered to serve in the Hova army,

but due to lack of confidence in them on the part of the authorities and on account of the influence of an efficiently organized body of traitors, these men were snubbed and the last one of them had barely accomplished his escape from the island when the capitol city was surrendered. The inferior discipline of the Hova army was no doubt partly responsible for the defeat; but that was by no means the cause of it. We may also say that the Hovas, though they had a clever enough sense of defence and strategy, lacked the patriotism of the civilized man and the courage of European soldiers. But neither does this fact explain the easy march of the French troop toward the capitol. The apparent degeneracy of the Hova army was due to a perfectly organized band of traitors in and around ~~the~~ royal court, who had sold their country to the French. These men had such an influence over the Queen and the prime Minister that they secured the discharge of the English generals, prevented the departure of the best Hova generals to the front, and induced the bulk of the army to march toward many places where they knew the French did not intend to come. So perfect indeed was their organization that the instructions sent from the authorities to the generals on the front generally reached the French camp before they reached the Hova posts. Thus the French knew all the plans of the Hovas as they marched toward Tananarivo, and through the treacherous distribution of the Hova generals only the cowardly and inexperienced ones were sent to such points as the French intended to approach; so that when the French came within range, the Malagasy troops took to flight. Thus the French found no serious opposition to their forward march until they came near Tananarivo, when the few respectable generals and artillery that had not been sent away put up the only real fight in the entire movement. At the end of

the campaign it was discovered that the French had lost a large number of men through diseases, especially the malarial fever, and the majority of those that survived at the time were on the verge of succumbing. The traitors lost no time in applying for the favors and offices promised them by the French. But the French general, then acting as temporary governor of the island, positively refused to grant them any favors, declaring that the French have no confidence in men who sell their own country for private gain. Upon learning of the base treachery that cost the Malagasies their native land, the ~~national~~ party endeavored to make a united effort to overthrow the French rule and do away with the traitors, but it was already too late.

This ended the life of a youthful nation which had merely begun to exist when a stronger nation stifled its growth. Indeed the Hova diplomats might have committed blunders and possibly were inconsistent at times during dealings with France, but they are not to be severely blamed for this. A large part of the blame must be attributed to the stronger nation which deliberately and constantly took advantage of the weaknesses of the young nation. It is due largely to confusion caused by the insidious diplomacy of the French and to the relative unexperience of the Hovas in the field of foreign politics, that apparent inconsistencies occurred. It is the saddest thing in the history of nations that the stronger powers have always taken advantage of the weakness of their neighbors, solely to satisfy greed and vain ambition. It is difficult to say what the destiny of Madagascar will be under the French domination. It will largely depend upon the policy pursued, and this in turn depends upon the character of the man directing the administration. For the

present it can and must be said that under the sagacious and far-sighted administration of General Gollieni, who was governor from 1897 to 1905, Madagascar made decided progress, especially along the lines of educational and industrial development. Under Victor Augagneur's administration on the other hand, extending from 1905 to 1909, no appreciable progress appears to have been made, while in some things the country actually retrograded. This is especially true of commerce and of the religious and educational status of the natives. The only positive accomplishment by Governor Augagneur was the completion of certain projects set on foot by his predecessor. It is to be sincerely hoped that Madagascar will be fortunate enough always to have at its head a man of the right caliber and of moral integrity imbued with the desire to promote the interest of the natives as well as of the French. With such a man at the head, the island is destined to grow in wealth and to raise its standard of civilization.

But while the natives of Madagascar regretted the loss of their political autonomy, they had reason nevertheless to welcome the arrival of a stronger power at that time. The Hova government was utterly incompetent and thoroughly corrupt. "Graft" was the legitimate means of obtaining offices in the government; the officers received no pay from the state, but obtained their compensations by blackmailing their subordinates and by exacting revenues and tributes from the people within their jurisdiction. The government received its revenues chiefly from import duties and annual dues to the Crown, but more than one half of these never went further than the pockets of the officers. The soldiers were not supported by the public treasury, but earned their living in ordinary vocations aside from their military duties. The royal court had become a

mere resort of "grafters" and office seekers who had almost complete control of the government. Many of the military garrisons on the coasts had little or no control of the savage tribes placed under their command, while on the south-west coast the tribesmen even defied the power of the Hovas. Such an incompetent and corrupt government could not be much preferred to the French domination at the time, even if it had the resources and prospects for a steady growth and betterment. It must, therefore, be acknowledged that the interference of France was on the whole a desirable event. It remains now for France to prove herself superior to the Hovas in ~~public~~ power, discipline and administrative morality and efficiency. A goodly number of tribes are still savage and riotous in spite of the military posts established at various places throughout the island. It is the duty of the French, who now have assumed the responsibility of government, to render the entire island safe for travellers and peaceful for the agents of commerce, industry and education. Unless the French accomplish this, their political domination of Madagascar has no valid excuse. It will all depend upon the spirit of administration, and this, as previously stated, will in turn depend upon the man placed at the head of it. But since the position of the governor is so important a factor, we shall in the following chapter discuss the nature and the function of the administration, organization of the colony and point out the principles and policy pursued.

CHAPTER II.
PART II.

ADMINISTRATIVE ORGANIZATION.

The French colonies are all governed mainly by ministerial decrees, and each individual colony is in turn administered chiefly by local ordinances called "arretés" issued by the governor-general. Very few laws have been passed to apply to colonies, and those few deal chiefly with financial matters and foreign relations. From January to August, 1907, there were 76 ministerial decrees and 6 laws passed applying to the colonies; in 1908 there were 56 decrees and only one law. In Madagascar alone there were in 1906 issued 20 local arretes and no decrees; in 1907, 64 arretes and only 6 decrees. This suggests the extent of the power vested in the Minister of Colonies and the colonial governors respectively. When Madagascar was annexed as a colony in 1897, it came automatically under the decree system. This system of government by ministerial decrees has been adopted chiefly perhaps in order to obtain a uniform and centralized form of administration, the French ideal system. Although it is not primarily our purpose here to discuss the merits and demerits of this form of colonial government, we shall nevertheless present the main objections that have been raised.

French colonists and political scientists have seriously criticized this decree system on two grounds; 1st, that under it, the French citizens in the colonies have no opportunity to present their interests effectively in Parliament; 2nd, that the decrees are changed too

often, so that a stable form of government is practically impossible. As to the first objection it may be argued in support of the French colonists that, being French citizens and forming a separate constituency, they ought to have representation in the national legislative assembly. They do not forfeit their political and civil rights by going to the colonies; they are even urged to go and receive material encouragement from the state for going. It is therefore, but just that they be permitted to have representation in Parliament. Yielding as far as practicable to the weight of the argument the French government adopted a legal provision in 1870, whereby French citizens in the French colonies may send "Deputes" and senators; but the provision is so constituted that only a few colonies (Martinique, Guadeloupe, Reunion, French Indies, Senegal, Guyana and Conchin China) can send representatives, and only a comparatively few representatives have been sent from colonies up to this time. This fact is explained on the ground of the practical impossibility of having full proportional representation from the colonies by virtue of circumstances, and the circumstances are undoubtedly such that the colonists cannot enjoy the full exercise of their rights of French citizenship. For it is evident that they live in a very different environment. They live among people of a different status than their own, and their political, social, and economic interests are not identical with those of the natives. The native population, moreover, can not be taken into account in the apportionment of representation, since they are not citizens of France. Hence it appears evident that proportional representation from the colonies to Parliament is both impracticable and inadvisable.

In such colonies as have only a scattered and small French population, the problem of representation is still more difficult. In their case no representation at all is granted, so that the French citizens by necessity have to forego the exercise of their rights of citizenship. Due to the overwhelming majority of the native population the Frenchmen are denied several privileges which they under normal conditions would enjoy. This is in no way due to disregard toward the French citizens, but to the sheer force of circumstances. For concessions advantageous to them may be disadvantageous to the administration or flagrantly offensive to the natives; and although the natives as such are no object of concern, yet enough attention must be given them in legislative deliberations so that no measures are adopted which would give them just cause for dissatisfaction and insurrection. Thus in order to maintain peaceful and stable conditions in a colony the governor must at times disregard some of the interests of his fellow-citizens. In order, however, not to discourage the immigrated Frenchmen altogether there was instituted in 1883 a separate council called "Superior Council of the Colonies", through which the French citizens in the colonies without representation might present their interests in Parliament as well as in the Cabinet of the Minister of Colonies. This arrangement has not, however, proven very satisfactory, as the governor of a colony can influence the Minister more effectively than this Council. The result is that the French colonists have found it more effective to concentrate their efforts in prevailing upon the local governor than in seeking concessions through ministerial interference. But the governor, as ~~Arthur~~ Arthur Girault puts it, "takes into consideration only the political interest and the economic needs of the mother country"(1). Thus it sometimes happens that the colonists

(1) Principes de Colonization et de Legislation Coloniale.
Vol. I, p. 56

are the severest antagonists of the governor. This was particularly true in the case of Victor Augagneur, who retired from his governorship of Madagascar in 1909. Many French citizens are thus subject to the same local ordinances as the natives, and are taxed without representation. The situation is humiliating to them, but it is a necessary evil. When we recall the object and motives of colonization as pointed out in a former chapter, we do not wonder at these conditions. The governor is generally appointed not because of his administrative ability, but rather on account of his firmness and his military qualities.

As to the second objection it must truly be said that decrees, and especially local "arretés" are abundantly frequent, and often abrogate one another. The decrees regulating the exportation of cattle from Madagascar, for example, were changed and abrogated one another, each year for five successive years. In such a case a man would have contended with great difficulties if he made the exporting of cattle his business. The decree system thus renders it difficult to undertake anything the success of which depends wholly upon its conformity to the decrees and "arretés". Yet it must be admitted that the situation cannot very well be otherwise. For a colony is to grow in its economic, industrial, and commercial life, and growth involves changes. Different periods demand different policies. The organizations and regulations that are expedient for a colony at one time ought not always thereafter to be suitable for it, if it grows at all. Above all, the decree system is best fitted for realizing the main principle of colonial administration, namely prompt action. Abrogation and changes of ordinances are thus a necessary evil in the administration

of a colony. The chief drawback consists in the possibility of the Governor's issuing "arretés" to suit his own caprice and personal bias, under and honest or dishonest pretext of interpreting and obeying the general sentiments of the authorities at home, or under the pretext of promoting the best interests of the mother country or of the colony itself. Such tactics have^{been} diligently employed by Victor Augagneur in Madagascar during his administration and hence the general stagnation of business and the sweeping extermination of educational institutions in the island during that period. But such a defect is fairly compensated for by the advantage of the system, looked at purely from the administrative point of view. Let us note also that the French ideal and goal of colonial administration is to assimilate the colonies into administrative unity with the mother country. All reorganizations and changes that take place in the government of a French colony are steps toward this goal. So far only Algeria has practically reached the point, while Reunion and the Antilles are approaching thereto. This policy of assimilation no doubt has a fascinating promise, for when it is realized it will facilitate and simplify the task of colonial government, and thus eliminate the present complexities of organization and diversities of needs. But the impracticability of the assimilation is apparent, and experience has proved it so. For even in Algeria practical difficulties arise which are substantially unsurmountable; conflicts between the French and the natives occur at each election of officers; the interests and ideals of the two peoples remain as different as ever. The situation cannot very well be otherwise. The French and the natives will always be diverse if not antagonistic in their respective interests; the Europeans in coming to the colonies have different concerns than the natives; they

have not come to form a federation or an alliance with these, but to gain something for themselves. It is nothing less than an open intrusion upon them, and however long the French may rule a colony and however well they govern, the natives will never lose their identity; and so long as both peoples retain their respective racial identity just so long will there be occasional conflicts between the two. Even Poland and Alsace-Lorraine, whose native inhabitants are of practically the same civil and cultural status as the Germans, prove difficult of assimilation to Germany. And when this is true how much less can we not expect that Europeans would be able to assimilate into political and civil unity with themselves the natives of their colonies?

As all other exploitation colonies Madagascar is ruled by a governor-general, appointed by and responsible to the Minister of Colonies. Ample latitude is given him to legislate by local ordinances called "arretés", as already mentioned. For these arretés he is personally responsible; some of them are subject to ministerial ratification before becoming valid, the condition depending upon the penalties attached to the violation of such ordinances. As a check upon undue exercise of power an administrative council, called the "Council of Administration", is placed at his side. The members of the council, consisting of the heads of the various Departments of administration, are appointed by the Minister of Colonies, and have merely advisory voice in legislation; it can check the governor only by successful appeal to the Minister. These heads of departments are likewise appointed by the Minister to their respective offices.

The governor is thus the supreme head of the colony in all things that concern the same; he officially represents the colony in all its relations with the mother country and all foreign countries, and is therefore responsible for everything resulting from such relations. The central administration of Madagascar was established and organized by the decrees of July 30th, 1897 and Nov. 12th, 1902, the main articles of which are the following:

Decree of July 30th, 1897.

Art. I. The employment of a Resident-General of France in Madagascar is abolished. There is created an employment of a Governor-General of the Colonies of Madagascar.

Art. II. The Governor-General of Madagascar and dependencies possess all the powers formerly vested in the Resident-General by the legislation in force at present.

Decree of Nov. 12th, 1902
(The Council of Administration)

Art. I. The Council of Administration ~~instituted~~ ^{added} at the ~~side~~ of the Governor-General of Madagascar and dependencies, by the decree of August 3rd, 1896, is composed of the following members:-

- The Governor-General, President.
- The Chief Commander of the troops.
- The General Secret^y of the General Government.
- The Director of the Financial Control.
- The General Procuror, head of the judiciary service.
- The Head of the service of domains.
- Two leading inhabitants.
- One functionary, attaché to the Gov. General and appointed by the Gov. General, performs the functions of "secrétaire-archiviste" of the Council of Administration.

The French Government evidently perceived the danger of vesting so much power in the hands of one man, since it instituted an organization which checks the powers of the governor; nevertheless it deliberately overlooked their danger in order to attain a more significant object; this object was to render possible prompt action in legislative and administrative measures in cases of emergency. Prompt action is often necessary in colonies, especially in new possession. The advisability of one man rule in a colony is thus readily understood, and the importance of having a man of the proper qualification is self evident.

A striking feature of the administrative organization of Madagascar is the establishment of a dual corps of French and native administrators. They are indeed separate organizations, but run parallel to each other; they are distinct, yet the one is subordinate to the other. It is interesting to inquire into the reasons that prompted General Gallieni to adopt such a system of administration. It was scarcely a lack of confidence in the honesty or efficiency of Frenchmen; for the French officers are intrusted with greater administrative responsibilities than the native functionaries. It could not be a feeling of respect for the natives, because the French do not respect the Malagasies. A Frenchman occupying the lowest administrative office does not respect a native officer of the highest rank attainable by him. In other words, the highest civil, judicial or military position attainable by a native is inferior to the lowest position occupied by a Frenchman. The explanation must be sought in the policy of pacification. Gallieni was a statesman and diplomat as well

as a general. Immediately upon his arrival in Madagascar as governor he made it his program to pacify the country. To attain this aim he pursued a policy which was destined to win for him the confidence as well as the fear of the inhabitants. The main object was to show and convince them that the French desired peace and the prosperity of the Malagasy people. Hence severe punishments were inflicted upon rebellious tribes, while the law-abiding were encouraged in all *their* economic pursuits. Much was done to show good will toward those who proved peaceably disposed; education was promoted and all institutions of learning and mercy belonging to any association received material encouragement. It is needless to say that the policy of General Gallieni met with success. But the General saw that so long as the deposed Queen remained in the country, her presence would constantly inspire her former subjects with thoughts of revenge. Consequently he exiled her together with the Premier Minister, the former to Algeria, the latter to Reunion. The chances are that Queen Ranavolona III. will never see her mother country again. Premier Minister Rainilaiarivony died in ~~the~~ land of exile in 1901, but his body was brought back to Madagascar to be buried in the royal tomb in Tananarivo. This, too, was a diplomatic stroke on the part of General Gallieni. In order to assure himself against organized insurrection General Gallieni executed the leading military officers of the Hovas, whom he suspected of plotting against the French government.

The General evidently understood that the exiling of the Queen was a rather extreme measure, and so he immediately set up an institution to take the place of the exterminated royal authority which had

been overthrown. This was the organization of the corps of native civil administrators which we have mentioned previously. This body of officers is organized in a hierarchical form, and corresponds to the corps of French administrators to which it is subordinate. That this was a sagacious and wise piece of diplomacy on the part of General Gallieni there can be no doubt. When the natives saw some of their own countrymen in the governmental staff, they felt less slighted and less dispised, and would thus look at the French regime with greater confidence. But unfortunately this organization could be perfected only in the Hova province and in a few other provinces of central Madagascar in which the Hova civilization had been fairly developed. In the rest of the provinces and districts only Frenchmen, civil or military officers, take immediate charge of native affairs. Territories that are administered by civil officers are called "provinces" in distinction from the "circles", which are governed by military officers. In these "circles" the tribal chiefs are given fictitious offices and honors; but have neither civil duties nor judicial power. In the "provinces" the native officers had their respective civil duties and judicial jurisdictions, that is, among the natives; their chief duties are however, to collect taxes and execute the orders of the authorities. It was only by degrees, however, that this system of native administration was perfected, and it will perhaps be extended to other provinces also, when these show fitness for such organization. The permanent form of the organization was established by the arrete of June 15th, 1904, the chief provisions of which are the following:-

DIVISION I. (FRENCH ADMINISTRATORS.)

Article I.

The French territorial administration is constituted by provinces. Each province is subdivided into districts. Certain districts may contain administrative and supervisory "posts".

Article II.

The head of the province discharges the administration functions and dispenses justice within his circumscription, conformably to the general regulations and special instructions of the Governor General. He selects the heads of the districts, of administrative and supervisory posts, from among the functionaries, and agents placed at his disposal. His decisions as to the nomination for these functions are subject to the approval of the Governor General.

Article III.

He is responsible, before the Governor General, for public order, for the general security of persons and property, and for the performance of all the services in the province dependent upon his authority.

Article IV.

While discharging, with zeal and devotion, the management of local affairs, he must not lose sight of the general welfare of the colony within his circumscription.

Article V.

The head of a province is at the same time the direct representation of the Governor General before the Malagasy population, and the proxy of the natives before the central administration of the colony.

Article IX.

He concerns himself particularly with whatever may ameliorate the material condition, the intellectual

and moral status of the natives, and contribute to the general progress of his circumscription, by the initiative of natives as well as by that of "colons" (every Frenchman in the colony not employed by the government is a "colon"); in works of common, provincial or general interest; manual labor for agricultural, commercial or industrial enterprises; teaching, medical assistance; enterprises to be organized; conditions and development of agriculture; animal breeding, industry, etc.

Article X.

He sees to the regular collection of taxes, and he ascertains the effect of same upon the political and economic situation.

Article XI.

He assures the natives of prompt and impartial justice from himself as well as from his heads of districts.

Article XII.

He likewise controls the distribution of the personal services imposed upon the natives by the Tokonolona for the works of the

Article XIII.

He sees to the exact performance by the Europeans as well as by the natives functionaries, of the duties that are incumbent upon them.

Article XV.

He presents to the Governor General every three months a report on the financial situation, a copy of which is sent directly to the Director of Control, and every six months, a general report on the political administrative, financial and economic condition of the province. Important questions shall constitute objects of special reports.

Article XVII.

The head of a district discharges the administrative functions and dispenses justice within his

circumscription, conformably to the general regulations in force, and to the special instructions of the head of the province.

Article XVIII.

He is responsible before the head of province, for public order, and for the general security of persons and property in his district.

Article XIX.

He alone, under the direction and according to the instruction of the head of province, with the exclusion of the native functionaries, has official jurisdiction over non-natives.

Article XX.

He employs for the administration of the Malagasy population, native functionaries whom he directs, advises and controls. In this capacity he concerns himself very particularly with the nature of the spirit of the population, the maintenance of good order, sanitary condition.

Article XXI.

Concerning taxes especially, he endeavors to determine the effect of same upon the political and economic condition.

Article XXIII.

He must, as often as possible, be present at the periodical meetings which the native authorities hold; and he summons at least once in every three months, the council of leading men in the district, which is composed of 6 to 9 members, belonging to different governments and are appointed by the head of province. He is likewise required to be present whenever he can, at the election of the mpiadidy and mpikarahara.

Article XXV.

He avoids, as far as possible, direct interference in the internal administration of the fokoatany

Article XXXI.

The head of the administrative post represents the head of the district in regions where the supervision of the latter cannot be exercised in a regular manner; he is at the same time an agent of information control and execution of orders, but exercises no judicial power.

Article XXXIII.

The head of the post of supervision is an agent of information and supervision. He is forbidden, except in cases where the superior authority permits him, to give orders to native functionaries, and to refer same to the head of district.

DIVISION II. (NATIVE ADMINISTRATION)

Article XXXIV.

The governor madinika is the head of the faritany which comprises fokontany

Article XXXV.

He is dependent upon the governor to whom he is to report all affairs, the solution of which exceeds his powers or does not enter into his prerogatives.

Article XXXVII.

His powers are classed under the following titles; I. extra administrative department. II. administrative department properly called; III. financial department; IV. police and safety department. V. economic department.

1. EXTRA ADMINISTRATIVE POWER.

Article XXXVIII.

1st. Establishment of civil status of natives.

Article XXXIX.

2nd. Administration of trustees for inheritance and property in abeyance. (Receive orders and instructions from the government.)

Article XXXX.

3rd. Administration of state lands; (orders and instructions from the government).

Article XXXXI.

4th. Registering of the arbitral decisions of the fokonolona.

2. ADMINISTRATIVE POWER PROPERLY CALLED.

Article XXXXIII.

1st. Commission of public highways. (To take charge of the performance of the duties of the fokotany in regard to the maintenance, care, and guarding of roads and highways within its precinct.)

Article XXXXIV.

2nd. Communal public works. (To see to it that the fokontany performs the duties placed upon it in regard to the construction and maintenance of irrigation canals, public water supply, public bridges, etc.)

Article XXXXV.

3rd. Personal services of the members of the fokonolona. (To see to it that the members perform the duties placed upon them individually, such as night watches in which they take turns, application for justice, etc.)

Article XXXXVI.

4th. Sanitary, hygiene and public assistance.

Article XXXXVII.

5th. Schools (To give encouragement to teachers, pupils, etc.)

Article XXXXVIII.

6th. Census and election of the mpiadidy and mpikarokara.

3. FINANCIAL POWER.

Article XXXXIX.

1st. Preparation and auditing of his own account of nominative list (original and duplicate.)

Article L.

2nd. Collection of market taxes, slaughter tax, and toll fees. 4th. Collection of annual tax.

4. POLICE AND SAFETY POWER.

Article LV.

The Governor madinika tends to the management of night watches.

Article LVIII.

The Governor madinika sees to it that the fokonolonas exactly and regularly perform the obligations that are imposed upon them in matters of general police and rural police as provided by the decree of March 9th, 1902.

5. ECONOMIC POWERS.

Article LXI.

The Governor madinika concerns himself with everything pertaining to the material condition and the resources of the population of the faritony.

Article LXII.

He gathers and submits to the governor, within the first five days of the months of January, all the information necessary for the preparation of yearly statistics of the government schools, free laical, and denominational schools, and of the markets. (Also to file and report statistics annually of the civil status, births, deaths, marriages, census, cattle owned by natives, their agriculture, production, consumption etc.)

6. RELATION OF THE FOKOVOLONA TO THE GOVERNOR.

Article LXIII.

Periodical assembly of the mpiadidy

(at the house of the Governor madinika at least twice a month, the date fixed by the governor madinika, subject to the approval of the governor.)

Article LXIV.

Reports of the Governor madinika. (To submit reports on these conferences to the governor principal.)

Article LXV.

Periodical assembly of the Governor madinika. (at least once a month at the residence of the governor; date fixed by the governor-principal; reports and accounts are delivered to the latter.)

SECTION V. GOVERNOR.

Article LXVI.

The governor is the head of the native administration within his circumscription.

Article LXVII.

He is directly dependent upon the governor principal, to whom he reports all important facts and events that supervene in his government, all questions the solution of which exceeds his powers and does not come within his jurisdiction.

Article LXVIII.

He is responsible before the governor principal and the head of the district.

Article LXIX.

His powers are classed under the following titles; (same as those of the governor madinika; the enumerated duties and functions are also similar and parallel, in the main, to those of the officer below him.)

SECTION VIII. GOVERNOR PRINCIPAL.

Article CIV.

The Governor Principal is the head of the

native administration within his circumscription.

Article CV.

He is placed under the direction and the control of the head of district.

Article CVI.

He is responsible before the head of district and the head of province.

Article CVII.

The governor charged with the administration and government of the chief seat of administration of the governor principal, may be a deputy to the governor principal, to assist him or to substitute in case of absence or impeachment.

Article CVIII.

The powers of the governor principal are classed under the following titles;
(same as those of the former two classes of governors; the functions are similar and parallel.)

In December 1904 new provinces were organized, so that the above arrete was abrogated and a new arrete of Dec. 31st reorganized both the French and native administrations, but no notable changes were made except the following:-

Article II.

The native provincial administration is constituted by governments, cantons, and villages; each province comprises by districts, one or several governments. The governments are subdivided into cantons, and the cantons into villages.

Article. XXXXII.

The head of canton has under his orders the village chiefs. He is dependent upon the governor. (in all other respects he remains as the governor madinika of the arrete of June 15th.)

Article LXIII.

The governor directs and controls the heads of

the cantons within his circumscription.

Article LXIV.

He is directly dependent upon the head of district. (formerly he was dependent upon the governor principal)

Article LXV.

In the government of the chief-seat of the district, the governor performs at the same time all the functions of the head of the Bureau of native affairs of the district. In this capacity he centralizes, under the direction of the head of district, the affairs of the other governments. Moreover, the governor is placed, as much as possible, at the side of the head of the administrative post. (He supervises also the elections of chiefs and sub-chiefs of villages, Article 77.)

Such is the nature of this interesting system of government. The duties of the native officers are, it is true, largely mechanical, and their highest office is subordinate to the lowest position occupied by Frenchmen. Yet the Malagasy people feel, and ought to feel pleased, with the organization. It is safe to say that the rapid pacification of the Hovas was mainly due to this wise and tactful arrangement of Gollien's. It is interesting to note that the names of the various units of government as instituted by the Hovas were retained. The psychological reason for this is clear. But General Gollien did not stop here. He endeavored also to retain as far as consistent with the principles of civilization and the interests of the French occupation, the native political and social institutions. Unfortunately for him, relatively few political institutions could be retained.

This policy of winning the confidence of the natives has been extended to all the other administrative departments in order to employ natives as much as possible. Of course only the Hovas are, as yet, capable of filling these positions, but the opportunities are not limited to them. The salaries received by the native functionaries, though relatively small, are generally as much as they could expect. The governor principal of the Hova province receives an annual salary of \$12,000, while the man next below him receives \$1,080. The probabilities are that they will receive larger salaries in the future.

It is interesting indeed to study the nature of this policy of pacification. There is no doubt but that General Gallieni's original and chief object was to establish peaceful conditions in the island, without much regard to the interests of the native population as such. Yet it is reasonable to believe that the significance of the economic and intellectual progress of the people grew upon him as time went on. It can be said that Gallieni was truly a friend of the Malagasy people. But he was this without sacrificing the least interest of France. His love for the natives was most forcibly shown when he appointed a Hova doctor as his private physician, interpreter and instructor in English; this Hova doctor accompanied the governor general in all his journeys in Madagascar. The far sighted diplomacy of General Gallieni, his sincere interest in the development and prosperity of Madagascar and its inhabitants, won for him the attachment of the Malagasy people. All the improvements that have been made and the progress that has taken place up to this time, are the result of his activity. It is to be lamented that his successor, Victor Anzagnon, a former Mayor of Lyons, a devout socialist and a

zealous Free-Mason, was a man of far less desirable type. Under his administration the country did not only retrograde, but even lost its industrial and commercial activity almost altogether. Worse than this, he brought France into discredit before foreign nations on account of his reckless administration and misdirected zeal; educational efforts by natives and missionaries were stifled and thousands of school children were deprived of educational advantages; the governmental officers were opposed to him, the colonists detested him, and the natives feared him, and the missionaries dreaded him. The only positive accomplishment under his administration was the completion of the railroad from Tamatave to Tananarivo, the work of the building of the road itself having been begun by his predecessor. This is mentioned incidentally to illustrate how readily a man vested with so much power as the governor of a French colony may use his power to advance any pet theory of his own, and to administer according to his own personal bias. But it also indirectly illustrates how easily a man of good character may, by virtue of his legal power, promote the best interests of all concerned.

The next most important matter in the government of a colony is the Dispensation of Justice. For justice is the bulwark of a state; and how far it can be maintained in a colony, is the question that the succeeding chapter will in part discuss.

CHAPTER III.

PART TWO.

THE JUDICIAL ORGANIZATION.

Justice is the bulwark of good government and the necessary foundation to a stable form of society. Where justice is disregarded, no peaceful government can be had and no permanent form of society may be obtained. It was a flagrant want of justice that called forth the American and French revolutions. For although man is by nature depraved and selfish, yet he desires that justice may be exercised among men. But not being able to overcome his own evil inclinations and lacking the necessary power to prevent his neighbor from dealing unjustly towards others, man has, in civilized society, established an institution of justice, endowed with the power to punish both himself and his neighbor for any act of injustice. In a civilized state, therefore, the judiciary is not only the mouthpiece, but also the agent justice.

Now, philosophers tell us that the source of injustice is selfishness, wherefrom we may infer, that where selfishness dominates, injustice prevails. And since we have tried in a previous chapter to prove that colonization is primarily a selfish enterprise, we may expect that justice does not usually obtain in a colony. The selfish man is, however, not only greedy, but also wise and diplomatic in his effort to gain a desired point; he must disguise his selfish motive in order not to arouse suspicion and opposition. In other words, the selfish man often does things apparently fair and just that they may serve as a cloak to disguise

his real aim. This is policy. Thus we find that in most colonies a sort of judiciary is established, because, as we shall endeavor to show, it is expedient to have it. For it is the prevalent opinion among students of anthropology and colonization that the uncivilized peoples have a keen sense of justice. Hence colonial governors are urged to maintain forms of justice among the natives, in order as much as possible, to avoid giving causes for insurrection, and likewise to win the confidence and the respect of the vanquished tribes.

This policy has been generally pursued by the first Governor-General of Madagascar, General Gallieni. Unfortunately, the conditions in the country were and are still such as to make it impossible even today to administer justice everywhere in the island. In the honest opinion of the writer, however, it is the intention of the administration in time to extend the now organized judicial system throughout the entire country as conditions permit. At present a large number of districts are still placed under military jurisdiction, due to the unsettled conditions of those regions.

There is no doubt that this policy of winning the confidence of the natives is a wise and effective one, for in order to carry on a profitable and peaceful exploitation, the colonizers must not only rule by military force but also command respect and inspire confidence in the native inhabitants. After the act of vanquishing has been accomplished, the act of conquering ought and must follow. In other words, in order that the natives of a colony may co-operate with their foreign rulers, and that peace and good will may per-

manently be established, they must not only be vanquished but also conquered. It ought to be borne in mind, however, that to conquer the savages, i. e., to create goodwill and favorable sentiment among them, is a far greater task than merely to vanquish them, i. e., to defeat and disarm them. And no doubt the maintenance of justice is a mighty factor in the process of conquering them. Let it be remembered, however, that justice, if effectively to reach its object, must be maintained in private, business and personal dealings as well as in legal matters, in industrial and political intercourses as well as in judicial matters. Unfortunately this practical and requisite form of justice, as will be shown, has up to this time been disregarded in Madagascar. And it is reasonable to suppose that that is the case in every other European colony.

It is thus at least apparent that the establishment of a native judicial system in Madagascar is undertaken, not for the sake of justice itself, but primarily to attain the general object of colonization, viz., successful and undisturbed exploitation; for such a condition can be brought only when the native inhabitants have learned to respect and place confidence in the colonizers. The establishment of a native administrative organization, the maintenance of a judiciary for the natives, the material improvements, and the establishment of schools, are all a means to that one end. Arguments to support this statement, have been presented in a former chapter, but in addition thereto it may be said that in Madagascar, and presumably in all other exploitation colonies, a native very seldom, if ever, successfully sues an European, even if he succeeds in bringing the litigation before a court. A fair and equal treatment is hardly ever given him when the opposing party is a Frenchman.

For the natives in Madagascar, of whatever tribe or race, are never placed on an equal footing with the members of the conquering nation in matters of justice. For instance, the writer several times and knew of cases in the province of Farafangava, in which Frenchmen, mostly soldiers and sub-officers, shot, without given reason, domestic animals belonging to natives; and when the owners brought complaint to the officer in command or to the local civil administrator, they were dismissed with a haughty sneer and a mocking smile. Some good Frenchman would say that such conduct is not approved of by the government; and that may be true, but that does not alter the condition. What is still worse is the fact that natives due either to fear or ignorance, scarcely ever attempts to bring a suit against an European, even if a tribunal is accessible. For instance it occurred at Fort Dauphin in 1899 that several christian teachers employed by the American Lutheran mission in that province were put in prison, on the charge of having circulated a rumor to the effect that the American missionaries had ordered battle ships from the United States to drive out the French from Fort Dauphin. There was not even the slightest evidence of such nonsense, yet these men were put in prison for several months without any chance of a hearing. In this case the accuser was a European. What intelligent man would submit to a like act in a civilized community where justice is maintained? The local authorities, including the administrator, would perhaps have excused their action in this case upon the plea of exercising their police function, had there been an attempt to appeal to a higher court.

On the other hand when a European has a complaint to make before the court against a native, as a rule little or no effort is made on the part of the judges even to go through the ordinary forms of a judi-

cial procedure, and the plaintiff usually, if not always, wins his case. The writer knew of several such cases that occurred at Fort Dauphin in which Europeans secured the administration to force their laborers to remain at their jobs upon the pretension that these had made contracts to work for a certain length of time, whereas these laboring men had not even dreamed of making ~~to~~ a semblance of a contract. The unwillingness or the disregard of the administrative courts to give a native proper judicial rights, may be explained by the fact that the Europeans look upon these more or less barbaric people as dishonest, deceptive and without principles, and hence deserving no regard. But if that is the reason, the administrative judge is thereby not excused, for being appointed a judge, it is his duty to proceed in every case according to prescribed forms of procedure. When the government has chosen and seen fit to establish some sort of court in a province it is the privilege of the inhabitants of that province to receive the equal and fair service of such a court. But there is another reason; the large majority of the administrators do not have the knowledge and the ability of judges. There is no better presentation of this fact than the words of Mr. M. Legendre, president of the Court of Appeal of Tananarivo, in his address before the Colonial Congress of Marseille in 1906, (1) concerning the judicial system of Madagascar in which he said; "In civil cases, because in our time there is no universal man, the administrator lacks the professional ability, he lacks the necessary time for a minute examination of the Briefs, he lacks the works needful to help him to search the provisions of legislation". Mr. Legendre then gives an illustration in which it is stated that General Gallieni once sent a member of the Court of Appeal of Tananarivo on a tour of inspection, the result of which was that the inspector found the majority of the administrative courts totally devoid

(1) Compte rendu des travaux du Congrès Colonial de Marseille, Vol. 2, p. 409

of any work of law, while some of them did not even have a code. It is said also that the majority of them did not even keep any records of the cases that had come up to the courts, thus making it exceedingly difficult for the upper courts to try an appeal from their rulings.

We see from these citations that the established judiciary in Madagascar is more or less a caricature as far as the natives are concerned. Such a type of judiciary would, however, be intolerable to an European, and would be considered tyranny by him. Hence a separate and more complete judicial system has been established for Europeans, to adjust differences between themselves individually and between themselves and natives. We shall later show wherein these two systems differ from each other; but at this juncture it suffices to say that in no European Court is the contestant refused hearing, while in the native courts seldom is a native granted that privilege.

~~As in~~ In the native courts, that is, courts that are to try cases between native and native, the judge is always the French administrator, assisted by one or two natives with deliberative voice only. But, as already pointed out, these courts are inadequate and incomplete, much more so than the European courts. Their method of procedure and of dispensing justice are consequently more or less perfunctory. Still less adequate and satisfactory is the system employed in those districts under martial government where the military ruler performs in one person, the functions of administrator, judge, lawyer, attorney and police. Such a condition is evidently due to the fact that the inhabitants of those districts are not yet fit for a better developed judiciary. And it is perhaps, as formerly stated, the intention of the administration to

develop a better judicial system throughout the entire island as early as circumstances will permit. If that be the case, time alone will show, and we shall then be able more accurately to tell how much regard the French government has for the civil and political rights of its Malagasy subjects.

We still maintain our thesis, however, that the establishment of a court system among the natives of Madagascar is not a matter of principle but of policy, on the part of the French authorities. We substantiated this statement by presenting facts to show that the native courts are not properly conducted, that their judicial rulings are perfunctory, that the natives are not squarely treated by them, and that most of the men invested with judicial powers lack proper qualifications for their office. We substantiated this assertion, moreover, by saying that the government has established a separate judiciary for Europeans, and that this judiciary is a great deal more adequate and complete than the native tribunals. The objection may be raised at this point that the government could not secure better qualified men to serve because it cannot afford it. This is no doubt true to an appreciable extent; the government of Madagascar has perhaps to economize on its appropriations, but in reply we may say first that the most highly salaried employee is not always the best servant, and the most poorly paid one is not always the least desirable. How much the economic condition of the government is responsible for the inadequacy and degeneracy of the native courts, we shall endeavor to determine in a subsequent chapter; but at this point we shall venture to say that the government spends proportionally a great deal more money in other enterprises than in the judiciary. For instance in 1905

it appropriated over 2,000,000 francs for the mail and telegraph departments, nearly 4,000,000 francs for public works, and over 25,000,000 for military purposes, while for the judiciary it appropriated less than a half million francs, (1). Were justice and its maintenance a matter of principle with the government, we may safely conclude that it would have appropriated larger sums annually for that department and thereby secure better and more competent service. The second objection that may be raised is that the maintenance of a separate and better judiciary for Europeans is a matter of course; for the natives have not the culture and the intelligence of the European either to understand the operations or properly appreciate the use of a real judiciary. We reply, if that is the case, we are to expect that, when the natives in the future shall have attained to the same intellectual development as the average European, and fairly assimilated European methods and ways of thinking, the double system of justice will be abolished. But also in regard to this, time alone will enable us more correctly to ascertain the policy of the French government. Yet we are constrained at least to state at this time, that we fail to see any indication of such a reform. For even within the precincts of Tananarivo, where the average inhabitant is intelligent enough to understand the operation of a judiciary, and where the people have had a fairly respectable judicial system before the French conquest, we find that there is no desire, or effort on the part of the authorities toward abolishing the double system and of placing the Hovas on a level with their French neighbors in judicial matters. Such being the case we feel confirmed in our thesis that justice is administered in Madagascar with discrimination between Europeans and natives, not so much because the latter are too ignorant, but primarily because they are natives, while the former are Europeans. And when

(1) These figures have been computed as approximately as possible from various sources, chief of which were the "Collection des Lois", and the "Recueil de Legislation Coloniale".

justice is administered thus discriminately, it is not maintained for its own sake.

But such an attitude on the part of the French authorities ought not to astonish us in the least. Were it Great Britain or Germany or any other nation that ruled Madagascar, the situation would hardly have been much different. The conquering people naturally look down upon the conquered. The fact that the stronger power does in rare cases show some respect to the weaker is due partly to a sense of modesty and partly to diplomacy. Nowhere do Europeans regard the members of the so-called weaker races with as much respect as they do the members of the stronger nations. This is the case, whether the men of the weaker race belong to the white race, such as the Arabs and Algerians of North Africa; or to the yellow division, such as the Indo-Chinese of southeast Asia; or to the black tribes of Africa and Oceania. It is also noticeable that the less intelligent the natives, the greater is the contempt for them. And when ignorance is coupled with moral weakness the contempt is supreme. This fact alone ought to convince us that the European nations have launched out on the task of colonization not from humanitarian motives, but from self-interest alone. For if this were not the case, there would be greater sympathy shown to the less fortunate than those better situated.

This leads us to that phase of the subject of justice which we styled the "practical form". It was namely said that justice in a colony in order fully to realize its object, must be maintained as well out of as in court. The natives are not treated justly in the ordinary walk of life, and they, as well as the Europeans, know this. The writer remembers one incident that occurred in the central park of Tananarivo

on a Sunday afternoon, in 1900. A group of Frenchmen came into the park and approached a bench on which sat several young Hova men and said, "Allz-vous-en, vous antres, ces bancs ne sont pas pour les Malgaches." (Get away, you fellows, these benches are not for Malagasies.) Another time a French civil officer, walking on one of the streets of Tananarivo with his wife, struck the hats of several young men with his cane, knocking them off as he passed. Another such typical case came under the observation of the writer; one Sunday afternoon, in 1900, there was a free public performance in the municipal theatre of Tananarivo; the opera house was crowded to its utmost capacity, so that those who were furthest to the rear attempted to raise themselves higher than those in front in order to be able to see the performance. Among those thus seeking a better view were several young Hova women who had come late. The police commissary seeing those young women reaching up on their tip-toes, struck them on their heads with a mahogany cane; the blows were loud enough to attract the attention of the house. Scores of such incidents occurred and are no doubt still taking place in Madagascar today. They are so common and frequent that the natives lose respect for and dread the Frenchmen. When we place these facts alongside of the well meant words of praise and encouragement of General Gollieni to the Malagasy people during his administration, we are instantly moved to pity. These tactless Frenchmen usually justify their reckless conduct by saying that the Hova people are vain and proud and consequently ought to be humiliated. But the writer wishes to say that whatever the pride of the Hovas may be, it is certain that none of them have pretended to display their vanity to Frenchmen. The young men who sat on the bench in the park, those that were met on the street by the French civil officer, and the

young women gathered in the rear of the opera house, well dressed and decent, made no display of haughtiness whatever, either to themselves or to anyone else. It would seem preferable to be guilty of their pride than of the incivility and grossness of the Frenchmen concerned. Do the natives not often hear from Frenchmen, civilians as well as officers, that the coming of the French was of great educational value to the Malagasies? Yet one hesitates to corroborate the assertion when he observes how the French conduct themselves toward the natives. To acquire respect for others is one essential part of education; but when the natives see that their rulers do not have respect for them, but beat them with a cane when good manner should be used, threaten them off their seats in the public parks when a civil request would be proper, then they fail to receive that civilizing and educational influence of the French rule which mutual respect alone can produce. On the contrary they lose faith in the superiority of French civilization, and merely fear their rulers instead of respecting them. For mere military efficiency and skill in building battle ships and railroads do not constitute civilization. Moral integrity and sound ideals as well, and even more, are essential parts of true civilization.

Being thus slighted and ill-treated in every day life and intercourse, the natives readily understand that absolute justice and square dealings may not be obtained in the courts, particularly when the opposing parties are Frenchmen. It may seem absurd to approach this subject with reference to affairs between Europeans and natives. But it must be remembered that one of the purposes of this paper is to discredit the assertion that colonial enterprise is a mission in the interest of humanity and for the moral, social and economic

uplift of the less advanced races. This chapter has as one of its aims the task of showing that the establishment of a native judiciary and mixed courts in Madagascar is a matter of policy not of principle; that the interest and functions of the courts are primarily to protect the rights of Europeans, not the rights of the natives.

In this connection it is proper to mention that the idea of pacifying the natives by a pretence of justice, has to a great extent, been defeated by the recklessness of the great army of petty French officials, the majority of whom are military men of inferior rank, often grossly ignorant and without scruples. Their tactlessness and lavish abuse of power have caused many and frequent minor insurrections which have cost the French government much money and many lives. They are practically sovereign in their respective localities, and command the confidence of the authorities to such an extent that it has been practically useless to complain against them or appeal from their judgements, whether the plaintiff be native or foreign citizens. No one knows this better than the missionaries, who depend upon the goodwill of the local administrators and military rulers for holding the favor of the government. Their desire for recognition and promotion also often induce them to bring false charges and accusations to the authorities against innocent persons. Such a case occurred at Fort Dauphin in 1909 when the local ruler, a commandant, reported some offenses to the central administration against the American missionaries at that place. Evidently the government had good reasons for not believing every statement of the commandant, for the missionaries suffered no particular penalty as a consequence of the report. In that same year the local administrator of

Antsirako made an inspection of the Lepers' Hospital of that place, belonging to the Norwegian mission, and reported to the central administration that the care given the patients there was very poor, that the missionaries received persons who were not lepers, that they sent patients away that were not healed and other like faults were committed. But the truth was, as found out, that the lepers in that hospital were better cared for than those in the government lepers' hospital. Thus it comes about that justice is not obtained everywhere. For such and similar reasons the operation of the meagre judicial institutions is in many localities curtailed and perverted. And the natives through fear and ignorance, do not make use of these courts. That such will be the case for yet many years in many districts in Madagascar one may safely presume; for sincere desire or effort on the part of the French government to civilize and uplift the barbaric tribes of the island is apparently wanting. As Governor General ~~Andriamamonjy~~ ^{Andriamamonjy} himself has said, the French are not looking for educated men in Madagascar, but for laborers. That was one of the reasons why he persistently tried to curtail all the educational work of the missionaries in the island. How far such a declaration is the expression of the sentiment of the French nation is not here a subject for discussion.

It must, however, be conceded that although a respectable judicial system has not been in operation in all the provinces and districts, a remarkable decrease in robbery has generally been observed since the beginning of the French rule in Madagascar. Yet this is not due to the moral influence of an organized judiciary, but rather to the stringent discipline exercised by the military rulers of the districts.

The thievish natives refrain more and more from robbery because they dread the relentless punishment administered when they are either suspected or guilty of theft.

But to go back to the judicial system itself, we have finally to present the organization. As in the administrative organization so also in the judicial, the parallel system of French and native officers is applied. Also here the native officials of the highest rank are subordinate to the French magistrates of the lowest order. Moreover the native judges are to sit in cases between natives only. In cases between Europeans and natives one or two native judges are placed on the bench at the side of French justices, but these native members have no voice in the judgement. In the upper courts, when there are trials of mixed cases, i.e., cases between Europeans and natives, or cases between natives only, two native judges sit with the French justices. But they are merely advising members. The object of placing natives on the judicial bench in such cases in the upper courts is to inspire confidence in the court. Seeing members of their own race on the bench and not knowing the insignificance of their influence in the deliberations and judgement of the court, the natives naturally feel confident that discrimination will be prevented and equal justice obtained. It is not hereby insinuated that the French authorities simply wish to delude and impose upon the natives by this arrangement. It is perhaps the ~~best~~ that can be done under the circumstances. It is no doubt largely due to an opinion that natives, of whatever group and intelligence, are not competent to judge as intelligently as Frenchmen. And this may very well be the case. But if that is so, we may presume that the present arrangement will be modified in the future in such a way that the appointments as well as the competence of

judges will be based solely on merits. It will be more clearly shown later on just what the policy is in this matter. It will depend upon whether or not the French authorities will in time give native judges equal judicial competence with French justices when they shall have attained to practically the same ability and intellectual development as the French jurists.

Up to this time there are no native lawyers in Madagascar, there being neither law school nor local organic laws for the colony. The government has, however, appointed French salaried attorneys called "defending attorneys", whom the natives may employ in litigations before the appellate courts, in criminal as well as in civil cases. The trials are based upon the French criminal and civil ~~cases~~, although in some cases the French civil code applies to colonies only in modified forms, whether affecting cases between Frenchmen only, or between Frenchmen and natives. For the native courts of the lower jurisdiction the colonial legislation and local customs form the basis of judgement, while in the native appellate court, the French law is the basis. Before examining the statutory constitution of the native courts, it would be interesting, for the sake of comparison, to present the organization of the European judiciary. It is needless to say that it is less complete than that which exists in the mother country and that the jurisdiction of the judges is scarcely parallel with that of the judges at home. The plan was to establish a cheap yet practical system of courts. The main differences between the judiciary in France and that of Madagascar are the following:- (1)

1. In France no single magistrate outside of the justice of the peace can try a case, while in Mada-

(1) A. You. "Madagascar".

agascar there is only one judge even in the court of first instance.

2. In Madagascar the justice of the peace may possess extended jurisdiction, equal to that of the court of first instance in France.

3. In Madagascar administrative officers are vested with judicial powers, powers which are not given them in the mother country.

The courts, as organized principally by the decrees of June 9th, 1896 and November 24th, 1898, are as follows:-

1. The justices of the peace, consisting of administrators vested with the functions of justices of peace, assisted by secretary-clerks. These courts try all civil and "repressive" matters, and all cases coming within the jurisdiction of the justice of the peace of France. They have jurisdiction also, in cases of personal and movable property, the value of which does not exceed \$300.00, and in matters of immovable property the income from which does not exceed \$20.00; an appeal from their judgement to the supreme court may be resorted to. Moreover they try in first instance, misdemeanors liable to trial before the tribunals of correction. The justices of the peace as all the administrators, are also officers of judicial police, inquiring into misdemeanors, crimes and violations gathering evidences and delivering the perpetrators over to the tribunals charged to punish them. There is such an administrator-justice of the peace in every important town.

2. Tribunals of first instance and justices of the peace with extended jurisdiction. The composition of these tribunals are as follows:-

Seated Magistrates. (1. Presiding judge.
(1. Lieutenant judge.
(1. Substitute judge.

Standing Magistrate 1. "Procureur" of the Republic.

Clerks (1. Clerk
(1. Sworn assistant clerk

In some localities one or more of these officers are absent, in which cases the existing officers are invested with extra duties and powers.

The composition of the justices of peace with extended jurisdiction is as follows:-

1. Justice of the peace.
1. Clerk
1. Functionary appointed by the Governor-General
1. Police commissary, performing the functions of the "public ministry".

The competence of these two courts is equal. They try in the last resort, in civil and commercial matters, all cases involving personal and movable property the value of which does not exceed \$600.00, and cases involving immovable property the income from which is not more than \$30.00. As courts of first instance their jurisdiction is unlimited. And as tribunals of simple police, they have jurisdiction in the last resort over all violations of police. In cases of violations other than such, appeal may be had. The jurisdiction of these courts are determined by arretes of the governor-general, ratified by the Minister of colonies.

3. Court of Appeal. The court of appeal is located in Tananarivo. It is composed of:-

Magistrates of the "Parquet" (bench)	(1 procureur general, chief (of the judicial service (1 Attorney general.
Seated Magistrates.	(1 President of the Court (3 Advisors (1 Advising auditor
Clerks	(1 Clerk (1 sworn assistant clerk

The Court of Appeal try all appeals from the judgments of the lower courts, and all petitions for annulling the judgments of the simple police on the ground of want of jurisdiction, excess of power or violation of law.

4. Criminal Courts. Criminal courts are established in the eight localities provided with ordinary tribunals. In Tananarivo the criminal court is composed of the

President of the Court of Appeal
Two advisors of the court
Two assessors.

In the other localities the criminal courts are composed as follows:-

The presiding judge or the justice of the peace.
Two functionaries, appointed.
Two assessors, with rights of opinion,
elected by lot from a list of ten prominent Frenchmen.

Special criminal courts may be instituted by the governor-general. The auxiliary staff of the courts are the "defending" attorneys, sheriffs and marshalls. The clerks of the upper courts perform the functions of nataries public.

Before presenting the organization of the native courts, it ought to be remarked once more that in litigations between natives, the judgments are based, not on French law but upon the local legislation of the colony, upon the local ordinances of the administrators or upon local customs. The composition and jurisdiction of the native tribunals are as follows:-

1. Tribunals of the first degree. A tribunal of the first degree is instituted in each subdivision of a province, "cercle", district or "secteur". The number of these tribunals may be increased or decreased by arretes. At present there are 112 of them. They are each presided over by the European head of the territory in which it is instituted, and comprises two native assistants who have, however, only advisory voice. The work of the clerk is performed by a Frenchman or a native speaking French.

In civil and commercial matters the native tribunals of the first degree try-

1. In first and last resort, cases involving personal and movable property to the value of \$20.00, and immovable property bringing an income of not more than \$1.40, determined by either the rate of interest or the price of lease.

2. In the first resort only, violations of police regulations or local customs.

3. In the first resort only, with right of appeal, to the Courts of the 2nd degree, misdemeanors the penalty for which does not exceed a fine of \$30.00 or three months' imprisonment, determined either by colonial legislation or local customs.

II. Tribunals of the 2nd Degree. These are located at the administrative centers of the provinces or "cercles", and are presided over by the European heads of the provinces or "cercles", assisted by two natives, having only advisory voice. The offices of the clerk are filled wither by French officers, sub-officers, functionaries or by natives speaking French. In civil and commercial matters these courts try:-

1. Appeal from the judgments pronounced in the first resort, by the tribunals of the 1st degree.

2. In the first and last resort cases involving personal and movable property the value of which is not less than \$300.00 and not more than \$600.00, and cases involving immovable property the income from which amounts to not less than \$20.00 and not more than \$30.00, determined either by the rate of interest or the price of lease.

3. In the first resort only and subject to appeal before the Court of Appeal in Tananarivo, cases involving personal and movable property, whose value is not less than \$600.00 and cases involving immovable property the income from which is not less than \$30.00, determined as above.

In "repressive" measures the tribunals of the 2nd degree try:-

- a- Appeal from the judgments pronounced by the tribunals of the 1st degree.
- b- In the first and last resort, misdemeanors the penalty for which does not exceed \$60.00 in fine nor 6 months of imprisonment.
- c- In the first resort only, and subject to appeal before the court of appeal of Tananarivo other misdemeanors and crimes.

III. Court of Appeal. The native court of appeal is located in Tananarivo. It is constituted on a plan similar to the European court, with the addition of two assistant native judges able to speak French. These two natives may, under the control of the court, make inquests, but have merely advisory voice upon the judgment of the court. The court sits to hear appeals from the tribunals of the 2nd degree. The appeals are brought by the clerk of the tribunals that have tried the case in the first instance, and the appellant pays all the expenses connected therewith. The "repressive" measures, the inquests, suits and examinations are made with the attendance of the heads of the provinces or "cercles", sometimes with the concurrence of two native assistants, but the French authorities alone may bring the prisoner before the court.

Such is the nature and general constitution of the native judiciary in Madagascar as it exists today. The writer sincerely believes that the French authorities have endeavored to do their best under the circumstances when they organized the present system. But the drawback, as previously illustrated, consists in

its incompleteness and in the lax and indifferent attitude of the officers in the discharge of their judicial duties. Although these are called native courts, to judge differences between individual natives, they are nevertheless controlled by Frenchmen. The native assessors that are appointed have, in the ~~law of the~~ courts, only deliberative voice, while in the upper courts and in the court of appeal they have merely advisory voice. In order to prevent conflict of judgments and application of principles between the native court of appeal and the highest French court, (since both are constituted similarly with the exception of the two native assessors required in the native Court of Appeal) the authorities have placed the native appellate court under the same judges as sit in the French court of appeal.

As to the policy of retaining local customs and making them the basis of some judicial judgment, it is questionable whether it is in itself a sound and commendable policy. The natives know that upon the arrival of the French a new order of things have set in. They expected and expect the French to bring about changes and reorganization all around, so that any new regime would not particularly surprise them. Moreover, the natives readily, almost instinctively, accept everything introduced by the French as a matter of course, in the first place because they know that the French have the power and the right to introduce whatever they please by virtue of conquest; in the second place because they look upon everything French as better than their own and superior to it, by very virtue of the superiority of the French civilization. Thus, for instance, the Hova young men have been characterized by the Frenchmen as diligent imitators of things European.

Aside from all this let it be understood that this policy of accommodation necessarily retards progress rather than promotes it. For, to retain barbaric customs, however harmless in themselves, means to stay progress. To retain them with no intention of influencing them for the better is an act of injustice and means a deliberate recoil from the avowed manifesto of colonialism, which purposes to civilize and uplift the backward races. It is a matter of fact, that the French authorities do not observe local institutions as much as they pretend to, even if certain customs are "not in flagrant contrariety" to their "rights and civilization". For example, the court system of Tananarivo and the land administration of the Hova government prior to the French conquest (1) left little room for improvement and, as we shall see in the next chapter, were fundamentally better than those obtaining in several of the so-called civilized countries; neither were they in "flagrant contrariety" to French rights. The weakness of the Hova system was that the provisions of the statute books were not fully and faithfully enforced by the authorities. Furthermore, throughout the entire country it has been the custom of the inhabitants to recognize every man as the true owner of a vacant piece of land as long as he utilized it; and such a custom is not necessarily in "flagrant contrariety" to French rights. Yet it has occurred many times that when a Frenchman desired to possess a piece of land or lot that was occupied by a native, the Frenchman acquired the lot or land upon paying the government the current price; and the government, or rather the local court, justified the act by declaring that the native did not legally own the land, because he had not paid for it. Thus the practice and the policy in the matter of local customs have often conflicted. In the

(1) S. Ahuzac: "Institutions Malgaches"

act organizing the native courts it is provided that the judgement of the tribunals of the 1st degree may be based either upon colonial legislation or upon local customs. But here a difficulty arises. For example, tribes regard an illegitimately born child as a rightful child and has the same right of inheritance as his brother or sister born after his mother has become married. When the parents die it is the task of the local court to determine whether or not it shall follow the local custom and divide the property equally between the legitimate ^{and illegitimate} child. Such and similar difficulties would find frequent occasion, if the courts only cared enough to adjust them. But the courts, as formerly described, either deliberately neglect their functions or fail to set up a fixed principle or precedent for further adjudication. The entire scheme thus resolves itself into a pathetic farce and brings no appreciable advantage either to the French government or to the natives themselves. Let it be finally remarked that this policy of accommodation, as we may term it, is not consistent with the doctrines and spirit of colonialism; it belongs in a measure more properly to the exercise of a protectorate rather than to the legislation of an exploitation colony, which necessarily implies and actually means subjugation. The meagre desire and scattered efforts to honor local institutions and customs are but a feeble pretence to apply a pet theory of students of colonization, namely that it is profitable to the conquerors, diplomatically speaking, to retain local institutions as far as possible.

In order ^{to} partly ^{to} present a comparative study of Hova and French regimes, and partly to continue our endeavor to interpret the French administrative policy in Madagascar, we shall in the succeeding chapter discuss the subject of the administration of

land, forests and mines. On the basis of this discussion we shall also try to determine how far the present administration of these resources will prove to be of advantage or disadvantage to the Malagasy people and the French respectively. But before closing our present chapter a quotation from a French writer seems very fitting at this time, first because it substantiates the writer's claims, and secondly because it tends to redeem him from a possible charge of prejudice. The quotation is from Andre You's "Madagascar Histoire, Organisation, Colonisation", page 297, where we read; "In sum, Madagascar is endowed with a judicial equipment suited to its present needs. The French tribunals, although of a more summary organization than those of the mother country, assure to all persons amenable to a tribunal the essential guarantees of the French legislation, and are constituted in a manner to realize a prompt and equitable dispensation of justice. The native tribunals, placed at the side of the administrative authorities, but independent of them, aid mightily in the exercise of the French sovereignty."