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Geneva, April 10th, 1935.

LEAGUE OF NATIONS

SLAVERY

REPORT OF THE ADVISORY COMMITTEE OF EXPERTS

SECOND SESSION OF THE COMMITTEE

Held in Geneva, April 1st to 10th, 1935.

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I. COVERING NOTE FROM THE COMMITTEE TO THE COUNCIL.

The Advisory Committee of Experts on Slavery held its second session at Geneva from April 1st to 10th, 1935. All the members were present.

M. Gohr was re-elected Chairman. M. Marchand was elected Vice-Chairman. The retiring Vice-Chairman, M. Neijtzell de Wilde, did not present himself for ré-election.

The duties of rapporteur to the Committee were undertaken by M. Gohr, Chairman.

In accordance with Article 13 of its Rules of Procedure, the Committee examined the documents supplied or transmitted by the various Governments, which are appended to the present report. It also considered the studies and memoranda prepared by its members, one of which—Sir George Maxwell's, on the subject of the Mui Tsai system—is appended to the report.

After discussing the draft report submitted by its Chairman, acting as Rapporteur, the Committee agreed upon the terms of the conclusions which it has the honour to submit to the Council. It desires to accompany these conclusions with a brief remark to the effect that the opinions which it has set forth are based upon the information formally supplied to it in accordance with the regular procedure, and upon published official documents.

It should be pointed out that several communications from Governments were received too late for the Committee to make full use of them in its report. Even if the documents had been received earlier and if some of them had been fuller and more specific, the Committee might still feel some doubt as to whether it could have performed its task any more satisfactorily with the aid of such additional information. The Committee is of opinion, however, that it has not yet had sufficient experience to put forward any specific proposals on this point.

April 10th, 1935.

II.

REPORT TO THE COUNCIL.

INTRODUCTION.

1. Before dealing with the position in regard to the various forms of slavery in those parts of the world where it still exists, we should like to mention the States on which the 1926 Slavery Convention¹ is not yet binding.

* * *

2. In paragraph 80 of its 1932 report,² the Committee of Experts on Slavery stated that the States which had signed but had not yet ratified the Convention were Albania, China, Colombia, the Dominican Republic,³ Ethiopia, Iran, Lithuania, Panama and Uruguay.

None of the States has forwarded its ratification since then.

In reply to the letters sent to them in each of the years 1931, 1932, 1933 and 1934 by the League Secretariat, in pursuance of the Assembly resolution of October 3rd, 1930, drawing their attention to this point, Albania and Colombia in 1931 and Panama in 1934 stated that the Convention would shortly be submitted to the competent authorities with a view to ratification; Uruguay stated in 1931 that it had been submitted to the competent authorities with a view to ratification, and Iran, in 1931, stated that the Convention was under consideration. China, the Dominican Republic, Ethiopia and Lithuania have not informed the League Secretariat either of the action taken on its letters or of the steps they proposed to take.

3. Of the Members of the League of Nations which did not sign the Slavery Convention but which have acceded to it, one, the Dominican Republic, did so subject to subsequent ratification, which has not so far been given.

Other Members of the League have not yet acceded to the Convention—namely, Afghanistan, the Argentine Republic, Bolivia, Chile, Guatemala, Honduras, Luxemburg, Paraguay, Peru, Salvador, Siam, the Union of Soviet Socialist Republics, and Venezuela.

4. As regards States non-members of the League, Egypt, Monaco, the Sudan, Syria and the Lebanon have acceded to the Convention without any reservation, and the United States of America with a reservation. The following States, although invited to accede to it, have not done so: Sa'udi Arabia, Brazil, Costa Rica, the Free City of Danzig, Iceland, Japan, Liechtenstein, San Marino.

* * *

5. It should also be pointed out that very few additions have been made to the documents relating to the laws and regulations concerning slavery which the signatory or acceding States undertook, in accordance with Article 7 of the Convention, to communicate to each other and to the League of Nations; these documents are practically the same as those placed at the disposal of the League Secretariat from 1926 to 1932, a list of which is attached to the report drawn up by the Committee of Experts in 1932.

The following are the only laws or regulations which are not mentioned in the list annexed to the 1932 report or which are new:

(a) The proclamation by the President of the Liberian Republic dated September 29th, 1930, concerning domestic slavery and the Liberian Law of December 19th, 1930, prohibiting pawning;⁴

(b) Certain legislative measures of great interest communicated by the United Kingdom Government;⁵

¹ See document C.210.M.83.1927.VI, or League of Nations *Treaty Series*, Volume LX, 1927, page 253, or *Official Journal*, December 1926, page 1655.

² See document A.34.1932.VI.

³ As stated below, this country has not signed the Convention but has acceded to it subject to ratification.

⁴ See League of Nations *Official Journal*, No. 9, September 1931, pages 1792 and 1793, or document A.13(a).1931.

⁵ See pages 59 to 80.

(c) A document sent by Ethiopia¹ concerning the institution of court sin various parts of that Empire with a view to the application of edicts relating to slavery promulgated by the Sovereign in 1924 and 1931 and mentioned in the report drawn up in 1932 by the Committee of Experts;

(d) Regulations promulgated in September 1932 by the Government of the Chinese Republic concerning Mui Tsai;²

(e) An ordinance promulgated on July 23rd, 1934, by Cambodia concerning abuses committed in the matter of services to be performed in discharge of debts, communicated by the French Government.³

6. In its resolution of October 12th, 1932, the Assembly expressed the hope that States, whether Members or non-members of the League, parties to the Convention, would keep the League informed, both of the measures taken by them with a view to the abolition of the slave-trade and of slavery in all its forms, and of the results obtained; in this connection, it drew their attention to the aspects of slavery dealt with in the 1932 report of the Committee of Experts. This recommendation was repeated in January 1934 by the Council and in September 1934 by the Assembly.

These various resolutions were duly communicated to all States Members of the League and to non-member States parties to the Convention.

Certain States informed the Secretariat that slavery was unknown or had been abolished in their territory; others, when replying, expressed their sympathy with the work undertaken under the auspices of the League of Nations, and others merely sent an acknowledgment.

Belgium and Portugal referred to their previous reports for 1932 and stated that they had no further information to give. The Belgian Government, however, added that it was doubtful whether there were still any natives in the Belgian Congo living in a servile state bordering on slavery, but that, in order to clear up this question, the Belgian Royal Colonial Institute had organised an enquiry in 1933, the results of which the Belgian Government proposed to communicate to the League.

The Union of South Africa, the United Kingdom, China, Ethiopia, France, India, Italy, the Netherlands, Spain and the Sudan have furnished additional information.

The notes from the United Kingdom, French, Italian, the Netherlands and Sudan Governments deal in turn with most of the points raised in the 1932 report of the Committee of Experts and furnish data of the greatest interest.

The notes from the Union of South Africa, China, Ethiopia and Spain deal with special points.

7. Lastly, the Committee has not failed to take into consideration information and resolutions from private sources transmitted by Governments in accordance with Article 1 of the Committee's Rules of Procedure.

8. In order that the record may be complete, the Committee would add that it has received copies of a large number of resolutions adopted by the private associations existing in various countries and deploring the consequences of slavery in certain countries, and expressing the hope that the League's efforts to abolish it will be successful.

9. One of the tasks entrusted to the present Committee by the Assembly resolution of October 12th, 1932, is to study the means of gradually abolishing the institutions referred to in Article 1 of the 1926 Slavery Convention. An important step would be taken towards the abolition of slavery if all States, even those in which it no longer exists, were to express, by participating in the Convention, their reprobation of the institution of slavery; they would thus help to a recognition of civil liberty as a moral command to all mankind.

The Committee hopes that countries in which slavery still exists in one or other of its forms and which have not yet ratified or acceded to the Convention will bear in mind the fact that, apart from the obligation to abolish the slave-trade without delay, the 1926 Convention, although it requires the parties to bring about the complete abolition of slavery in all its forms and as soon as possible, allows them to do so progressively.

Is it necessary to remind them that even States possessing colonies where slavery still existed *de facto* in one or other of its forms in 1926 did not hesitate to ratify the Convention?

The Committee also expresses the hope that the Government of India will be good enough to consider the advisability of withdrawing for Burma the reservation accompanying its signature of the 1926 Convention in respect of Articles 2 (b), 6 and 7 of that Convention. The authorities in Burma seem to have made such progress with the campaign against slavery, and seem, moreover,

¹ See page 93.

² See League of Nations *Official Journal*, June 1933, pages 738 and 739, or document A.16.1933.VI.

³ See page 97.

to have the means of abolishing it completely, that the reservations made in 1926 no longer appear to serve any purpose as regards slavery in that territory.

It might also be possible to consider the desirability of obtaining from the Indian States under the suzerainty of His Britannic Majesty, and in which slavery may still exist, a declaration of their intention of taking action as soon as possible for its suppression in their territories.

Moreover, a declaration on the part of the Indian States, which have already taken measures in that direction, mentioning the nature of those measures would be of the greatest value.

The Committee feels justified in expressing these hopes in view of the declaration made in the Sixth Committee of the Assembly on September 23rd, 1926, by the Indian delegate, who stated that :¹

“It is to be clearly understood that in many States the standard aimed at by the Convention has already been attained and that in all other States steady progress is being effected both by public opinion and by the spontaneous action of the rulers. The Government of India will not fail to bring to the notice of the rulers of Indian States the provisions accepted for India (other than the Indian States) under the Convention, together with suitable recommendations.”

Since that date the only information furnished is the very interesting news of the abolition of slavery in the State of Kalat. States which in 1926 had attained the standard aimed at by the Slavery Convention and States in which, in that same year, steady progress was being effected may perhaps wish their position and policy in regard to slavery to be made public. In view of the size, population and economic importance of many of these States and the dignity, power and prestige of their rulers, such declarations would be of inestimable value, and the Committee would be glad if even the smallest States would agree to make such a public statement.

Lastly, the Committee asks itself whether the League of Nations would not agree to address to the Maharajah of Nepal an invitation to accede to the Slavery Convention. This would be a well-deserved tribute to the action taken by that sovereign, who, in 1926, liberated 52,000 slaves in his territories, for whom large sums were paid to their owners. The accession of this sovereign to the Convention would increase the number of countries that have declared themselves opposed to slavery and would thus help to induce other countries to abolish it. The question of an invitation to the Government of the Yemen to adhere to the Convention might also be considered.

* * *

10. In addition to the task entrusted to the Committee as mentioned in paragraph 9 above, it has the duty of studying the means of causing the institutions mentioned in Article 1 of the Convention of 1926 to develop in such a way as to deprive them of any objectionable features. It is essential that it should be in possession of the documents referred to in Article 7 of the Convention and of the other information which the Assembly invited the various States to send to the League Secretariat.

The Committee accordingly ventures to hope that the Government will be good enough to accede to this request and would be glad if, in order to assist the Committee in its work, the documentary material furnished by the Governments would deal as far as possible with the various points mentioned in the present report.

CHAPTER I. — STATUS AND LEGAL STATUS OF SLAVES.

11. It was not without reason that the two Committees, which dealt with slavery in 1925 and 1932, gave special prominence in their reports to the question of the legal status of slaves and pointed out that, except in certain cases mentioned in those reports, the slave status had been abolished in the majority of countries. This means that, in countries which have adopted that measure, every human being may, either as plaintiff or defendant, successfully rebut the claim of another person to exercise over him rights that can be exercised over things. Consequently, in the countries which have abolished slavery, all the inhabitants have had the most essential right of mankind confirmed and this has immediately brought about a considerable improvement in the conditions under which a large part of the population of those countries was living.

The abolition of the slave status has had a still more important consequence. It has meant that countries that have adopted this measure have been struck off the list of countries into which slaves can be profitably imported. In other words, traders can no longer find in those countries a market for the product of their abominable practices. The abolition of the legal slave status does not, of course, in itself exclude the possibility that those countries may still serve against their will as a source of supply for this odious trade—that is to say, unscrupulous individuals may remove human beings from their home and family by force, by means of raids, individual captures or clandestine transactions, and take them, usually at the cost of the most terrible suffering, to a country where slavery is still a legal institution, in order to sell them there. However, the

¹ See Minutes of the Sixth Committee, 1926, League of Nations *Official Journal*, Special Supplement No. 50, page 32.

Committee has reason to believe that countries which have abolished the legal slave status have also taken more or less comprehensive measures to prevent the slave-trade from obtaining supplies in the territories administered by them.

12. The present chapter deals only with the abolition of the legal slave status. The means by which traders obtain their supplies and countries in which the legal status of slaves still exists, thus encouraging the operations of the traders, will be dealt with in subsequent chapters.

13. During its examination of the documents submitted to it, the Committee was often faced with the question whether some particular practice described in those documents does or does not come within the definition of slavery. The difficulty arises from the fact that the information examined does not disclose what are the rights which the law of the country concerned accords to one individual in respect of another. In some cases, the system appears to consist of intricate laws of legitimate, and even necessary, rules with other rules which clearly come under the definition of slavery. In other cases, institutions which actually meet social requirements, and are even praiseworthy, appear to have opened the way to the most reprehensible practices. In other cases, again, it is doubtful whether the position of certain individuals constitutes a real civil bondage, or a political or merely social inferiority. In a few cases, political inferiority appears to involve civil bondage as well.

Whatever may be the difficulties inherent in these questions, the solution of which primarily rests with the authorities of the countries that have abolished the legal slave status, this abolition involves an obligation on the part of those countries to refuse to sanction any claim by one individual to exercise over another any or all of the powers attaching to the right of ownership.

14. The report of the Committee of Experts of 1932 stated in paragraph 2 that slavery had ceased to exist as a legally recognised institution, except in a few countries—namely, Ethiopia, the Hejaz and Nejd,¹ the Yemen, the Sultanates of Hadramaut, Oman and the Sultanate of Koweit. As regards Liberia, however, the Chairman of the Committee, in the letter accompanying the 1932 report which he sent to the President of the Council on August 30th, 1932,² pointed out that the Committee of Experts had felt unable to pronounce upon the question of slavery in that State, as a special committee appointed by the Council had instructions to deal with it.

15. The present Committee has endeavoured first of all to specify the countries in which slavery still exists.

16. The Committee has noted the declarations which have been repeated several times by the representative of the Chinese Government that, as a legal institution, slavery in the general sense of the term was long since abolished in China. It may, however, be asked whether that applies to all Chinese territories. The Chinese Government will perhaps be good enough to furnish information on this point.

17. As regards Liberia, it is a fact that slavery in all its forms is prohibited by the Constitution of the republic. It would, however, appear from the report of the International Commission of Enquiry of December 15th, 1930,³ that pawning was nevertheless recognised by law. By a proclamation of the President of the Republic dated September 29th, 1930,⁴ and therefore subsequent to the report of the International Commission, domestic slavery and pawning were declared illegal; while, by a Law dated December 19th, 1930,⁴ the pawning of a human being was made subject to the penalties applicable to slave-trading.

The Liberian Government will doubtless be good enough to supplement this by information regarding the measures taken in pursuance of this legislation and their economic and social effects.

18. The present Committee regrets to note that the legal status of slave subsists in the countries in which its existence was mentioned in the 1932 report. Indeed, no measures appear to have been taken with a view to its abolition.

19. While Ethiopia took steps in this direction by the promulgation of legislative provisions on September 15th, 1923, March 31st, 1924,⁵ and July 15th, 1931,⁶ already referred to in the 1932 report of the Committee of Experts, there is no documentary material to show that any new legislative measures have been enacted for the purpose of expediting the evolution which those provisions were intended to encourage.

Nevertheless, in a document sent by Ethiopia to the League on August 15th, 1934, covering the period from September 1933 to August 15th, 1934,⁷ it is stated that a "special bureau for the abolition of slavery" was opened at Addis Ababa in August 1932. This bureau appears to be the Slavery Department, the establishment of which was announced in the letter sent to Lord Lugard on August 24th, 1932, and reproduced as an annex to the 1932 report of the Committee of Experts (Appendix C).

The report from the Ethiopian Government dated August 15th, 1934, also shows that, while twelve bureaux or courts for the application of the provisions of the laws of 1924 and 1931 had been established and were operating in various parts of the Ethiopian Empire before 1932, the number of those bureaux is at present sixty-two, each of which, with two exceptions, corresponds to a province.

¹ The Hejaz and Nejd are now known as Sa'udi Arabia.

² See document A.34.1932.VI.

³ See document C.658.M.272.1930.VI.

⁴ See document A.13(a).1931.VI, or League of Nations *Official Journal*, No. 9, September 1931, pages 1792 and 1793.

⁵ See document C.209.M.66.1924.VI.

⁶ See Minutes of the Sixth Committee, 1931, League of Nations, *Official Journal* Special Supplement No. 99, pages 43 and 44.

⁷ See page 93.

The statistics given in that report show that, during the period from September 1933 to August 15th, 1934, 3,647 slaves were liberated.

The reasons for these liberations are given in the case of 2,587 slaves. Of the persons liberated, 773 were slaves who had fled from their masters, had been arrested at the frontier-posts and the various *kellas*, and had not been claimed by their masters within the eight days stipulated by the edict; of the 3,647 slaves liberated, 218 belonged to Ras Hailu, which appears to show that His Majesty the Emperor Haile Selassié took advantage of the deposition of this rebellious Ras to free his slaves, even outside of the cases provided for under the edicts of 1924 and 1931.

20. As mentioned in the 1932 report of the Committee of Experts, under paragraph 3, even in countries where slavery is no longer recognised as a legal institution, it may exist in practice, inasmuch as human beings, owing to their ignorance of their right to freedom or their refusal to exercise that right, still regard themselves as slaves.

The 1932 report of the Committee of Experts, under paragraph 3, explained the reasons why certain Governments considered that they should not proceed to the compulsory manumission of slaves, nor even make it an offence to possess individuals as slaves, preferring to wait for the slaves to emancipate themselves. In the view of the Governments that have adopted this policy, emancipation, though gradual, is bound to be rapid, thanks to the moral and economic influences at work and the refusal of the authorities to recognise the master's rights over the quasi-slaves.

Nevertheless, so far as the Committee has been able to ascertain, these States have taken steps to prevent the acquisition of new slaves, even if the servitude is merely *de facto*. The legislation of the various Powers differs in this connection. Generally speaking, each of them prohibits, under penalty of severe punishment, the seizure or detention, by violence, threats or misrepresentations, of a human being, whether for the purpose of making him a slave or not. Other Powers impose penalties on persons selling an individual with the knowledge that he will actually be placed in bondage in view of the general character of the buyer or his environment. Others, again, punish the sale or purchase of a person in every case. The prohibition to carry firearms, to form armed bands, political or administrative measures with a view to preventing inter-tribal wars, which were formerly the main source of domestic slavery, and other measures of a more indirect nature all help to prevent any new slavery, even if only *de facto* slavery.

But it is necessary to supplement these legislative measures so as to make it an offence, punishable with the most severe penalties, for any person knowingly to have in his possession, as a slave, any person who has been reduced to slavery by capture in any form. We observe that the Ethiopian legislation, though it provides penalties for capturing, selling and buying slaves, does not regard the possession of a captured slave as an offence.

21. It may be said that, in general, in all the territories where slavery no longer exists in law, especially in regions where economic life and communications have been developed, the native population is daily becoming more and more aware of the regime of liberty assured to it by law. The reason why certain natives do not demand their freedom is that it appears to be, or is actually, to their interest to remain with their former masters. Moreover, the latter are afraid that their servants will leave them, and this induces them to make their lot easier. As a matter of fact, the position of ex-slaves, even when they do not claim their freedom, is approximately the same as that of free servants.

However, the foregoing policy may give rise to objections when, as the result of special circumstances, the alleged slaves have no ready access to the administrative or judicial authorities, or do not obtain from them the legal protection to which they are entitled.

22. The 1932 report of the Committee of Experts, under paragraph 5, referred to the measures taken by certain Governments with a view to the immediate abolition of existing forms of serfdom. In this connection, the report drew special attention to the policy adopted by the Governments of Burma and of the Sudan.

It should be mentioned that those Governments have continued to apply the measures previously adopted by them with a view to bringing about the liberation of former slaves.

23. The official documents¹ state that, in the Bechuanaland Protectorate, natives known as the "Masarwa" are still living under conditions which involve certain elements of servitude. However, the administration proposes to issue at an early date in this protectorate a proclamation affirming that slavery in any form whatsoever is unlawful and making it an offence to employ any person save in accordance with the Master and Servant Proclamation.

According to a report dated February 6th, 1935, from the Union of South Africa,² it appears that until recently a form of slavery or compulsory service existed in South West Africa, which was formerly practised by the native tribes of the Okavango River; but, thanks to the measures adopted by the administration, this practice has completely disappeared.

During their advance into the hinterland of Cyrenaica in 1934, the Italian authorities themselves liberated the slaves who were living in the oases in that region. In the oases of Kufra alone, 927 black slaves of the Senoussites were liberated.³

24. The foregoing remarks regarding *de facto* slavery apply, not only to slavery in the usual sense of the term, but also to its mild forms—that is to say, forms in which, while they are not

¹ See page 30.

² See page 21.

³ See page 10.

regarded altogether as chattels, certain human beings do not actually enjoy the complete freedom granted them by law. Here again certain States have not merely refused to recognise the alleged rights attaching to these mild forms of slavery; repressive measures have been taken to prevent acts which formerly could create such rights.

25. It is not as well known as it should be that the Mohammedan religion encourages in every way the liberation of slaves. Passages in the Koran, many traditional sayings (*Sunnah*) of the Prophet Mohammed, and voluminous works by the famous Mohammedan jurisconsults all contain ample proof of this. Liberation (*Ataq*) can easily be effected. Masters can also declare that, at their death, one or some or all of their slaves shall be freed. This declaration is known as *Tadbir*, and the slaves in the meantime are known as *Mudabbar*. By a system known as *Kitabat*, slaves may be permitted by their masters to earn their freedom upon payment of an agreed price, which may be paid in instalments. These slaves are known as *Mukatib*. A slave woman who becomes the mother of a child by her master becomes free, and the child is also a free person, if the master admits paternity. Such a woman is known as *Am Walad*.

As it is a highly meritorious act to liberate a slave, pilgrims to the Holy Cities frequently buy slaves for the sole purpose of setting them at liberty.

It should also be clearly understood that the Mohammedan law expressly forbids the enslavement or pawning of any free Mohammedan person.

CHAPTER II. — SLAVE-RAIDING AND SIMILAR ACTS.

(a) Raids.

26. According to the 1925 report of the Temporary Commission, slave-raids had practically disappeared, except in the areas bordering upon the Sahara Desert, where they were occasionally made by nomad robbers. The report observed, however, that slave-raids by Ethiopians were said to have occurred both in and outside Ethiopian territory.

The report of the Committee of Experts of 1932 noted, in paragraph 17, that, thanks to the action of the colonising Powers, the slave-raids on the borders of the Sahara were likely to become fewer and fewer.

27. The present Committee has no information that would lead it to suppose that there has been any relaxation in the surveillance exercised by those Powers, or that robbers are again indulging in their former exploits. On the contrary, the Committee understands that in April 1934 military action was taken by French forces against tribes living on the borders of South Morocco who had carried off women and children for purposes of slavery.

From a communication from the Italian Government dated March 1st, 1935,¹ it appears in any case that the occupation by Italy of the oases of Jarabub, Aujila, Jalo, Marada and Kufra, and the final dissolution of the Senussi organisation in January 1932, dealt a decisive blow at slave-raids and, indeed, at the slave-traffic in the Cyrenaica hinterland, just as the occupation of Tripolitania had already done in the case of that territory.

At the same time, the Committee is not in a position to state whether the Spanish Government has reinforced or continued the measures noted by the Committee of Experts in paragraph 17 of its report for 1932, with the object of preventing raids in Rio de Oro or of preventing raiders from taking refuge there when pursued by French *méharistes* (camel corps). It appears, however, from the Spanish Government's report that the authorities are taking action to abolish the traffic in those regions.²

28. As regards raids carried out by Ethiopians outside the Empire, the official documents of the Sudan Government refer to an incursion made in 1932³ into the Province of Fung by Ethiopian armed parties, which had resulted in the carrying-off of forty-five men, women and children and their transport to Ethiopia. Ten of them succeeded in escaping. This incursion formed the subject of representations to the Ethiopian Government by the Sudan Government. In any case, the report of April 16th, 1934⁴ of the last-named Government stated that "no incursions by Ethiopian armed parties in search of slaves occurred" and that the Ethiopian Government "has directed attention to the settlement and organisation of the frontier provinces and to the control of the frontier chiefs."⁴

Lastly, the French expert reported that Ethiopian bands had recently penetrated into French Somaliland, where they had raided, not only cattle, but even women and children. During the operations carried out by the French forces with the object of arresting the passage of the raiders, the French Administrator, who was at the head of those forces, was killed. An immediate attack by an air detachment obliged the raiders to abandon their capture.

29. Reference is made hereunder in the chapter on the slave-trade to the raids carried out within Ethiopia itself and mentioned in paragraph 19 of the report of the Committee of Experts of 1932.

¹ See page 98.

² See page 93.

³ See document A.16.1933.VI, or League of Nations *Official Journal*, May 1933, page 692.

⁴ See page 107.

(b) *Inter-tribal Wars.*

30. The Committee has nothing to add to what was said on the subject in the report of the Committee of Experts of 1932.

(c) *The Capture of Individuals.*

31. The Committee confirms what was said on this subject in the report of the Committee of Experts of 1932, in paragraph 21—namely, that the increasingly extensive and drastic action of the administrative and judicial services of the Powers, and also the influence of other civilising factors, have necessarily had the result of making occurrences of this kind rarer every day.

The Committee is gratified to note that it appears from the Mandates work of the League of Nations, from official documents in the Committee's possession, and, lastly, from the statements of members of the Committee, that agreements are sometimes concluded between the authorities of the different countries in the regions bordering on the Sahara with a view to concerted action to prevent the capture of individuals.

Without exaggerating the importance of the fact, it may perhaps be interesting to note also that at Darfur, in the Sudan, one tribe, on its own initiative, arrested and handed over to the judicial authorities individuals who had carried off children in another region and were offering them for sale.¹

CHAPTER III. — SLAVE TRADE.

32. Paragraph 14 of the present report mentions the States which, having legally recognised the status of slave, may constitute countries of destination for victims of the slave-trade.

In reality, Ethiopia and Arabia are at present virtually the only countries that persons engaged in the slave-trade have in view when committing acts outside those territories.

In any case, the Committee possesses no document which would justify it in supposing that other countries could be regarded as countries importing slaves.

33. As regards Ethiopia, the present report, in paragraph 28, mentions raids which are alleged to have been recently committed by Ethiopians in regions bordering on that Empire and subject to a different authority. Accordingly, in the opinion of certain members of the Committee, it is not impossible that, despite all the measures taken by the Governments of the neighbouring countries, the victims of clandestine capture or fraudulent servitude or unlawful transactions may have been conveyed into Ethiopia as slaves. But such cases must be somewhat rare.

Nor is it impossible that raids may be carried out within the Empire itself against populations of non-Ethiopian race who are under Ethiopian domination. The report of the Committee of Experts of 1932 stated, in paragraph 19, that raids of this kind were alleged to have taken place shortly before the date of that report and that the Western districts of the Empire had been the scene of such events. The present Committee has no information confirming or denying these allegations.

In any cases the Committee wonders whether, at all events, cases of individual servitude are not more or less frequent on the part particularly of soldiers quartered in the Western and South-Western districts of the Empire. It appears that these soldiers are not in the pay of the Emperor; being in the service of the provincial Governors, though not paid by them, and being strangers to the region in which they are quartered, they live on the country and are not subject to any discipline. If this is correct, the Committee fears that such a state of affairs, in conjunction with the possibility of selling slaves destined for the Northern regions of Ethiopia and even for the slave regions of Arabia, may lead to grave abuses.

The foregoing supposition is based, not only on strong presumption, but on the report of August 15th, 1934,² of the Ethiopian Government itself, according to which the slave-trade still exists in Ethiopia.

The Committee desires, however, to point out that His Majesty the Emperor, Haile Selassié, has taken various measures to combat this odious traffic. The report of the Committee of Experts of 1932 included a statement on the legislative provisions enacted with this object by the Sovereign, on the special administrative and judicial organisation which he had established and on the difficulties with which he had to cope.

In addition to the fresh information concerning the progress of this judicial and administrative organisation and the orders for liberation of slaves—already mentioned in paragraph 19 above—the report of August 15th, 1934, supplied by the Ethiopian Government, states that the opening-up of several motor-tracks radiating from the capital, together with the quartering in many parts of the country of Central Government troops trained according to the principles of modern military science, will certainly make it easier to stamp out the slave-trade, while facilitating the general and strict application of the Imperial laws for the liberation of slaves.

The same report also contains statistics of sentences passed in respect of offences against the laws on slavery. These sentences number 293, but the Committee has not sufficient details to be able to determine whether punitive action is exercised in respect of the worst offences.

¹ See document A.13.1932.VI, or *League of Nations Official Journal*, August 1932, page 1484.

² See page 93.

Of the persons sentenced, 125 were convicted of having re-enslaved, by deceit or seduction, slaves who had previously been liberated. In 140 cases, the reason for the sentence is not indicated. Only twenty-six sentences were passed for the purchase or sale of slaves, but some of these acts of purchase or sale do not necessarily come within the category of slave-trading. No sentences seem to have been passed in respect of a breach of the Law of 1923, which punishes the capture of an individual for the purpose of enslaving him; nor do the statistics show what courts passed the sentences.

From a more general standpoint, the Ethiopian Government's report gives no information on the other measures taken to check the slave-trade or on the results achieved.

The Committee emphasises the importance to the Ethiopian Government of keeping the League of Nations informed of all the measures it is taking and of the obstacles it is encountering in the campaign against slavery. Any particulars it may supply on this point, especially as regards the efforts it has made to put an end to the slave-trade, will strengthen the sympathetic attitude of all enlightened peoples towards its aims and will ensure it the fullest support in carrying its efforts to a successful conclusion.

34. As regards Arabia, Article 7 of the Treaty of September 17th, 1927,¹ concluded between the United Kingdom Government and Sa'udi Arabia, provides for full co-operation with a view to the suppression of the slave-trade, and in notes exchanged in connection with the Treaty of February 11th, 1934, between the United Kingdom Government and the Government of the Yemen, the latter undertakes to prohibit the importation of slaves from Africa.

Similarly, as is mentioned in paragraph 29 of the 1932 report of the Committee of Experts, treaties for the prevention of the slave-trade have been concluded between the United Kingdom Government and the sultans and sheiks of Muscat, Trucial Oman and the Bahrein Archipelago, and certain sheiks of the Aden Protectorate (including Hadramaut).

The Committee does not, however, possess information as to the steps which have been and are now being taken by these sovereigns, sultans and sheiks to give effect to the above-mentioned treaties.

The Committee would be glad to know whether any proclamations have been published or laws enacted on this subject; whether in the last few years any persons have been arrested and tried in any of these territories for slave-trading; and whether in reality the importation of slaves from Africa or elsewhere into these countries has been effectively prevented.

The Committee believes that no treaty exists between the United Kingdom Government and Koweit, in the Persian Gulf, for the suppression of the slave-trade.

35. It is chiefly from Ethiopia that slaves introduced into Arabia can come. Nevertheless, transit between the British, French and Italian possessions on the east coast of Africa bordering the Red Sea and Arabia is fortunately rendered very difficult by the measures of surveillance taken by the Governments of those countries.

The data supplied in the 1932 report of the Committee of Experts regarding the methods employed by the United Kingdom Government in directly combating the transport of slaves to Arabia across the Red Sea can now be supplemented, thanks to a report of February 14th, 1935,² from that Government. This report states that the Royal Navy has for many years maintained two sloops in the Red Sea for duty as an anti-slavery patrol. These sloops carry out continuous patrols and examine any dhow which seems likely to be engaged in running slaves. In the three years from January 1st, 1931, to December 31st, 1933, the sloops covered a distance of approximately 38,060 miles. During this period they examined 126 dhows. It is, however, more than twelve years since a slaving-dhow was captured. On occasion slaves have been found on board sanbuqs when searched, but they have without exception proved to belong to the owner of the sanbuq and to form part of its crew, and were not actually enslaved persons being taken to Arabia for sale. The particulars supplied by the United Kingdom Government seem to stop at December 31st, 1933.

According to the Italian Government's report of March 1st, 1935,³ the moral and particularly the economic level attained by the population of Eritrea, the efficient information and surveillance services, the armed posts disseminated both on the frontier and in the interior on all the routes, the Customs stations situated along the coast, the surveillance and inspection of native sailing-ships, and the cruises of vessels of the Royal Navy in the Red Sea provide an absolute guarantee that no slave can pass unnoticed through the colony of Eritrea and reach the coast, and that the idea of clandestine embarcations in that colony can be completely ruled out.

The French expert confirms what was already stated in the 1932 report of the Committee of Experts—namely, that a garrison with headquarters at Djibouti is responsible for the surveillance of the Northern districts of the French colony of Somaliland and its coast. He also states that a naval vessel is stationed at Djibouti for the surveillance of the Red Sea, while the police forces in French Somaliland have recently been strengthened, and that a squadron of aeroplanes has been sent there. These latter measures are without doubt aimed at intensifying local police activity and the suppression of the slave-trade.

36. The 1932 report of the Committee of Experts mentioned (paragraph 31) the measures taken by the Netherlands Government, the Governments of the Federated Malay States and of the

¹ See League of Nations *Treaty Series*, Volume LXXI, 1928, page 153.

² See page 24 *et seq.*

³ See page 98 *et seq.*

Straits Settlements, and also by France, to prevent the enslavement of free persons proceeding to Arabia to visit the Holy Places.

The United Kingdom report of February 14th, 1935,¹ supplies, in this connection, particulars of the subjects of British dependencies. In the first place, it mentions the existence of a treaty concluded in 1927 between the United Kingdom Government and the King of the Hejaz and of Nejd (known as Sa'udi Arabia), under which the latter undertakes to guarantee during their stay in the Hejaz the person and property of pilgrims who are British subjects.

In addition, the authorities of the territories over which the United Kingdom Government exercises various rights of sovereignty oblige or encourage their subjects to procure individual passports before leaving the territory where they normally reside. Lists of these passports, when they refer to pilgrims, are communicated to His Britannic Majesty's Legation at Jedda, so as to enable it to supervise arrivals of British subjects into Arabia and their departure from that country. Other measures, such as the obligation for pilgrims to deposit the fare for the return journey before their departure, sometimes help to serve the same purpose. In the same connection, mention should be made of the fact that the Governments of Malaya jointly maintain an officer who proceeds to Jedda with the first pilgrimage ship of the season and remains there until the return of the last. His duty is to see that no Malayan pilgrim is detained in Arabia.

The Sudanese Government, in a report submitted to the Committee, observes that it allows the departure of any native only on condition that he is provided with an individual passport.

According to the Italian expert, the Takruri—*i.e.*, negroes coming generally from West Africa and making a pilgrimage to Arabia—used, as a rule, to embark on dhows at Suakin or Massawa and sometimes landed at small ports on the Arabian coast other than Jedda or Yambo, where no regulation service existed for the protection of pilgrims. The measures at present taken by the Italian Government are such that even the Takruri must now embark with a return ticket on native sailing-vessels chosen from among those best fitted for the purpose. They must land at the port of Jedda or Yambo, where administrative and health measures are taken for the protection of pilgrims.

Lastly, according to the United Kingdom report,² it would appear that Sa'udi Arabia co-operates in the protection of pilgrims coming from Transjordan, and turns back any person whom it finds attempting to make the pilgrimage to the Holy Places on foot from Transjordan.

37. It is not impossible that, in spite of the measures taken, human beings in limited numbers are still introduced into Arabia as slaves or, having entered as free men, are there enslaved.

It might perhaps not be too much to hope that, in order more effectively to prevent the slave-trade across the Red Sea, the three European Powers possessing African territories on its shores should consider the possibility of concluding a special agreement for this purpose, such as that envisaged in Article 3, paragraph 3, of the Slavery Convention.

38. The Committee is not in possession of any information on the situation as regards the slave-trade inside Sa'udi Arabia and the Yemen, countries which are not parties to the Slavery Convention.

It has no official information with regard to the situation of slaves in the peninsula of Arabia. The British expert stated, however, on good authority, that domestic slavery was declining in the Sultanate of Lahej, in the Aden Protectorate.

39. The Committee would be glad to obtain information on all these points and, in particular, on the conditions of slavery in the plantations, pearl-fisheries and families in the countries mentioned in paragraph 34, second sub-paragraph, of the present report.

40. In paragraph 32 of the report of the Committee of Experts of 1932, mention is made of the right of manumission exercised by the United Kingdom Government through His Britannic Majesty's Legation at Jedda. On this point too, the United Kingdom Government's report of February 15th, 1935,³ supplies particulars. The right of manumission, which had been exercised for a long time past, was again confirmed in 1927 in an exchange of letters between the British plenipotentiaries at Jedda and Sa'udi Arabia. This right is specifically limited to any slave who presents himself of his own free choice at Jedda with a request for liberation and repatriation to his country of origin. In the years 1926 to 1934 inclusive, 212 slaves were manumitted and repatriated, practically all to Africa, in the above manner. In addition, some twenty-three who had taken refuge were freed voluntarily by their masters. They obtained, under the auspices of His Britannic Majesty's Legation, liberation papers of which the validity is recognised by the local legislation.

41. As regards the repatriation of African slaves emancipated at Jedda, the Committee wishes to recall the suggestions made by the Committee of Experts in its 1932 report in paragraphs 40, 41 and 42.

¹ See page 24.

² See page 25, paragraphe 24.

³ See page 25, paragraphe 26.

CHAPTER IV. — SLAVE-DEALING (INCLUDING TRANSFER BY EXCHANGE, SALE, GIFT, INHERITANCE OR OCCASIONAL SALE OF PERSONS PREVIOUSLY FREE).

42. The 1932 report of the Committee of Experts outlined (paragraph 45) the information supplied in the documentation regarding the Mui Tsai. It pointed out that, while, in the opinion of some, a Mui Tsai is really sold, others consider that the master of the Mui Tsai only acquires the right of receiving services in proportion to her age and capabilities in return for the obligation to feed and educate her and sometimes to pay in advance a certain sum to her parents.

The report stated, however, that, even if this latter representation of the case was the correct one, the system may possibly have degenerated, the child sometimes being entrusted to unworthy persons who exploit it shamelessly, and occasionally make it the victim of their most depraved instincts.

Although it has examined the available documentation, the present Committee is not yet in a position to decide whether, according to Chinese written or traditional law, the payment of a sum of money to the father or mother may, under the Mui Tsai system, confer certain rights of ownership over the child, or at any rate the right to retain possession of it.

Certain documents also show that, in some cases, children are pledged by debtors to their creditors. Here again it was impossible for the Committee to ascertain whether the child is actually pledged—*i.e.*, whether the creditor has the right to retain possession of it until the day of payment and, failing payment, to appropriate or sell it in order to recover his debt.

The Committee is of course aware of the declarations frequently repeated by the Chinese delegates to the League to the effect that Mui Tsai do not form the subject of a contract of sale. Nevertheless, certain edicts promulgated by the provincial Governors, such as that of March 1st, 1927, prohibit, as from their promulgation, the purchase and sale of Mui Tsai. Another edict, that of November 15th, 1929,¹ repeating those provisions, also orders investigations to be made into the reason for the "sale" of Mui Tsai, the date of "sale", the price given and the "name of the owner".

The Committee was also struck by a statement made by the Chinese delegate M. Liu Chieh, at the Sixth Committee of the Assembly of the League of Nations in 1933.² This statement shows that the master does not possess an absolute right of ownership over the Mui Tsai but that his relationship is rather that of a guardian towards a minor.

Consequently, according to this statement, it would appear that, although he does not possess a complete right of ownership over her, the master has rights over the Mui Tsai, not completely alien to the right of ownership.

According, however, to the report by the Chinese Government of July 13th, 1934,³ the Mui Tsai are regarded as free persons, even while they are living in their master's house.

In view of this—at any rate apparent—discrepancy, the Committee hopes that the Chinese Government will be good enough to furnish precise information which will enable it to form an exact idea of the nature of the rights which, under Chinese law, the master acquires over the Mui Tsai.

In the Committee's eyes, if the master had any right of ownership or an actual right of pledge over the child, the radical suppression of this legal system would be essential and should be undertaken without delay.

It would be different if the actual legal situation was that of a kind of delegation by the parents of the exercise of their paternal authority over the child and of their obligations towards it. In such a case the Committee would not regard this system as contrary to human liberty; it would doubtless be open to criticism—but from another point of view—should that delegation of authority not be revocable *ad nutum* on the part of the parents and especially should the Mui Tsai's master have a right to keep her as long as the sum paid in advance to the parents, or owing by the latter to the creditor, had not been refunded in whole or in part.

While, however, the Committee does not in any respect regard as slavery the delegation by parents of their paternal authority to third parties, it is nevertheless of opinion that such delegation may actually give rise to many grave abuses on the part of unscrupulous persons, when such powers are delegated to them, and that measures are required to prevent those abuses.

43. In any case, the Chinese Government has taken steps to remedy this state of affairs, since, as mentioned above, the sale and pledging of Mui Tsai have been prohibited by an Edict of March 1st, 1927, and an Edict of November 15th, 1929, under which they must be treated rather as adopted daughters and will henceforward be known by that name.

A new Edict of September 1932⁴ prohibits the keeping of Mui Tsai unless the master recognises

¹ See document A.29.1931.VI, Appendix 7.

² See Minutes of the Sixth Committee, League of Nations *Official Journal*, Special Supplement No. 120, pages 57 and 58.

³ See letter from M. Chenting, Director of the Chinese delegation accredited to the League of Nations, page 92.

⁴ See League of Nations *Official Journal*, June 1933, pages 738 and 739, or document A.16.1933.VI.

that they are free employees and treats them as such. The edict provides that former Mui Tsai must receive a reasonable wage and that both parties will be free to terminate their relationship at any time. It adds that Mui Tsai whom their master is not willing to keep as free employees and for whom no employment can be found in that capacity must be returned to their families, or, if their families cannot afford to receive and maintain them, they must be sent to the local relief home or to a charity organisation. Lastly, the edict requires the authorities to make investigations with a view to discovering families that still possess Mui Tsai; such families will be requested to comply with the rules, and, should they fail to observe these instructions, they will be brought before the courts with a view to the application of the penalties laid down in Article 313 of the Criminal Code, which refers to slavery, and also to a maximum fine of 300 dollars, which is allocated to the local relief home or to some other charitable organisation in the locality for the relief of unemployed Mui Tsai.

Do the Rules of September 1932 implicitly abrogate those of March 1st, 1927, and November 15th, 1929? In future, is even the delegation to third parties of the attributes and duties of paternal authority and, in particular, the right of custody of children no longer authorised? Is the relationship between children and persons, other than their parents, to whom they render certain services confined to that resulting from a labour convention?

It would also appear that the reply to this question should be in the negative, as it would seem to follow from M. Liu Chieh's above-mentioned statement in the Sixth Committee that the old régime governed by the Edicts of March 1st, 1927, and November 15th, 1929, has not yet been completely abolished. If such were not the case, it could hardly be contended that the Edict of September 1932 does not go far enough. In view of the circumstances peculiar to China, as compared with the special conditions prevailing in Hong-Kong or in other similar territories, it might be thought to go too far. Possibly insufficient thought has been given to the necessity for reconciling two requirements: (1) the safeguarding of the civil liberty of the children and their humane treatment, and (2) the desire of necessitous parents to entrust their young children to others who are in a position to feed and maintain them.

Perhaps the Chinese Government is in a position to afford indigent parents the means of safeguarding the lives and providing for the education of their children. In this connection, the 1932 Rules of the Chinese Government mention charitable associations to which indigent children are entrusted. If the information collected by the Committee is correct, however, a very large number of these institutions would be required to meet all the existing needs, and they would have to possess very large resources. It is to be feared that neither of these desiderata is fulfilled.

In any case, since the promulgation of the Rules of September 1932, the provincial reports sent in to the Chinese Central Government are said to indicate that the custom of keeping Mui Tsai has diminished considerably¹.

The Committee expresses the hope that the Chinese Government will agree to furnish more definite information on these points and will be good enough to compile and communicate statistics concerning the application of the Edict of September 1932.

44. The Mui Tsai system is not confined to the territories under the sovereignty of the Chinese Republic; it is also practised in the European Concessions in China and, in particular, in the International Concessions of Shanghai and Kulangsu, as well as at Hong-Kong, the Straits Settlements and the Malay States, both Federated and Unfederated, and in Borneo.

The United Kingdom expert describes the measures which might possibly be adopted in the above-mentioned International Concessions. This memorandum is attached to the present report.²

45. As regards Hong-Kong, the Committee of Experts, in paragraph 45 of its 1932 report, mentioned the legislation enacted in February 1929 with a view to putting an end to the Mui Tsai system. The wrong date was given by mistake in this paragraph. According to the report by the United Kingdom Government dated February 14th, 1935,³ the rules in force at the present time may be summarised as follows:

(a) Since 1923, it has been illegal for any person at Hong-Kong to employ as a Mui Tsai a girl who was not already a Mui Tsai at the time, and since 1929 no Mui Tsai who was not previously registered as such may be brought into the colony. Consequently, the number of Mui Tsai in the colony is gradually decreasing, owing to the fact that girls are leaving their employers in order to return to their parents or for some other reason. On June 1st, 1930, at the end of the six months allowed for registration, the number of Mui Tsai was 4,368; by November 1934, it had fallen to 2,291.

(b) In the meantime, although the majority of the Mui Tsai were well treated by their employers, those who still exist are protected from the risk of ill-treatment by the fact that they are free to leave their employers at any time and by the supervision of their employment under the registration and inspection system, and by their right of appeal to the Secretary for Chinese Affairs.

¹ See page 92.
² See page 108.
³ See page 26.

As regards the application of the foregoing measures, the Hong-Kong Government enjoys the active co-operation of various unofficial societies; the measures have proved to be effective and the system is working satisfactorily.

46. In the Straits Settlements and the Federated Malay States, legislation based on the lines of Hong-Kong legislation was brought into operation on January 1st, 1933, and appears to have led to the same results as at Hong-Kong.

In the case of three of the Unfederated Malay States, similar legislation has already been adopted, and it is contemplated in the other two States. Similar legislation has also been introduced in North Borneo, Sarawak and Brunei. The Committee would be glad to receive information regarding the methods which will be employed in applying the laws, especially in regard to the appointment of inspectors. Owing to the size of these territories and the number of towns they contain, inspection would, it appears, be more difficult than at Hong-Kong.

CHAPTER V. — PRACTICES RESTRICTIVE OF THE LIBERTY OF THE PERSON.

As in the case of the reports of 1925 and 1932, the present report deals, under this head, with practices or customs the legal scope of some of which was not or is not well known.

(a) *Acquisition of Girls by Purchase disguised as Payment of Dowry.*

47. The report of the Committee of Experts of 1932 contests (paragraph 48) the opinion that the "Lobolo" system prevalent in certain African colonies and known by a different name in other colonies is a system under which the woman is bought; it points out that the sum paid to the woman's parents by the future husband or by the family—the sum described by Europeans, in certain European possessions, as the "dowry"—constitutes a guarantee and a legal certificate of marriage.

Further information confirms this attitude. When consulted on this point in 1930 by Lord Passfield,¹ Secretary of State for the Colonies, the Governors of Kenya, the Uganda Protectorate, Tanganyika Territory, Nyasaland, Northern Rhodesia, Zanzibar, Somaliland, Nigeria, the Gold Coast, Sierra Leone and Gambia categorically rejected the view² that the payment of moneys to the parents of the future wife was in the nature of a purchase price; they declared that such moneys were intended to guarantee the good conduct of husband and wife. Such is also the view of the Belgian, French and Portuguese experts on the present Committee.

The question recently formed the subject of a well-documented study, published in 1934, under the title of "La dot en droit coutumier congolais", by M. SOHIER, Public Prosecutor in the Belgian Congo. This eminent magistrate writes, by way of conclusion, "that the dowry is primarily a betrothal custom; it is an instrument testifying to agreement between the parties; it is a mark of affection on the part of the husband; it is a symbol of alliance between the families; it is a pledge of the stability of the union; the institution constitutes a traffic in women only when it has degenerated". It would be wrong, again, to suppose that the marriage takes place without any regard for the wishes of the future wife. In point of fact, her consent is, as a rule, necessary. The former practice of marrying very young girls to old husbands is greatly on the decline. M. Sohier, in his study, deplors the fact that the belief of certain Europeans that the dowry is in the nature of a price and possesses a venal character should have impaired the notion of the dowry in the native conscience and have reduced the efficacy of the system. The latter could not be eliminated without danger until the psychological and economic conditions under which the natives are living enable the penalties ensuing in civilised countries from a failure to recognise the duties attaching to marriage to be made effective.

No doubt the present custom whereby the dowry is paid by the future husband may give rise to the abuses noted in the report of the Committee of Experts of 1932, but there is no human institution, however well justified, which cannot in practice be diverted on occasion from its original object. The fact that it may sometimes give rise to abuses does not justify the conclusion that it is necessary to abolish it; the only thing that matters, when the institution in question continues to serve its purpose, is to endeavour, while maintaining it, to prevent such abuses and to punish them.

This applies more particularly to the so-called "Lobolo" system, since in the present state of native societies it constitutes an essential guarantee that husband and wife will respect their duties and thus tends to give a certain stability to the family life.

48. Although the lot of women, in so far as there is no slavery, does not come precisely within the scope of the questions with which the present Committee has to deal, the Commission desires to take this occasion to correct the opinion that the situation of the woman in families set up under the "Lobolo" system is necessarily, or at all events generally, analogous to that of real slaves. No doubt the lot of women in many regions might be better; but that applies also to a large number of women in highly civilised countries, even though they cannot be held to possess the legal status of slaves. It would be a mistake, moreover, to believe that the native woman

¹ See page 27 and 81.

² A different opinion was, however, expressed in the report forwarded by the Government of the United Kingdom concerning Southern Rhodesia (see page 91).

is everywhere in a state inferior to that of the man. In many places her position from a family and social standpoint is at least equal.

(b) *Enslavement of Children disguised as Adoption.*

49. In paragraphs 42 to 46 of Chapter IV of the present report, the Committee has, it thinks, exhausted the question of the enslavement of children, at all events in so far as the documentation received has enabled it to examine this problem.

(c) *Pledging of Third Persons.*

(d) *Pledging of the Debtor himself.*

50. The Committee of Experts of 1932, in paragraph 53, had noted that, under this head, there were included indiscriminately—and wrongly so—three situations quite distinct from the legal standpoint. These three different situations are as follows:

(a) Alleged pledging may be a regular right of pledging conferred on the creditor over the person of his debtor or over a person of the latter's family. Under this system, the creditor has the right to sell the person who has been pledged or perhaps the right to appropriate such person to himself. If that is the scope of this institution, it clearly comes within the conception of slavery.

(b) Alleged pledging may consist simply in the right, for the creditor, to hold a person as hostage until the day of payment. In that case, this custom is singularly akin to a system which still persists in many legislations of highly civilised countries—namely, bodily constraint with the object of forcing the debtor to pay his creditor. The right of the creditor in primitive societies to hold his debtor as hostage differs from bodily constraint only as regards the modalities. Constraint would appear to be even more necessary in primitive societies than in civilised societies. Accordingly, it is an institution which should not be done away with, at all events in principle, but which it is essential to "develop in such a way as to deprive it of any objectionable features". From this point of view, it should be modified under the following three aspects:

(1) It should be strictly prohibited to subject to constraint any person other than the debtor himself;

(2) Constraint should be ordered only by the competent courts, and the person under constraint should no longer be kept under detention by his creditor but should be under the guardianship of the public authorities;

(3) The duration of the constraint should be reduced to a limited time.

(c) The so-called pledging may consist only in an obligation agreed to by a debtor or by a third person to work for the creditor in payment of a debt.

This system has nothing objectionable in itself, on two conditions. The first is that it should not be accompanied by detention exercised by the creditor; for otherwise it would amount to the bodily constraint referred to above under (b) and would have to be modified as indicated above.

The second condition is that the debtor or the third person should really agree to work in order to discharge the debt, and that, in the contract concluded for this purpose, mention should be made of the time for which the debtor or third person would be obliged to render services to discharge the debt, or, at all events, the value at which the work is estimated should be clearly stated.

It would seem that, in practice, the system permitting a third person to work for the creditor in the debtor's place may lead to abuses, for a Decree of the Government of Cambodia dated July 23rd, 1934, prohibited it on pain of punishment.

The material placed at the Committee's disposal as regards so-called pledging in the countries in which it exists is singularly indefinite.

It is impossible to determine exactly what the texts mean by these words; such is the case as regards Annam and Rio de Oro, already mentioned in the report of the Committee of Experts of 1932, in paragraph 53. The same is also the case as regards Liberia and China, mentioned in the present report in paragraphs 17 and 42.

In many cases, too, the three aspects under which the so-called pledging can be envisaged would appear to overlap.

However that may be, and as already stated above, China has prohibited the pawning of the Mui Tsai. Liberia has enacted the same general prohibition. This measure was adopted in 1930: ¹ up to October 13th, 1932, according to a Liberian Government document bearing that date, ² 83¹/₃ per cent of the persons pledged had been set at liberty; as regards the remaining

¹ See document A.13(a).1931.VI, or League of Nations *Official Journal*, September 1931, page 1793.

² See document A.16.1933, or League of Nations *Official Journal*, January 1933, page 155.

16²/₃ per cent, the departments having jurisdiction were taking the necessary steps to secure their liberation.

51. There is also a possibility of other measures being taken against the debtor, if he does not pay his debt, which oblige him to work for his creditor whether he wishes or not.

Mention was made in the 1925¹ and 1932 reports of the system of peonage which appears to exist in most of the countries of Central and South America. Some of these States are not parties to the Slavery Convention. None of them has supplied information on the system of peonage, and none of the members of the committee possesses sufficient knowledge to determine whether peonage should be regarded as slavery or not.

52. Under one of its aspects—namely, that of work which the debtor or third person agrees to perform in discharge of a debt—the question does not seem to be within the present Committee's jurisdiction.

The same applies as regards the system under which, in default of payment, the debtor is forced to work for his creditor; perhaps the same applies to the practice known as peonage or "concertaje" unless—a point on which the Committee has no information—these practices consist in or lead to allowing a person to exercise the prerogatives of ownership, or some of them, over the person of the debtor.

CHAPTER VI. — DOMESTIC OR PREDIAL SERVITUDE.

53. As already stated in the part of the present report dealing with the slave status, apart from acts of slave-traffic and from cases when one human being has the right to sell another, or to give another the right under certain conditions to appropriate or sell that other human being—acts which are clearly acts of slavery covered by the 1926 Convention—Governments, even when they wish to abolish slavery, often find themselves unable to determine whether a particular person or category of persons apparently in a state of enslavement according to local customs really come within the category of slaves as defined in the 1926 Convention.

In paragraphs 60 and 61, the 1932 report shows a profound difference of opinion in the Committee of Experts with regard to "semi-slaves" such as "household captives, the slaves of tribes or chiefs and serving-men born in the house".

The present Committee is not yet in a position to express a definite opinion on these difficult problems; nor has it sufficient information on the character of the other situations in which the servitude of a person or a category of persons in respect of another person or group of persons seems to be still slighter. Such situations are found both in States which admit the status of slave and in primitive societies under the authority of the colonial Powers.

As the report has already shown, some of these situations are indeed only political or social inferiorities; while others, which come within the sphere of civil liberty, have perhaps only the appearance of a servitude contrary to our moral ideas. Are they not in reality mere variants of institutions established by civilised peoples?

In order to clear up this problem, the Royal Belgian Colonial Institute decided, in 1933, thanks to the generous intervention of the International Institute of African Languages and Culture, to award several prizes to the best memoranda on the various customary rules in the Congo which seem to be contrary to human liberty. The Institute drew up a very complete and detailed questionnaire for the purpose of facilitating the work of competitors. Officials, magistrates and missionaries in the Congo were, in particular, invited to take part.

The Belgian Government has promised to communicate the results of this work to the League of Nations as soon as possible.

The Committee expresses its keen pleasure at an enquiry being made into this delicate problem. It considers that it would be most useful if other colonial Powers, following Belgium's example, were to undertake studies of this kind in their colonial possessions, and place the results at the disposal of the Advisory Committee of Experts on Slavery.

CONCLUSIONS.

The Committee,

(a) Expresses the hope that the Slavery Convention of September 25th, 1926, may be ratified at an early date by those States which, having signed or acceded to it subject to ratification, have not yet ratified;

(b) Likewise expresses the hope that such of the Members of the League and of the non-member States invited at the time to accede as are not yet parties to the Convention will consider the possibility of acceding thereto;

¹ See document A.19.1925.VI, or League of Nations *Official Journal*, Sixth Year, No. 10, page 1411.

(c) Observes that some countries not members of the League were not invited at the time to accede to the Convention, and feels called upon to draw the Council's attention to the fact that it might be desirable to communicate the text of the Convention to one or other of those countries with a view to accession;

(d) Trusts that the Governments will continue to supply full and accurate information on the basis of Article 7 of the Convention and of the various resolutions of the Assembly;

(e) Calls the Council's attention to the suggestions submitted in the present report, as provided in Article 16, paragraph 1, of the Committee's Rules of Procedure, for obtaining such further light as it deems desirable on points arising in the documents supplied by the Governments; and, lastly;

(f) Suggests that the Council should bring to the notice of the Governments concerned, for any action they may think fit to take, the resolutions and recommendations, both general and specific, which it has been thought expedient to formulate in the present report.

II.

B. ANNEXES.

I. COMMUNICATIONS RECEIVED FROM GOVERNMENTS.

ANNEX 1.

C.C.E.E.43.

COMMUNICATION, DATED FEBRUARY 6TH, 1935, FROM THE GOVERNMENT OF THE UNION OF SOUTH AFRICA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to your Circular Letter 164.1934.VI, of October 4th last regarding slavery, I have the honour to state, for the information of the Advisory Committee of Experts, that no slavery exists either in the Union of South Africa or in the mandated territory of South West Africa.

With regard to the latter, it may perhaps be of interest to know that the form of slavery or compulsory service practised at one time amongst the native tribes on the Okavango River has been successfully stamped out by the measures adopted by the Administration of South West Africa. The Native Affairs Officer in this area makes regular visits to the kraals along the river and the chiefs and headmen have been warned that, if any cases of compulsory service are discovered in the areas under their control, they will be punished as well as the individual offenders.

(Signed) J. B. M. HERTZOG,
Minister for External Affairs.

ANNEX 2.

C.C.E.E.14.

COMMUNICATION, DATED APRIL 26TH, 1934, FROM THE BELGIAN GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (AVEC ANNEX).¹

[Translation.]

With reference to your Circular Letter 11.1934.VI, of February 1st, 1934, I have the honour to inform you that His Majesty's Government will not fail to keep the competent organs of the League of Nations informed of any measures that may be taken for the total abolition of the slave trade and of slavery in its different forms and, in particular, concerning the various aspects of the problem dealt with in the report of the Committee of Experts which sat in 1932.

In this connection, I desire to point out that His Majesty's Government has nothing to add, from the administrative and juridical point of view, to the statements previously made with regard to the situation in the Belgian Congo in so far as concerns the various forms of slavery and the slave trade.

Under the pressure of many factors, the chief of which are economic and administrative progress, increased education, and evangelisation, the native community is making relatively rapid progress. This is bringing about a social evolution involving greater respect for human personality.

It is even open to doubt whether any natives are still living in the Belgian Congo in a servile state comparable with the state of slavery. Ethnographers are not agreed on this point; but, as the problem is very important from several points of view and can only be settled by scientific methods of investigation, the Royal Belgian Colonial Institute (an official institution) has organised

¹ The pamphlet entitled "Ethnographic Enquiry concerning the Various Forms of Slavery in the Belgian Congo", Brussels, June 1933, is kept in the archives of the Secretariat of the League of Nations.

an enquiry, the conditions and scope of which are described in the pamphlet annexed to this letter.¹

When the enquiry is at an end, I hope to be in a position to inform you of the results.

(Signed) HYMANS.

C.C.E.E.42.

ANNEX 3.

COMMUNICATION, DATED FEBRUARY 14TH, 1935, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to your Circular Letter 164.1934.VI, of October 4th last, and in conformity with the resolution with regard to slavery adopted by the Assembly on September 26th, 1934, I am directed by Secretary Sir John Simon to transmit to you herewith a memorandum prepared on behalf of His Majesty's Government in the United Kingdom for transmission to the Advisory Committee of Experts on Slavery.

(Signed) Maurice PETERSON.

* * *

MEMORANDUM FROM HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM ON VARIOUS QUESTIONS DEALT WITH IN THE REPORT OF THE COMMITTEE OF EXPERTS ON SLAVERY (1932) (document A.34.1932.VI—C.618.1932.VI).

1. Generally speaking, the observations in the Committee's report have no relevance to the circumstances of any of the territories administered under the authority of His Majesty's Government in the United Kingdom. Neither the institution nor the status of slavery exists in any of those territories. For convenience of reference, the following observations are classified under the same chapter headings as were adopted in the report of the Committee.

CHAPTER I. — STATUS AND LEGAL STATUS OF SLAVERY.

2. In paragraph 1 of the report, reference is made to an ordinance enacted in Sierra Leone in 1927 and to similar ordinances subsequently enacted in Gambia, the Gold Coast, Nyasaland, Northern Rhodesia and Somaliland affirming that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist. In the first place, it may be observed that it was in the protectorate, and not in the colony, of Sierra Leone that the judgment of the Supreme Court in 1927 had indicated that the status of slavery still existed. The reason for the enactment of the ordinances in the other protectorates mentioned was explained in a letter dated June 19th, 1931 (pages 2 and 3 of document A.13(a).1931.VI). As stated in that letter, His Majesty's Government were completely satisfied that the institution of slavery did not in fact exist in any of these dependencies, but it was thought desirable that ordinances should be passed in order to remove certain doubts of a purely academic order. It was also explained in that letter that, so far as the British colonies were concerned, the situation was clear, and that it had only been necessary, in that connection, to review the legislation in the protectorates and the mandated territories. The explanation of that statement is that, by the terms of the Slavery Abolition Act, 1833, slavery had already been declared to be unlawful "throughout the British colonies, plantations and possessions abroad". These words do not cover the protectorates; but, in the case of the protectorates also, it was found that even from a purely legal point of view the position was not open to doubt in any except those mentioned.

3. A certain amount of misapprehension appears to exist as to the extent of the social and economic effects of the amendment of the law enacted in Sierra Leone in 1927. As stated in a memorandum on pages 3 and 4 of document A.17.1929.VI, the practical effect on the life of the people was inconsiderable. From a more recent report it appears that there was a tendency on the part of some of the former so-called "slaves" to object to doing communal labour. Moreover, whereas they were formerly voiceless in assemblies (and usually absent), after the enactment of the ordinance they tended to side against their former masters and to become more vocal. No system of employment had to be devised for the natives in question; they became independent farmers, farming land which they obtained readily everywhere, and paying small rents. Many of them sought employment with the Sierra Leone Development Company and at various mines, at market rates of pay.

4. As regards the suggestion in paragraph 13 of the report that Governments should consider the desirability of taking steps to spread among the populations they govern a knowledge of the fact that their freedom is guaranteed by law, it can be stated that the native populations of the British dependencies are fully aware of their rights. In the Moslem areas of certain of the African dependencies, there are still a certain number of what, for the want of a better term, may be referred to as "domestic serfs". Their condition, however, bears no resemblance whatever to "slavery" in the ordinary sense of that term, and, moreover, it can be stated quite definitely that, in common with the rest of the native population, they are fully aware of their freedom and complete liberty to leave their masters if they so wish. In these circumstances, it is really a misnomer to describe them as "domestic slaves". In this connection, the annexed memoranda (see Appendix 1(a), (b) and (c), pages 28 to 30) describing the situation in Nigeria, the Gold Coast and the Tanganyika Territory are of interest.

In the Bechuanaland Protectorate certain natives known as the "Masarwa" have for many years been living in the Bamangwato reserve under conditions which involve certain elements of servitude. The position of these people formed the subject of an enquiry by Mr. E. S. B. Tagart, C.B.E., in 1931 (see Appendix 2, pages 30 to 45). The annexed document (Appendix 2) contains the text of Mr. Tagart's report and a memorandum by the Bechuanaland Protectorate Administration. It will be observed that Mr. Tagart was satisfied that the condition of the Masarwa did not amount to slavery, but made various recommendations for improving their position, which have been accepted by the local Administration. Mr. Tagart's recommendations include the issue of proclamations affirming that slavery in any form whatsoever is unlawful, and making it an offence to employ any person save in accordance with the Master and Servant Proclamation. It was, however, considered expedient to defer action on these particular recommendations until after the issue of a Native Administration Proclamation, which was then under consideration. This proclamation has now been issued and consideration is now being given to the question of the issue of the further proclamation above referred to.

5. In Trans-Jordan, certain individuals attached to the Hashimite family and to certain nomadic tribes are referred to locally as "abeed" (literally, "slaves"). In fact, however, they are not slaves at all and enjoy as great a measure of personal liberty as any other inhabitant of Trans-Jordan. The term "abeed" is now used in Trans-Jordan to indicate the descent from slaves of the persons to whom it is applied, and not to describe their present condition as being one of slavery.

6. Paragraph 15 of the report contains a suggestion that every Power which concludes a treaty with any of the Arab States or Sultanates should endeavour to obtain the insertion of a clause to abolish slavery. In this connection, it may be mentioned that, on the occasion of the conclusion of a treaty with the King of Yemen in February last, notes were exchanged by which he agreed to the prohibition of the African slave trade by sea.

CHAPTER II. — SLAVE-RAIDING, ETC.

7. In the African territories, the importation and possession of arms is rigorously controlled, and the formation of armed bands would be dealt with under the ordinary criminal law.

8. There have been no organised slave-raids into the British African dependencies from adjoining territories for many years. The disturbances which have occurred in recent years on the Kenya-Ethiopian frontier have been in the nature of intertribal forays or local hostilities between sections of the same tribe which straddles the frontier.

9. No incursions from the colony into foreign territory have taken place, as far as the local authorities are aware, for many years. If such incursions were to take place, information would be forwarded by the Kenya Government to the Government concerned at the earliest possible moment.

10. The natives of the Northern Frontier and Turkana Provinces of Kenya have to a great extent been disarmed by the Government, particularly in view of the predilection of border tribes towards raiding, but, owing to the absence of similar action by the Ethiopian Government in regard to its border tribes, it became necessary in 1933 to issue old pattern rifles to specially selected tribesmen in the Northern Frontier Province, in order to secure the defence of individual villages against armed marauders from Ethiopian territory.

11. The Arms (Traffic with Ethiopia) Ordinance No. 39, of 1931, specifically prohibits the export of arms from Kenya into Ethiopia, except with an export licence granted by the Governor of Kenya and an order in writing signed by the Emperor of Ethiopia or a Minister duly authorised by His Imperial Majesty under his seal.

12. In Palestine, the possession of firearms without special permission is prohibited and the importation of firearms is restricted under a system of licences. The civil population is in a state of disarmament except for the nomad Arabs who are permitted to carry firearms in a restricted area to the south of a fixed line in the southern parts of the country.

13. The formation of armed bands is a criminal offence, and if such bands are illicitly formed they are pursued and prosecuted with all the rigour of the law, and severe sentences are imposed upon any members of the band by the courts.

14. The police authorities maintain the closest liaison with the authorities of the neighbouring territories with a view to the prompt exchange of information concerning the movements of all suspected persons. Armed bands are unusual and would be reported with the utmost despatch. The extradition treaties between Palestine and the neighbouring territories contain a provision empowering the police of either contracting party to enter within defined belts into the territory of the other party in hot pursuit of absconding offenders.

15. The capture of slaves in Trans-Jordan by bands from adjacent territories and the capture of slaves in those territories by bands from Trans-Jordan has not occurred in the past and is unlikely to do so in the future. The formation of armed bands is an offence in Trans-Jordan. The only armed bands which are likely to cross the frontier are parties of raiding nomads, and the authorities in charge of public security in Trans-Jordan are in effective liaison, for the purpose of transmitting intelligence regarding raiders, with the proper quarters in Palestine and Syria.

The treaty between Trans-Jordan and Sa'udi Arabia concluded in December 1933 provides for liaison between the frontier officials of the two territories.

16. Under an agreement between Trans-Jordan and Palestine, patrols may cross the common frontier when in hot pursuit of absconding offenders, and similar provision is made in a draft *Bon Voisinage* Agreement which is under negotiation between Trans-Jordan and Syria.

17. Much of the information contained in the immediately preceding paragraphs of this memorandum has been inserted in view of the specific suggestions made by the Committee of Experts in paragraph 23 of their report; but it will of course be realised that the motive underlying the special measures regarding control of arms, etc., is not any apprehension of slave-raiding, but the general necessity of securing the maintenance of peace and good order.

CHAPTER III. — SLAVE TRADE.

18. In paragraphs 36 and 39 of the report, certain suggestions are made which are designed to prevent the enslavement of natives who have left their own countries—*e.g.*, when making the pilgrimage to Mecca.

19. In the British African dependencies, natives are either required or encouraged to place themselves in possession of passports, travelling permits or passes before leaving the territory in which they normally reside. These documents contain a precise description of the identity of the respective bearers.

20. Natives of the East African dependencies who make the pilgrimages to the holy places of the Hejaz proceed by Netherlands-owned vessels, disembarking at the port of Jedda. The pilgrims are required, before embarking, to be in possession of individual passports in which they are carefully identified.

21. Natives of Nigeria who make the pilgrimage travel overland to the Red Sea. The majority of these pilgrims make their way to Eritrea and cross the Red Sea in dhows. This practice has made it very difficult to exercise any control over their movements. With a view to dealing with this unsatisfactory situation, a scheme was introduced as from November 1st, 1933, whereby individual passports (except for children in arms) are issued by the Resident of the Bornu province, and lists of these are communicated to His Majesty's Legation at Jedda. By arrangement with the Government of the Sudan and His Majesty's Legation at Jedda, the pilgrim deposits, before leaving Nigeria, a sum calculated to cover the cost of fares, fees and the expenses of his return journey. On arrival at Suakin (the port of embarkation), the pilgrim receives the sum required for his return ticket to Jedda and certain dues. The balance of the deposit is paid to him at Jedda on his return journey. A system of checking passports on the pilgrim's return is in operation and an inducement to pilgrims to bring their passports for inspection is afforded by the deposit of ten shillings on each passport, which is recoverable on the pilgrim's return. However, it has been found that, up to the present, a comparatively small proportion of Nigerian pilgrims have availed themselves of these facilities, the poorer pilgrims preferring to travel via Massawa. The Italian authorities, who have been consulted on the subject, have taken measures to restrict the use of dhows and are considering the possibility of arranging that, in the event of pilgrims proceeding by dhow, they should have return tickets to Africa. In view of the difficulty of differentiating between pilgrims and other persons proceeding to Arabia, His Majesty's Government are prepared to agree to all West African British subjects and British protected persons so travelling being subjected to the same restrictions and conditions as pilgrims.

22. The arrangements for the issue of passports to, and transport of, Malay pilgrims to and from Sa'udi Arabia, and for their protection while in that country, are almost identical with those of the Government of the Netherlands Indies. The Governments of Malaya jointly maintain a Malay officer, styled the "Malayan Pilgrimage Officer", who proceeds to Jedda with the first pilgrimage ship of the season and returns with the last. His office is in the British Legation.

Pilgrims from British North Borneo also utilise this organisation. Experience has proved that these arrangements work very satisfactorily, and no case of slavery or attempted enslavement of a Malayan pilgrim has yet come to the notice of the Governments of Malaya.

23. In practice, no person, Palestinian or foreigner, leaves Palestine without a national passport or corresponding document of travel or identity. Passports or other travelling and identity documents of persons leaving Palestine are checked on exit, and a system of endorsement makes it possible to verify the return of the holders. As regards Moslems making the pilgrimage to the holy places of the Hejaz, the majority of Palestinian pilgrims proceed under arrangements made by the Department of Health and are in possession of special pilgrim passports which contain a description of their identity and which enable an absolute control to be maintained over their movements and registration.

24. Pilgrims from Trans-Jordan who avail themselves of the facilities provided by the Government for the journey to and from Sa'udi Arabia are in possession of regular documents of travel. Every effort is made to induce pilgrims not to cross the land frontiers of Trans-Jordan into Sa'udi Arabia without papers, but the length of the frontier to be watched and the desert nature of the country through which it lies make it difficult to prevent a few individuals leaving the country in this manner. The practice is, however, discouraged by the fact that the frontier officials of Sa'udi-Arabia turn back any person whom they find attempting to make the pilgrimage to the holy places on foot from Trans-Jordan.

25. The Royal Navy have for many years maintained two sloops in the Red Sea for duty as an anti-slavery patrol. These sloops carry out continuous patrols and examine any dhow which seems likely to be engaged in running slaves. For this purpose, the sloops carry interpreters to facilitate examination of the crews. Should a runaway slave be encountered, their instructions are to give him refuge and immediately to consult the nearest British Consul or political officer in Arabia. In the three years from January 1st, 1931, to December 31st, 1933, the sloops covered a distance of approximately 38,060 miles. During this period, they examined 126 dhows in pursuance of their instructions. It is, however, more than twelve years since a slaving dhow was captured. On occasion, slaves have been found on board sanbuqs when searched but have without exception proved to belong to the owner of the sanbuq and to form part of its crew and were not newly enslaved persons being taken to Arabia for sale.

It should be realised that it is virtually impossible to ensure the complete suppression of the trade when action is restricted to interception at sea. Many native vessels when searched are found to contain children, ostensibly the family of the owner; but interrogation of them is difficult and to obtain positive evidence as to their origin or status is almost impossible. Moreover, the southern part of the Red Sea is comparatively narrow and, with a fair wind, dhows can cross in a few hours. They could operate under cover of night and in conjunction with an efficient intelligence service to give early warning of sloop movements. The sloops, on the other hand, are unassisted by any organised intelligence service which could give information of the movements of slaves before embarkation; and an occasion in 1930, when His Majesty's Minister at Addis Ababa was able to give advance information of the despatch of a convoy of slaves and of their destination on the coast, has remained an isolated incident which in the event, led to no useful result.

At the same time, it must not be inferred that the sloops no longer serve a useful purpose. Already before the economic crisis had killed the demand for slaves in Arabia, the presence of the sloops had reduced slave-running from a large "wholesale" to a small "retail" business. If increasing prosperity should renew the demand, the presence of the sloops will serve as a valuable deterrent to a recrudescence of the trade.

26. In paragraph 32 of the report, reference is made to the right of manumission exercised by His Majesty's Government in the United Kingdom through the British Legation at Jedda. The present position regarding this right is that recorded in the notes dated May 19th, 1927, which were exchanged between Sir G. Clayton and King Ibn Saud at the time of the conclusion of the Treaty of Jedda (see Appendix 3, page 45). The text of these notes is annexed. It will be observed that the right in question is specifically limited to the manumission of "any slave who presents himself of his own free choice with a request for liberation and repatriation to the country of origin". In the years 1926 to 1934 inclusive, approximately 212 slaves were manumitted and repatriated, practically all to Africa, in the above manner. In addition, approximately twenty-three, who had taken refuge, accepted manumission by their former owners voluntarily. These obtained, under the auspices of His Majesty's Legation, emancipation papers recognised as valid under local law.

CHAPTER IV. — SLAVE-DEALING (INCLUDING TRANSFER BY EXCHANGE, SALE, GIFT, INHERITANCE OR OCCASIONAL SALE OF PERSONS PREVIOUSLY FREE).

27. In paragraph 45 of the report, reference is made to an ordinance enacted in Hong-Kong in 1929 to deal with the problem of the Mui Tsai system in that colony. The statement that it

was this Ordinance which prohibited the engagement of Mui Tsai in future was, however, made under a misapprehension. That step had, in fact, been taken six years previously (by the Female Domestic Service Ordinance No. 1, of 1923).

28. The ordinance of 1923 contained provisions declaring that no right of property, possession, custody or control of a child were conferred by the payment of money to her parent, guardian or employer; prohibiting any person in future from taking into his employment any Mui Tsai or any domestic servant under the age of years; forbidding the transfer of a Mui Tsai from one employer to another except upon the death of her former employer (in which case an administrative order is required); entitling a Mui Tsai upon application to be restored without payment to her parent or natural guardian, and empowering the Secretary for Chinese Affairs, upon the application of a Mui Tsai, to make any order which he might think fit regarding her custody or control or the conditions of her employment. The ordinance also required all employers of Mui Tsai to provide them with sufficient food and clothing of a reasonable kind and, in case of illness, with such medical attendance as the employer might reasonably have been expected to provide for his own daughter.

29. When the 1923 Ordinance was passed it was considered that the time was not ripe for the compulsory registration of Mui Tsai, but, by Part III of the ordinance, provision was made whereby this step could be taken by executive order, if and when it was considered desirable to take this course. The Governor-in-Council was also empowered, when Part III of the ordinance was brought into operation, to make regulations for the registration and remuneration of Mui Tsai and for the inspection and control of Mui Tsai and former Mui Tsai.

30. In 1929, it was decided to bring Part III of the 1923 Ordinance into operation, and in connection with that decision, an amending ordinance (No. 22 of 1929) was enacted by which it was forbidden to bring, or cause to be brought, into the colony any Mui Tsai who had not previously been in the colony and registered there; the employment of an unregistered Mui Tsai was made an offence; various other provisions of the 1923 Ordinance were amended, and were linked up with other legislation of the colony by which provision had been made for the protection of women and girls.

31. Part III of the Ordinance of 1923, as amended by the Ordinance of 1929, was brought into operation on December 1st, 1929, and, in anticipation of that step, regulations were made by the Governor-in-Council, on November 8th, specifying the particulars which were to be declared at the time of registration, requiring the employer to report the death, or disappearance, or change of address or intended marriage of the Mui Tsai; requiring him to produce the Mui Tsai whenever called upon to do so, and prescribing the wages to be paid to Mui-Tsai.

32. The effects of this legislation may be summarised as follows:

(a) Since 1923, it has been illegal for anyone in Hong-Kong to take into his employment as a Mui Tsai a girl who was not already a Mui Tsai, and, since 1929, it has been illegal for a Mui Tsai to be brought into the colony unless she had previously been a registered Mui Tsai in the colony. The numbers of Mui Tsai in the colony are therefore progressively decreasing as a result of the girls leaving their employers (as they are free to do at any time if they so wish—whether on marriage, or on return to their parents or otherwise). Between December 1929, when the system of registration was introduced, and May 31st, 1934, the numbers had decreased from 4,368 to 2,508. The system will automatically cease to exist in Hong-Kong when the last of the existing Mui Tsai has ceased to be employed in such capacity.

(b) In the meantime, the still existing Mui Tsai are safeguarded from the dangers of ill-treatment to which they were formerly exposed (though the majority of Mui Tsai were, in fact, well treated by their employers) (a) by the fact that they are free to leave their employers at any time if they so wish and (b) by the supervision of their employment, which has been rendered possible by the system of registration and inspection, and by their right of appeal to the Secretary for Chinese Affairs.

33. In the administration of the measures described above, the Hong-Kong Government has the active co-operation of various unofficial societies and, as will be seen from the half-yearly reports furnished by the Hong-Kong Government (copies of which are annexed—see Appendix 4, page 45), these measures are working efficiently and smoothly. In the opinion of His Majesty's Government, they constitute the best and most practical measures which could be devised for dealing with the problem.

34. In the Straits Settlements and in the Federated Malay States, legislation on the lines of the Hong-Kong law was brought into force on January 1st, 1933. A copy of a report furnished by the Malayan Governments showing the number of Mui Tsai registered under this legislation on June 30th, 1934, is annexed, together with a statement giving a comparison of the wages paid to registered Mui Tsai in Malaya and those paid to females of comparable age employed in domestic service and other employments (see Appendices 5 and 6, pages 58 and 59). In those Unfederated Malay States in which a considerable Chinese population exists (*i.e.*, Johore and Kedah), it has been considered advisable in the interests of uniformity to adopt similar legislation, although, in these States, the actual number of Mui Tsai is reported to be comparatively small. Similar legislation has been enacted in Perlis, Brunei, the State of North Borneo and Sarawak, and will probably be introduced in the States of Kelantan and Trengganu in due course.

The Governor of the Straits Settlements has reported that every effort has been made by statements in the various legislatures, by advertisement and by contributed articles in the Chinese vernacular Press, and by seeking the co-operation of the Chinese Advisory Boards and the leading members of the Chinese community throughout Malaya, to impress on every Chinese resident the determination of the Malayan Governments to administer the law effectively, and that the Department of Chinese affairs is unceasingly vigilant to this end.

35. Copies of the following legislative measures are annexed:

Hong-Kong Ordinance No. 1, of 1865	}	(see Appendix 7, page 59);
Hong-Kong Ordinance No. 13, of 1929		
Hong-Kong Ordinance No. 4, of 1897		
Hong-Kong Ordinance No. 21, of 1929		
Hong-Kong Ordinance No. 1, of 1923 (as amended by Ordinance No. 22, of 1929)		
Straits Settlements Ordinance No. 5, of 1932		(see Appendix 8, page 65);
Federated Malay States Enactment No. 23, of 1932		(see Appendix 9, page 68);
Johore Enactment No. 16, of 1932		(see Appendix 10, page 71);
Kedah Enactment No. 1, of 1352		(see Appendix 11, page 73);
Brunei Enactment No. 1, of 1932		(see Appendix 12, page 76).

36. In 1931, attention was drawn to the existence in Palestine of a system which appeared to be analogous in certain respects to the Mui Tsai system. On the matter being investigated by the Palestine Government, it was learned that an ancient practice still survived at Nablus and Jenin whereby young girls were hired out by their parents as domestic servants for long periods in return for a sum of money which was paid in advance by the employer. The practice did not appear any longer to exist in the Jerusalem Division or in the Southern District.

37. The young girls belonged for the most part to Bedu tribes in the Jordan valley and were usually children of the negroid retainers of the tribal sheikhs.

38. So far as it was possible to ascertain, the practice did not lead to ill-treatment of the children. To some extent, indeed, it was a means of relieving destitution among the poorer nomads.

39. An account of the circumstances in which the contracts for the employment of these girls are entered into and of the character of their employment is given in a report (of which a copy is annexed—see Appendix 13, page 79) by the Government Inspector of Welfare Work in Palestine.

40. On consideration, it was decided that it would be inexpedient to enact legislation to abolish the system completely owing to the danger that, if the girls were denied all opportunity of this form of employment, they might become destitute. Eventually it was decided that the most effective method of guarding against the abuse of the system would be to make unenforceable in the courts any contract for the employment of any female under the age of 17 (a) which is for a period longer than one year, or (b) if it involves any payment or other consideration to any person other than the female concerned. A copy of this ordinance (The Employment of Females Ordinance 1933) is annexed (see Appendix 14, page 80).

41. It was considered inexpedient to make any provision for the compulsory registration of girls employed under such contracts; but arrangements have been made (a) to make the provisions of the ordinance known to all concerned, (b) for the compilation of as complete a register as possible and (c) for the supervision of their employment by means of periodical inspections.

CHAPTER V. — PRACTICES RESTRICTIVE OF THE LIBERTY OF THE PERSON.

42. In paragraph 48 of the report, there are some observations on the question whether the payment of dowry ("bride price"), which is a feature of native marriage customs in Africa, involves anything in the nature of slavery. This question came under review in 1930 in connection with various other native customs, and the officers administering the Governments of all the British dependencies in Africa were asked for their observations. The correspondence has been published in a pamphlet (Colonial No. 65) entitled "The Health and Progress of Native Populations in Certain Parts of the Empire". A copy of this publication is annexed (see Appendix 15, page 81), and attention is invited to the marked passages on pages 9, 17, 34 to 36, 49 to 52, 62 to 67, 75 and 76, 82 and 83, 104, 110, 116, 121 and 122, 129 and 130, 137 and 138, and 142. It will be seen from the general tenor of the replies from the Governors of the dependencies in East and West Africa that there is no foundation for the suggestion, which had been put forward, that the status of native women is scarcely distinguishable from that of slavery. In particular, there is general agreement with the view that the payment of "bride price" operates as a guarantee for the proper treatment of the wife.

Appendix 1.

(a) NIGERIA.

"DOMESTIC SLAVERY"—EXTRACT FROM A REPORT FURNISHED BY THE GOVERNOR.

Such domestic slaves as still exist in the Moslem States are well aware that they cannot be forced to remain with their "masters", that they can procure a certificate of freedom if they so desire, and that, if they run away, no court can compel them to return. In some instances, the person concerned prefers to obtain a certificate of freedom from a native court on payment of a small fee as, in some sections of Moslem native society, the certificate is still regarded as being more important than a bare declaration in a "white man's" law.

(b) GOLD COAST.

"DOMESTIC SLAVERY"—EXTRACT FROM A MEMORANDUM BY THE SECRETARY FOR NATIVE AFFAIRS.

A great deal of misunderstanding has arisen through the confusion of slavery, which, to use the words of Mr. Sarbah, "conjures up horrible atrocities, kidnapping, murder, bloodshed, whips and shackles, ruined land, desolated villages and all that makes man worse than the brute beasts", and so-called domestic slavery, which, in the form in which it still exists to a small extent in this colony, cannot accurately be described as, and indeed is not comparable to, predial servitude or serfdom. The term "domestic slavery", when applied to people who are at liberty to leave their masters at any time and are aware of the fact, is a misnomer. The so-called domestic slaves—they are never addressed as such—are the descendants in the direct female line of former slaves. Sons of a female domestic slave are considered to be domestic slaves, but their children are not so regarded unless, of course, their mothers were also servants in the same household. If the daughter of a female domestic slave chooses to marry outside the family to which her mother is attached and to remain outside, her children are accepted as free born.

Domestic slaves have portions of the family or community lands allotted to them in just the same way as other members of a family or community. They are entitled to the produce of their farms and pay no portion thereof as tribute. In return, they assist their masters to cultivate their farms and those who stay in the same house perform ordinary household duties. They not infrequently marry members of the family, and, in many cases, regard the descendants of their former masters as collateral relations. There are also instances where they have inherited the property of their masters. Native customary law provides for this possibility. In short, it is very difficult to draw any precise distinction in the matter of rights and privileges between domestic slaves and free born. The only handicap which the former suffer is that their origin is known. If they remain with their masters, they do so entirely of their own free will.

(c) TANGANYIKA TERRITORY.

MEMORANDUM ON THE SITUATION IN RELATION TO THE INTERNATIONAL SLAVERY CONVENTION, 1926, AND ARTICLE 5 OF THE MANDATE.

1. In addition to the Involuntary Servitude (Abolition) Ordinance, of 1922, Chapter XXV of the Penal Code, which was enacted in 1930 (Ordinance No. 11, of 1930), provides heavy penalties for a number of offences against personal liberty, including slavery and cognate offences. It is the duty of the administrative officers, the police and the native authorities to enforce this, as every other part of the law.

2. After prolonged investigations, commenced in 1924, to which reference was made in the annual report of the Territory for 1925 (paragraph 8, pages 11 and 12), tribute and service to tribal authorities were finally abolished in 1926, in return for a substantial annual payment in the form of a share of the hut and poll tax paid to the native treasuries from which, *inter alia*, provision is made for regular salaries to chiefs and others who were able to establish claims to tribute and service.

It was made public throughout the territory by every means of publicity at the disposal of the Government (especially the vernacular paper *Mambo Leo*, tribal gatherings at which administrative officers were present, and the native courts), that no one could be compelled to render

tribute or service and that all labour must be paid for, except, of course, recognised communal activities, such as the reclamation of country from the tsetse fly. If there remained in the up-country districts any traces of slavery in the form of war captives or otherwise, the commutation of tribute and service and the very widespread publicity connected therewith put an end to it.

3. In 1928, a Circular Letter was issued to the Provincial Commissioners drawing their attention to the Slavery Convention 1926, and asking them to consider whether any further action was necessary to give effect to its provisions. With one exception, the Provincial Commissioners considered that no further action by the Government was necessary to give the strictest effect to the International Slavery Convention. One Provincial Commissioner thought that further enquiries might be made to ensure that involuntary servitude no longer existed; he thought it doubtful if any person was then in servitude involuntarily, excepting possibly in the remote area of Bugufi in the Biharamulo District, where he stated that he sensed, with little to justify it, that slavery was still in existence. Enquiries were immediately set on foot, but no trace of slavery could be found in Bugufi. The enquiries were extended to the adjoining Kibondo District, again without result, and an assistant district officer reported in the following terms:

“ From my own observations of servitude in Kibondo, I formed the following conclusions:

“ (i) That its principal origin was the sale of children;

“ (ii) That the practice had been on the wane for some years and had, with the inception of British administration, completely died out;

“ (iii) That the present slaves were the relicts of this former practice;

“ (iv) That many of these slaves were solving the problem of manumission for themselves by running away, mainly because they had become enlightened as to their true condition, and that many of those who remained with their old masters did so from choice.”

Commenting on this, the District Officer remarked:

“ It is, of course, highly difficult in a district such as Kibondo, where the natives are mostly illiterates, to convey information or proclamations to everybody, but advantage is taken of every *baraza*, however small the gathering, to mention this matter, and to announce that no one is bound to work for another person against his or her will. I consider it may safely be assumed that any slaves now remaining in Kibondo district are individuals who came into their present environment so long ago (chiefly during famine times) that they have now grown up with the families into which they were taken and have intermarried and settled down as belonging to the clan.”

4. Wage labour is the normal form of employment throughout the Territory, especially on sisal and other estates in the coastal districts, along the central and Tanga lines, and in many other up-country areas, while increasing numbers of natives (now about 20,000) are employed in mining on the Lupa fields in the south-west, in Musoma and Mwanza Districts in the north and in Mkalama District in the centre of the Territory. Thousands of natives from Bugufi and Kibondo work for wages in the adjoining Bukoba District, and, until the frontier was closed on account of sleeping-sickness, they were in the habit of going as far afield as Uganda. In addition, large numbers of labourers are employed on public works throughout the Territory.

5. Every part of the Territory is under effective administration, and although it is always possible, especially in the remoter parts, that occasional infringements of personal liberty may occur, there is no doubt that the natives are generally aware of the law and able and ready to complain to the authorities, British and native; such cases as may occur are individual acts of abduction or wrongful restraint, such as may occur in any country, and not slavery.

6. There is frequent evidence in the native court records and in other ways of the widely spread knowledge that slavery is no longer tolerated. For example, claims are made to children or property on the grounds that the parents or owners were slaves, and the invariable judgment is to the effect that it is well known to all that no such claims can be admitted.

Slavery indeed is now no more than a memory and, with some of the older people, a habit of thought and speech, but the reality has completely disappeared.

7. The situation in the Territory may be summarised as follows:

(1) Compulsory slavery both in the interior and at the coast has ceased to exist.

It should be noted that, with the doubtful exception of the Masai, it cannot be said correctly that there are “pagan tribes of the interior”. Missionary societies are active throughout the Territory. Bukoba District, for example, which adjoins Uganda, and is

very far in the interior, is probably the most civilised in the country, while in districts like Ufipa, Songea, or Tukuyu, to select others on the frontiers, tens of thousands of natives profess Christianity.

(2) There have been no prosecutions under the Involuntary Servitude (Abolition) Ordinance during the past five years.

So far as it has been possible to ascertain, there have been no prosecutions in respect of cognate offences under Chapter XXV of the Penal Code since its enactment in 1930.

(3) The Provincial Administration and the police are charged with the enforcement of the law. In so far as the laws against slavery are concerned, the instructions are that the strictest effect must be given to the International Slavery Convention of 1926. The powers of administrative officers, magistrates and police officers to enforce the criminal law are set out in full in the Criminal Procedure Code (Ordinance No. 12, of 1930) and the Courts Ordinance (Ordinance No. 13, of 1930).

(4) It is impossible to say how many former slaves, now unable to support themselves, continue to live with their masters, or their masters' families, and speak of themselves as slaves. The number must be very small, and any condition which can properly be called slavery is non-existent, either in the interior or on the coast.

(5) No system exists under which children are bought or otherwise acquired from their parents for employment as domestic servants or menial labourers, assuming that by "otherwise acquired" is meant some form of acquisition in property. Parents, no doubt, often arrange employment for wages for their children and child marriages may still occur in spite of Section 128 of the Penal Code and the Young Girls' Protection Ordinance (Ordinance No. 33, of 1921). When such marriages conflict with the law, and come to the knowledge of the authorities, appropriate steps are taken. This is, however, a matter to which the tribes of this Territory are very little addicted, for it is almost universally considered that a girl is not marriageable before initiation and that, in any case, she should be allowed to choose her husband.

(6) Wage labour under normal conditions has become the universal form of employment in the Territory for all who desire to supplement the produce of their land, or who possess special training or aptitude which they wish to turn to account. The substitution of wage labour and a money economy for slavery and a subsistence economy, and the introduction of European industries, to say nothing of European religions and education, have profoundly affected the whole life of the African natives.

* * *

Appendix 2.

BECHUANALAND.

REPORT ON THE CONDITIONS EXISTING AMONG THE MASARWA IN THE BAMANGWATO RESERVE OF THE BECHUANALAND PROTECTORATE AND CERTAIN OTHER MATTERS APPERTAINING TO THE NATIVES LIVING THEREIN, BY E. S. B. TAGART, C.B.E. (OCTOBER 1931), AND A MEMORANDUM THEREON BY THE ADMINISTRATION OF THE TERRITORY (MARCH 1933).

Section 1. — The Terms of Reference.

The matters referred for enquiry and report are set forth as follows in the Schedule to a Proclamation of His Excellency the High Commissioner for South Africa made at Capetown on July 11th, 1931:

" To enquire into:

" (a) The conditions under which Masarwa are employed by the Bamangwato tribe; the nature, extent, and system of their remuneration, if any; the extent to which they are free to engage in any occupation or transfer their services from one employer to another, or move from one place to another, and able to exercise such freedom; their general conditions of life, including their status in regard to rights of person and property; and the circumstances which have led to the present subject position of these people;

" (b) The system under which corporal punishment is inflicted among natives in the Bamangwato Reserve, the extent to which, having regard to present tribal condition, such a system should be allowed to continue, and the nature of the safeguards which exist or are necessary to control and regulate such form of punishment and to prevent its abuse;

and to make recommendations."

Section 2. — Progress of the Enquiry.

Before leaving England for South Africa, a general idea of the present condition of native affairs in the Bechuanaland Protectorate, and in the Bamangwato Reserve in particular, was gathered from a perusal of such reports and correspondence in the Dominions Office as were considered relevant to the subject.

I sailed from Southampton on June 19th, and arrived at Capetown on July 6th, 1931.

At Capetown, the opportunity was taken to examine further reports and correspondence, and to discuss matters generally with His Excellency the High Commissioner and the Imperial Secretary.

Mafeking, the headquarters of the Bechuanaland Protectorate, was reached on July 13th.

Here, after consultation with Colonel Rey, the Resident Commissioner, and with the assistance of Mr. Germond, an Officer of the Protectorate, whose services as secretary and interpreter were placed at my disposal, an itinerary was planned and a programme decided upon. Opportunity was also taken of obtaining evidence from Captain A. G. Stigand, Assistant Resident Commissioner, who was on the eve of retirement from the service.

From Mafeking, I proceeded by train to Palapye Road on July 17th, and thence by car to Serowe, the native town founded by Chief Khama, and the headquarters of Government in the Bamangwato Reserve.

At Serowe, I was introduced by the Resident Magistrate to the acting chief and elders of the Bamangwato tribe assembled in kgotla. The proceedings were short and formal, but a cordial welcome was extended and assurances were given by the chief and his councillors of all possible co-operation in the conduct of the enquiry. Thereafter, evidence was taken from a number of witnesses, both European and native.

On July 27th, in company with Mr. Germond, I left Serowe by wagon and toured for three weeks among the cattle posts in the north, where many Masarwa are employed herding the cattle of their Bamangwato masters. Meetings with the Masarwa were held at all the posts visited, and, thanks largely to our native orderly and interpreter, Sethlaletheto, who, though himself a Mongwato, had been brought up among the Masarwa, these were very well attended. No direct evidence was taken in writing from individual Masarwa, but accounts of what took place were recorded at the time and are to be found in Appendix II.¹ It may be mentioned here that this was perhaps the most valuable part of the time spent on the enquiry, affording as it did an opportunity to obtain first-hand impressions of the mentality and physical condition of the Masarwa, and the atmosphere in which they lived.

We returned to Serowe on August 15th, and evidence was taken from Captain Potts, Resident Magistrate of the Reserve, and certain natives who had not been available during our previous visit.

On August 17th, I left Palapye Road and arrived at Francistown, where two days were spent obtaining evidence from certain Europeans, resident in the neighbourhood, who had had considerable experience among natives in the Bamangwato Reserve.

From Francistown a visit was paid to Livingstone, the capital of Northern Rhodesia, upon business not directly connected with the enquiry. Here the Governor, Sir James Maxwell, K.C.M.G., K.B.E., was good enough to grant me an interview, and every facility was given for obtaining information concerning the matters under investigation.

I returned to Mafeking on August 27th, and there obtained further evidence from both Europeans and natives.

On September 2nd, I joined His Excellency the High Commissioner at Pretoria, where I participated in a conference regarding proposed native legislation, and later obtained evidence from Colonel Rey, Resident Commissioner of Bechuanaland. This concluded my labours so far as the taking of evidence was concerned.

(A) THE MASARWA.

Section 3. — The Present Condition of the Masarwa and the Circumstances which have led to it.

The origin of the name "Masarwa" is obscure. It has been suggested that it is connected with the Sesuto word "sirwa" and means "the people of the south". It has been applied by other tribes to people originally of a Bushman type scattered widely throughout what is now the Bechuanaland Protectorate, and found there by the Bamangwato when they invaded the area which they now occupy.

Before the arrival of the Bamangwato, the Bakgalagadi had already reduced some of these Masarwa to a condition analogous to, if not precisely the same as, that of slavery. The Bamangwato, in turn, subdued the Bakgalagadi, and not only brought them and their Masarwa under domination, but pursued a deliberate policy directed towards taming and incorporating in their tribe those Masarwa, who still lived the lives of hunters, moving in family parties from place to place in pursuit of game. How this was achieved is so well described by Chief Tshekedi that it is worth quoting from his evidence at length:

"Khama tried to improve the condition of the Masarwa—he stopped the selling of children. He appointed Bamangwato headmen to take charge of certain areas occupied by the Masarwa. The first duty of these headmen was to establish contact with the Masarwa. This was ordinarily done by organising hunting parties, when the Masarwa, attracted by the

¹ Not printed.

game killed, would come in to get a share, and would receive presents of dagga (hemp) from them, and later tobacco and sometimes beads. In this way, the Masarwa gradually lost their fear and became accustomed to intercourse with the Bamangwato, and in time the Masarwa became accustomed to hunt for the Bamangwato, and received muzzle-loaders and ammunition from them, while the Bamangwato received skins and meat of the game killed during their stay with the Masarwa, and left guns and ammunition with them when they went away. As time went on and the Bamangwato became rich in cattle, Khama, noticing that the game was getting scarce, ordered his people to give their cattle to be herded by the Masarwa, so that they might have the benefit of the milk. He feared that the Masarwa might otherwise disappear altogether from these parts and become scattered over the country. . . . Eventually it became the custom to give individual Bamangwato under a particular headman a family or so of Masarwa, which they had come to know well, to herd their cattle for them. . . . A Mongwato head of a family would have a family or perhaps two or three families of Masarwa looking after his herd of cattle, and would distribute some of his herd among his sons, and some members of the Masarwa would go with the cattle to look after them. In this way, a group of Masarwa, who originally belonged to one person would get split up and divided among several individuals."

This account of the process by which the Bamangwato reduced the Masarwa to their present position may be compared with that given by the Rev. John Mackenzie in his book "Ten Years North of the Orange River". There, the condition of the Masarwa is described as it was observed by the author some seventy years ago, before the Masarwa had reached their present stage of herding cattle, ploughing and doing domestic work for their masters. That condition has certainly improved, but it seems at least doubtful whether the confidence that what is described as "a state of vassalage" would become "all but impracticable" and "melt away before the teaching of Christianity" has so far been justified.

Chief Tshekedi went on to say how, in the case of a Mongwato master, who was exiled—a not uncommon punishment—his Masarwa would revert to the chief and might either be eventually returned to their original owner or transferred to some new master.

Later, owing (so it is alleged) to the callousness of the Masarwa in regard to children whose parents had died, the Bamangwato adopted the practice of taking orphans into their households at Serowe and training them as domestic servants. This custom has admittedly resulted to-day in the master taking at will a child or children of a Masarwa family residing at his cattle post to work for him as a servant at Serowe. The wishes of the parents are in such cases ignored, and complaints are received from time to time by the chief from parents who object to their children being separated from them. The principle by which the chief, according to his own statement, is guided in deciding such cases can hardly commend itself to our ideas of justice and humanity. He says: "In some cases I send the children back to their parents, in other cases not. In cases where the child brought in is an only child, I would send her back, but where the child is one of a family of several I would order her to stay even against her will."

In the ploughing and reaping seasons, Masarwa are brought in temporarily from the cattle posts to cultivate their masters' gardens, which are situated nearer to the capital, and when the work is finished they return to their ordinary avocation of herding cattle at the more remote posts.

There are still considerable numbers of Masarwa who have not been brought under the domination of the Bamangwato or any other tribe, and continue to lead a nomadic existence in the more remote parts of the Reserve, chiefly in the far west, where water is scarce and the soil poor. They live on wild fruits and roots, supplemented by honey, certain insects and reptiles, and the flesh of such animals as they can kill with their bows and arrows or trap. They have no knowledge of iron-working, basket- or pottery-making, or other arts, save the fashioning of their bows and arrows, generally tipped with stone or bone, and invariably treated with poison, either vegetable or animal. They carry water in ostrich eggshells and cook their meat on stones among the embers of the fires which they kindle in the usual primitive manner from sparks produced by friction. The scope of this enquiry hardly includes these people, but it is as well that their existence should be borne in mind in view of the possibility of the semi-domesticated Masarwa reverting to their bush life.

Section 4. — The Nature and Extent of the Remuneration of Masarwa employed by the Bamangwato.

The Mongwato master does not admit that his Masarwa servant is entitled as of right to any remuneration for his services whether as cattle-herd, agricultural labourer, or domestic servant. The master has, however, always recognised in the case of cattle-herds the right of the Masarwa family to enjoy a supply of milk from the cattle which they herd, and most masters profess to give occasional presents of cattle or goats, while the Masarwa employed in domestic service is said to be treated as one of the family and is fed and, to a certain extent, clothed by his master.

Chief Tshekedi maintained that his Masarwa cost him about £1,000 a year in this way.

Headman Phetu said that he fed and clothed his Masarwa, gave them presents and paid the taxes of those who lived in Serowe.

Mathiba said he had no Masarwa belonging to him, but some worked for him as herds at wages from 10s. to 20s. a month; and Leburu, that he treated his Masarwa like his children, did not pay them, but if they wanted anything they could have it!

Such remuneration, then, as the Masarwa receive for their services to Bamangwato masters is given as a matter of grace and not of right. It is irregular and depends on the whim of the master.

For a sympathetic understanding of the position it is essential to appreciate that the Masarwa have come to occupy a well-defined place in the Bechuana conception of the patriarchal family group. The head of the family accepts full responsibility for their maintenance, just as he does for that of his own children, and it is as strange to him to hear that he ought to pay them for their services as it would be for a civilised father to be told that he should pay his daughter for any domestic duties which she performs for the benefit of the household. The salient difference between the position of the Masarwa and other "children" of the family group is, of course, that the former must always remain minors and can never be freed from the paternal power.

From the evidence of John Ratshosa, it would, however, appear that Khama, in his latter years, laid down a definite policy in favour of payment being made in kind to the Masarwa, but there seems to have been considerable opposition to this innovation. Khama died before he was able to carry it through, and even he did not go so far as to say that the Masarwa could claim payment as a matter of right.

Chief Tshekedi expressed himself on the whole as opposed to the regular payment of Masarwa, contending, somewhat disingenuously I fear, that, if this were done, the Masarwa would be worse off than they are now and would themselves be opposed to it, since far fewer would be employed and the work made more exacting. But, to do the chief justice, it must be admitted that feeling among many of the Masarwa interviewed seemed to be lukewarm on this point. The possibility of receiving regular wages from their masters was a new idea to them, and though several professed themselves as dissatisfied with their present lot, the only remedy which occurred to them was that the Government should order the masters for whom they had worked for nothing during many years to share their cattle with them.

In this connection, it is interesting to note the account given by a trader of the manner in which he supposed that the Masarwa who worked for him for regular wages maintained their relationship with their masters. He says: "When a Masarwa has been away at work for, say, six months, he will go back to his master and present his accumulated earnings before him, as it were, offering the whole amount, and the master would take, say, a shilling or sixpence as a token of their relationship and tell the servant that the remainder was his (the servant's) property." One may be permitted to imagine that the Masarwa would not offer their earnings in this way unless they were fairly sure that the major portion would be returned to them again.

Section 5. — Freedom of Contract.

There is no doubt that, according to tribal custom, the Masarwa is not free to work for anyone save his master, except with that master's permission. The position in this regard is thus described by Captain Nettelton: "It is true that you find Masarwa working for Europeans both within and outside the Reserve, but such Masarwa either have had the permission of their Bamangwato masters or have deserted from them. But, on the whole, the Masarwa take very little advantage of such opportunities as there are to work independently."

The fact is that there is very little opportunity for any natives to obtain paid employment either in the Bamangwato Reserve, or indeed in other parts of the Protectorate. It is probably not going too far to say that this has been the most potent factor in perpetuating the servile condition of the Masarwa and remains the greatest obstacle in the way of their emancipation. Had there been a steady local demand for free native labour it is inconceivable that the Bamangwato could have maintained the present system, and, until greater opportunity for independent employment presents itself, it is difficult to see how the Masarwa can be helped to emerge from the condition of apathy and dependence into which they have lapsed.

However, there are enterprising individuals among them who, with or without the permission of their masters, do find paid employment with Europeans or natives, despite the endeavours of their Bamangwato masters to restrict their liberty.

Quite how strong tribal feeling is on this point it is difficult to gauge. It would undoubtedly be a blow to the prestige of the chief if his Masarwa left him of their own accord, or were taken from him: and, though he and other masters may profess indifference to their Masarwa going to work elsewhere, there is ample evidence of a definite native policy upholding the right of the master to get back, by force if necessary, any Masarwa who have deserted.

The senior member of the Serowe kgotla, who acted for Chief Tshekedi during the latter's recent visit to England, actually gave written authority to take Masarwa, who had engaged for work with Europeans near Francistown, back to their Bamangwato masters, and his action received the approval of Tshekedi on his return.

At the same time, it is to be remembered that comparatively few Bamangwato own Masarwa. Motsete suggested that only about a tenth of the people were in this position, and that the remainder

would be glad of the opportunity of employing Masarwa as servants and paying them wages. If he is correct, the commoners among the Bamangwato must be better off than is generally supposed.

Section 6. — The Status of the Masarwa in regard to Rights of Person and Property.

The Masarwa have been variously described as "slaves", "serfs", "vassals", and even "chattels". They certainly are not slaves, if the definition of that status given in the latest edition of Murray's dictionary may be accepted. It is as follows: "One who is the property of and entirely subject to another person whether by capture, purchase, or birth: a servant completely divested of freedom". The same authority defines "serf" as "a person in a condition of servitude or modified slavery, distinguished from what is properly called slavery in that the service due to the master and his power of disposal of his serf are more or less limited by law and custom". The latter definition is more appropriate than the former for a Masarwa, since the services due to his Mongwato master are limited to hunting, cattle-herding and agricultural and domestic work, and the master may not dispose of him save to another member of the family, or by way of surrender to the chief, in whom the ultimate ownership of all Masarwa is, in theory, vested.

Again, those who speak of the Masarwa as mere "chattels" attached to their masters' cattle may be reminded that, when the Mongwato sells his cattle outright, the Masarwa herds do not and never have passed with them. It is only in certain special circumstances prescribed by custom that this occurs. Thus, when the chief confers a portion of the tribal cattle upon a deserving subject, some Masarwa herds go with them. Again, if the head of a family dies, his cattle and their herds are apportioned among the heirs, or may be so distributed during his lifetime on the marriage of a descendant, by way of dowry.

The right of a Masarwa to marry whom he will appears to be recognised by the Bamangwato, or, at any rate, not interfered with. The custom is for the bridegroom to work out his "bride price" for the parents of the woman, and it may be—evidence was not entirely satisfactory on this point—for the woman's master.

One witness said: "The marital rights of the Masarwa are respected by the Bamangwato. A Masarwa wishing to marry would ask the parents of the girl for their daughter, and be expected to do some service for the prospective parents-in-law—give them the meat or skins of animals he had killed, for example".

Another said: "The master of the woman concerned has a say in the matter, as he considers the woman as his child. The offspring of such marriage would in turn become the 'children' of the Masarwa man's master, but the Masarwa father would still exercise paternal rights over them."

Another said: ". . . I believe the contracting parties are expected to get the permission of their respective masters".

On the whole, I think it may be accepted that, in practice, the Masarwa exercise a very large measure of freedom in this matter, and the Mongwato master takes little interest in it one way or another.

A far more serious matter is the recognised right of the Mongwato master to separate a child from its parents when it suits him to bring a young girl or boy in from his cattle-post to work as a domestic servant at Serowe. The lot of the child is said not to be bad in such cases. Indeed, it may be better off enjoying the amenities of such native civilisation as exists at the "capital" than when leading the harder life at the cattle-posts. But, if there is one human sentiment which the native has pre-eminently in common with more civilised human beings, it is the bond subsisting between parent and offspring, and a custom which ignores this must clearly be regarded as repugnant to our ideas of natural justice.

In regard to ownership of property, the position of the Masarwa has undoubtedly improved, and his right to individual ownership of anything lawfully acquired by him is now recognised.

Tshekedi's evidence may be accepted as conclusive on this point. He says: "As regards ownership of property by Masarwa, the cattle which have come into their possession, in the manner already described (*i.e.*, given them by their masters), are their absolute property, of which they have a perfect right to dispose as they will. Apart from cattle, some have sheep and ploughing gear"; and again, referring to wages earned in employment undertaken by permission of the master, "his wages in such case become the absolute property of the Masarwa. His master has no claim upon them whatever".

Several illustrations of this right to the ownership of property were encountered in our travels round the cattle-posts to the north of Serowe. There was, for example, the case of the Masarwa who complained that his master had taken away some oxen belonging to him. On enquiry, it transpired that the complainant had had his case heard in kgotla and had been awarded a portion of the cattle claimed by him. Masarwa were found in possession of small herds of goats, and others sold skins to us for cash.

One Mongwato master, Molepe, even claimed that his Masarwa were better off in this world's goods than he was himself; and there are plenty of instances where, with or without their masters' permission, Masarwa do go and work for others and enjoy the fruits of their labour in cash or in kind.

There can, however, be little doubt that the Bamangwato masters continue to regard the acquisition of any considerable quantity of property by a Masarwa with jealous eyes, and are quick to seize on any plausible pretext, as for example the ownership of a gun with which an animal was killed, for depriving the Masarwa servant of his gains.

It is to be remembered, in this connection, that individual ownership of property is a newer idea to the Masarwa than to the Mongwato, and the latter would be more than human if he did not on occasion exploit this to his own advantage.

Section 7. — Summary of Findings.

At this point it will be convenient to summarise very briefly, and in conformity with the terms of reference, the conclusions arrived at regarding the condition of the Masarwa from personal observation and from the evidence of witnesses examined.

The conditions under which the Masarwa are employed by the Bamangwato tribe, while not as a rule involving excessive hardship, are sufficiently unsatisfactory to call for further investigation and action with a view to improvement.

The remuneration received for their services by the Masarwa depends solely on the whim of their masters and is irregular and inadequate.

The Masarwa cannot, in accordance with native custom, a custom upheld by the chief and his councillors, engage in any occupation or transfer his services from one employer to another save by permission of his master, nor can he move from the area of his master's authority without such permission.

Their general conditions of life are primitive, easy, carefree and unprogressive.

Their personal rights are not equal to those of the Bamangwato: they enjoy no share in the government of the tribe, and their marital and paternal rights are liable, though in practice not often subject, to interference from their master.

Theoretically, the Masarwa enjoy the usual rights of acquiring and holding personal property, but they have no interest in land and their rights over personal property are largely illusory owing to their limited opportunities of acquiring any.

The circumstances which have led to their present position are the invasion by a superior tribe of the area formerly occupied by them and their consequent subjugation by that tribe, coupled with the lack of any tribal organisation of their own.

Section 8. — Desirability of Government Action.

The answers to the question whether action on the part of Government directed towards improving the lot of the Masarwa was called for, and, if so, the form which it should take, disclosed considerable divergence of opinion among the witnesses examined.

The chief and his followers were inclined to adopt the well-known apologia of Aristotle for the institution of slavery, contending that the Masarwa belonged to an exceptionally low species of humanity, and were in their present condition better off than they had ever been before, and as well off as they could expect to be; any attempt at emancipating them and giving them greater opportunity for advancement would be likely to produce an opposite result, and the Masarwa themselves would be opposed to it: separated from the cattle entrusted to their care, and released from the supervision of their masters, they would, it was feared, revert to their miserable nomadic existence in the desert and not improbably become robbers and raiders preying upon the stock which they had formerly tended.

In short, a continuation of the policy of repression was advocated, a denial of opportunity for an inferior to compete with a superior race. Such a system has been and is still being carried out elsewhere and has a number of supporters, but the results are sufficiently disquieting to justify its exclusion at any rate from the practical politics of a protecting power committed to the doctrine of trusteeship for backward peoples. For the Masarwa must be admittedly regarded as a race more backward than the Bamangwato. They are only now emerging from the "collecting" stage, have so far shown little aptitude for cultivation, speak a barbarous language, and can boast no tribal organisation. But they happen to be human beings and, as such, may be presumed to possess potentialities for progress non-existent in the lower animals. The difference between them and the Bamangwato is a difference in degree, and not in kind, as the Bamangwato would have us suppose. The more civilised European may even be excused for regarding the gap between himself and the Mongwato as wider than that between Mongwato and Masarwa.

It is unnecessary to labour this point. The far-seeing Khama deliberately adopted a policy of progress and not of repression in regard to the Masarwa. How far he might have been prepared to go we cannot tell, but inasmuch as the system inaugurated by him is in consonance with our own ideas of the best method of governing backward peoples, we should, it is submitted, view with distrust the present tendency of Tshekedi and his party to call a halt—so far and no farther—and insist on a return to the principles of his respected father. How, under the changing conditions of to-day, those principles may be implemented to the greatest advantage is the problem before us. Before seeking its solution it will be as well to consider shortly the views of three other groups of witnesses.

Some of the older settlers appeared to subscribe to the opinions expressed by Chief Tshekedi and his party, and one of the missionaries, though forced to admit the iniquity of a system which

involved the arbitrary separation of children from their parents, seemed on the whole content with a policy of non-interference.

A group of native witnesses expressed themselves as very definitely of the opinion that the Masarwa lived in a condition of great hardship under the tyranny of their Bamangwato masters and that drastic reform was called for. They scouted the idea that the Masarwa were incapable of improvement, and favoured definite intervention by the Government on their behalf. These people, however, were, without exception, known to be political opponents of the acting chief, and this fact had to be taken into account in assessing the value of their evidence.

The remainder of the witnesses, including all officials examined, while deprecating any precipitate action on the part of the Government, recognised that something more than leaving the Masarwa to work out their own salvation should be attempted.

As the Rev. Haydon Lewis put it: "The claim of the Masarwa is exactly the same as the claim of any other human being upon its superiors. . . . The betterment of the Masarwa should be considered as an end in itself, apart from any economic or political considerations".

Constructive suggestions as to the steps which should be taken to achieve this end were generally tentative and not easy to elicit. There was, however, something like general agreement in the following points:

- (i) That the right of a Mongwato master to exact compulsory service from his Masarwa servant should not be recognised;
- (ii) That voluntary service by the Masarwa should receive regular remuneration;
- (iii) That the right of a Masarwa to engage for service without reference to his Mongwato master should be recognised;
- (iv) That the able-bodied Masarwa should contribute his share of taxation, however small, towards the revenues of the State;
- (v) That land should be made available for occupation by such Masarwa as wished to settle independently.

In effect, the declaration which the High Commissioner thought it necessary to make to the kgotla at Serowe in 1926 was endorsed. That declaration was as follows:

"The Government will not allow any tribe to demand compulsory service from another, and wants to encourage the Masarwa to support themselves. Any Masarwa who wish to leave their masters and live independently of them should understand that they are at liberty to do so, and that if the Mongwato attempt to retain them against their will, the Government will not allow it.

"It is the duty of chiefs and headmen to help these people to stand on their own feet, and I expect the missionaries, and the chief and his councillors to join the Government in preventing anything in the way of compulsory service in Bechuanaland."

Such a statement of policy was, one would have thought, simple and clear enough, yet Chief Tsheredi says: "The statement made by Lord Athlone in 1926 was not understood, and I cannot say that it has made any difference in the condition of Masarwa one way or another". The latter part of the chief's remark is corroborated from other sources, but that the plain words used were not understood must, I think, be regarded as a euphemism for something else. The evidence of one official who advocates closer contact between Europeans in authority and Masarwa is instructive in this connection. He says: "At present, there is no such contact either in the case of missionaries or officials. The Mongwato stands between, and without some definite step to eliminate his influence, which is all directed to keep the Masarwa under subjection, little progress is likely to be made". In fact, the Bamangwato still demand compulsory service from the Masarwa; the Government have not encouraged the Masarwa to support themselves; the Masarwa do not understand that they are at liberty to leave their masters and live independently, nor that if the Bamangwato attempt to retain them against their will the Government will not allow it; the chiefs and headmen have not helped the Masarwa to stand on their own feet; nor has there been anything in the nature of co-operation between missionaries, the Government, chief and councillors in preventing compulsory service in Bechuanaland.

It has been already stated that further investigation with a view to the improvement of the conditions under which the Masarwa live and work is desirable. The conclusion is fortified by the knowledge that this course would be in accordance with a policy declared by the Government five years ago, and still adhered to, but never carried out.

It now remains to submit recommendations as to how the desired improvement in the condition of the Masarwa may best be achieved.

Section 9. — The Recommendations.

The present enquiry was instituted with a view to clearing up any misunderstanding which might exist with regard to the conditions under which the Masarwa live in the Bamangwato Reserve. Those conditions are found to be unsatisfactory and inconsistent with the declared policy of His Majesty's Government. It is claimed that that policy, as stated by the High Commissioner in 1926, was not understood by the chief and people of the Bamangwato tribe, and inasmuch as it is desirable that the co-operation of the chief and tribe should be secured, in order to effect the desired

improvement in the condition of the Masarwa, the first step towards this end should be a re-affirmation of the Government's policy formulated in a manner clear beyond the possibility of misunderstanding. Further, it is of the utmost importance that the terms of any declaration, which it may be thought fit to make in this connection, should be communicated as widely as possible through Government officers, not only to the chief of the tribe and the kgotla at Serowe, but to all subordinate kgotlas, and to the Masarwa themselves. This should give the opportunity, not for discussing a policy which has already been decided upon, but for explaining anything in it which still remains ambiguous.

The declaration having been made, the next step should be for a representative of the Government to consult with the proper native authority, and, if thought desirable, with the representative of the missionary society working in the Reserve, as to the best means of carrying out the policy.

Precisely what this means should be, the limited experience of local affairs acquired by this Commission hardly justifies it in laying down in any detail. The following suggestions, however, may be considered worthy of consideration:

1. A definite instruction should be given to the administrative officers and to the native authorities in the Reserve that the policy is not, as has been the case in the past, to remain a dead letter, but is to be carried into effect.
2. Beginning with the town of Serowe, a census should be made of all Masarwa in the Reserve, and the names of their Mongwato masters, if any, recorded.
3. A European officer should be seconded to supervise the census and to devote himself to the task of furthering the interests of the Masarwa generally, and, in particular, of putting opportunities for employment in their way.
4. The practice of assuming that Masarwa are exempt from payment of hut tax should cease, and power be taken under the Hut-Tax Proclamation to exempt from payment of the whole or a portion of tax any person or group of persons who may be shown to the satisfaction of the proper authority to be indigent and unable through no fault of their own to pay the tax or a portion thereof.
5. The chief should be asked to allot sufficient and suitable land for occupation by Masarwa, and, if the chief is unwilling to do this, then the Government should set apart an area of Crown land for such occupation.
6. Consideration should be given to the possibility of appointing native demonstrators in agriculture to encourage and assist in the cultivation of crops any Masarwa who may elect to settle in village communities.
7. Legislation should be passed, if such does not already exist, making it an offence to employ or take to be employed any person save in accordance with the Master and Servant Proclamation.
8. A short Proclamation should be issued affirming that slavery in any form whatsoever is unlawful, and abolishing the legal status of slavery.

The first suggestion, that definite instructions to carry out the policy laid down should be given to administrative officers and native authorities, may, on the face of it, seem superfluous. In view, however, of the admitted failure of the declaration of 1926 to effect any reform in a system which was then condemned, it does appear desirable to emphasise the necessity for doing something more than merely watching the situation and reporting thereon from time to time. The District Officer has never got in touch with his Masarwa. In fact, he never appears to have regarded them as his business. Enquiries made among the Masarwa visited on our short journey in most cases elicited the fact that they had rarely or never been visited by a European. There was nothing on record in the Resident Magistrate's Office to tell us where the Masarwa were, and such information as we could get was obtained from the Bamangwato masters. The official only comes across the Masarwa by accident, or when some serious complaint, like the atrocity committed in the Rajaba case, forces their existence upon his notice. The Mongwato, as an official very truly said, "stands between". What is true of the official is equally true of the missionary, who hopes to improve the condition of the Masarwa through the reform of the Mongwato master. "This vassalage . . . melts away before the teachings of Christianity", wrote John Mackenzie sixty years ago. If it does, the process has not been perceptible since Khama's death, either in the town of Serowe, where a Mission has been established since its foundation, or elsewhere in the Bamangwato Reserve. There are said to be many Masarwa children in Serowe—no one knows how many—but the missionary in charge of the school there, with 700 scholars on the roll, had thought that no Masarwa attended, but subsequently heard there had been one in the previous year.

Travelling about among the scattered communities of Masarwa will certainly prove an arduous business, but surely the attempt should be made to get into direct contact with them by this means. That is how Khama initiated his policy of improving their lot and incorporating them in the Bamangwato tribe, and that, it is submitted, is the only way in which the administration of any native people can be carried out effectively, by personal contact between the administrative officer and his people.

The Masarwa have for too long been regarded simply as the people of the Bamangwato, and, as such, no more to be interfered with than their cattle.

It may be thought that there is undue insistence upon this detail of administrative work, but, in my opinion, it goes to the very root of the matter, and I would add that, unless such travelling is undertaken as part of the regular routine of the District Officer and the results of every journey recorded, little progress can be expected from any scheme which it may be seen fit to adopt with a view to the advancement of these people.

The suggestion that a census of the Masarwa and their Bamangwato masters should be made hardly calls for comment. There is a census, or rather a tax register of a kind, compiled and amended from time to time, I understand, by the chief's tax-collectors, and there were said to be some names of Masarwa included, but when a copy was handed to the late head tax-collector, Mathiba, he said he was unable to indicate the names of any Masarwa recorded there. It would clearly be desirable to know the approximate number of Masarwa in Serowe, and elsewhere in the Reserve, if only to judge whether they are increasing or decreasing, and the number of Bamangwato who own them. Khama, it may be noted, expressed anxiety on one occasion as to whether the cattle of the Bamangwato would in the years to come suffice for the support of the Masarwa, who were, in his opinion, increasing. If this anxiety proves to be justified, a serious situation for which Masarwa and Bamangwato alike will be unprepared may arise in the near future, and should disease appear and materially diminish the Bamangwato herds the trouble would be accelerated and intensified.

That a European officer should be seconded to supervise the taking of the census is essential. With the best will in the world, the native authorities could hardly be expected to carry out the work efficiently without such supervision, and if one may judge from the attitude of native witnesses on this subject, such goodwill cannot be counted upon with any confidence.

The officer seconded would, in the course of his work, have an exceptional opportunity for acquiring first-hand information about the condition of the people, and becoming well equipped to advise both them and the Government regarding future measures which might usefully be taken for their advancement.

The tacit understanding—no instructions on the matter could be traced—that Masarwa should be exempt from taxation seems to have originated, not unnaturally, from the presumption that they could not become possessed of sufficient means to pay. "The chiefs do not demand it (*i.e.*, the tax) from them, as they are more backward than others. We are waiting for the time when the tax could be exacted from all in general", said Chief Tshekedi. That time is, it is to be feared, very far distant, if the existing system is not altered.

Exemption of Masarwa from taxation does not appear to be universal in the Protectorate; at any rate, the Bamangwato Reserve seems to be the only part where exemption is granted as a matter of course. On the question of taxation generally, reference may be made to the evidence of Colonel Rey, and I should like to associate myself with the opinion which he expresses on the subject. The incident which he cites, of the bushman who begged to be allowed to pay tax in order that he might be regarded as a man and not as the dog of the Bakgalagadi, is illuminating and illustrates very well the attitude of mind which the average decent native citizen has towards the payment of tax or tribute to a central authority. The evidence of Mr. MacFarlane regarding his Masarwa employees is also instructive: "Those employed by me professed to be quite willing to pay, provided their independence was thereby guaranteed".

One of the most intelligent native witnesses examined on this point stated: "I think it would be desirable to impose some taxation on the Masarwa after fair warning had been given. I feel rather doubtful whether the administration of such taxation should be left to the Bamangwato, as all native taxation in the Reserve is at present, but it might be tried. Any money derived from such taxation should be allocated to a fund to provide for further development of the Masarwa."

One of the missionaries who has special knowledge of local conditions regarded it as inevitable, if the policy for the betterment of the Masarwa, which he advocated, were to be carried out effectively, that supervision of the collection and payment of tax must pass from the chief and his agents to the European official.

The obligation to pay tax is in full accord with native ideas and native customary law, and is undoubtedly one of the strongest bonds between the governing authority and the subject. Chiefs, under European rule, relinquish their right to tribute from their subjects with the greatest reluctance, but it would be relinquished in favour of the higher authority responsible for the expenses of maintaining order and good government in a native territory, and a subsidy commensurate with the loss to his privy purse paid to the chief. In the Bamangwato Reserve, the chief, who is far the largest owner of Masarwa, gets their services without payment of wages, and from his other subjects an eighteen-penny poll tax as well as the proceeds of levies made from time to time for special purposes. If the Masarwa are to be taxed by the Government and paid for their services to the chief by him, should they pay him in addition the customary poll tax? I trust it may be considered that they should not. But it is clear that so drastic an innovation as payment of tax by able-bodied male Masarwa will involve some revision of the present system of tax-collection and the incidence of payment, and it therefore seems necessary to record my considered opinion that very much closer supervision by European officers of the methods of tax-collection in the Bamangwato Reserve is urgently needed.

Before tax is demanded from the Masarwa, every possible effort should be made to find opportunity for them to earn money, and the amount which they should be called upon to pay must be governed by the opportunity open to them to find the wherewithal, but for the reasons indicated above, it appears to me to be of the first importance that they should be called upon to pay something, even if it be but a shilling a head in the first instance.

Opinions vary very much regarding the possibility of inducing the Masarwa to settle down and cultivate in permanent communities. Captain Stigand, an officer of long and wide experience, says: "I think it might be feasible and would be desirable to encourage the Masarwa to form small village communities of their own". Captain Nettelton, equally experienced, says: "I do not think any attempt to establish the Masarwa in their own villages or in a reserve of their own would be likely to be successful. They would have no means of subsistence and they are not sufficiently advanced to take care of any stock, which they might acquire, without supervision."

"It would be hopeless to establish Masarwa in villages of their own to-day. They would never stay in them", says Mr. George Smith, a trader and farmer of twenty years' residence in the Reserve.

Mr. Johnston, who has lived in the Reserve since 1895, says: "I have seen instances in the Macloutsi District of the better-class Masarwa who talk a different language (*i.e.*, different from the desert Masarwa), where they do go in for ploughing and live on a higher standard". Captain Potts, the present Resident Magistrate of the Bamangwato Reserve, says: "It might be worth while experimenting with the establishment of a small Masarwa Reserve on Crown land, starting, say, with one village of Masarwa, with the idea of making themselves self-supporting. This would involve the appointment of a Native Agricultural Demonstrator, the provision of seed, agricultural implements and oxen, and there should also be a school. It would of course also necessitate regular supervision by a European officer."

A native says: "The best thing would be if some kind of work for wages could be made available for them within the Reserve, and some land found for them where they could cultivate for themselves in settled communities. . . . It would be necessary to find some leaders or overseers to settle the Masarwa in villages. These might be found among some of the superior tribes, not necessarily the Bamangwato, possibly the Makalaka or the Bakhurutsi, but Government assistance in some form would be necessary. The Masarwa have not sufficient initiative to start this on their own."

Another native witness says: "The first step towards improvement of the position of the Masarwa to-day would be to give them ploughs and allot land to them for cultivation in the vicinity of places where they now live. They would be averse to moving any distance and settling elsewhere. Cattle should be supplied to them by their present owners for whom they have worked for a long period without pay."

Perhaps the most encouraging statement comes from Chief Tshekedi, who says: "To-day small villages of Masarwa are to be found in the Reserve, villages of even as many as thirty huts containing only Masarwa inhabitants, and with permanent mudded huts, cultivated fields and grain stores."

The chief, I think, alluded to some of his own Masarwa, who are in rather an exceptional position, due in a large measure no doubt to his control over very large herds of cattle, and to his personal wealth.

On the whole, despite the adverse opinion expressed by some witnesses of great experience, the necessity for providing such Masarwa as may elect to leave their master with land to settle on appears to be paramount. The experiment must be tried, but I would not advocate the setting-up of the Masarwa with cattle and ploughs, even if the Government, or some wealthy Mongwato philanthropist, were prepared to do this. Those Masarwa who have already acquired some stock, or show sufficient initiative to earn money with which to purchase stock, are the most likely to be the successful pioneers of the movement, and should be given the first opportunity.

The officer seconded to supervise the census in the first instance would clearly be the person to assist in the selection of a suitable site for settlement and to encourage the first settlers.

The employment of native demonstrators in agriculture to assist the Masarwa is important. I understand that this has been done for the natives in Basutoland and proved a success, and if there was need for it there, the need is vastly greater here.

It is on the assumption that no offence punishable at law is committed by those Bamangwato who claim and exercise the right to the services of Masarwa inherited by them or acquired from the chief that legislation in this connection is suggested. That there are good masters among the Bamangwato, and that the Masarwa are reasonably well off in their service is not denied. The objectionable feature in the present arrangement is that the Masarwa has no opportunity of emerging from his servile state into a condition of permanent independence, unless he runs away. The Rev. W. C. Willoughby, formerly Principal of Tiger Kloof and author of "Race Problems in New Africa", writing on the general subject of "Forced Labour as an Ancient Tribal Custom", and of the regimental system of compulsory labour in particular, says: "It is not too much to say that the forced labour which tribes have exacted from tribesmen has done more than any single influence to promote shirking and malingering. What the Bantu need for their advancement is not mere labour, but ingrained habits of industry; and compulsory labour makes work distasteful and popularises safe and ingenious methods of evasion". For this and other extracts from the

same author, *see* Appendix III, page 144.¹ It is submitted that his remarks apply with equal force to the servile labour of the Masarwa for, whatever benefits they may derive from it, it is compulsory labour, it is universally agreed to be labour of very inferior quality, and the general effect of it is detrimental alike to the interests of employer and employed.

The idea of a contractual relation between master and servant is, of course, quite foreign to native custom and usage. The native did not work for another unless as a member of the family or the tribe for the common good, or as a destitute creature for his mere sustenance, or as a slave. But with his usual adaptability he has very readily taken to the more civilised procedure of labouring for pay without losing his self respect but rather gaining in independence. "Master and Servant" laws to regulate the operation of such contracts are a natural outcome of the relationship created, and though all are probably capable of improvement, it is at least not unreasonable and will certainly prove educative to enforce the application of such as exist upon a community which still adheres to an obsolete and objectionable system of servile labour.

If it is thought desirable to make the application of the law compulsory, it will be equally necessary to ensure that it is enforced with due discretion, and a warning in this sense to administrative and police officers, who may at first be inclined to look upon the new provision as a panacea for all the evils of servile labour, will probably be thought advisable.

Lastly, the promulgation of something in the nature of an abolition of slavery proclamation is recommended, not merely as a gesture signifying disapproval of an institution already illegal, but as a definite legal negation of the right to invoke in any court, whether native or European, a native custom tainted with slavery in any shape or form.

"If the legal status of slavery is abolished, no court of law can recognise any rights based on the claim of any person to property in the person of another. Every slave can assert his freedom without any ransom or formality, and an owner is as liable to process of law for attempting to detain a slave against his will, or to capture a runaway, as though he were free born. On the other hand, it is not a crime for a master to retain a slave if both desire to remain in that relationship. It is permissive as contrasted with compulsory emancipation." (Extract from the article on slavery in the fourteenth edition of the *Encyclopædia Britannica*.)

This concludes the recommendations of the Commission on the Masarwa problem. It only remains to add, if this point has not been sufficiently emphasised, a word of warning against endeavouring to proceed too fast with any reforms which may be undertaken.

For one reason or another, the Masarwa question has not been tackled or even studied with any attempt at system since we assumed the government of the Bechuanaland Protectorate. It could hardly be hoped, then, in the short period at the disposal of the Commission, to do more than formulate tentative proposals, and of these the most important is the recommendation for further exploration of the problem and closer personal contact between the European officer and a section of the native people hitherto neglected.

B. CORPORAL PUNISHMENT BY NATIVE AUTHORITIES.

Section 10. — The System under which Corporal Punishment is administered.

Flogging as a judicial punishment is an ancient institution among several of the tribes in the Bechuanaland Protectorate, including the Bamangwato, and by comparison with sundry other methods of punishment practised among Bantu peoples can fairly be described as humane.

The procedure in carrying out the punishment in the kgotlas of the Bamangwato Reserve is as follows: Immediately on sentence being pronounced, the offender, if he is a male, is ordered to strip and lie down on his face; some member of the kgotla, generally "the policeman", is then told by the presiding chief to beat him, and the strokes are laid across the bare back until the executioner is told by the chief to stop. The instrument used was formerly a switch of the moretlwa bush, something like a cane of pliant wood tapering at the end to the thinness of the smallest pencil. In recent years the sjambok has been introduced, and is frequently used in place of the moretlwa, invariably, some witnesses say, in the Serowe kgotla, but evidence on this point is not conclusive. No number of strokes is, as a rule, specified when sentence is pronounced. It is simply left in the discretion of the chief to say when he thinks that punishment has been sufficient, but it is open to any headmen present to protest at any stage of the flogging, and if this is done the flogging is stopped—provided, it may be assumed, that the protester has the assembly with him.

The floggings inflicted in the Serowe kgotla are said, as a rule, to be comparatively mild, generally amounting to no more than four strokes and seldom exceeding ten.

The punishment is not restricted to any specific class of offence. Fining is generally preferred, but where the convicted person cannot pay the fine imposed, flogging is commonly resorted to as the only alternative penalty.

Any offender may be flogged, regardless of age, sex or position, but it is unusual to flog the very old or the very young, and where the sentence is carried out on a female she is not required to strip.

¹ Not printed.

As the law stands at present, there is no appeal to a higher tribunal from a sentence of flogging by a kgotla, but "before the sentence is carried out it is open to any member of the kgotla to pray for pardon of the offender. In such case, sentence is postponed until the prayer has been heard, and may or may not be carried out". (Tshekedi's evidence, Appendix I, page 29.¹)

Apart from judicial flogging in kgotla, the power to inflict this punishment is vested in the head of a "regiment" on the members of his regiment, and in the head of a family on the members of his household.

The regimental system is too well known to require any elaborate description here. It may, however, be as well to state that a tribal regiment consists of age-groups of males who have attained adolescence and been through the usual puberty ceremonies at about the same time. One of the number, who is thought to be best fitted to assume authority over the group, is appointed head, and it is his business to call up members of his regiment for tribal service when required, and to maintain discipline among them. To assist him in these duties he is given the power to flog recalcitrant members, but is only supposed to exercise it after consultation and on agreement with the others. The commonest occasion on which the punishment is inflicted appears to be when a member of the regiment refuses to turn out for, or otherwise seeks to evade, tribal labour. As in the case of the kgotla, no limitation is placed on the number of strokes, or the kind of offence for which the punishment may be given.

The right of the head of a family to chastise members of his household is exactly the same as the old English common law right in this regard. It may be exercised over wives, children, servants and dependants indiscriminately and, while evidence goes to show that it is not ordinarily abused, the right to chastise servants of the household, who belong to a subject tribe like the Masarwa, was generally regarded with considerable disfavour.

An official witness expresses this in the following words: "I know too well from personal experience the length to which natives will go if they are allowed to flog their fellows, and *a fortiori* if they are allowed to flog natives whom they regard as little better than animals, as the average Mongwato regards the Masarwa. Such cases may not be frequent, but that they do occur is undeniable, and control can only be exercised where the circumstances are peculiarly favourable—in the immediate neighbourhood of a Government station".

Section 11. — The Extent to which the System should be allowed to continue and the Safeguards recommended to prevent its Abuse.

The most cogent argument advanced in favour of a continuation of the system of corporal punishment by native authorities is that it is the only alternative possible for them to punishment by fining, and, if you abolish it, there is nothing to put in its place. Moreover, in the opinion of several witnesses it is not generally abused, and is not objected to by the people as a whole.

In view, however, of the fact that the power which European judicial officers have to impose sentences of flogging is carefully regulated and restricted by law, it is difficult to maintain the position that native authorities should exercise such power indiscriminately and without any of the safeguards which it has been thought necessary to provide against its abuse by more civilised judicial tribunals. The argument that there is no alternative to flogging save fining loses much of its force if a system, tried successfully in other native territories, under which a native tribunal may impose sentences of imprisonment to be carried out in gaols under European control, be considered possible of application in the Bechuanaland Protectorate. True the gaol accommodation there is at present very meagre, and the few gaols which exist are situated at considerable distances from many of the kgotlas having jurisdiction, but this difficulty might, it is submitted, be got over, particularly in a community where compulsory labour without pay is already a recognised institution.

Why should not the kgotla at an inconvenient distance from a gaol order the offender, sentenced to pay a fine and unable to produce the money, on so many days' labour on tribal work under the supervision of one of its officers, while the kgotla sitting within reasonable distance of the local gaol might, on the warrant of the chief or presiding councillor, commit an offender to undergo imprisonment there?

At least this would be an improvement on a system under which the poor man must undergo the indignity of corporal punishment for an offence which the well-to-do can compound by payment.

With regard to the contention that the power to flog is not generally abused by the kgotlas or objected to by the people, no one who knows the lengths to which the native will go in inflicting summary punishment, when once his passions are aroused, can fail to feel some uneasiness over this comfortable generalisation. It is to be remembered that the kgotla exercises all the ordinary functions of government, and so is at once an executive, legislative and judicial body, and is, moreover, of a political character in the sense that it is, in theory at any rate, representative, not only of the aristocratic, but also of the popular parties in the State, though, at the moment, the aristocracy of the tribe is undoubtedly in the ascendant at Serowe. But, in whatever capacity the assembly is functioning, it is composed of the same members with the same political bias. This being so, it is not to be wondered at if judicial powers are sometimes used for political ends.

¹ Not printed.

There is little doubt, in the minds of those best qualified to judge, that this is what happened in the deplorable case of John Ratshosa. He was an elderly well-educated native, for years the trusted secretary of Khama, but known to be a political opponent of the present acting chief; indeed, the Judicial Committee of the Privy Council, sitting years after the event in London, found as a fact that he was at the head of a conspiracy against the chief. However, he was not tried for this, but for failing to turn out for tribal work, and was then and there sentenced to be flogged. To judge from his condition described by the Medical Officer, who examined him immediately after he was supposed to have undergone his sentence, he was like "a man who had been in a general mêlée", with bruises and abrasions all over him. One can well imagine what happened. Political feeling ran high, an opponent of the chief was to be made an example of, and there was a fight between the two political parties; finally firearms were used, and the affair very nearly ended in murder. No doubt things seldom come to such a crisis as this, when the kgotla sits in judgment, but the incident shows that it is at least as necessary to impose safeguards on the infliction of corporal punishment by a kgotla as it is in the case of a European officer's court.

A retired magistrate of twenty-four years' service said in evidence: "I think the kgotlas are inclined to overdo corporal punishment. I have known cases at Kanye, Bangwaketsi Reserve, where as many as fifty or sixty lashes have been given by a kgotla". A missionary, who was not in favour of the abolition of corporal punishment but of its proper supervision, said: "I have known cases in which men have been maimed for life as a result of such floggings".

A well-known cattle-trader admitted that there were "undoubtedly examples in which corporal punishment was carried to excess", but thought "the chief might be got to use his influence to mitigate excessive punishment".

A native headman thought corporal punishment was resorted to more often to-day than in former times, because "people were more obedient in the olden days".

Captain Nettelton "would not say that it is often abused, but such cases do occur"; he had not received any well-founded complaints about it.

Captain Stigand said: "Though hardly any cases in which official kgotla floggings leading to death or severe injury to the victim have been proved, there is sufficient suspicion that such cases do occur to warrant, in my opinion, the promulgation of legislation regulating this form of punishment, and not merely recognising it under native customary law".

In the face of such testimony, it seems impossible to leave things as they are.

Section 12. — Recommendations.

In answer, then, to the question referred regarding the extent to which the system of corporal punishment prevailing among natives in the Bamangwato Reserve should be allowed to continue and the nature of the safeguards necessary to regulate and control such system, I submit the following recommendations:

1. The power of kgotlas to pass sentences of corporal punishment should be restricted to the chief's kgotla at Serowe, and, since adequate safeguards against its abuse do not at present exist, the following restrictions should be placed on the exercise of this power:

(a) The class of offence for which sentence of corporal punishment may be inflicted should be specified, and should be restricted to such offences as aggravated assault, indecency, stock theft, incorrigible roguery, arson, sedition, burglary, and such other offences as may, after consultation between the chief and his advisers and the Resident Magistrate, be approved by the High Commissioner.

(b) Sentences of corporal punishment should not be inflicted upon females.

(c) Sentences of corporal punishment should not be carried out except under the supervision of a European officer, and, whenever possible, under the same conditions as those laid down for the carrying-out of such sentences imposed by magistrates' courts.

(d) When sentence is passed, the number of strokes, which should in no case exceed ten, should be specified.

(e) Provision should be made for appeal to the magistrate's court against all sentences of corporal punishment passed by the kgotla.

(f) A record in writing should be kept by the kgotla of all cases in which sentences of corporal punishment have been passed; such record should include the name of the person sentenced, the nature of his offence, the date on which sentence was passed and the number of strokes ordered, and each case should be certified by the chief or councillor presiding when the sentence was passed; a copy of this record certified by the chief or the councillor acting on his behalf as president of the kgotla should be furnished monthly to the Resident Magistrate not later than the third day of the month succeeding that in which the sentences were passed.

2. The power to flog exercised at present by the heads of regiments is defended on the ground that discipline must be maintained in the regiments and some flogging is therefore inevitable. Most European witnesses who spoke to this point were in favour of its abolition. The chief and the majority, though not all, of the native witnesses favoured its retention.

The chief, indeed it might almost be said the sole, use made of this power is to prevent shirking from tribal labour, but, whatever view be taken of that institution, I cannot agree that flogging people to make them perform compulsory unpaid work is in accordance with natural justice and good government, and my recommendation accordingly is that directions be given that the custom by which such flogging is carried out with immunity from legal penalty be no longer recognised.

3. With the power of corporal punishment by the head of a household over members of his family I would not interfere, provided that natives of subject tribes who may be employed by him are not for this purpose to be regarded as members of the family.

Section 13. — Concluding Remarks.

It is recognised that certain of the recommendations made may tend to derogate from the powers exercised by the chief of the Bamangwato tribe, and, to this extent, may be thought to conflict with the policy of indirect rule hitherto encouraged in the Bechuanaland Protectorate. To this, I would reply that, whether rightly or wrongly, a strong impression was received that the manner in which this policy has been carried out in the Bamangwato Reserve has for one reason or another led to an autocratic system of government by the chief and a small body of advisers, and is approaching, if it has not already reached, a stage inconsistent with the measure of liberty which is ordinarily enjoyed by subjects under the more constitutional methods obtaining in native States similarly governed—and, it may be added, in other districts of this Protectorate. The condition of the Masarwa, and the comparatively recent Ratshosa rebellion, if such it may be called, are, in my opinion, symptomatic, not perhaps of serious disease in the body politic, but of a condition which calls for some modification in the treatment hitherto followed—in short, a somewhat stricter regime to which more attention should be paid.

The present method of giving the widest possible discretion to, and exercising the minimum of supervision over the government of his people by, the chief of the Bamangwato tribe originated, one is led to believe, in the well-merited confidence which the British authorities placed in the present acting chief's great predecessor, Khama, who was acknowledged by all to have been a man of outstanding personality and character; perhaps the finest example of a benevolent autocratic ruler in the history of Africa. Unhappily it must be admitted that Khama was a notable exception to the average African potentate, and one cannot with safety base a system of rule on a presumption that exceptional personalities will normally be available to direct it. It was then only to be expected that, with the loss of Khama, some auxiliary mechanism would be required for the machinery of government. For the moment, it is suggested that such auxiliary machinery should be sought for in closer control by the European over the native authority, and it is with this object in view that the foregoing recommendations have been made.

Before closing my report, I desire to record my sincere thanks for the cordial assistance which I received at every stage of the enquiry from Colonel Rey, the Resident Commissioner, and from his officers in the Protectorate.

My reception by Chief Tshekedi and his kgotla was also most encouraging, and the information accorded me by the chief and several of his councillors of the greatest assistance.

Something more than the customary formal expression of appreciation is, I feel, due to Mr. Germond, the officer seconded to act as my interpreter and secretary. He showed himself thoroughly well-equipped for the work, not only with an exceptional knowledge of the Sechuana language, but with an unusual degree of tact and sympathy in dealing with the Bamangwato and Masarwa alike, and it was largely, if not entirely, due to his assistance that so good an opportunity was afforded of judging at first hand of the conditions under which the Masarwa lived with their Bamangwato masters.

E. S. B. TAGART.

October 1931.

MEMORANDUM BY THE BECHUANALAND PROTECTORATE ADMINISTRATION UPON THE FOREGOING
REPORT BY MR. E. S. B. TAGART, C.B.E.

The Administration agrees with Mr. Tagart's recommendations, and the following action has been, or is being, taken to carry them into effect.

Section 9.

Recommendations 1 and 8.

Effect will be given to both these recommendations. The Proclamation, when issued, and a declaration on the lines of that made by Lord Athlone in 1926 will be read by the magistrates of all districts at the kgotlas and other gatherings of natives where tribal kgotlas do not exist, and all other practicable steps will be taken to ensure that the terms of the Proclamation and declaration are made known to the natives who live in the more remote parts of the territory. They will also be read at a meeting of the Native Advisory Council.

Recommendations 2, 3 and 5.

A census of the Masarwa, beginning with Serowe, will be undertaken and the names of their Bamangwato masters recorded. It is proposed to invite the Acting Chief of the Bamangwato to co-operate with the Government in the taking of the census and in devising and carrying out any measures designed to ameliorate the conditions under which the Masarwa live. The report will be communicated to the chief, and the whole matter, including the important question of the allocation of land for occupation by Masarwa, will be discussed with him with a view to securing his co-operation and help. In order to ensure reliable information, the taking of the census will be supervised by a European officer who, in addition to supervising the census, will be specially charged with the duty of furthering the interests of the Masarwa, and of assisting the magistrate and the chief in this particular work.

Recommendation 4.

There is no legal authority for such exemption of the Masarwa as a class, and there seems to be no reason why those Masarwa who have sufficient means to pay tax should not be allowed, and indeed required, to do so. Under Section 19 of the Native Tax Proclamation No. 1, of 1932, the High Commissioner has power, not only to suspend, for any period in any portion of the territory, the payment of tax, but also to reduce the amount thereof, either generally, or in respect of any class of persons. It is proposed, when giving effect to Mr. Tagart's recommendation that the Masarwa as a class should no longer be regarded as exempt from liability to pay tax, to reduce in their case the normal rate of tax to a merely nominal sum, which could be increased from time to time in proportion to their ability to pay and until the normal rate is reached.

Recommendation 6.

The importance, from the point of view of the advancement of the Masarwa, of employing native demonstrators in agriculture to encourage and assist in the cultivation of crops any Masarwa who may elect to settle in village communities is fully recognised by the Administration, and Mr. Tagart's recommendation in this behalf is in accord with the policy which has been introduced recently into the Bechuanaland Protectorate. Six natives are at present being trained in Southern Rhodesia as demonstrators with a view to their employment in the Protectorate, and as financial considerations permit, this system of teaching natives the advantages of sound methods of cultivation will be extended. The services of such demonstrators will be a factor of considerable importance in assisting those Masarwa who wish to settle on the land which will have to be made available for them. As indicated above, it is proposed that the question of allocating a suitable area of land for the use of Masarwa should receive consideration in consultation with the chief.

Recommendation 7.

This recommendation will receive attention in connection with certain proposed changes in the law which are at present under consideration.

Section 12.

The enquiry into the system under which corporal punishment is administered among natives in the Bamangwato Reserve was included in the terms of reference to Mr. Tagart at the special request of the acting chief of the Bamangwato. The system under which native delinquents are flogged by order of the native authority has recently received very careful consideration in connection with certain draft legislation which has been framed with a view to defining and regulating the powers of native chiefs and native courts.

An expression of native opinion upon the provisions of this draft legislation is being invited through the native advisory council and the native chiefs of the protectorate. Generally speaking, the relevant provisions of the draft legislation are designed to give effect to the recommendations made in Section 12 of Mr. Tagart's report. It is proposed to prohibit the flogging of women entirely, and also the flogging of any male person otherwise than under conditions to be prescribed by law. It is contemplated that every sentence of flogging passed by a native tribunal should be reported to the magistrate and should only be carried out under such supervision as is required in the case of a similar sentence imposed by a European court; that no such sentence should exceed ten strokes in number; that there should be a right of appeal against any such sentence to

a court of resident magistrate; and that an appeal should also lie from the magistrate's court to the special court.

The Administration is in full agreement with the view expressed in Section 9 of the report that district officers should be encouraged and required to travel extensively in their districts, but their activities in this respect must necessarily be governed by the amount of money which can be made available. If, in the past, district officers have not travelled so frequently as might have been desirable, this was due, not to lack of initiative on their part, but to financial circumstances which precluded the means of more frequent travelling, having regard to the difficulties of transport in a country where there is no properly developed system of roads. It may be observed that the system of administration obtaining in the Bechuanaland Protectorate, under which certain of the functions which in some other African native territories would fall upon district officers are performed by the native chiefs, also has a bearing on the amount of travelling carried out by district officers as part of their ordinary duties.

In conclusion, the Administration desires to record its indebtedness to Mr. Tagart for the trouble which he has taken and the very valuable report which he has presented.

March 1933.

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Appendix 3.

NOTES EXCHANGED ON MAY 19TH, 1927, BETWEEN SIR G. CLAYTON AND KING IBN SAUD ON THE CONCLUSION OF THE TREATY OF MAY 20TH, 1927, BETWEEN HIS BRITANNIC MAJESTY AND HIS MAJESTY THE KING OF THE HEJAZ AND NEJD AND ITS DEPENDENCIES.¹

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Appendix 4.

HONG-KONG.

HALF-YEARLY REPORTS (1930 TO 1934) BY THE GOVERNOR OF THE COLONY ON THE PROGRESS OF THE CAMPAIGN AGAINST THE MUI TSAI SYSTEM.

(a) *Letter, dated June 25th, 1930, from the Governor of Hong-Kong to Lord Passfield.*

In reference to paragraph 3 of Your Lordship's despatch No. 60 of March 5th, 1930, requesting that, on the conclusion of the six months' interval allowed for the registration of existing Mui Tsai, a report should be made showing the number of registrations effected, and generally what measures if any are considered necessary to promote the policy expressed in the present law, I have the honour to inform Your Lordship that, on June 1st, the number of Mui Tsai registered since December 1st, 1929, was 4,183.

2. At the beginning of April, less than 300 registrations had been effected; but, with the loyal assistance of the District Watch Committee and the distribution of many thousands of circulars explaining clearly what was required and the consequence of failure to comply, I am glad to be able to report that the number of registrations steadily increased, reaching 1,000 by the end of April and, as stated above, more than 4,000 by the end of May. I consider that this is a very satisfactory response. The original estimate of 10,000 as the total of Mui Tsai resident in the colony was merely a guess and it appears probable that it was too high.

3. Any diminution from the number of Mui Tsai that may have been formerly supposed to exist in this colony may be accounted for in large measure by the action of employers in returning Mui Tsai to their parents either voluntarily or upon request. Within the last six months, fifty-two such cases have been brought to the notice of the Secretary for Chinese Affairs. In almost equal proportions, the return to the parent in those cases has been either voluntary on the part of the employer, or effected without opposition at the request of the girl made to the Secretary for Chinese Affairs, or effected without opposition on application made by the parent to the Secretary for Chinese Affairs.

Apart from these cases which actually come to the Government's notice, I am informed on good authority that many restorations have been privately made, and also that, in many cases, Mui Tsai have been sent to the country homes in China of employers of the middle and upper middle classes.

¹ Note by the Secretariat of the League of Nations. — This Treaty is contained in the League of Nations Treaty Series, Vol. LXXI, pages 153 to 158.

4. In the cases of which the Secretary for Chinese Affairs has cognisance, the return of a Mui Tsai to her parents is not made without enquiry, and, since December 1st, 1929, eight claims by parents to recover their daughters have been disallowed, and, in six out of the eight cases, the girl, at her own earnest request, has been permitted to remain registered with her employer. To take one such case as an example: Tsau Kuk, a little girl of 10, resisted most strongly her natural mother's attempt to recover her from her employer. She was very happy where she was, and well treated, whereas she feared her natural mother would only sell her elsewhere. As for her father, at the sight of him she burst into tears and flatly refused to go to him.

Other such instances could be given, as where Cheung Hing, aged 15, contented and well cared for at her employer's home, declined to go back to a mother who she said would try to take her abroad.

5. I mention these cases to show that the lot of a Mui Tsai is by no means necessarily the unhappy one that some have stated. The mien and general appearance of many a Mui Tsai whom the Secretary for Chinese Affairs has observed of late being registered in his department go far to refute such hasty generalisations. That cases of cruelty and ill-treatment do from time to time come to light is unfortunately only too true. It has always been, and it will continue to be, the policy of this Government to deal firmly with such cases. Since December 1st, 1929, eleven convictions have been obtained on charges of cruelty, though it was not found in every case that the girl was a Mui Tsai. In one case, gross cruelty was found by the magistrate, who imposed a sentence of six months' imprisonment without the option of a fine. In another case, where the victim was not a Mui Tsai, a sentence of three months' without the option was imposed. In another, 500 dollars bail was estreated and a warrant issued for arrest. In three cases, the fine was 100 dollars; in one, it was 500 dollars; in two, it was 50 dollars; in one, 25 dollars; and, in the eleventh case, the magistrate administered a caution.

6. Since June 1st, thirty-one Mui Tsai have been brought up for registration: in some cases, by boatwomen, who pleaded ignorance; in others, by employers, who stated that they returned to the colony too late to register before June 1st. The Secretary for Chinese Affairs, being satisfied of the *bona fides* and absence of undesirable features in these cases, caused the girls to be registered, as I had authorised him to use his discretion during the first week or two after June 1st. The situation will be carefully watched and it has been made clear by proclamation, advertisement and pamphlet that it is the firm intention of this government to enforce the law with reference to Mui Tsai. Should cases be found of unregistered Mui Tsai, the employers will be prosecuted. There has been one prosecution under Section 2 of Ordinance 22, of 1929, for bringing an unregistered Mui Tsai into the colony, the defendant being fined 25 dollars.

7. The present position may be regarded as not unsatisfactory, and I do not consider that any further measures are at present required to promote the policy expressed in the existing law.

(Signed) W. PEEL.

(b) Letter, dated December 4th, 1930, from the Governor of Hong-Kong to Lord Passfield.

With reference to paragraph 2 of Your Lordship's despatch No. 237 of August 19th, 1930, requesting reports every six months, beginning with December 1930, of the progress of the campaign against the Mui Tsai system, I have the honour to report that the number of registered Mui Tsai remaining in the colony on November 30th was 4,117.

2. In paragraph 1 of my despatch No. 335, of June 25th, 1930, I reported that, on June 1st, the total number of registered Mui Tsai was 4,183, and that thirty-one had been registered after June 1st. In addition to these, eighty-five Mui Tsai were subsequently registered, making a total number of 4,299 registrations at the beginning of July. The number remaining on November 30th being 4,117, as stated in paragraph 1, it follows that the local diminution during the period under review was 182. These may be summarised as follows:

Returned to parents	53
Married	48
Disappeared	31
Left the colony permanently	29
Left to obtain employment elsewhere	13
Died	5
In charge of Secretary for Chinese Affairs	2
Wrongly registered	1
Total	182

3. Since the last of the prosecutions mentioned in paragraphs 5 and 6 of my despatch under reference, there have been fourteen prosecutions under the ordinance: four for ill-treatment; five for bringing an unregistered Mui Tsai into the colony; and five for keeping an unregistered Mui Tsai.

4. In the first case of ill-treatment, the magistrate discharged the defendant. In the second case, the defendant was fined 100 dollars. In the third, the charge of ill-treatment was dismissed, but the defendant was fined 100 dollars on the alternative charge of assault; and, in the fourth, a fine of 50 dollars for assault was similarly imposed. The girls concerned in the first three cases have been handed back to their relatives, and the last is at present being cared for in the Po Leung Kuk while efforts are being made to trace her relatives.

5. Fines ranging from 20 to 10 dollars were imposed in the five cases of bringing unregistered Mui Tsai into the colony mentioned in paragraph 3 above, genuine ignorance of the law being a factor common to them all. In one of these cases, the girl expressed a desire to leave her employer and return to her relatives, and steps were taken to that end. In three others, the girls concerned wished to return to China with their employers, since they could not remain with them in Hong-Kong, and arrangements were accordingly made to see them out of the colony. In the fifth case, owing to the special circumstances that the girl was without relatives, had come to Hong-Kong with her employer from Annam where they had lived for the last eight years, and could not bear the thought of separation from her employer, she was allowed to remain in the only home she knows, but not as a Mui Tsai, and subject to her periodical appearances before the Secretary for Chinese Affairs.

6. In three of the five prosecutions for keeping unregistered Mui Tsai mentioned in paragraph 3 above, fines ranging from 10 to 25 dollars were imposed; but, in both the fourth and the fifth cases, which contained aggravating circumstances, fines of 100 dollars were imposed. Two of these girls were handed to their relatives; one is in the Po Leung Kuk, pending search for her relatives; one went to the Salvation Army Women's Industrial Home; and one, at her urgent request, was allowed to remain with her employer and be registered, as her case occurred only a day or two after June 30th, the date when registration, with this single exception, finally closed down.

7. In addition to these prosecutions under the ordinance, there was another in which a Mui Tsai was concerned, three defendants being fined a total of 600 dollars for conspiring to procure a girl to have carnal connection. The girl was returned to her mother.

8. The community's degree of compliance with the regulations has been satisfactory. Reports under regulation 5(1) have been made as follows: (a) deaths, 5; (b) disappearances, 31; (c) intended removals, 78 (29 permanent and 49 temporary); (d) changes of address, 72; and (e) intended marriages, 48. Each report of death or disappearance has been followed by careful investigation by the Secretariat for Chinese Affairs. In addition, 52 registered Mui Tsai have been returned to their parents. For the community's convenience, the Tung Wah and Kwong Wah hospitals have been added to the list of places where, under regulations 5 (2), reports may be made.

9. In none of the thirty-one cases of disappearance, except one in which the girl returned to her employers, could any definite information be obtained. Some of the girls were supposed to have returned to their relations, others to have got work elsewhere and others simply to have eloped. There is nothing to show that any of those missing got into the hands of traffickers and, if they did, I think it may be fairly assumed that it was not with the knowledge of the employers. It is not unusual for a Mui Tsai who has been reported missing to return to her employers later, having gone, without telling anyone, to stay with relations or friends, as, in fact, happened in the case referred to above.

10. The anti-Mui Tsai Society has co-operated with the Secretary for Chinese Affairs by laying before him information which has reached it from time to time, though in some cases the information has been found to be baseless and probably dictated by anonymous spite. The Salvation Army Women's Industrial Home, established here in April 1930, though intended primarily for rescue work, has taken in a few ex-Mui Tsai, and, in the hands of a devoted and capable woman, is doing good work.

(Signed) W. PEEL.

(c) *Letter, dated June 23rd, 1931, from the Governor of Hong-Kong to Lord Passfield, with a Tabulated List of Convictions referred to in paragraph 4.*

With reference to paragraph 2 of your Lordship's despatch No. 237 of August 19th, 1930, requesting reports every six months from December 1930, and in continuation of my despatch No. 622, of December 4th, 1930, I have the honour to report that the number of registered Mui Tsai remaining in the colony at the end of the second six-monthly period—*i.e.*, on May 31st, 1931, is 3,949.

2. As stated in paragraph 1 of my despatch No. 622 under reference, the number of registered Mui Tsai remaining on November 30th, 1930, was 4,117. The local diminution during the period under review is therefore 168.

These may be summarised as follows:

Died	3
Returned to parents or relatives	34
Run away or disappeared (33; 4 found)	29
Left the colony permanently (25; 1 returned).	24
Married	60
Left employer to earn own living	12
Handed to custody of Secretary for Chinese Affairs	6
	168
Total	168

3. Since the last of the prosecutions mentioned in paragraph 3 of the same despatch, there have been twenty-two prosecutions under the Ordinance (No. 1, of 1923). Of these, fourteen have been for keeping an unregistered Mui Tsai, thirteen convictions being registered, and eight have been for bringing an unregistered Mui Tsai into the colony, convictions being obtained in all cases.

4. In three of the thirteen convictions for keeping unregistered Mui Tsai mentioned in paragraph 3 (above), the defendants were fined respectively 150, 100 and 150 dollars, or sentenced to the equivalent terms of imprisonment. In the remaining ten cases, fines were of varying amounts, usually about 50 dollars, according to the gravity of the circumstances.

In the eight cases of bringing unregistered Mui Tsai into the colony, the circumstances were nearly all of an inoffensive character, and the offences were committed in genuine ignorance of the Hong-Kong Mui Tsai legislation. Fines therefore ranged generally from 5 to 25 dollars. A feature of several cases was that the defendants themselves went to the Secretariat for Chinese Affairs to try and register their Mui Tsai, and thus brought the fact of their non-registration to the notice of the authorities.

A detailed return of convictions secured under the ordinance is attached.

5. No new registration was permitted, but in a few cases where Mui Tsai had been brought into the colony by their employers, were obviously happy with them and had no other relatives or friends, both employers and Mui Tsai were seen out of the colony on the conclusion of the prosecution in each case.

In two cases, in both of which the employers were thoroughly respectable, the girls were entrusted to their care, but not as Mui Tsai, and were allowed to remain in the colony.

6. In two cases in which there was strong suspicion that the girls concerned were Mui Tsai, but in which the alleged employers claimed to be the natural mother and mother-in-law respectively, charges of ill-treatment were brought under the Offences against the Person Ordinance (No. 2, of 1865). The first failed through lack of direct evidence of assault, but, in the second, a conviction was obtained and the defendant was sentenced to one month's imprisonment and a further fine of 5 dollars.

7. The registered employers of Mui Tsai have continued to report changes of status, return to parents, etc., of their Mui Tsai. All reports of disappearance have been very carefully investigated, and to these, the observations in paragraph 9 of my despatch No. 622, of December 4th, 1930, are equally applicable.

8. Most cases of non-registration or alleged ill-treatment came to the notice of the Secretary for Chinese Affairs through the police, all stations exercising very considerable vigilance. Several reports were made by the girls concerned, or by persons on their behalf, direct to the Secretariat. One case of ill-treatment was reported through the Hong-Kong Society for the Protection of Children, but the alleged employer could not be traced. Nine reports were made by the Hong-Kong anti-Mui Tsai Society, of which only two could be proceeded with—these being on charges of non-registration. Convictions were obtained in both cases. The accusations of ill-treatment could not be substantiated.

A number of anonymous reports were made direct by members of the public but, except in the first case referred to in my paragraph 6 above, all were found to be without foundation.

9. Several registered Mui Tsai were removed from their employers; four were sent to the Salvation Army Home, which continues to do very good work, five were sent temporarily to the Po Leung Kuk, and two to the Victoria Home. In all cases where the employers of unregistered Mui Tsai had been prosecuted, the girls concerned were satisfactorily disposed of, being sent to an institution, or placed in the custody of reliable persons through the Secretariat for Chinese Affairs, or returned to their relatives.

10. Two special tours of inspection of registered Mui Tsai have been carried out during the period under review. The first was made by myself and the Secretary for Chinese Affairs, and the

second by Messrs. Ezechiel and Clausen of the Currency Commission, accompanied by the Secretary for Chinese Affairs.

11. There is every reason to believe that the legislation is working satisfactorily. Reports are frequent and, as I have pointed out, are made freely by the girls themselves. It is inevitable, however, that there will in some cases be failure to report movements, and I have accordingly decided to appoint an inspector who will visit the homes of registered Mui Tsai with a view to ensuring compliance with the ordinance. The officer selected is a European sub-inspector of police, who will be seconded for this duty to the Secretariat for Chinese Affairs.

12. The following excerpt from the report of the Hong-Kong Society for the Protection of Children on the first hundred cases investigated by the Society is of interest:

“ Only two cases in any way concerning Mui Tsai were brought to the Society’s notice. In one of these, the girl in question alleged that she had been ill-treated by her mistress, but she was unable to point out to those charged with the investigation of the case the house in which her mistress lived and in which the alleged ill-treatment took place.

“ In the other case, an institution in North Borneo sought the help of the Society in arranging for a former Mui Tsai to be accommodated and maintained in a suitable institution in the colony.”

(Signed) W. PEEL.

Tabulated List of the Twenty-one Convictions referred to in Paragraph 4 of the Governor’s Despatch of June 23rd, 1931 (see page 48).

Name of Mui Tsai	Age	Offence	Result	Disposal of Mui Tsai
1. Tsing Kiu	18	Keeping an unregistered Mui Tsai	Did not answer summons; warrant issued	Restored to relatives
2. Lok Kam	12	“	Fined \$50 or 1 month	Remaining in Po Leung Kuk
3. Tsung Kiu	19	“	Fined \$50.	Sent to Salvation Army Home
4. Chan Wong Hi	19	“	“	Restored to relatives
5. Chow Mei, <i>alias</i> Ah Wun	16	“	“	“
6. Chan Sau Lan	10	“	“	Allowed to remain with employer, but not as Mui Tsai
7. So Shiu Yau	17	“	Fined \$40	Restored to relatives
8. Wan Tai Mui	10	“	“ \$150	Sent to Victoria Home
9. Ho Kwai	19	“	“ \$100	Sent to Salvation Army Home
10. Wong Shun Yee	17	“	“ \$40	Restored to relatives
11. Fu Tung Hei	17	“	“ \$25 (Bail \$50 estreated)	Remaining in Po Leung Kuk
12. Tseng Yut Ho	16	“	Fined \$150 or 2 months	Restored to relatives
13. Tsui Ping, <i>alias</i> Lung Sam Mui	15	“	Fined \$50	“
14. Tam Fung Wan	15	Bringing into the colony an unregistered Mui Tsai	Fined \$5	Returned to country
15. Chiu Chau Hi	13	“	Fined \$25	Returned to country
16. Fung Tsui Ping	14	“	“ \$10	“
17. Luk Hang Kun	9	“	“ \$20	“
18. Ching Fung	16 or 17	“	“ \$25	Allowed to remain with employer
19. Li Wong Tsoi	13	“	“ \$10	Returned to country
20. Li Tsui Wan	13	“	“ \$5	“
21. Leung Miu Ngo	12	“	“ \$50	Restored to relatives

N.B. — There were no convictions for ill-treatment of a Mui Tsai.

(d) *Letter, dated January 7th, 1932, from the Governor of Hong-Kong to Sir P. Cunliffe-Lister.*

With reference to paragraph 2 of Lord Passfield’s despatch No. 237 of August 19th, 1930, and in continuation of my despatch No. 293 of June 23rd, 1931, I have the honour to report that the number of Mui Tsai remaining on the registers at the end of the third six-monthly period —i.e., on November 30th, 1931, is 3,741.

2. As stated in paragraph 1 of my despatch No. 293 under reference, the number of registered Mui Tsai remaining on May 31st, 1931, was 3,949. The total diminution during the period under review is therefore 208. These may be summarised as follows:

Died	3
Returned to parents or relatives	82
Run away or disappeared (22; one found)	21
Left the colony permanently	29
Married	59
Left employer to earn own living	10
Handed to custody of Secretary for Chinese Affairs	4
Total	208

3. Since the last of the prosecutions mentioned in paragraph 3 of the same despatch, there have been twelve prosecutions under the ordinance (No. 1, of 1923). Of these, ten were for keeping an unregistered Mui Tsai, one was for bringing an unregistered Mui Tsai into the colony, and one was for failure to pay the wages prescribed by the regulations made under the ordinance. Convictions were obtained in all cases.

4. There were no aggravating circumstances in any of the ten cases of keeping unregistered Mui Tsai, and fines varied from 25 to 50 dollars.

In one case, a fine of 100 dollars was originally imposed, but, after mature consideration, I decided to remit 50 dollars of the penalty.

In two cases in which fines of 25 dollars were imposed, the defendants themselves had brought the matter to the notice of the Secretariat for Chinese Affairs. In one of these cases, the employer wished to return the girl to her mother through the Secretariat, and, in the other, the employer had only been a short while in Hong-Kong, and, on hearing that only registered Mui Tsai could be employed, had reported at once at the Secretariat with a view to retaining the services of her Mui Tsai, who had not previously been registered.

In the one case of bringing an unregistered Mui Tsai into the colony, the defendant (a merchant) was merely passing through the colony on his way to his native village, accompanied by his young daughter and a Mui Tsai of about the same age.

As it was apparent that there had been no intention on the part of the defendant to break the law, he was fined 10 dollars for the technical offence. After the conviction, the Mui Tsai was restored to his custody, this course being dictated by a consideration of her best interests.

In the case in which the employer of a registered Mui Tsai had failed to pay the prescribed wages, the defendant was convicted and cautioned, but was ordered to pay the arrears of wages due, amounting to 20.75 dollars.

There were no prosecutions for ill-treatment of Mui Tsai by their employers.

A detailed return of convictions secured under the ordinance is attached.

5. Two prosecutions, in which Mui Tsai were involved, were taken under the Offences against the Person Ordinance (No. 2, of 1865).

In one case, a woman sent a girl, whom she had recently, through ignorance of the law, purchased as a Mui Tsai, to the Secretariat for Chinese Affairs, under the misapprehension that she could still be registered. As the girl had not yet done any domestic work, and did not therefore come under the definition of "Mui Tsai" (Section 3 of Ordinance No. 1, of 1923), her prospective employer was prosecuted, under Section 45a of Ordinance No. 2, of 1865, for the purchase alone. She was convicted and cautioned and the girl was restored to her mother.

In the other case, a member of the family in which a registered Mui Tsai was employed had beaten the girl, in spite of the attempted intervention of the latter's employer. The defendant in this case was fined 50 dollars, and the girl was restored to her mother.

6. One registered Mui Tsai aged 15 years committed suicide during the period under review. The police and the coroner were satisfied that no other person was concerned in her death. She was apparently of a peculiarly happy temperament and must have suffered some sudden mental derangement.

Another registered Mui Tsai aged 18 years, who was missing at the time of my last despatch, was subsequently found living with a Filipino. The latter was sentenced to three months' hard labour for harbouring her, and she was sent, with her own acquiescence, to the Po Leung Kuk.

7. All cases of disappearance were reported promptly by the employers to the police or the Chinese Secretariat and have been fully investigated, and there is no reason to suspect that any of the Mui Tsai concerned have fallen into the hands of traffickers, except in one case, in which a Mui Tsai who had disappeared was found in Canton. In this case, the Canton Public Safety Bureau co-operated with the Inspector-General of Police, Hong-Kong, to bring the girl back to the colony, and informed the Inspector-General that the woman in whose company she was found would be dealt with, if necessary, by the district court.

8. In all cases in which the Secretary for Chinese Affairs assumed the custody of a Mui Tsai, satisfactory arrangements were subsequently made for her disposal.

9. Reports were still received from the anti-Mui Tsai Society and other outside sources, action being taken wherever possible. Opportunities for such action were, however, rare. No preliminary investigation seemed to have been made into the truth of the reports so forwarded, and subsequent enquiry usually disclosed no offence.

10. The main source of information was the inspectorate staff of the Secretariat for Chinese Affairs. In July 1931, a sub-inspector of police was seconded for this duty and, in October 1931, two Chinese lady inspectors, Miss Chau Suk Chan and Miss Wei Mo Fong, were appointed. These officers have done excellent work and, before the end of the year, had visited all addresses registered in Hong-Kong and Kowloon. The visits paid by the lady inspectors have been much appreciated by both the Mui Tsai and their employers.

The registers have been carefully checked, but unfortunately this has shown that many employers have moved without notifying their changes of address. Some of the new addresses have been found, and, in the remaining cases, every effort will be made to trace the new addresses.

11. From the evidence available, registered Mui Tsai seem to be generally well treated. In some cases, employers have made complaints on their behalf against third parties. In others, where a Mui Tsai has desired to find other employment, employers have allowed them to stay with them until such other employment has been found.

Finally, there have been a number of instances in which Mui Tsai have been very unwilling to leave their employers, even though the latter have been unable to assume further responsibility for them. One girl attempted to follow her employer to Canton, after the latter's departure from the colony.

On their side, however, Mui Tsai have not always been so satisfactory, and employers have had occasion to report thefts or other forms of serious misconduct on the part of their Mui Tsai.

12. The legislation in its present form is working satisfactorily, though some slight amendment may be desirable to meet the case of *bona-fide* travellers who are merely passing through the colony.

13. The following is an excerpt from the latest report of the Hong-Kong Society for the Protection of Children, which is of interest:

“ Two of the cases concerned Mui Tsai.

“ In one of these, a girl aged 12 years, the daughter of very poor sampan folk, had been handed over to apparently equally poor sampan folk. She ran away and complained of being beaten, and of receiving insufficient food. The only mark of violence on her was an old bruise on the inner side of her thigh and this seemed most unlikely to have been caused by a blow. This girl was handed over to the Secretariat for Chinese Affairs and was returned to her mother.

“ In the other Mui Tsai case, there were complaints that a girl aged 15 years was always being beaten. The matter was referred to the Secretariat for Chinese Affairs and the girl was promptly removed from her employer's custody. No marks of violence were found. She was offered accommodation in an orphanage, and given time to consider this. But nothing would content her save being allowed to return to her employer. This she was eventually permitted to do under satisfactory independent guarantee for her future proper treatment.

“ With the exception of the two last-mentioned cases, a further case, in which a girl was unable to point out the house in which the alleged ill-treatment had taken place, and the case of *Plaint No. 126*, of which details are given among the selected cases, no complaints of improper treatment of Mui Tsai have been brought to the Society's notice during the year.

“ *Plaint No. 126*. — A girl aged 13 stated that she had been sold as a Mui Tsai when a little child. The persons with whom she was living wished to send her to Annam to a woman who claimed to be her mother. The girl denied the relationship and said she believed that she would be forced to become a prostitute. She sought the protection of the Society, which is now maintaining her in an orphanage.”

(Signed) W. PEEL.

(e) *Letter, dated June 28th, 1932, from the Officer administering the Government of Hong-Kong to Sir P. Cunliffe-Lister.*

With reference to paragraph 2 of Lord Passfield's despatch No. 237, of August 19th, 1930, and in continuation of Sir William Peel's despatch No. 4, of January 7th, 1932, I have the honour to report that the number of Mui Tsai on the registers on May 31st, 1932, was 3,482.

2. In Sir William Peel's despatch No. 622, of December 4th, 1930, the original number of Mui Tsai registered in Hong-Kong was given as 4,299; but, since the institution of the Inspectorate Staff, the reorganisation and rechecking of the whole system have shown that the original number should have been 4,368.

The total diminution in numbers up to January 7th, 1932, as reported to you in Sir William Peel's despatches No. 622, of December 4th, 1930, No. 293, of June 23rd, 1931, and No. 4, of January 7th, 1932, was 558.

Between January 8th, 1932, and May 31st, 1932, there has been a further diminution of 328 made up as follows:

Died	5
Returned to relatives	83
Reported missing and not traced	25
Permanently removed from the colony	116
Married	78
Left employer to earn own living	19
Handed to custody of the Secretary for Chinese Affairs	1
Removed to address unknown	1
	<hr/>
Total	328

This leaves a total of 3,482 still on the registers.

3. Since the last prosecutions mentioned in paragraph 3 of my despatch No. 4, of January 7th, 1932, there have been eleven prosecutions under Ordinance No. 1, of 1923.

Of these, nine were for keeping unregistered Mui Tsai; the tenth was for ill-treating a registered Mui Tsai, with an additional charge of failing to pay wages prescribed by the regulations made under the ordinance; and the eleventh was for bringing an unregistered Mui Tsai into the colony.

There were no aggravating circumstances in any of the nine cases of keeping unregistered Mui Tsai, and fines varied from 100 to 25 dollars.

In the tenth case, the employer was fined 10 dollars and ordered to pay all outstanding wages.

In the case of bringing an unregistered Mui Tsai into the colony, the girl was found in a desolate condition in the street by the police, having run away from her employer because of the harsh treatment meted out to her. The employer was charged on two counts and was fined 40 dollars for bringing an unregistered Mui Tsai into the colony and 25 dollars for assaulting a girl under the Offences against the Person Ordinance.

In all these cases, careful arrangements for the girls' well-being were made by the Secretary for Chinese Affairs, with the usual invaluable assistance of the Po Leung Kuk Committee.

4. Care is invariably taken by the visiting inspectors to impress upon employers their obligation to pay wages, and, in the great majority of cases, no reminder is needed.

In the course of their visits, the inspectors have come across about twenty cases in which the employer gives no actual wages to the girl, but spends considerably more than the prescribed amount of wages in sending the girl to a private school. The fees at such schools, which are all under the control and inspection of the Director of Education, range from 2 dollars a month upwards, to which has to be added the cost of books and in some cases bus fares, and a certain amount of pocket-money is requisite. In point of fact, the girls in all these cases have the position of daughters in decent households of no great wealth but of a good middle-class type. Enquiries have elicited the fact that some of the employers, at any rate, would not be prepared to send the girls to school if they had to pay wages in addition. The arrangement is evidence of good treatment, and as it appears to be in the girls' own interests, I have not interfered with it. I trust that this small deviation from the strict letter of the regulations will not be regarded as unreasonable.

5. I have stated in paragraph 1 that there are at present 3,482 Mui Tsai on the registers. It has, however, been discovered through constant visits of the Inspectorate Staff that 770 Mui Tsai are not at present to be found at their registered addresses. Out of this total of 770, 169 could not be traced by the inspectors at the addresses given at the time of the original registration and the neighbours had never heard of these girls, while 130 had been heard of by the neighbours but were stated by them to have married or in other cases to have returned with their employers to China. These 299 have not yet been removed from the registers, but if no further information about them is obtained before my next half-yearly report, I propose then to write them off.

There remain 471 who have been visited on at least one occasion by the inspectors, but subsequent visits elicited the information that the girls and their employers had removed to addresses unknown without notifying the authorities.

The importance of such notification is kept well before the public, not only by the efforts of the inspectors, but also through the medium of the vernacular Press. The fact must be faced, however, that, in cases of permanent removals from the colony, it is not to be expected that all employers will take the trouble to acquaint us with their purpose to remove themselves from our jurisdiction. We must rely on our unremitting efforts to discover the facts in each case.

6. Anonymous reports of unregistered Mui Tsai are forwarded to the Secretary for Chinese Affairs from time to time by the anti-Mui Tsai Society, but the most effective channel of information is the Inspectorate Staff itself.

As the lady inspectors daily make their rounds, they are recognised in the streets and information is volunteered to them.

Excellent work has been done by Inspector Fraser and his two Chinese lady assistants. The enthusiasm and industry that they bring to a difficult task are achieving good results.

(Signed) W. T. SOUTHORN.

(f) *Letter, dated January 4th, 1933, from the Governor of Hong-Kong to Sir P. Cunliffe-Lister.*

With reference to paragraph 2 of Lord Passfield's despatch No. 237, of August 19th, 1930, and in continuation of Mr. Southorn's despatch No. 321, of June 28th, 1932, I have the honour to report that the number of Mui Tsai on the registers on November 30th, 1932, was 3,017.

2. On May 31st, 1932, the number of Mui Tsai still remaining on the registers was 3,482; between that date and November 30th, 1932, there has been a further diminution of 259 made up as follows:

Died	5
Returned to parents or relatives	55
Absconded or missing	29
Leaving the colony permanently	83
Marriage	56
Entered domestic service	26
Handed to custody of Secretary for Chinese Affairs	1
Registration cancelled	4
Total	<u>259</u>

In each of the four cases of registration cancelled, the employer has no children or no unmarried children and the Mui Tsai has been given the family name, has been educated at the employer's expense, and has been in all respects recognised as a member of the family. Moreover, these girls still remain wards of the Secretary for Chinese Affairs and are still under supervision.

In paragraph 5 of despatch No. 321, of June 28th, 1932, it was proposed that, if no further information were obtained before the next half-yearly report regarding the 299 girls there referred to, they should be written off the register. So far, only ninety-three of the original 299 have been traced and as, in the case of the remaining 206, exhaustive enquiries have been fruitless, I have now removed their names from the register. This leaves a total of 3,017 still on the registers.

3. During the period under review, there have been forty prosecutions under Ordinance No. 1, of 1923.

Of these, thirty-three were for keeping unregistered Mui Tsai, with additional charges of assault in two cases; four for bringing unregistered Mui Tsai into the colony; one for ill-treating a registered Mui Tsai; and two for failing to pay wages prescribed by the regulations made under the ordinance.

In two only of the above thirty-three cases were there aggravating circumstances. In one case, the mother of one girl complained to the police that her daughter was being ill-treated by the employer, who was subsequently charged before a magistrate (a) with keeping an unregistered Mui Tsai and (b) with assault. She was fined 250 dollars on the first charge and the second charge was dismissed, the magistrate remarking that as the girl was not found in the possession of the defendant at the time of arrest, there was not sufficient evidence to sustain a charge.

In the other case, an unregistered Mui Tsai complained that she was constantly being beaten by her employer, a Chinese merchant temporarily resident in the colony. The girl was medically examined but although the doctor found marks substantiating the girl's statement, he stated that they were so faint that he was not prepared to say the assault amounted to cruelty. This employer was fined 200 dollars.

In the remainder of these thirty-three cases, fines varying from 150 to 5 dollars were inflicted.

Four cases of bringing unregistered Mui Tsai into the colony were recorded. In each case, the employer, not long after arrival, presented herself at the Secretariat for Chinese Affairs, stating that she desired to register her Mui Tsai. Summonses were taken out in each case and fines varying from 20 to 10 dollars were inflicted. In the ill-treatment case, the defendant was fined 100 dollars.

Two employers were charged with failing to pay wages; one defendant was fined 20 dollars and ordered to pay arrears of wages amounting to 40 dollars; the other defendant was fined 10 dollars and ordered to pay 27 dollars arrears of wages.

It is interesting to note that, in ten of the forty prosecutions, the girls themselves reported to the Secretariat for Chinese Affairs, while, in two other cases, the mothers of the Mui Tsai came

down from the interior themselves and requested the return of their daughters; in four cases, the lady inspectors interrogated girls whom they met in the street.

In all of the above cases, careful arrangements for the girls' well-being were made by the Secretary for Chinese Affairs with the usual invaluable co-operation and assistance of the Po Leung Kuk Committee and the Salvation Army.

4. In paragraph 5 of despatch No. 321, of June 28th, 1932, it was stated that there were 471 Mui Tsai who had been visited on at least one occasion by the inspectors, but subsequent visits elicited the information that the girls and their employers had removed to addresses unknown without notifying the authorities. Of those girls, 122 have since been located at new addresses, and, as it seems possible that many others of those still missing will also be located, I propose, in the meantime, to retain their names on the registers.

The number of Mui Tsai still missing is 349.

5. The following excerpt from the anti-Mui Tsai Society report is interesting:

“ The Committee doubtless observe with especial pleasure that the Secretariat for Chinese Affairs is to-day better organised to cope with the Mui Tsai problem than at any other time, under one cadet, one inspector and two Chinese lady assistants. All cases of cruelty and non-registration brought to this Mui Tsai Bureau were dealt with with thoroughness and promptitude.”

6. As far as can be judged, satisfactory progress is being made towards the solution of this problem, due to no small extent to the excellent work done by Inspector Fraser of the Chinese Secretariat and his two lady assistants.

(Signed) W. PEEL.

(g) Letter, dated July 4th, 1933, from the Governor of Hong-Kong to Sir P. Cunliffe-Lister.

With reference to paragraph 2 of Lord Passfield's despatch No. 237, of August 19th, 1930, and in continuation of my despatch No. 1, of January 4th, 1933, I have the honour to report that the number of Mui Tsai on the registers on May 31st, 1933, was 2,820. On November 30th, 1932, the number on the registers was 3,017. Between these dates, there has thus been a net decrease of 197, accounted for as follows:

Died	9
Returned to parents or relatives	44
Absconded, missing or removed to an unknown address	29
Left colony permanently	72
Married	43
Entered domestic service	19
Sent to Po Leung Kuk	3
Left employer to earn own living	5
Handed to care of Secretary for Chinese Affairs	9
Total	<hr/> 233

against which must be set thirty-six girls who have now been traced out of the 206 referred to at the end of paragraph 2 of my last report.

2. During the period under review, there have been twenty-six prosecutions under Ordinance No. 1, of 1923. Of these, eight were for keeping unregistered Mui Tsai, with additional charges of assault in four cases. Nine prosecutions were for bringing unregistered Mui Tsai into the colony, three for failing to pay wages to registered Mui Tsai, and two for failing to notify change of address.

In the eight cases of keeping unregistered Mui Tsai, one defendant was fined 200 dollars, three were fined 100 dollars, four were fined 50 dollars, and one was fined 25 dollars. This makes nine convictions in all, but in one case a husband and wife were charged jointly.

In the four cases of assault, two defendants were fined 150 dollars each, one was fined 50 dollars and one 25 dollars.

In the nine cases of bringing unregistered Mui Tsai into the colony, five defendants were each fined 10 dollars, three were fined 25 dollars, and one 50 dollars. The lesser penalty was inflicted on those persons who, having brought the girls into the colony in ignorance of the law, took them to the Secretariat for Chinese Affairs with the object of registering them there.

In the three cases of failing to pay wages to registered Mui Tsai, two defendants were each fined 20 dollars, and one was fined 5 dollars. In each case, an order was made for the payment,

in addition to the fine, of arrears of wages. In the two cases of failing to notify change of address, each defendant was fined 25 dollars.

3. No reports were received of ill-treatment of registered Mui Tsai.

4. With reference to paragraph 4 of Mr. (now Sir Thomas) Southorn's despatch No. 321, of June 28th, 1932, relating to the attendance of registered Mui Tsai at school, further cases to a total of nineteen have since been discovered, the fees (paid by employer) ranging from 5 to 40 dollars a year.

(Signed) W. PEEL.

(h) *Letter, dated December 28th, 1933, from the Governor of Hong-Kong to Sir P. Cunliffe-Lister.*

With reference to paragraph 2 of Lord Passfield's despatch No. 237, of August 19th, 1930, and in continuation of my despatch No. 374, of July 4th, 1933, I have the honour to report that the number of Mui Tsai on the register on November 30th, 1933, was 2,749.

2. On May 31st, 1933, the number of Mui Tsai still remaining on the register was 2,820. Between that date and November 30th, 1933, there has been a further decrease of 241, made up as follows:

Died	5
Returned to parents or relatives	56
Absconded	22
Left colony permanently	86
Married	34
Entered domestic service	19
Left employer to earn own living	6
Handed to care of Secretary for Chinese Affairs	10
Handed by employer to French Convent	1
Remaining with family but not as employees	2
Total	<u>241</u>

On the other hand, out of the 206 girls referred to at the end of paragraph 2 of my despatch of January 4th, 1933, as having been removed from the register as untraceable, thirty-six were reported in my despatch of July 4th, 1933, as having been traced and replaced on the register. A further thirty-eight have been traced during the period now under review. A total of seventy-four out of the 206 thus having been traced and replaced on the register, I have deemed it advisable not to regard the remaining 132 as untraceable but to replace them, together with the above-mentioned thirty-eight, on the register. In coming to this decision, I have been influenced by the fact that it is unsafe to dogmatise about the comings and goings of the shifting population of this colony. Thousands of persons enter and leave the colony by railway, steamer and junk every day. Changes of address among the local Chinese population are very frequent. Although reports of removal to another address are made daily by employers of Mui Tsai, not only at the Secretariat for Chinese Affairs, but also at police stations, there will, it is feared, always remain cases of failure to comply with the regulations in this respect.

3. (a) During the period under review, there have been thirty-six prosecutions under Ordinance No. 1, of 1923. Of these, twenty prosecutions were for keeping unregistered Mui Tsai, with additional charges of assault in two cases and of ill-treatment in one case; two were for bringing unregistered Mui Tsai into the colony; one was for ill-treatment of a registered Mui Tsai; one was for assaulting a registered Mui Tsai; seven were for failing to notify change of address with additional charges of failing to pay wages in one case and of failing to report intended marriage in another; four were for failing to pay wages to registered Mui Tsai; and one was for failing to report intended marriage of a registered Mui Tsai.

(b) In the twenty cases of keeping unregistered Mui Tsai, six defendants were fined 100 dollars (including one whose bail was estreated), with, in one case, an extra fine of 100 dollars for the additional charge of ill-treatment; two were fined 75 dollars; six were fined 50 dollars and one was fined 30 dollars. Two cases were dismissed, but the additional charges of assault resulted, in one case, in a sentence of two months' hard labour without the option of a fine, and, in the other case, in a fine of 50 dollars. The remaining three cases were also dismissed by the magistrate, who held that the girls concerned were not Mui Tsai.

(c) In the two cases of bringing an unregistered Mui Tsai into the colony, nominal fines of 10 dollars were inflicted; the two employers concerned reported themselves at the Secretariat for Chinese Affairs after having brought the girls into the colony in ignorance of the law.

(d) In the case of ill-treatment of a registered Mui Tsai, the defendant, being unable to pay the fine of 200 dollars, received the alternative sentence of two months' hard labour; and in

the case of assaulting a registered Mui Tsai, a member of the employer's family was bound over in a personal bond of 100 dollars.

(e) In the seven cases of failing to notify change of address, one defendant was fined 25 dollars; one was fined 20 dollars, together with a fine of 20 dollars on an additional charge of failing to pay wages; and five were fined 15 dollars, the additional charge of failing to report the intended marriage of the Mui Tsai in one of these cases being withdrawn because the offence had been committed more than six months before the date of prosecution. Although, as pointed out in paragraph 2, thirty-eight instances of change of address without notification were discovered during the period under review, prosecutions were brought only in the above-mentioned seven cases (two Mui Tsai in the employ of one employer being concerned in one case). The employers of the other thirty girls were brought before an Assistant to the Secretary for Chinese Affairs and warned, but prosecution was not resorted to on the ground that they were first offenders and had in all probability omitted to report through ignorance of the law.

(f) In the four cases of failure to pay wages to registered Mui Tsai, fines of 25, 20, 15 and 10 dollars were inflicted. Each defendant was, in addition, ordered to pay arrears of wages and the arrears were paid to the girls at the office of the Secretary for Chinese Affairs.

(g) In the case of failure to report the intended marriage of a registered Mui Tsai, the charge was withdrawn, because the offence had been committed more than six months before the date of prosecution.

(h) In all of the above cases, the usual careful arrangements for the girls' well-being were made by the Secretary for Chinese Affairs with the co-operation and assistance of the Po Leung Kuk Committee and the Salvation Army.

4. Since my last report thirty-seven further instances of the attendance of registered Mui Tsai at school have been recorded, the fees being paid by the employers. This brings the total number of girls attending school to 116.

5. During the period now under review, a total of 1,335 visits to registered Mui Tsai have been made by the lady inspectors. Both lady inspectors have also been engaged with Inspector Fraser in investigating reports concerning unregistered Mui Tsai. I am informed that quite a number of the girls whose Mui Tsai status has been cancelled on their obtaining employment in domestic service continue to visit the Mui Tsai Bureau in the Secretariat for Chinese Affairs in order to notify the inspectors of their progress.

6. (a) I take this opportunity of acknowledging the receipt of your despatch No. 336, of August 31st, 1933. With reference to paragraph 2 of that despatch, I have the honour to inform you that, out of the thirty-six cases where girls were replaced on the register during the six-monthly period covered by my despatch No. 374, of July 4th, 1933, prosecutions for failure to notify change of address were resorted to in two cases only. Leniency was shown in the other cases on the grounds set forth in paragraph 3(e) of this despatch, and a warning was given to the employers concerned by an assistant to the Secretary for Chinese Affairs. Prior to March 1933, no prosecution was brought for unnotified change of address, on the principle of warning for a first offence, but, during the last six months, prosecutions have been more frequent, though the Secretary for Chinese Affairs retains the discretion to view each case on its merits. Steps have been taken to keep the regulations before the public, both through the Press and by means of printed notices distributed to houses in the principal streets.

(b) With reference to paragraph 3 of your despatch, of the 349 (471 less 122) missing girls mentioned in paragraph 4 of my despatch No. 1, of January 4th, 1933, a further nineteen have been located up to November 30th, 1933. Of the rest, according to information received from neighbours, including such persons as servants living on adjoining floors and shopkeepers on ground floors, 152 have either married or definitely left the colony. This information is very likely to be correct, but, for lack of certain knowledge, the Mui Tsai concerned are being retained on the register.

(c) Thus, with reference to paragraph 4 of your despatch, the total number of registered Mui Tsai whose addresses are unknown was 750 on November 30th, 1933.

As explained in paragraph 2 of this despatch, I have now replaced on the register the Mui Tsai whom I struck off (see the end of paragraph 2 of my despatch No. 1, of January 4th, 1933). The present position is, therefore, that no Mui Tsai have been struck off the register on the ground that it was not possible to trace them.

(Signed) W. PEEL.

(i) *Letter, dated June 26th, 1934, from the Governor of Hong-Kong to Sir P. Cunliffe-Lister.*

With reference to paragraph 2 of Lord Passfield's despatch No. 237, of August 19th, 1930, and in continuation of my despatch No. 633, of December 28th, 1933, I have the honour to report that the number of Mui Tsai on the register on May 31st, 1934, was 2,508.

2. (a) On November 30th, 1933, the number of Mui Tsai still remaining on the register was 2,749. Between that date and May 31st, 1934, there has been a further decrease of 241, made up as follows:

Died	2
Returned to parents or relatives	47
Absconded	12
Left colony permanently	85
Married	43
Entered domestic service	34
Left employer to earn own living	13
Handed to care of Secretary for Chinese Affairs	6
Remaining with family, but not as employee	1
Total	<u>243</u>

less two restored to the register. One of these left the colony, it was reported permanently, on May 11th, 1932, but returned on January 26th, 1934, while the other absconded on September 23rd, 1933, and returned to her employer on April 27th, 1934.

(b) On the other hand, out of the 132 girls in the category "Mui Tsai registered but never visited", who were reported as still untraced in paragraph 3 (a) of my despatch No. 354, of June 13th, 1934, a further twenty have been traced during the period now under review, leaving 112 (132 less 20) still missing. Similarly, out of the 330 girls in the category "Mui Tsai registered and visited at least once" who were reported as still untraced in paragraph 3 (b) of the same despatch, a further thirty have been traced up to May 31st, 1934, leaving 300 (330 less 30) still missing. I have also to record that, up to May 31st, 1934, there was a further increase of fifty-four girls in the category "Mui Tsai reported by the inspectors as not to be found when the addresses shown on the register were visited". As pointed out in the despatch referred to above, the number of girls in this category, although it changes from day to day as girls who are reported missing are subsequently found again at other addresses, shows a gradual increase, because there is a constant excess of the girls "reported missing" over those "reported missing but subsequently located again". On May 31st, 1934, this excess stood at 342 as compared with 288 on November 30th, 1933, a net increase of fifty-four.

(c) The total number of Mui Tsai on the register whose addresses were unknown at the end of the period under review—*i.e.*, on May 31st, 1934, was therefore 754 (112 plus 300 plus 342).

3. (a) During the period under review, there have been twenty-four prosecutions under Ordinance No. 1, of 1923. Of these, fourteen prosecutions were for keeping unregistered Mui Tsai, nine were for failing to notify change of address, and one for failing to pay wages to a registered Mui Tsai.

(b) In the fourteen cases of keeping unregistered Mui Tsai, one defendant was fined 250 dollars, two defendants were fined 100 dollars, one defendant was fined 50 dollars on each of two charges for keeping two unregistered Mui Tsai, one defendant was fined 50 dollars, four defendants were fined 25 dollars, one defendant was fined 15 dollars, one defendant was fined 10 dollars on each of two charges for keeping two unregistered Mui Tsai, and one case was withdrawn on account of the death of the defendant.

(c) In the nine cases of failing to notify change of address, three defendants were fined 25 dollars, three defendants were fined 15 dollars, one was fined 10 dollars and two were cautioned by the magistrate.

(d) In the prosecution for failure to pay wages to a registered Mui Tsai, the case was dismissed by the magistrate for lack of trustworthy evidence, but the girl concerned was restored to the custody of a relative.

(e) In each of the cases of keeping an unregistered Mui Tsai, the girl concerned was either restored to her parents or other relatives or the usual arrangements for her well-being were made by the Secretary for Chinese Affairs with the co-operation of the Salvation Army Home, the Po Leung Kuk, etc. In the cases of failure to notify change of address, the girls were allowed to remain with their employers.

4. Since my last report, twenty-five further instances of the attendance of registered Mui Tsai at school have been recorded, fees ranging from 10 to 30 dollars per annum being paid by their employers. This brings the total number of girls attending school to 141.

5. During the period now under review, a total of 1,517 visits have been made by the lady inspectors to registered Mui Tsai and to ex-Mui Tsai who have obtained situations as domestic servants. Girls whose Mui Tsai status has been cancelled still continue to visit the Mui Tsai Bureau in the Secretariat for Chinese Affairs for help and advice. It is gratifying to observe that no substantiated cases of the ill-treatment of registered or unregistered Mui Tsai came to notice during the six months. It is also noteworthy that all cases of absconding Mui Tsai were reported promptly by the employers to the police or the Secretariat for Chinese Affairs and were fully investigated. In one instance, a Mui Tsai absconded with a man who took her to Chinese territory

and placed her in a brothel there; the girl reported the facts to the police and the man was arrested and sentenced to a term of imprisonment while she herself was restored to her relatives. Although reports received daily from the lady inspectors go to show that registered Mui Tsai are well treated, instances have occurred in which employers have had grave cause to complain of disobedience and other forms of misconduct on the part of the girls. Two girls were charged with theft of a considerable sum of money and of a watch from their respective employers and were bound over in personal bonds to be of good behaviour for a specified period.

(Signed) W. PEEL.

* * *

Appendix 5.

MALAYA.

STATEMENT SHOWING THE NUMBER OF MUI TSAI REGISTERED UNDER ORDINANCE OR ENACTMENT AS ON JUNE 30TH, 1934 (STRAITS SETTLEMENTS, FEDERATED MALAY STATES AND UNFEDERATED MALAY STATES).

	Straits Settlements					Federated Malay States					Unfederated Malay States			
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Kedah	Brunei	Total
Number registered on September 30th, 1933.	706	512	259	2	1,479	475	488 ¹	219 ²	56	1,238	169	98 ³	—	268
Cancelled:														
Returned to parents	15	6	1	—		2	1	1	—		1	2	—	
Left Settlement or State	17	5	—	—		14	7	2	—		1	1	1	
Married	30	14	6	—		15	18	12	—		7	—	—	
Ceased to be Mui Tsai	28	2	—	—		—	2	—	—		—	—	—	
Admitted to Po Leung Kuk	19	—	—	—		1	—	1	—		—	—	—	
Miscellaneous	14	—	6	—		4	1	—	—		11	1	—	
Total cancelled	123	27	13	—		36	29	16	1		20	4	1	
Added to Register on transfer from another Settlement or State	6	7	—	—		9	4	—	8		1	3 ⁴	—	
Total on Register on June 30th, 1934	589	492	246	2	1,329	448	463	203	63	1,177	150	97	—	247

¹ Figure in last return: 507. Difference explained by nineteen cancellations before September 30th, 1933.
² Figure in last return: 227. Difference explained by eight cancellations before September 30th, 1933.
³ At December 17th, 1933.
⁴ Added during discretionary period, which closed on June 17th, 1934.

* * *

Appendix 6.

MALAYA.

STATEMENT GIVING A COMPARISON OF THE WAGES PAID TO REGISTERED MUI TSAI AND THOSE PAID TO FEMALES OF COMPARABLE AGE IN OTHER EMPLOYMENT.

Wages paid to Mui Tsai and Other Female Labour in Malaya.

The minimum monthly wage which is required to be paid to a Mui Tsai in every Administration where Mui Tsai are registered is a wage in cash of 1 dollar per mensem under 10 years of age, of 2 dollars per mensem from 10 to 15 years of age, and of 3 dollars per mensem from 15 to 18 years of age. All Mui Tsai receive food, lodging and clothing free; not less than 5 dollars per mensem can be set down as the average value of this.

Female domestic servants of from 15 to 18 years of age are commonly paid from 4 to 6 dollars per mensem in cash wages.

The rates of remuneration paid to females of comparable age in other employment than domestic service vary very greatly according to whether the employment is in a large town or in the country, according to whether it is industrial or agricultural, according to the skill of the girl, and according to whether the girl is paid by the month or by the day or on a piece-work rate. It should be noted that, in other employment than domestic service, the wages paid are the full wages earned, there being no food, lodging and clothing supplied. The following examples may be of some assistance:

Singapore:

Rubber factories	30 to 60 cents per diem.
Printing presses	5½ to 6½ cents per hour.
Shoemakers	50 cents per diem.

Kuala Lumpur:

Rubber factories	25 to 40 cents per diem.
Tailoring	3 to 6 dollars per mensem.
Cigar-rolling	35 to 50 cents per diem.
Firewood collecting	20 to 30 cents per diem.

Kedah:

Cigar-rolling	3 to 10 dollars per mensem.
Rubber sorters	6 to 15 dollars per mensem.
Rubber tappers	6 to 7.50 dollars per mensem.

* * *

Appendix 7.

HONG-KONG LEGISLATION.

I. ARTICLES 44, 45 AND 45 A OF THE OFFENCES AGAINST THE PERSON ORDINANCE NO. 2, OF 1865 (JUNE 14TH, 1865), AS AMENDED BY ORDINANCE NO. 13, OF 1929 (SEPTEMBER 20TH, 1929.)¹

Forcible taking or Detention of Persons.

44. Every person who, by force or fraud, takes away or detains against his or her will any man or boy, woman or female child, with intent to sell him or her, or to procure a ransom or benefit for his or her liberation, shall be guilty of felony, and shall be liable to imprisonment for any term not exceeding fourteen years.

45. (1) Every person who unlawfully, by any means, leads or takes away, or decoys or entices away, or detains any child under the age of 14 years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, or, with any such intent, receives or harbours any such child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away, or detained as in this section before mentioned, shall be guilty of felony, and shall be liable to imprisonment for any term not exceeding seven years, and, if a male under the age of 16 years, with or without whipping; provided that no person who has *bona fide* claimed any right to the possession of such child, or is the mother or has *bona fide* claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child or taking such child out of the possession of any person having the lawful charge thereof.

(2) For the purposes of this section, the adoptive parent of a child under the age of 14 years, and the employer of a child under the age of 14 years, including the employer of a Mui Tsai under the age of 14 years, shall be deemed to have had the lawful care or charge of such child, provided as follows:

(a) That nothing in this subsection shall be construed as affecting any rights vested in or conferred on the Secretary for Chinese Affairs by or under the Protection of Women and Girls Ordinance, 1897; and,

(b) That nothing in this subsection shall be construed as conferring upon any adoptive parent or employer any right of retaining possession, custody or control of any child as against the child's parent or guardian, or as against the child.

¹ Note by the Secretariat of the League of Nations. — These ordinances are kept in the archives of the Secretariat and only extracts thereof are reproduced herewith.

45 A. (1) Every person who takes any part, or attempts to take any part, in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, the possession, custody or control of any minor under the age of 18 years for any valuable consideration shall be deemed to be guilty of an offence against this section, unless such person proves beyond reasonable doubt that the transaction was *bona fide* and solely for the purpose of a proposed marriage, or adoption, in accordance with Chinese custom.

(2) Every person shall be deemed to be guilty of an offence against this section who, without lawful authority or excuse, harbours or has in his possession, custody or control any minor under the age of 18 years, if any person has, within or without the colony, purported to transfer or confer the possession, custody or control, wholly or partly, of such minor for valuable consideration after September 6th, 1929.

(3) It shall be lawful for a magistrate to find the age of any minor brought before him with respect to whom an offence against this section is alleged, whether evidence of age be given or not.

(4) It shall be no defence to a charge under this section that the minor consented to the transaction, or that the minor received the consideration or any part thereof, or that the accused believed or had reasonable ground to believe that the minor was not under the age of 18 years.

(5) Every person who is guilty of an offence against this section shall upon summary conviction be liable to a fine not exceeding 1,000 dollars and to imprisonment for any term not exceeding one year.

(6) Nothing in this section shall be construed as recognising in any way whatsoever the possibility that rights of possession, custody or control over any person can be transferred or conferred for valuable consideration for any purpose.

(7) No prosecution under this section shall be instituted without the consent of the Attorney-General; provided that such consent shall not be necessary for the arrest of any person suspected of having committed an offence against this section.

2. ARTICLES 3, 3A, 8, 18, 19, 32 AND 33 OF THE PROTECTION OF WOMEN AND GIRLS ORDINANCE No. 4, OF 1897 (JUNE 10TH, 1897), AS AMENDED BY ORDINANCE No. 21, OF 1929 (NOVEMBER 1ST, 1929).¹

Part I. — Offences, etc.

3. Every person who—

(1) Takes part in bringing into or taking away from the colony, by force, intimidation or fraud; any woman or girl for the purpose of prostitution either within or without the colony; or,

(2) Takes part in bringing, taking, decoying or enticing any woman or girl into or away from the colony, with intent to sell, pledge, let out to hire, purchase, take in pledge, take on hire or otherwise dispose of such woman or girl, for the purpose of prostitution either within or without the colony; or,

(3) Takes part in bringing, taking, decoying or enticing any woman or girl into or away from the colony, for the purpose of prostitution either within or without the colony, knowing that such woman or girl has been sold, pledged, let out to hire, purchased, taken in pledge or taken on hire; or,

(4) Takes part in selling, pledging, letting out to hire, purchasing, taking in pledge, taking on hire or otherwise disposing of, or obtaining possession of any woman or girl, for the purpose of prostitution either within or without the colony; or,

(5) Knowingly derives any profit from the sale, pledge, hire, purchase, taking in pledge, taking on hire, or other disposal of any woman or girl who has been sold, pledged, let out to hire, purchased, taken in pledge, taken on hire, or otherwise disposed of for the purpose of prostitution either within or without the colony,

shall be guilty of a misdemeanour; provided that, in any prosecution under paragraph (3), where it is proved, to the satisfaction of the jury or of the magistrate, as the case may be, that the woman or girl had, in fact, been sold, pledged, let out to hire, purchased, taken in pledge or taken on hire, knowledge thereof by the accused shall be presumed, unless he satisfies such jury or magistrate that he had not such knowledge.

¹ Note by the Secretariat of the League of Nations. — These ordinances are kept in the archives of the Secretariat and only extracts thereof are reproduced herewith.

3 A. It shall be no defence to any charge under Section 3 that the woman or girl in question consented to the transaction or that she received the consideration or any part of the consideration therefor.

.....

- 8. (1) Every person who detains any woman or girl against her will—
 - (a) In or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or,
 - (b) In or upon any premises for an immoral purpose or for the purpose of emigration; or,
 - (c) In any brothel,

shall be guilty of a misdemeanour.

(2) For the purposes of this section, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, not only where force, intimidation or fraud is used, but also if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to such woman or girl or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

(3) No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

.....

18. (1) Every person shall be guilty of a misdemeanour who, without lawful authority or excuse:

- (a) Receives, harbours, detains or has under his control, any woman or girl who has been brought into or is about to be taken away from the colony by force, intimidation or fraud; or,
- (b) Receives, harbours, detains or has under his control, any unmarried girl under the age of 21 years without the consent of the person having the lawful care or charge of her.

(2) When any person accused under paragraph (b) of subsection (1) is proved to have received, harboured, detained or had under his control any female who appears to the magistrate to be under the age of 21 years, it shall, until the contrary is proved, be presumed (a) that the female was an unmarried girl, and was under the age of 21 years at the date of the alleged offence, and (b) that the accused received, harboured or detained her, or had her under his control, without the consent of the person having the lawful care or charge of her.

(3) No prosecution under this section shall be instituted without the consent of the Secretary for Chinese Affairs; provided that the consent of the Secretary for Chinese Affairs shall not be necessary for the arrest of any person suspected of having committed an offence under this section.

(4) No person charged under this section shall be entitled to be acquitted on the ground that such person brought the woman or girl into the colony, or on the ground that such person took the woman or girl, or caused her to be taken, out of the possession of the person having the lawful care or charge of her.

19. Every person who—

- (1) receives or harbours any girl under the age of 16 years, knowing that she has been procured for the purpose of having unlawful carnal connection with any other person, and with intent to aid such purpose; or,
- (2) receives or harbours any woman or girl, knowing that she has been sold, pledged, let out to hire, purchased or otherwise disposed of, either within or without the colony, for the purpose of prostitution, and with intent to aid such purpose; or,
- (3) receives or harbours any woman or girl with intent that she shall be sold, pledged, let out to hire, purchased, taken in pledge, taken on hire or otherwise disposed of for the purpose of prostitution either within or without the colony,

shall be guilty of a misdemeanour.

.....

32. (1) If any parent or person acting in the place of a parent has, within or without the colony, voluntarily parted with a girl under the age of 18 years for the purpose of adoption into another family, or received money for parting with the custody of any girl under the age of 18

years for any purpose, the legal guardianship of such girl while within the colony shall be vested in the Secretary for Chinese Affairs.

(2) If in any case it appears to the Secretary for Chinese Affairs that any girl under the age of 18 years has not been properly treated by the person in whose custody she is, and that the girl is unwilling to remain in such custody, it shall be lawful for the Secretary for Chinese Affairs to call upon such person to produce proof to his satisfaction that such person is the legal guardian, and failing the production of such proof the legal guardianship of such girl while within the colony shall be vested in the Secretary for Chinese Affairs.

(3) Where the legal guardianship of any girl is vested in the Secretary for Chinese Affairs by virtue of the provisions of this section, it shall be lawful for the Secretary for Chinese Affairs, subject to the provisions of Section 10 of the Female Domestic Service Ordinance, 1923, to make any order regarding the custody and control of the girl which he may think desirable in her interests, and, if he so thinks fit, to require any person in whose charge he shall place the girl to enter into a bond with one or more sureties to treat the girl well and to produce her before him whenever he shall so require.

33. Whenever the Secretary for Chinese Affairs has reason to believe—

(1) that any woman or girl has been brought into the colony, either after having been purchased or by force, intimidation, fraud, misrepresentation or any false pretence, for immoral purposes or for purposes of emigration; or,

(2) that any woman or girl has been purchased in the colony with a view of being trained or disposed of as a prostitute, or is being detained against her will for immoral purposes or for purposes of emigration; or,

(3) that, in any of such cases any woman or girl, from fear, ignorance or any other cause, is unwilling or unable to disclose the true circumstances of the case,

he may enquire into the case, and may require any person in whose custody or under whose control she appears to be to furnish a photograph of such woman or girl and security in a reasonable amount, to the satisfaction of the Secretary for Chinese Affairs, that such woman or girl shall not leave the colony without the previous consent in writing of the Secretary for Chinese Affairs, that she shall not be trained or disposed of as a prostitute or for immoral purposes, and that she shall be produced before the Secretary for Chinese Affairs whenever he so requires.

.....

3. FEMALE DOMESTIC SERVICE ORDINANCE No. 1, OF 1923 (FEBRUARY 15TH, 1923), AND THE AMENDMENT ORDINANCE No. 22, OF 1929 (NOVEMBER 1ST, 1929).

Part I.

1. This Ordinance may be cited as the Female Domestic Service Ordinance, 1923.

2. Whereas certain persons have erroneously supposed that the payment of money to the parent or guardian or employer of a female child, such payment purporting to be in return for the transfer of certain parental rights, may confer certain rights of property in the child and certain rights of retaining possession, custody and control of the child as against the child's parent or guardian, and as against the child herself, it is hereby declared and enacted that no such payment can confer any such rights whatsoever upon the person making such payment or upon any other person.

3. In this Ordinance:

(a) " Mui Tsai " includes:

(i) Every female domestic servant whose employer for the time being shall have made, directly or indirectly, within or without the colony, any payment to any person for the purpose of securing the services of such female as a domestic servant;

(ii) Every female domestic servant whose employer for the time being shall, within or without the colony, have acquired the custody, possession or control of such female from, or upon the death of, any former employer who made any such payment as aforesaid:

(b) " Prescribed " means prescribed by regulations made under this Ordinance.

Part II.

4. No person shall hereafter take into his employment any Mui Tsai.

5. No person shall hereafter take into his employment any female domestic servant under the age of 10 years.

6. (1) No employer of a Mui Tsai shall overwork or ill-treat such Mui Tsai, or subject such Mui Tsai to any punishment to which such employer might not reasonably subject his own daughter.

(2) Every employer of a Mui Tsai shall provide such Mui Tsai with sufficient food and clothing of a reasonable kind, and, in case of illness, with such medical attendance as such employer might reasonably have been expected to provide for his own daughter.

7. (1) In every prosecution for overwork or ill-treatment of a Mui Tsai, medical evidence shall be given before the magistrate trying the case as to the injuries received by such Mui Tsai, and the magistrate shall find whether such ill-treatment amounted, in his opinion, to gross cruelty or not.

(2) In the event of such magistrate finding that such ill-treatment amounts to gross cruelty, the offender shall not be given the option of paying a fine but shall be sentenced by the magistrate to imprisonment for a term not exceeding one year.

8. The provisions of the Offences against the Person Ordinance, 1865, and of the Protection of Women and Girls Ordinance, 1897, shall, as hitherto, apply to and include Mui Tsai.

9. (1) No Mui Tsai shall hereafter be transferred from one employer to another; provided that, upon the death of the employer of any Mui Tsai, it shall be lawful for the Secretary for Chinese Affairs to make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.

(2) Every person who, after the date of the coming into operation of this Ordinance, shall become the actual employer of a Mui Tsai by reason of the death of the former employer of such Mui Tsai, or for any other reason, shall report such fact in the prescribed manner within one week after he shall have become the actual employer of such Mui Tsai.

10. Any Mui Tsai who wishes to be restored to the custody of her parent or natural guardian, and any Mui Tsai under the age of 18 years whose parent or natural guardian wishes such Mui Tsai to be restored to his custody, shall, without any payment whatsoever, be restored to such custody, unless the Secretary for Chinese Affairs shall see some grave objection in the interest of such Mui Tsai to such restoration.

11. Every Mui Tsai shall, as hitherto, have the right to apply to the Secretary for Chinese Affairs, and, upon any such application, it shall be lawful for the Secretary for Chinese Affairs to make any order which he may think fit regarding the custody, control, employment and conditions of employment of the applicant.

Part III.

12. (1) It shall be lawful for the Governor-in-Council to make regulations for the following purpose:

- (a) The registration of Mui Tsai and the keeping of such registers up to date;
- (b) The remuneration of Mui Tsai;
- (c) The inspection and control of Mui Tsai and former Mui Tsai;
- (d) Generally, for the purpose of carrying out the policy of this Ordinance.

(2) All regulations made under this Ordinance shall be laid on the table of the Legislative Council at the first meeting thereof held after the publication in the *Gazette* of the making of such regulations, and if a resolution be passed at the first meeting of the Legislative Council held after such regulations have been laid on the table of the said Council resolving that any such regulation shall be rescinded, or amended in any manner whatsoever, the said regulation shall, without prejudice to anything done thereunder, be deemed to be rescinded, or amended, as the case may be, as from the date of publication in the *Gazette* of the passing of such resolution.

13. (1) Every person who, at the date of the coming into operation of this part, shall have a Mui Tsai in his employment in the colony shall register such Mui Tsai in the prescribed manner within six months after the date of the coming into operation of this part.

(2) Every person who shall at any time have in his employment in the colony a Mui Tsai who shall have been brought into the colony after the date of the coming into operation of this part shall register such Mui Tsai in the prescribed manner within two weeks after the arrival of such Mui Tsai in the colony.

(3) It shall be lawful for the Secretary for Chinese Affairs in his absolute discretion to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.

14. Subject to the period allowed for registration, and subject to the provisions of Section 9, no person shall have in his employment an unregistered Mui Tsai.

15. Subject to the period allowed for registration, and subject to the provisions of Section 9, no person shall have in his employment any female domestic servant under the age of 10 years unless such servant is a registered Mui Tsai.

16. Every Mui Tsai of or over the age of 10 years shall be entitled to such wages for her services as shall be prescribed.

17. This part shall not come into operation until such date as may be fixed by proclamation of the Governor-in-Council.

Part IV.

18. Subject to the provisions of subsection (2) of Section 7, every person who contravenes or fails to comply with any of the provisions of this Ordinance or of any regulation made thereunder shall be liable upon summary conviction to a fine not exceeding 250 dollars.

19. No prosecution under this Ordinance shall be commenced without the consent of the Secretary for Chinese Affairs.

ORDINANCE TO AMEND THE FEMALE DOMESTIC SERVICE ORDINANCE, 1923, No. 22, OF 1929; ASSENTED TO ON
NOVEMBER 1ST, 1929.

1. This Ordinance may be cited as the Female Domestic Service Amendment Ordinance, 1929.

2. The Female Domestic Service Ordinance, 1923, is amended by the insertion of the following section immediately after Section 4:

“ 4 A. No person shall hereafter bring or cause to be brought any Mui Tsai into the colony unless such Mui Tsai has previously been in the colony and has been registered under this Ordinance.”

3. Sections 7 and 8 of the Female Domestic Service Ordinance, 1923, are repealed.

4. Section 9 (1) of the Female Domestic Service Ordinance, 1923, is amended by the insertion of the words “, subject to the provisions of Section 10,” immediately after the words “ Chinese Affairs ” in the fourth line.

5. Section 11 of the Female Domestic Service Ordinance, 1923, is amended by the insertion of the words “, subject to the provisions of Section 10,” immediately after the words “ Chinese Affairs ” in the fourth line.

6. Subsection (2) of Section 13 of the Female Domestic Service Ordinance, 1923, is repealed, and the following subsection is substituted therefor:

“ (2) No person shall, without lawful authority or excuse, have in his employment, custody or control any unregistered Mui Tsai.”

7. Section 18 of the Female Domestic Service Ordinance, 1923, is repealed, and the following section is substituted therefor:

“ 18. (1) Subject to the provisions of subsection (2), every person who contravenes any of the provisions of Section 6 shall, upon summary conviction, be liable to a fine not exceeding 500 dollars and to imprisonment for any term not exceeding six months.

“ (2) In every prosecution under Section 6, the magistrate shall find whether the acts or omissions proved, if any, amounted to gross cruelty, and if, in his opinion, they amounted to gross cruelty the offender shall not be given the option of paying a fine but shall be sentenced to imprisonment for any term not exceeding one year.

“ (3) Every person who contravenes any of the provisions of this Ordinance other than those of Section 6, and every person who contravenes any regulation made under this Ordinance, shall upon summary conviction be liable to a fine not exceeding 250 dollars.”

8. The following sections are added to the Female Domestic Service Ordinance, 1923, after Section 19:

“ 20. In any prosecution under Section 6, it shall be lawful for the magistrate to convict of common assault if he finds that an assault was committed but does not find that the girl in question was a Mui Tsai.

“ 21. In every prosecution under this Ordinance, it shall until the contrary is proved be presumed that the girl in question was a Mui Tsai in the employment of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

“ 22. In every prosecution under this Ordinance, whether evidence be called on the question of age or not, any girl who appears to the magistrate to be of or under or over any particular age shall, unless the contrary is proved, be deemed for the purposes of such prosecution to be of or under or over such age, as the case may be.

“ 23. Nothing in this Ordinance shall affect any right of guardianship already vested in the Secretary for Chinese Affairs by virtue of the provisions of the Protection of Women

and Girls Ordinance, 1897, or hereafter vested in him by virtue of the provisions of the Protection of Women and Girls Ordinance, 1897, as amended by the Protection of Women and Girls Amendment Ordinance, 1929; provided that, in exercising any such right of guardianship, the Secretary for Chinese Affairs shall comply with the provisions of Section 10 of this Ordinance.

“ 24. (1) In any proceedings whatsoever, whether under this Ordinance or not, the following shall be admissible in evidence upon production:

“ (a) Any register, or any part of any register which appears to be kept under this Ordinance;

“ (b) Any extract from any such register purporting to be certified as correct by the Secretary for Chinese Affairs or the assistant to the Secretary for Chinese Affairs;

“ (c) Any photograph or finger-prints which appear to have been taken for the purpose of any such register.

“ (2) If any such photograph appears to have a serial number, and if the said serial number occurs in some part of any such register as apparently assigned to some particular Mui Tsai, it shall, until the contrary is proved, be assumed that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

“ (3) If any such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall, until the contrary is proved, be assumed that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

* * *

Appendix 8.

STRAITS SETTLEMENTS.

MUI TSAI ORDINANCE No. 5, OF 1932 (JUNE 18TH, 1932).

1. This Ordinance may be cited as “ The Mui Tsai Ordinance, 1932 ”, and shall come into force on such date as the Governor may, by notification in the *Gazette*, appoint.

2. In this Ordinance, unless there is something repugnant in the subject or context:

“ Employer ” means a person who has acquired the custody, possession, control or guardianship of a Mui Tsai;

“ Mui Tsai ” means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the colony, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt; provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of 18 years or on marriage, whichever shall first happen;

“ Protector ” means the Secretary for Chinese Affairs and includes the protectors and assistant protectors of Chinese in any Settlement.

3. No person shall, after the commencement of this Ordinance, acquire the custody, possession, control or guardianship of a Mui Tsai.

4. (i) Every person who, at the commencement of this Ordinance, shall have a Mui Tsai in his custody, possession, control or guardianship in the colony shall register such Mui Tsai in the prescribed manner within six months after such commencement.

(ii) It shall be lawful for the Protector, in his absolute discretion, to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.

5. Subject to the period allowed for registration, and subject to the provisions of Section 9, no person shall have in his custody, possession, control or guardianship an unregistered Mui Tsai.

6. No person shall, after the commencement of this Ordinance, bring or cause to be brought into the colony any Mui Tsai unless such Mui Tsai.:

(a) Has previously been in the colony and has been registered under this Ordinance; or,

(b) Has been registered as a Mui Tsai under the law for the time being in force in some other British colony or in a British protectorate or in a Malay State under British protection.

7. (i) No employer of a Mui Tsai shall overwork or ill-treat a Mui Tsai.

(ii) Every employer of a Mui Tsai shall provide such Mui Tsai with wages at a rate not less than such minimum rate as may be prescribed, and with sufficient food, clothing of a reasonable kind and, in case of illness, proper medical attendance.

8. (i) In the event of any dispute arising between a Mui Tsai and her employer concerning the payment of wages, the Protector may enquire into and decide such dispute and make such order as he may deem just.

(ii) Any order made by the Protector under sub-section (i) may be enforced by a district court in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the Protector.

9. (i) No Mui Tsai shall, after the commencement of this Ordinance, be transferred from one employer to another without the previous sanction of the Protector; provided that, upon the death of the employer of any Mui Tsai, the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.

(ii) Every person who, after the commencement of this Ordinance, shall become the employer of a Mui Tsai by reason of the death of the former employer of such Mui Tsai, or for any other reason, shall report such fact in the prescribed manner within one week after he shall have become the employer of such Mui Tsai.

10. (i) Any Mui Tsai who wishes to be restored to the custody of her parent or natural guardian, and any Mui Tsai whose parent or natural guardian wishes such Mui Tsai to be restored to his custody, shall, without any payment whatsoever, be restored to such custody unless the Protector shall see some grave objection in the interest of such Mui Tsai to such restoration.

(ii) Any such Mui Tsai may, by order of the Protector, be detained in a place of safety until arrangements have been made for her restoration to her parent or natural guardian.

11. Every Mui Tsai and every employer shall have the right to apply to the Protector, and, upon any such application, the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the custody, possession, control or guardianship of the Mui Tsai.

12. Any person who harbours any girl knowing or having reason to believe that such girl is a Mui Tsai shall report the fact to the Protector or at a police station within a period of forty-eight hours.

13. (i) The Governor-in-Council may make rules for and in respect of all or any of the following purposes or matters:

(a) The registration of Mui Tsai, the taking of photographs and finger-prints of Mui Tsai upon registration, the particulars to be entered in the registers, and the keeping of such registers up to date;

(b) The inspection and control of Mui Tsai;

(c) Any matter which under this Ordinance is required or permitted to be prescribed;

(d) Generally, in relation to any matters, whether similar or not to those above mentioned, as to which it is expedient to make rules for carrying into effect the objects of this Ordinance.

(ii) All such rules shall be published in the *Gazette* and shall be laid before the Legislative Council at the first meeting after publication and shall not come into force until approved by resolution of the said Council.

(iii) In approving any such rules, the Legislative Council may make such alterations therein as it may think fit.

14. (i) Every person who contravenes or fails to comply with any of the provisions of Section 7 shall be liable to a fine not exceeding 500 dollars or to imprisonment of either description for any term not exceeding two years, or to both.

(ii) Every person who is guilty of an offence against this Ordinance or contravenes or fails to comply with any of the provisions of this Ordinance or of any rule made thereunder shall, if no penalty has otherwise been specially provided, be liable to a fine not exceeding 200 dollars or to imprisonment of either description for any term not exceeding six months.

15. (i) All offences against this Ordinance or any rule made thereunder shall be cognisable by a district court or a police court; provided that no prosecution shall be instituted in respect of any such offence without the previous sanction of the Protector.

(ii) A police court may, notwithstanding anything in the Criminal Procedure Code, impose the full punishment prescribed by this Ordinance in respect of any offence.

16. In any prosecution under Section 7, it shall be lawful for the court to convict of voluntarily causing hurt if it finds that the offence of voluntarily causing hurt was committed but does not find that the girl in question was a Mui Tsai.

17. In every prosecution under this Ordinance or any rule made thereunder, it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this

onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

18. In every prosecution under this Ordinance or any rule made thereunder, whether or not evidence be called on the question of age, any girl who appears to the court to be of or under or over any particular age shall, until the contrary is proved, be presumed for the purposes of such prosecution to be of or under or over such age, as the case may be.

19. (i) In any proceedings whatsoever, whether under this Ordinance or otherwise, the following shall be admissible in evidence on production:

(a) Any register or any part of any register which purports to have been kept under this Ordinance or any rule made thereunder;

(b) Any extract from any such register which purports to have been certified as correct by the Protector;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Ordinance.

(ii) If any such photograph appears to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

(iii) If any such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the the contrary is proved that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

20. (i) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry, the Protector or such officer as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask.

(ii) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Ordinance or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(iii) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such officer as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such officer, shall be guilty of an offence against this Ordinance.

21. (i) If the Protector has reasonable cause to suspect that any girl has, after the commencement of this Ordinance, been purchased or otherwise acquired in or out of the colony with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the Settlement in which she then is without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(ii) Any person who fails to produce such girl when so required under sub-section (i) shall be guilty of an offence against this Ordinance.

(iii) In default of such photographs being furnished or such security being given, the Protector may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (i) Whenever the Protector is of opinion that it is in the interests of any such girl as is referred to in Section 21 that such girl should be permitted to leave the Settlement in which she then is, the Protector may grant such permission upon being supplied with such photographs as he may require and upon security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of Government within such period and at such destination as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under

that section, other than the condition relating to departure from the Settlement, unless the Protector in the Settlement where such girl then resides obtains fresh security in the manner specified in Section 21.

(iii) A certificate under the hand of the officer of Government referred to in sub-section (i) that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect, unless the court requires such officer to be called as a witness.

23. The Protector and every officer generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of the Penal Code.

24. Ordinance No. 172 (Female Domestic Servants) is hereby repealed.

* * *

Appendix 9.

FEDERATED MALAY STATES.

MUI TSAI ENACTMENT NO. 23, OF 1932 ASSENTED TO (OCTOBER 30TH, 1932).

1. (i) This Enactment may be cited as "The Mui Tsai Enactment, 1932", and shall come into force on such date as the Chief Secretary to the Government may, by notification in the *Gazette*, appoint.

(ii) Upon the coming into force of this Enactment, the Female Domestic Servants Enactment, 1925, shall be repealed.

2. In this Enactment, unless there is something repugnant in the subject or context:

"Employer" means a person who has acquired the custody, possession, control or guardianship of a Mui Tsai;

"Mui Tsai" means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the Federated Malay States, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt; provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of 18 years or on marriage, whichever shall first happen;

"Protector" means the Secretary for Chinese Affairs and includes the Protectors and Assistant Protectors of Chinese in any State.

3. No person shall, after the commencement of this Enactment, acquire the custody, possession, control or guardianship of a Mui Tsai.

4. (i) Every person who at the commencement of this Enactment shall have a Mui Tsai in his custody, possession, control or guardianship in the Federated Malay States shall register such Mui Tsai in the prescribed manner within six months after such commencement.

(ii) It shall be lawful for the Protector, in his absolute discretion, to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.

5. Subject to the period allowed for registration, and subject to the provisions of Section 9, no person shall have in his custody, possession, control or guardianship an unregistered Mui Tsai.

6. No person shall, after the commencement of this Enactment, bring or cause to be brought into the Federated Malay States any Mui Tsai unless such Mui Tsai:

(a) Has previously been in the Federated Malay States and has been registered under this Enactment; or

(b) Has been registered as a Mui Tsai under the law for the time being in force in the colony or in some other British colony or in a British protectorate or in a Malay State, other than the Federated Malay States, under British protection.

7. (i) No employer of a Mui Tsai shall overwork or ill-treat a Mui Tsai.

(ii) Every employer of a Mui Tsai shall provide such Mui Tsai with wages at a rate not less than such minimum rate as may be prescribed, and with sufficient food, clothing of a reasonable kind and, in case of illness, proper medical attendance.

8. (i) In the event of any dispute arising between a Mui Tsai and her employer concerning the payment of wages, the Protector may enquire into and decide such dispute and make such order as he may deem just.

(ii) Any order made by the Protector under sub-section (i) may be enforced by the court of a magistrate of the first class in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the Protector.

9. (i) No Mui Tsai shall, after the commencement of this Enactment, be transferred from one employer to another without the previous sanction of the Protector; provided that, upon the death of the employer of any Mui Tsai, the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.

(ii) Every person who, after the commencement of this Enactment, shall become the employer of a Mui Tsai by reason of the death of the former employer of such Mui Tsai, or for any other reason, shall report such fact in the prescribed manner within one month after he shall have become the employer of such Mui Tsai.

10. (i) Any Mui Tsai who wishes to be restored to the custody of her parent or natural guardian, and any Mui Tsai whose parent or natural guardian wishes such Mui Tsai to be restored to his custody, shall, without any payment whatsoever, be restored to such custody unless the Protector shall see some grave objection in the interest of such Mui Tsai to such restoration.

(ii) Any such Mui Tsai may, by order of the Protector, be detained in a place of safety until arrangements have been made for her restoration to her parent or natural guardian.

11. Every Mui Tsai and every employer shall have the right to apply to the Protector, and, upon, such application, the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the custody, possession, control or guardianship of the Mui Tsai.

12. Any person who harbours any girl knowing or having reason to believe that such girl is a Mui Tsai shall report the fact to the Protector or at a police station within a period of forty-eight hours.

13. (i) The High Commissioner may make rules for and in respect of all or any of the following purposes or matters:

(a) The registration of Mui Tsai, the taking of photographs and finger-prints of Mui Tsai upon registration, the particulars to be entered in the registers, and the keeping of such registers up to date;

(b) The inspection and control of Mui Tsai;

(c) Any matter which under this Enactment is required or permitted to be prescribed;

(d) Generally, in relation to any matters, whether similar or not to those above mentioned, as to which it is expedient to make rules for carrying into effect the objects of this Enactment.

(ii) All such rules shall be published in the *Gazette* and shall thereupon have the force of law.

(iii) All such rules shall be laid before the Federal Council at the first meeting after such publication, and may be amended or disallowed by resolution of the said Council.

(iv) Any rule so amended shall come into force as amended from the date of such resolution, and any rule disallowed shall cease to have force or effect from the date of such resolution.

14. (i) Every person who contravenes or fails to comply with any of the provisions of Section 7 shall be liable to a fine not exceeding 500 dollars or to imprisonment of either description for any term not exceeding two years, or to both.

(ii) Every person who is guilty of an offence against this Enactment or contravenes or fails to comply with any of the provisions of this Enactment or of any rules thereunder shall, if no penalty has otherwise been specially provided, be liable to a fine not exceeding 200 dollars or to imprisonment of either description for any term not exceeding six months.

15. (i) All offences against this Enactment or any rule made thereunder shall be cognisable by the court of a magistrate of the first class, provided that no prosecution shall be instituted in respect of any such offence without the previous sanction of the Protector.

(ii) Such court may, notwithstanding anything in the Courts Enactment, 1918, impose the full punishment prescribed by this Enactment in respect of any offence.

16. In any prosecution under Section 7, it shall be lawful for the court to convict of voluntarily causing hurt if it finds that the offence of voluntarily causing hurt was committed but does not find that the girl in question was a Mui Tsai.

17. In every prosecution under this Enactment or any rule made thereunder, it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

18. In every prosecution under this Enactment or any rule made thereunder, whether or not evidence be called on the question of age, any girl who appears to the court to be of or under or over any particular age shall, until the contrary is proved, be presumed for the purposes of such prosecution to be of or under or over such age, as the case may be.

19. (i) In any proceedings whatsoever, whether under this Enactment or otherwise, the following shall be admissible in evidence on production:

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder;

(b) Any extract from such register which purports to have been certified as correct by the Protector;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment.

(ii) If any such photograph appears to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

(iii) If any such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

20. (i) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry, the Protector or such officer as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask.

(ii) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(iii) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such officer as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such officer, shall be guilty of an offence against this Enactment.

21. (i) If the Protector has reasonable cause to suspect that any girl has, after the commencement of this Enactment, been purchased or otherwise acquired in or out of the Federated Malay States with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the State in which she then is without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(ii) Any person who fails to produce such girl when so required under sub-section (i) shall be guilty of an offence against this Enactment.

(iii) In default of such photographs being furnished or such security being given, the Protector may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (i) Whenever the Protector is of opinion that it is in the interests of any such girl as is referred to in Section 21 that such girl should be permitted to leave the State in which she then is, the Protector may grant such permission upon being supplied with such photographs as he may require and upon such security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of Government within such period and at such destination as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from the State, unless the Protector in the State where such girl then resides obtains fresh security in the manner specified in Section 21.

(iii) A certificate under the hand of officer of the Government referred to in subsection (i) that such girl has not been brought before him shall, in any legal proceedings, be conclusive evidence to that effect, unless the court requires such officer to be called as a witness.

23. The Protector and every officer generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of the Penal Code.

Appendix 10.

JOHORE.

ENACTMENT NO. 16 OF 1932 RELATING TO MUI TSAI.

1. (i) This Enactment may be cited as "The Mui Tsai Enactment, 1932"; and it shall come into force on such date as His Highness the Sultan in Council may, by notification in the *Gazette*, appoint.

(ii) Upon the coming into force of this Enactment, the Female Domestic Servants Enactment, 1926, shall be repealed.

2. In this Enactment, unless the context requires otherwise:

"Employer" means a person who has acquired the custody, possession, control or guardianship of a Mui Tsai;

"Mui Tsai" means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the State, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt; provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of 18 years or on marriage, whichever shall first happen;

"Protector" means the Protector of Chinese, Johore, and includes the Assistant Protector of Chinese, Johore.

"Registering Officer" means an officer of Government appointed by His Highness the Sultan in Council for the purpose of registering Mui Tsai and of exercising such other powers in connection with such registration as His Highness the Sultan in Council may by rule prescribe.

3. Except as provided in Sections 6 and 9, no person shall, after the commencement of this Enactment, acquire the custody, possession, control or guardianship of a Mui Tsai.

4. (i) Every person who at the commencement of this Enactment shall have a Mui Tsai in his custody, possession, control or guardianship in the State shall register such Mui Tsai in the prescribed manner within six months after such commencement or such further period as His Highness the Sultan in Council may by notification in the *Gazette* prescribe.

(ii) It shall be lawful for the Protector, in his absolute discretion, to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.

5. Subject to the period allowed for registration, and subject to the provisions of Section 9, no person shall have in his custody, possession, control or guardianship an unregistered Mui Tsai.

6. No person shall, after the commencement of this Enactment, bring or cause to be brought into the State any Mui Tsai unless such Mui Tsai:

(a) Has previously been in the State and has been registered under this Enactment; or

(b) Has been registered as a Mui Tsai under the law for the time being in force in the colony or in some other British colony or in a British protectorate or in a Malay State under His Majesty's protection.

7. (i) No employer of a Mui Tsai shall overwork or ill-treat a Mui Tsai.

(ii) Every employer of a Mui Tsai shall provide such Mui Tsai with wages at a rate not less than such minimum rate as may be prescribed by rule, and with sufficient food, clothing of a reasonable kind and, in case of illness, proper medical attendance.

8. (i) In the event of any dispute arising between a Mui Tsai and her employer concerning the payment of wages, the Protector may enquire into and decide such dispute and make such order as he may deem just.

(ii) Any order made by the Protector under sub-section (i) may be enforced by the court of a magistrate of the first class in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the Protector.

9. (i) No Mui Tsai shall, after the commencement of this Enactment, be transferred from one employer to another without the previous sanction of the Protector.

(ii) If any Mui Tsai shall cease to be employed as a Mui Tsai either by reason of the death of her employer or for any other reason and any person shall wish to become the employer of such Mui Tsai, such person shall so inform the Protector within one week after the date on which such Mui Tsai ceases to be employed; and the Protector may, subject to the provisions of Section 10 hereunder, make any order which he may think fit regarding the transfer of such Mui Tsai to the employment of such person.

10. (i) Any Mui Tsai who wishes to be restored to the custody of her parent or natural guardian, and any Mui Tsai whose parent or natural guardian wishes such Mui Tsai to be restored

to his custody, shall, without any payment whatsoever, be restored to such custody unless the Protector shall see some grave objection in the interest of such Mui Tsai to such restoration.

(ii) Any such Mui Tsai may, by order of the Protector, be detained in a place of safety until arrangements have been made for her restoration to her parent or natural guardian.

11. Every Mui Tsai and every employer shall have the right to apply to the Protector, and upon such application the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the custody, possession, control or guardianship of the Mui Tsai.

12. Any person who harbours any girl knowing or having reason to believe that such girl is a Mui Tsai shall report the fact to the Protector or at a police station within a period of forty-eight hours.

13. (i) His Highness the Sultan in Council may make rules for and in respect of all or any of the following purposes or matters:

(a) The registration of Mui Tsai, the taking of photographs and finger-prints of Mui Tsai upon registration, the particulars to be entered in the registers, and the keeping of such registers up to date; and the powers to be exercised by a Registering Officer in connection with such registration;

(b) The inspection and control of Mui Tsai;

(c) Any matter which under this Enactment, is required or permitted to be prescribed;

(d) Generally, in relation to any matters, whether similar or not to those above mentioned as to which it is expedient to make rules for carrying into effect the objects of this Enactment.

(ii) All such rules shall be published in the *Gazette* and shall thereupon have the force of law.

(iii) All such rules shall be laid before the Council of State at its first meeting after such publication and may be amended or disallowed by resolution of the said Council.

(iv) Any rules so amended shall come into force as amended from the date of the passing of such resolution and any rule disallowed shall cease to have any force or effect from the date of such resolution.

14. (i) Every person who contravenes or fails to comply with any of the provisions of Section 7 shall be liable to a fine not exceeding 500 dollars or to imprisonment of either description for any term not exceeding two years, or to both.

(ii) Every person who is guilty of an offence against this Enactment or contravenes or fails to comply with any of the provisions of this Enactment or of any rules made thereunder shall, if no penalty has otherwise been specially provided, be liable to a fine not exceeding 200 dollars or to imprisonment of either description for any term not exceeding six months.

15. (i) All offences against this Enactment or any rule made thereunder shall be cognisable by the Court of a magistrate of the first class; provided that no prosecution shall be instituted in respect of any such offence without the previous sanction of the Protector.

(ii) Such court may, notwithstanding anything in the Courts Enactment, 1920, impose the full punishment prescribed by this Enactment in respect of any offence.

16. In any prosecution under Section 7, it shall be lawful for the court to convict of voluntarily causing hurt if it finds that the offence of voluntarily causing hurt was committed but does not find that the girl in question was a Mui Tsai.

17. In every prosecution under this Enactment or any rule made thereunder, it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

18. In every prosecution under this Enactment or any rule made thereunder, whether or not evidence be called on the question of age, any girl who appears to the court to be of or under or over any particular age shall, until the contrary is proved, be presumed for the purposes of such prosecution to be of or under or over such age, as the case may be.

19. (i) In any proceedings whatsoever, whether under this Enactment or otherwise, the following shall be admissible in evidence on production:

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder;

(b) Any extract from any such register which purports to have been certified as correct by the Protector;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment.

(ii) If any such photograph appears to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it

shall be presumed until the contrary is proved that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

(iii) If such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

20. (i) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry, the Protector or such officer as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask.

(ii) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(iii) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such officer as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such officer, shall be guilty of an offence against this Enactment.

21. (i) If the Protector has reasonable cause to suspect that any girl has, after the commencement of this Enactment, been purchased or otherwise acquired in or out of the State with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the State in which she then is without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(ii) Any person who fails to produce such girl when so required under sub-section (i) shall be guilty of an offence against this Enactment.

(iii) In default of such photographs being furnished or such security being given, the President may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (i) Whenever the Protector is of opinion that it is in the interests of any such girl as is referred to in Section 21 that such girl should be permitted to leave the State, the Protector may grant such permission upon being supplied with such photographs as he may require and upon such security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer—being an officer of the colony or of any Malay State under British protection—within such period and at such destination as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from the State, unless the officer of Government referred to in sub-section (i) obtains fresh security in the manner specified in Section 21.

(iii) A certificate under the hand of the officer of Government referred to in sub-section (i) that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect, unless the court requires such officer to be called as a witness.

23. The Protector and every Registering Officer and every officer generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of the Penal Code.

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Appendix 11.

KEDAH.

ENACTMENT No. I OF 1352 RELATING TO MUI-TSAI.

1. This Enactment may be cited as "The Mui Tsai Enactment, 1352," and shall come into force on the date of publication in the *Gazette*.

2. In this Enactment, unless there is something repugnant in the subject or context:

“Employer” means a person who has acquired the custody, possession, control or guardianship of a Mui Tsai;

“Mui Tsai” means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the State of Kedah, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt; provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of 18 years or on marriage, whichever shall first happen;

“Protector” means the Protector of Chinese.

3. No person shall, after the commencement of this Enactment, acquire the custody, possession, control or guardianship of a Mui Tsai.

4. (i) Every person who at the commencement of this Enactment shall have a Mui Tsai in his custody, possession, control or guardianship in the State of Kedah shall register such Mui Tsai in the prescribed manner within six months after such commencement.

(ii) It shall be lawful for the Protector, in his absolute discretion, to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.

5. Subject to the period allowed for registration, and subject to the provisions of Section 9, no person shall have in his custody, possession, control or guardianship an unregistered Mui Tsai.

6. No person shall, after the commencement of this Enactment, bring or cause to be brought into the State of Kedah any Mui Tsai unless such Mui Tsai:

(a) Has previously been in the State of Kedah and has been registered under this Enactment; or

(b) Has been registered as a Mui Tsai under the law for the time being in force in the colony or some other British colony or in a British protectorate or in any other Malay State under British protection.

7. (i) No employer of a Mui Tsai shall overwork or ill-treat a Mui Tsai.

(ii) Every employer of a Mui Tsai shall provide such Mui Tsai with wages at a rate not less than such minimum rate as may be prescribed, and with sufficient food, clothing of a reasonable kind and, in case of illness, proper medical attendance.

8. (i) In the event of any dispute arising between a Mui Tsai and her employer concerning the payment of wages, the Protector may enquire into and decide such dispute and make such order as he may deem just.

(ii) Any order made by the Protector under sub-section (i) may be enforced by the court of a magistrate of the first class in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the Protector.

9. (i) No Mui Tsai shall, after the commencement of this Enactment, be transferred from one employer to another without the previous sanction of the Protector; provided that, upon the death of the employer of any Mui Tsai, the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.

(ii) Every person who, after the commencement of this Enactment, shall become the employer of a Mui Tsai by reason of the death of the former employer of such Mui Tsai, or for any other reason, shall report such fact in the prescribed manner within one week after he shall have become the employer of such Mui Tsai.

10. (i) Any Mui Tsai who wishes to be restored to the custody of her parent or natural guardian, and any Mui Tsai whose parent or natural guardian wishes such Mui Tsai to be restored to his custody, shall, without any payment whatsoever, be restored to such custody unless the Protector shall see some grave objection in the interest of such Mui Tsai to such restoration.

(ii) Any such Mui Tsai may, by order of the Protector, be detained in a place of safety until arrangements have been made for her restoration to her parent or natural guardian.

11. Every Mui Tsai and every employer shall have the right to apply to the Protector, and upon any such application the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the custody, possession, control or guardianship of the Mui Tsai.

12. Any person who harbours any girl knowing or having reason to believe that such girl is a Mui Tsai shall report the fact to the Protector or at a police station within a period of forty-eight hours.

13. (i) The President of the State Council may make rules for and in respect of all or any of the following purposes or matters:

(a) The registration of Mui Tsai, the taking of photographs and finger-prints of Mui Tsai upon registration, the particulars to be entered in the registers, and the keeping of such registers up to date;

(b) The inspection and control of Mui Tsai;

- (c) Any matter which under this Enactment is required or permitted to be prescribed;
- (d) Generally, in relation to any matters, whether similar or not to those above mentioned, as to which it is expedient to make rules for carrying into effect the objects of this Enactment.

(ii) All such rules shall be published in the *Gazette*.

14. (i) Every person who contravenes or fails to comply with any of the provisions of Section 7 shall be liable to a fine not exceeding 500 dollars or to imprisonment of either description for any term not exceeding two years, or to both.

(ii) Every person who is guilty of an offence against this Enactment or contravenes or fails to comply with any of the provisions of this Enactment or of any rule made thereunder shall, if no penalty has otherwise been specially provided, be liable to a fine not exceeding 200 dollars or to imprisonment of either description for any term not exceeding six months.

15. (i) All offences against this Enactment or any rule made thereunder shall be cognisable by the Court of a magistrate of the first class; provided that no prosecution shall be instituted in respect of any such offence without the previous sanction of the Protector.

(ii) Such court may, notwithstanding anything in the Courts Enactment, 1339, impose the full punishment prescribed by this Enactment in respect of any offence.

16. In any prosecution under Section 7, it shall be lawful for the court to convict of voluntarily causing hurt if it finds that the offence of voluntarily causing hurt was committed but does not find that the girl in question was a Mui Tsai.

17. In every prosecution under this Enactment or any rule made thereunder, it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

18. In every prosecution under this Enactment or any rule made thereunder, whether or not evidence be called on the question of age, any girl who appears to the court to be of or under or over any particular age shall, until the contrary is proved, be presumed for the purposes of such prosecution to be of or under or over such age as the case may be.

19. (i) In any proceedings whatsoever, whether under this Enactment or otherwise, the following shall be admissible in evidence on production:

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder;

(b) Any extract from any such register which purports to have been certified as correct by the Protector;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment.

(ii) If any such photograph appears to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

(iii) If any such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

20. (i) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry, the Protector or such officer as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask.

(ii) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(iii) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such officer as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such officer, shall be guilty of an offence against this Enactment.

21. (i) If the Protector has reasonable cause to suspect that any girl has, after the commencement of this Enactment, been purchased or otherwise acquired in or out of the State of Kedah with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the district in which she then is without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(ii) Any person who fails to produce such girl when so required under sub-section (i) shall be guilty of an offence against this Enactment.

(iii) In default of such photographs being furnished or such security being given, the Protector may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (i) Whenever the Protector is of opinion that it is in the interests of any such girl as is referred to in Section 21 that such girl should be permitted to leave the district in which she then is, the Protector may grant such permission upon being supplied with such photographs as he may require and upon security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of Government within such period and at such destination as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from the district.

(iii) A certificate under the hand of the officer of Government referred to in sub-section (i) that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect, unless the court requires such officer to be called as a witness.

23. The Protector and every officer generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of the Penal Code.

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Appendix 12.

BRUNEI.

ENACTMENT NO. I OF 1932.

Relating to Mui Tsai.

1. This Enactment may be cited as "The Mui Tsai Enactment, 1932", and shall come into force on January 1st, 1933.

2. In this Enactment, unless there is something repugnant in the subject or context:

"Employer" means a person who has acquired the custody, possession, control or guardianship of a Mui Tsai;

"Mui Tsai" means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the State, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt;

Provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of 18 years or on marriage, whichever shall first happen;

"Resident" means the British Resident appointed to the State of Brunei.

3. No person shall, after the commencement of this Enactment, acquire the custody, possession, control or guardianship of a Mui Tsai.

4. (i) Every person who at the commencement of this Enactment shall have a Mui Tsai in his custody, possession, control or guardianship in the State shall register such Mui Tsai in the prescribed manner within six months after such commencement.

(ii) It shall be lawful for the Resident, in his absolute discretion, to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.

5. Subject to the period allowed for registration, and subject to the provisions of Section 9, no person shall have in his custody, possession, control or guardianship an unregistered Mui Tsai.

6. No person shall, after the commencement of this Enactment, bring or cause to be brought into the State any Mui Tsai unless such Mui Tsai:

(a) Has previously been in the State and has been registered under this Enactment; or

(b) Has been registered as a Mui Tsai under the law for the time being in force in some other British colony or in a British protectorate or in a Malay State under British protection.

7. (i) No employer of a Mui Tsai shall overwork or ill-treat a Mui Tsai.

(ii) Every employer of a Mui Tsai shall provide such Mui Tsai with wages at a rate not less than such minimum rate as may be prescribed, and with sufficient food, clothing of a reasonable kind and, in case of illness, proper medical attendance.

8. (i) In the event of any dispute arising between a Mui Tsai and her employer concerning the payment of wages, the Resident may enquire into and decide such dispute and make such order as he may deem just.

(ii) Any order made by the Resident under sub-section (i) may be enforced by a magistrate court in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the Resident.

9. (i) No Mui Tsai shall, after the commencement of this Enactment, be transferred from one employer to another without the previous sanction of the Resident; provided that, upon the death of the employer of any Mui Tsai, the Resident may, subject to the provisions of Section 10, make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.

(ii) Every person who, after the commencement of this Enactment, shall become the employer of a Mui Tsai by reason of the death of the former employer of such Mui Tsai, or for any other reason, shall report such fact in the prescribed manner within one week after he shall have become the employer of such Mui Tsai.

10. (i) Any Mui Tsai who wishes to be restored to the custody of her parent or natural guardian, and any Mui Tsai whose parent or natural guardian wishes such Mui Tsai to be restored to his custody, shall, without any payment whatsoever, be restored to such custody unless the Resident shall see some grave objection in the interest of such Mui Tsai to such restoration.

(ii) Any such Mui Tsai may, by order of the Resident, be detained in a place of safety until arrangements have been made for her restoration to her parent or natural guardian.

11. Every Mui Tsai and every employer shall have the right to apply to the Resident, and upon any such application the Resident may, subject to the provisions of Section 10, make any order which he may think fit regarding the custody, possession, control or guardianship of the Mui Tsai.

12. Any person who harbours any girl knowing or having reason to believe that such girl is a Mui Tsai shall report the fact to the Resident or at a police station within a period of forty-eight hours.

13. The Resident may make rules for and in respect of all or any of the following purposes or matters:

(a) The registration of Mui Tsai, the taking of photographs and finger-prints of Mui Tsai upon registration, the particulars to be entered in the registers, and the keeping of such registers up to date;

(b) The inspection and control of Mui Tsai;

(c) Any matter which under this Enactment is required or permitted to be prescribed;

(d) Generally, in relation to any matters, whether similar or not to those above mentioned, as to which it is expedient to make rules for carrying into effect the objects of this Enactment.

14. (i) Every person who contravenes or fails to comply with any of the provisions of Section 7 shall be liable to a fine not exceeding 500 dollars or to imprisonment of either description for any term not exceeding two years, or to both.

(ii) Every person who is guilty of an offence against this Enactment or contravenes or fails to comply with any of the provisions of this Enactment or of any rule made thereunder shall, if no penalty has otherwise been specially provided, be liable to a fine not exceeding 200 dollars or to imprisonment of either description for any term not exceeding six months.

15. (i) All offences against this Enactment or any rule made thereunder shall be cognisable by a Court of a first-class magistrate; provided that no prosecution shall be instituted in respect of any such offence without the previous sanction of the Resident.

(ii) A first-class magistrate Court may, notwithstanding anything in the Criminal Procedure Code, impose the full punishment prescribed by this Enactment in respect of any offence.

16. In any prosecution under Section 7, it shall be lawful for the Court to convict of voluntarily causing hurt if it finds that the offence of voluntarily causing hurt was committed but does not find that the girl in question was a Mui Tsai.

17. In every prosecution under this Enactment or any rule made thereunder, it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody,

possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

18. In every prosecution under this Enactment or any rule made thereunder, whether or not evidence be called on the question of age, any girl who appears to the Court to be of or under or over any particular age shall, until the contrary is proved, be presumed for the purposes of such prosecution to be of or under or over such age as the case may be.

19. (i) In any proceedings whatsoever, whether under this Enactment or otherwise, the following shall be admissible in evidence on production:

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder;

(b) Any extract from any such register which purports to have been certified as correct by the Resident;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment.

(ii) If any such photograph appears to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

(iii) If any such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

20. (i) The Resident or any officer generally or specially authorised in that behalf in writing by the Resident may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry, the Resident or such officer as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask.

(ii) The Resident or any officer generally or specially authorised in that behalf in writing by the Resident may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(iii) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Resident or any such officer as aforesaid, in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Resident or such officer, shall be guilty of an offence against this Enactment.

21. (i) If the Resident has reasonable cause to suspect that any girl has, after the commencement of this Enactment, been purchased or otherwise acquired in or out of the State with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Resident that such girl will not leave the State in which she then is without the previous consent in writing of the Resident, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Resident, and that she will be produced before the Resident whenever he requires it.

(ii) Any person who fails to produce such girl when so required under sub-section (i) shall be guilty of an offence against this Enactment.

(iii) In default of such photographs being furnished or such security being given, the Resident may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (i) Whenever the Resident is of opinion that it is in the interests of any such girl as is referred to in Section 21 that such girl should be permitted to leave the State in which she then is, the Resident may grant such permission upon being supplied with such photographs as he may require and upon security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of the Government within such period and at such destination as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under

that section, other than the condition relating to departure from the State, unless the Resident obtains fresh security in the manner specified in Section 21.

(iii) A certificate under the hand of the officer of Government referred to in sub-section (i) that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect, unless the court requires such officer to be called as a witness.

23. The Resident and every officer generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of the Penal Code.

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Appendix 13.

PALESTINE.

LONG-TERM CONTRACTS FOR DOMESTIC SERVICE: REPORT BY THE GOVERNMENT INSPECTOR OF WELFARE WORK IN PALESTINE, DATED JANUARY 3RD, 1933.

Girls hired on Long Contracts for Domestic Service.

The investigation of this problem presented many difficulties. The tribes are moving about a good deal at present for pasture and were difficult to find. The Bedouin have a deep-rooted prejudice against giving numbers of their tribe, children, servants, flocks, camels or tents, etc. It was also difficult to trace the families of the girls visited in Nablus, as, when they go to their new home, they change their names in order to avoid the "evil eye".

These girls are invariably drawn from the Abeed tribes, which were formerly slaves brought from the Sudan and other parts of Africa. Sections of these Abeed are attached to many of the real Bedouin tribes, and although they are slaves no longer, they live under a certain amount of servitude. If one of them leaves his master and goes to join another tribe, the latter is in honour bound to send him back after settling the quarrel between the master and his servant. If, on the other hand, he leaves to find work in villages or towns, they have no power to force him to return, but he is rather looked down upon if and when he returns.

There are quite a number of these people in the police force. In practice, I am told, they seldom leave. They are usually well treated by the tribes and are looked up to with a great deal of respect. In one case, we were welcomed to the tribe by the sheikh and one of the old Abeed. They have their own tents, camels and weapons, but if they leave the tribe these must be left behind as they are the property of the tribe to which they are attached. There is never any intermarriage between the Abeed and the Bedouin; the latter would look upon this as a disgrace to the tribe, but sometimes the Abeed marry the villagers or townspeople, though this, I believe, is rare.

I paid many visits to Abeed girls in Nablus and elsewhere, and also visited four of the tribes where these girls live: Arab-el-Massad, Arab-el-Inserat, Arab-el-Mashalka, Arab-el-Saghr.

The condition of the Abeed depends upon the tribe to which they are attached.

If it is a rich tribe; the Abeed share the prosperity of their masters and look upon the practice of hiring their daughters for domestic service with great horror.

If, on the other hand, the tribe is poor, the Abeed are even poorer, and it is then that they seek other homes for their innumerable offspring.

As there is no question of wage earning for the parents attached to the tribe, or even for members of the Bedouin tribe, so they expect no wage to be given to their daughters when they go to the homes of the well-off townsfolk.

It is surprising how often the father is able to visit his daughter and, although she is pleased to see him, she rarely wishes to return after the first year of her life in town.

In one case, I found a girl had run away back to the tribe in order to marry a cousin. In this case, an arrangement was come to in regard to the balance of the money paid and the girl remained with the tribe. These cases, I am told, are rare.

The large majority of the girls I visited were well fed, well dressed and evidently quite happy, and expressed no desire to return to the poverty of their homes.

They have their meals with the family, sit with them when their work is finished and go with them when they visit other houses or when they go away for a holiday. Sometimes, they marry during the period of their contract, but this must always be with the consent of their parents.

When their contract is terminated, they nearly always marry and return to their tribe. In rare cases, they remain on with the family as an ordinary servant with wages.

It is noteworthy that these girls very seldom swell the ranks of the prostitutes.

The outlook on life of the Bedouin and his followers is so different from that of other people that it is very difficult to understand their point of view.

Working for wages is unknown among them, each man and woman doing his work as his share in the life of the community, with whom he also shares food, clothing, animals, weapons, etc.

The daughters of these people are naturally brought up with the same ideas and consider themselves well repaid for their work when they receive good food, good clothing and shelter.

Most of them have never had any money in their lives. If they were sent back to their tribes they would be under just as much servitude as they are in the houses of the well-off town-dwellers, but under infinitely worse conditions.

Poor food, wretched clothing and shelter is all they can get in their own homes, and the difference between the conditions of the girls in Nablus or Jenin and those in their own homes is most remarkable. If the contracts of these girls begin when they are children of 8 or 9, which is often the case, they play with the children of their masters and have the same food, thus being well nourished at an age when this is so important for their health in the future.

In view of the fact that all the more prosperous of the Bedouin tribes look upon the custom of hiring out the Abeed girls on contracts for domestic service as a disgrace, and that only the Abeed attached to the poorer tribes resort to the practice as a means of getting food for themselves and their children, it would appear that the best way of stamping out the practice would be to try to improve the conditions of the poorer tribes, who would then look upon the custom with the same horror as their better-off neighbours and the practice would thus die out naturally.

This, I believe, would be far more effective than any legal measures, although perhaps more difficult.

It might even be unwise for the Government to take cognisance of the custom by legislation for registration, etc., and so seem to countenance it, although inspection should be possible in case of need.

It is probable also that, as the country gets more settled, this custom will die out by degrees.

(Signed) Margaret NIXON,

Government Inspector of Welfare Work.

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Appendix 14.

PALESTINE.

EMPLOYMENT OF FEMALES ORDINANCE NO. 33 OF 1933 (AUGUST 23RD, 1933).

An Ordinance to limit the Employment of Certain Females.

Be it enacted by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:

1. This Ordinance may be cited as the Employment of Females Ordinance, 1933.
2. Any contract made prior to the commencement of this Ordinance whereby it was agreed—
 - (a) that any female, who upon the date of the making of the contract, was under the age of 17 years completed, should render any menial service to any person for any period exceeding one year; or,
 - (b) that any payment or other consideration should be made or given to any person, other than the female rendering the menial service, in respect of menial services rendered or to be rendered by any female, who, upon the date of the making of the contract, was under the age of 17 years completed,

shall be unenforceable in any court after August 31st, 1934. Any such contract made after the commencement of this Ordinance shall be unenforceable in any court.

(Signed) A. G. WAUCHOPE,

High Commissioner.

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Appendix 15.

PAPERS RELATING TO THE HEALTH AND PROGRESS OF NATIVE POPULATIONS IN CERTAIN PARTS OF THE EMPIRE. (PAMPHLET, COLONIAL No. 65.)¹

Extract from a Despatch, dated March 8th, 1930, from the Secretary of State for the Colonies to the Officers administering the Governments of Kenya, Uganda Protectorate, Tanganyika Territory, Nyasaland, Northern Rhodesia and Zanzibar (Status of Native Women).

7. It has further been represented to me that the status of native women is in some places scarcely distinguishable from that of slavery, and I shall be glad to receive your observations on this question in particular and in general on the status and conditions of life of native women in [Kenya] [Uganda] [Tanganyika Territory] [Nyasaland] [Northern Rhodesia] [Zanzibar]. I shall be glad also to be furnished with your recommendations as to how such conditions might be improved, with the object of raising their standards of health and intelligence, so as to make them better mothers and better qualified to rear their children afterwards, thus ensuring not only an increased birth rate, but also, what is no less important, the creation of a healthier and better-developed stock.

Extracts from a Despatch, dated August 14th, 1930, from the Governor of Kenya to the Secretary of State for the Colonies (Status of Native Women).

7. I cannot subscribe to the suggestion appearing in paragraph 7 of Your Lordship's despatch under review, that the status of native women in some places is scarcely distinguishable from that of slavery; it may approximate to this description among some of the remoter and more primitive tribes, like the Turkana; but it is an undoubted fact that, among the bulk of the natives that have been continuously under our control, an improvement in the status of women has occurred.

8. Though the custom of "bride price" still continues, the woman has a considerable choice in the selection of her husband and her wishes in the matter are usually decisive. She has an important say in the management of the money or goods derived from sale or barter, and wields a strong influence in the disposal of lands cultivated by herself.

As a worker, her burdens have been lightened in many districts by the increased use of ox-wagon and lorry transport to carry the grain grown by her and formerly carried by her to the market: and the relief thus afforded both to women and men by vehicular transport is evidenced by the general enthusiasm on the part of natives in the more progressive reserves for the construction of roads.

9. Here again, if the innate conservatism of native women is to be overcome, the attack on the problem must be by means of education concurrently with the improvement in their economic and social condition.

Extracts from a Despatch, dated September 30th, 1930, from the Officer administering the Government of Uganda to the Secretary of State for the Colonies (Status of Native Women).

13. With regard to the status of native women, the suggestion that in some places it is "scarcely distinguishable from that of slavery" is without foundation if the word slavery is taken in its usually accepted meaning. A slave is one whose person and services are under the control of another as owner or master; one who can be bought and sold, and can be obliged to labour without wage or reward. That many native women live hard and laborious lives of domestic drudgery and receive little or no reward, in cash or kind, for their work in field and village is not denied; but these conditions are not peculiar to Africa and if the term "slavery" is metaphorically applicable to them it would be equally applicable to similar conditions in Europe. I have never heard of a native girl or woman being bought and sold except in times of severe famine, when (in former days) parents of one tribe sometimes sold their sons and daughters to people of another tribe where conditions were better, partly to obtain food themselves and partly to ensure that the

¹ Note by the Secretariat. — This pamphlet is kept in the archives of the Secretariat.

children should have a better chance of survival. I think the suggestion is probably based on a complete misconception of the significance of the "bride price" which, among all tribes, is payable by the prospective husband to the bride's relations. It cannot be too strongly emphasised that this custom has no relation to slave marriage by purchase, and that the "brideprice" is an integral part of an elaborate and binding ceremony of marriage under tribal law. Moreover, this payment is of considerable value as a guarantee of proper treatment of the wife, since ill-treatment is recognised by nearly all tribes as a valid ground for divorce, and when in such cases the wife returns to her people her husband cannot recover the "bride price".

14. In recent years, the tendency throughout Uganda has been to reduce the amount of the customary "bride price" in cash or live-stock, which varies considerably among different tribes. Under the persuasion of administrative officers and the missions, native tribunals have come to realise that the fixing of the "bride price" at a high figure is bad for the tribe, inasmuch as the younger men with little property find it harder to contract regular unions than the older men. In Buganda, a comparatively small sum in cash is now paid in lieu of the assortment of offerings formerly prescribed, each of which had a symbolic meaning. The payment is made even when the marriage is a Christian one, and it would be absurd to suppose that the sum of 40 or 50 shillings represents to an educated Muganda the cash value of an adult woman.

15. If it is urged that the custom among the more primitive tribes by which a son "inherits" the wives of his deceased father indicates a state of servitude, the answer is that this custom is really a very merciful provision of native law which ensures that widows are not left to starve. The father's wives are of course personally "tabu" to the son, but he is obliged to look after them.

16. The right to choose their own husbands is one which is now generally conceded to native women. In the case of some tribes, the right always existed; in others, it has been introduced as the result of European influence. It cannot, of course, be denied that, in many cases, a girl is influenced by her parents to marry a man who is not her own choice; but, even in Europe, in some countries, the bride's personal inclinations are not always consulted.

17. In general, the status of women varies considerably among different tribes, and is not always at its lowest in the most primitive communities. When I first came in contact with the Bagishu, twenty-two years ago, I noted that the women of the tribe were treated in many respects as the equals of the men and possessed similar rights under tribal law. Physically the younger women were the equals of the men and were well able to hold their own, while the older women were feared or respected for the powers of witchcraft they were believed to possess. Native public opinion views with some alarm the tendency, under our administration, to regard the women as exempt from all tribal obligations. In Buganda, the women are nowadays so emancipated that the younger men are evincing a very definite reluctance to contract regular unions with wives over whom neither they nor the chiefs nor the Protectorate Government have any control. During my recent tours in districts further afield, it was represented to me by the chiefs at more than one place that the growth of motor transport and the existence of motor-bus services on all the main roads is having a bad effect on the birth rate, inasmuch as a woman who is tired of life in a rural community and has three or four shillings at her disposal can easily abandon her home and disappear in one of the towns, where she adopts a life of prostitution. The chiefs asked me if the Government could take steps to counteract this growing evil by controlling the acceptance of women as passengers, but I was obliged to inform them that any legislation which aimed at limiting the freedom of females as such would not be tolerated by public opinion at home. Your Lordship will realise, however, that the problem is not a simple one, and that complete emancipation of native women from all forms of tribal control will not necessarily promote the physical welfare of the people.

Extracts from a Despatch, dated May 22nd, 1930, from the Governor of Tanganyika Territory to the Secretary of State for the Colonies with an Annex (Status of Native Women).

34. Your Lordship states further in your despatch that it has been represented to you that the status of native women is in some places scarcely distinguishable from that of slavery, and desires to receive my observations on this question in particular and in general on the status and conditions of life of native women in Tanganyika Territory.

35. It is not to be expected in a territory like Tanganyika, where much of the matriarchal system still exists and where women are found as chiefs and headmen, that "the status of women is scarcely distinguishable from that of slavery." The women have their own place in the native social scale, it is not a debased position, and they have rights as free persons which they can, and do, enforce in the native courts. Mr. Mitchell enters more into the details of this matter in

his memorandum and his observations are interesting and correct. Your Lordship will also notice Dr. Shircore's remarks in regard to the status of native women.

36. I am aware that it is alleged by some persons, many of whom know nothing that is not superficial of the native population of the Territory and have never touched the life of the people, that "women are slaves because a dowry is paid for them." The dowry is in fact a pledge for the good conduct of the man and for the good conduct of the woman, it is not a vicious practice, and it is well suited to the conditions of the tribes. It is said, moreover, that the women do all the work whilst the men loll in the shade: this is definitely not true, as Mr. Mitchell shows, adducing specific instances to the contrary. I have heard of cases where men who had been up all night defending their fields from wild pig and other vermin were dubbed lazy and worthless because they rested for the most part of the next day.

37. In the social code of the people, the women have their own work, and if they did not perform that work they would have nothing whatever to do: they cannot be regarded, as some people desire to regard them, from the point of view of the parlour-house and the mangle. Some of them undoubtedly work hard, very hard, but they are quite capable of refusing to do more work than, in their code, they think that they should do. I have recently seen an instance of this where certain squatters in a forest reserve moved out of the reserve, against the wishes of the men, because the women said that in that locality their work was too hard and that they refused to remain.

38. I have seen a good deal of the women of the tribes all through Tanganyika. Speaking generally, their physique is perhaps better than that of the men; so far as appearances go they are sleek and look well-nourished; they are clean (where they do not anoint themselves with ghee and red ochre) and well clothed, many of them clearly taking an interest in their appearance. A casual observer is apt to be deceived, as I have found myself. Driving in 1928 in a remote part of the Mwanza Province, I saw an old lady winnowing grain on a threshing ground not far removed from the road. I spoke with her as I wanted to examine the different kinds of grain she was winnowing, and finally, on leaving, I asked the Provincial Commissioner, who was interpreting for me, to say that a woman who appeared to be in such good circumstances ought to wear something better than clothes that were little more than rags. She replied that only an idiot would suppose that she wore her "swell" (*maridadi*) clothes when she was working in the field.

39. Since I wrote the preceding paragraph last evening, a letter from a Provincial Commissioner has reached me reporting a meeting which he held with the chiefs of a certain tribe (not a tribe which I should describe as in the van of advancement) to discuss the question of the payment of tax by chiefs and headmen, as to which there is great variation of practice in the Territory. The chiefs opposed the idea that they should be exempted from the tax:

(a) Because they had always paid the tax and saw no reason for a change, especially as their people would, they believed, resent it;

(b) Because their womenfolk would consider it derogatory to their standing if the husband did not pay tax for them, and domestic trouble might ensue if they did not do so;

(c) The receipts for the tax paid on extra wives were regarded as important documents in matrimonial disputes;

(d) Lastly, they should set their people a good example by paying the tax on plural wives. This does not suggest that the women are a negligible factor in the life of the native population of this Territory.

40. Confusion of mind and misunderstanding arise, and in some cases mischief, because it is accepted as an axiom by some people—many of whom have no personal knowledge of native life—that primitive people are to be judged by present-day standards of life in the British Isles. They desire to translate them in a few short years into entirely new standards and conditions of life. Native peoples have already been destroyed by misdirected efforts of this kind.

41. Personally, I do not desire to Europeanise the native, as I believe that I should destroy him if I achieved my purpose in the manner desired by those persons to whom I have referred in the preceding paragraph. There is a great deal that he can be taught to assimilate, gradually, from our civilisation; but, at the same time, there is a great deal of evil from which he must be guarded. The process of civilising him must be a slow and cautious one, building on all that is good in his own foundations and beliefs. As I wrote in another connection in the annual report for 1925:

"We can employ the other method of trying, while we endeavoured to purge the native system of its abuses, to graft our higher civilisation upon the soundly rooted native stock, that had its foundations in the hearts and minds and thoughts of the people, and therefore on which we could build more easily, moulding it and establishing it into lines consonant

with modern ideas and higher standards, and yet all the time enlisting the real force of the spirit of the people, instead of killing all that out and trying to begin afresh."

42. I see no reason to be distressed in regard to the status of native women in this Territory. There is, as I have already written, a great deal to be done in the way of guiding the people, men as well as women, into the path of progress, and my own view (I am aware that it is not shared by everyone) is that this can best be achieved by the spread of Christianity, in itself a process that cannot be forced.

Extract from the Enclosure, dated April 26th, 1930 (Status of Women in Tanganyika Territory).

As regards women's rights generally, the native court records of Tanganyika, apart from other sources of information, are conclusive proof that they are numerous and real. I am in the fortunate position of being able to assert that the records of the 650 native courts in Tanganyika without exception will furnish evidence of this, inasmuch as I have, in the last year, read the records of many thousands of their cases. I give the following examples from memory, but I should be only too glad to produce the originals for anyone who can read Swahili to examine:

(i) Suits by women against their husbands for divorce on the grounds of cruelty, failure to provide them with food and clothing, desertion, and so on, are common.

(ii) In a polygamous household, it is the tribal custom that the husband must divide his nights equally between his various wives, sleeping in their huts or rooms in rotation. Suits by women for damages or for divorce, because this right has been infringed, are again common.

(iii) A woman has a right of property in the produce of the field which she cultivates by herself, in addition to the right to a share of the produce of any field she cultivates with her husband. I have seen cases brought by women against their husbands for the recovery of food which the husband had taken against his wife's wish or without her knowledge from her personal store.

(iv) I have seen many cases of women bringing suits against their husbands because they have not done their fair share of the family work in the fields.

(v) Women have a right to the milk of the family cattle which they tend. I have seen a case in which a woman recovered damages for deprivation of this right.

(vi) As an example of the results of prosperity consequent upon the cultivation of economic crops, I might quote a case in which a woman sued her husband because when she had a child he refused to engage an ayah (nurse) to look after her, though he could well afford to do so.

(vii) I have read many cases of disputes between men and women over land, especially the valuable rice-land, and there has never been any indication that the verdict had anything to do with the sex of the successful litigant. In these as in other cases, women appear without distinction as either plaintiff or defendant.

I could multiply examples of this sort indefinitely from the court records if it were necessary. I may add that cases of women chiefs of tribes or heads of villages are common, which in itself shows that the status of women is not inferior. Further proof may be had from a great variety of small points in family life, for example:

(i) The husband of two or more wives usually has to provide a hut for each, but sometimes they share a hut; in any case, each wife must have her own cooking place and pots.

(ii) Women have their own tribal initiation rites from which men are rigorously excluded. I have known a man who unintentionally strayed into one of these ceremonies to be very severely beaten by the women.

(iii) When a woman is married, security for her proper treatment is given by her husband's family to her father's family. This is the "marriage-dower" so frequently attacked by the ignorant and uninstructed.

(iv) There is an exact division in all tribes between the work of men and women. European Governments have intervened to suppress two of the men's principal activities—to wit, fighting and hunting—and the balance has in some cases not yet adjusted itself satisfactorily. But this is due to *our* intervention and not to native customs; if to the present duties of the man fighting for the tribe and hunting for the family meat-supply are added, it will be found that the duties of the man, in pre-European days, were incomparably more arduous. To a considerable extent, wage-labour for Europeans, trading, increased cultivation for

himself, and village industries are taking the place of fighting and hunting among the man's duties. Wage-labour for Europeans is apt to take him from his home for long periods and may be open to objection on social grounds; but, again, this is *our* doing. Subject to that, the division of labour of which I have spoken is rigorously maintained; incidentally, its strongest supporters are the women, who jealously guard their share of the family farming operations, are proud of them, and by no means look upon them as a hardship.

(v) A husband may not have intercourse with his wife after she has had a child until it is weaned, which is not for from 2 to 3 years, according to the tribe. The woman is thus protected, in a way her sister of the poorer classes in Europe is not, from excessive and exhausting motherhood.

I could go on quoting evidence of this sort indefinitely if it were necessary; but I have surely said enough to show that, far from women having no rights, there is no doubt whatever that in Bantu personal law, where it has not become debased, there is no distinction in status between men and women. Each has special duties, responsibilities, and rights, and in relation to these they are equals in tribal law and before the tribal tribunals.

There is, I suppose, more erroneous or inaccurate speaking and writing about the "marriage dower" than about anything else in native life. Quite intelligent people seriously believe that women are bought and sold, and I am afraid that many missionaries are sadly astray on this question. What is known as the "inheritance" of wives, no doubt, lends colour to these erroneous ideas, and there are in addition the common concubinage arrangements for cash paid to the women which have grown up in areas of European development, and have to a limited extent spread from them into tribal areas; but in a Bantu marriage, properly so called, there is no element of purchase whatsoever. In these concubinage arrangements, the woman is "bought" precisely to the extent to which a prostitute in Europe is bought: and sells and re-sells herself as she wishes, but is often surprisingly faithful to one man.

It is necessary to dismiss from the mind the European idea of marriage as a sacrament, and as a sacrament binding two individual persons. A Bantu marriage can only be described as a civil contract between two families, whereby a man of one family and a woman of another live together and have children; it may be polygamous, like the marriages of Moslems, Hindus, Mormons, and many others. I wish to avoid the technical complications which would arise if I were to attempt to distinguish between the marriages of members of patriarchal and matriarchal tribes and would be understood, therefore, to be speaking of the patriarchal system in general terms; but *mutatis mutandis* what I say may apply to either, except that in the matriarchal system the "dower" is greatly reduced and sometimes entirely absent, no doubt because the woman remains with her own family.

The marriages of natives are arranged in a variety of ways—for example, by personal choice, by the parents or rather families on either side, by a practice which is a survival of marriage by capture, and so on—but the essential part is normally that a woman of family A goes to live with a man of family B, and that in return family B hands over to family A certain property, which always includes cattle if the tribe have any. The unit is sometimes goats, or hoes, or beehives, or clothes, but practically never money, except in the coastal belt, where Mohammedan law is a strong influence, and Bantu "dower" is frequently confused with Mohammedan "mahar."

Now, in general terms, it is correct to say that this contract can be, and of course frequently is, rescinded by the return of the woman on the one part to her family, and on the other the return of the property to the husband's family. In such case, normally, the children follow the mother. The family of the woman can, therefore, immediately relieve her of any obligations of the contract by returning the property involved as security.

If the husband dies, according to Bantu ideas, he should be replaced by another man of the family, as long as the property remains with the wife's family. The object of the contract is in the main the continuance and increase of the husband's family, and there is also the consideration that they have given security for the protection of the woman. For both reasons, if the first husband dies, they produce another who is chosen by an intricate but quite logical table of affinities. This is what natives call "inheriting" a wife, and it is at least as often a responsibility as an advantage, for the necessity of protecting and providing for a woman continues as long as the security remains with her family. There are, therefore, no destitute widows or children in Bantu society; either the security remains and they are the responsibility of the husband's family, or it is returned and they revert to the protection of their own family. There are neither almshouses nor poor relief among the Bantu.

If the woman dies, her family can in some tribes return the property and claim her children; normally, they retain the property and leave the children with the man's family. If she has died childless, however, they must either return the property or find the husband another wife, subject to the general exception that if she has died in child-birth, they retain, if they wish, in some tribes the whole, and in others part, of the property.

It happens in Africa, as in Europe, that a girl's family will insist on marrying her to a man whom she does not wish to marry; but this is no more a sale of the girl than it is in Europe. It also happens, Africans being polygamous, that rich old men frequently obtain a number of young

wives who would much prefer to marry young men. In such circumstances in Europe, rich old men keep mistresses or consort with prostitutes; in Africa, they make a contract of marriage. The latter practice has objectionable features, but it is open to doubt if any European nation is in a position to denounce it as intolerably immoral.

The contract is collective, as between two families, and hardships necessarily ensue to individuals. For example, a woman may desire to leave her husband and to keep her children, but she can only do both if her family will return the security which they hold for her; but there is the other side to consider, for a father who has been an exemplary husband may be compelled not only to lose his wife, but his children also, if her family insist on returning the property to him. These things are inevitable until someone devises a means of arranging marriages which shall never go wrong.

I should add that native courts show no hesitation in depriving a man's family of the security they have given for the proper treatment of a wife by the husband if she is not in fact properly treated.

This system of marriage entails, of course, very serious difficulties to missionary societies who introduce two concepts entirely foreign to all Bantu ideas and social organisation:

- (i) That marriage is a contract between two individual persons, and
- (ii) That marriage is a sacrament, and so can never be dissolved.

Those missionary societies which do not recognise divorce are obliged in consequence to tolerate concubinage under a variety of makeshift arrangements, and all encounter the difficulties which the interposition of an isolated portion of a foreign social system must necessarily create. Where a normal Bantu marriage has taken place, there is no difficulty in adding a Christian religious ceremony; and where the whole of both families have become Christian, the influence of the church is normally strong enough to prevent difficulties, even if husband or wife dies, or other complications ensue.

Very frequently, however, the husband and wife are the only Christian members of the family, and the same sort of difficulties then ensue as would in two English families if a man in one and a girl in the other were converted to Buddhism, for example, and desired to regulate the rest of their lives by the Buddhist law. As regards the consequences of marriage, that is, relationship, children, inheritance, etc., they and the Buddhist missionaries who had converted them would find much that is difficult, and much against which to complain, in the English law and the attitude of the English families. The native Christian and the missionary whose convert he is are in a precisely analogous condition, except that missionaries have frequently succeeded in inducing European governments or officials to intervene and force on two bewildered and indignant families the social consequences of the foreign ceremony which their children have gone through.

When opposition to those consequences is successful, however, or when a family refuses to allow one of its younger members to break away from family and tribal ties and follow the foreign customs of the missionaries, then the cry is raised that this woman is being sold, that one deprived of her children, and so on. In fact, the kind of half-truths with which the Member of Parliament last referred to above has been so liberally provided.

These things arouse hostility between European missionaries and their converts, which is, no doubt, fostered by the families and tribes of the latter who view with alarm what they regard as dangerous onslaughts on the whole basis of their society. From this separatist native churches spring, and the frame of mind which ends in sudden and apparently unnecessary excitement over such things as circumcision. There are still many ignorant and bigoted people in Africa, in the missions and outside them, and from them persons in Europe will continue to obtain as much evidence as they may desire; it is entirely distorted and contains a very small substratum of truth. If it succeeds in encouraging attacks on the social system of the natives, on all that they hold most sacred, on the institutions to which they cling with such devotion, it can only have one effect. Socially, culturally, and in religion, the East Africa of to-day stands mid-way between Europe and Asia, between Christianity and Islam, like a traveller standing perplexed at a cross-road. Knowledge, sympathy and a great patience will surely draw that traveller along the road we hope, both for his own sake and ours, that he will follow. But it should never be forgotten that the choice has not yet been made.

After eighteen years' close contact with native society in Tanganyika and Nyasaland, I have no hesitation in asserting that Bantu women generally are happy, enjoy an assured position in their family, and therefore in their tribe, have a status in native law and before the native courts neither worse nor better than that of their men, and are protected from hunger, destitution and the bearing of excessive numbers of children far more effectively than are the working-class women of England. Much evidence indeed could be adduced in support of the view that African women at the present day enjoy a degree of freedom which easily degenerates into licence, and that their need is for more, and not fewer, restraints. I may add that I have known one Bantu family in particular intimately for eighteen years, the family of my personal servant, and that

if domestic happiness is the object of marriage, their case is a triumphant vindication of the Bantu system. And he has three wives.

April 26th, 1930.

(Signed) P. E. MITCHELL.

Extracts from a Report, dated September 8th, 1930, by the Secretary for Native Affairs on the Lindi Province (Tanganyika) (Status of Native Women).

I believe Your Excellency will find this story, translated by me word for word the from Mkomaindo Court Book, of interest:

“ Long ago, in German days, Wakiwele bin Kidete went to Tunduru and there met some people from Portuguese East Africa who had a girl child slave for sale. He bought her and returned to Masasi. She grew up and he married her himself. Now her mother and other relatives have come from Portuguese East Africa to live near Masasi and by good luck have seen her and found out who she is, and have come to the court to claim her.

“ The court sees that Wakiwele has not done wrong in this matter. He obtained the woman in a manner then lawful. Now he is an old man. The court orders that he and his wife should not separate but that he should go with his wife and children from his present village to live at his mother-in-law's new village. The court orders his mother-in-law's people to build him a good house at their own expense, as it were to refund to him the expense he had long ago in buying the woman, and as an open admission of their gratitude to him for caring for the woman until to-day; when they have met her again alive.”

I doubt if a better solution of the problem could have been devised by anyone.

A man and his wife hoed a field together, and the man then sold some of the produce for 10s. The woman heard of this and applied to the court, who made him hand over 5s. to her.

Interesting customs which the courts have revived for themselves include the appointment by each side in a case of a “ sponsor ”, here usually called “ Likariya ”; they do not do it in all cases but only in those which are specially difficult, or when feelings run so high that it is thought the points of the case will not be properly brought out. These “ makariya ” are in fact, I suppose, advocates; they are chosen by the parties for their knowledge of law and ancient customs and their skill in debate, and usually belong to the family group of the party for whom they appear. In one case a woman had been chosen as “ likariya.”

A man forbade his wife to smoke cigarettes: she disobeyed and he gave her three strokes with a cane, whereupon she went to the court, which fined him 5s. The husband appealed to the District Officer and the wife appeared and asked him to quash the conviction, which he accordingly did.

A woman had recently had a child and was soon afterwards divorced, and a few months later married to another man. After a while she appealed to the Court for a divorce from him because he wished to make her sleep with him before her child was weaned; she got her divorce.

A shamba was claimed by two people, a man and a woman; the court went to see it and said it was a new bush-clearing. Bush-clearing was men's work, and so the man must have done it and he must have the shamba. If by any chance, however, the woman had done it, she would at any rate now learn to abstain from doing men's work.

Extracts from a Despatch, dated July 19th, 1930, from the Governor of Nyasaland to the Secretary of State for the Colonies (Status of Native Women).

7. I will now deal with the position of women in this country. Mr. Brackenbury, the Acting Senior Provincial Commissioner, writes:

“ Slavery is not practised in Nyasaland. Women are well treated and free. That they should perform domestic duties and hoe and carry is good for them, for there is very little of this. If their mode of life was changed, except very gradually indeed, they would degenerate.”

Mr. Foster says:

“ I do not think that it can be said that slavery exists to any really great extent in the Protectorate; there do still exist, of course, a number of old ‘ slave ’ marriages; and I for

one always recognise them as valid marriages when they have existed for many years. In most cases the wives of such marriages are perfectly happy and contented with their husbands; one frequently comes across cases in which they are claimed by their relatives; in some of these they are taken away on payment of compensation to the husband; in others, the wife prefers to continue to live with him, and will not go to her new found relatives. It is of very frequent occurrence for a woman to claim a divorce on the grounds that her husband calls her his slave; but the complaint is usually not so much of treatment as of the insult involved in the word. And a divorce is, I think, never granted on these grounds alone. The children of 'slave' marriages are considered as slaves till the death of their father; but when they marry this status is removed from them and they become quite free; they naturally prefer to stay with their 'slave' mother in her village, but cannot be considered to be slaves themselves. In any case, the term slavery does not as a rule carry anything of the generally accepted meaning of the word; it is little more than the name for an irregular marriage. The 'slave' wife has the same rights as any other woman.

"Women of all tribes in the Protectorate have very definite rights—*e.g.*, her husband must build and maintain her hut, and give her clothes, etc.—and failure on either side to carry out the duties involved in marriage very soon results in complaint by the party aggrieved. I look upon the wife as very well protected in this way; she has to work hard at her duties, but no harder than a man does while at work; she has plenty of leisure in spite of her tasks; and her rights are particularly well defined."

Mr. Murray, Provincial Commissioner, writes:

"Amongst the matriarchal tribes, women are more important than men. Far from being slaves, the whole social life of the tribe centres round them and they have far more influence than the men. The 'mother-in-law' is the real ruler of the country. Children do not belong to the father or mother but to the man's mother-in-law. Her word is law. Her conservatism and insistence on her rights has, in my opinion, done more to retard progress in this country than any other factor.

"Though the position of the woman is not so important amongst the patriarchal tribes, she is very far from being a slave. No District Commissioner who has tried to persuade any native woman to do anything she does not want to do, either in his magisterial or administrative capacity, will subscribe to the theory that she is weak-minded or down-trodden."

Mr. Anderson, Provincial Commissioner, writes:

"While I consider that the lot of native women leaves much to be desired, I do not think that they could ever be described as 'slaves'. Their life generally is one of drudgery and the sex is regarded as inferior to that of the male. Amongst non-dowry marriages, the woman generally stays in the village of the relations, who may be trusted to see that she is properly treated. In dowry marriages, she lives in her husband's village and, theoretically at any rate, the husband may be expected to treat her properly lest he lose her and forfeit the dowry."

I think it may be said that the position of females in this country is quite satisfactory, unless it may be argued that in some cases too much scope is allowed to ignorant and superstitious old women. Among the matriarchal tribes, it may be safely asserted that, in the marriage compact, the woman holds the dominant position. In the patriarchal tribes, it might be thought that the custom of paying dower and removing the woman from her home to her husband's village places her in an insecure position. I am assured, however, that this is not so, and that the payment of dower, far from representing the purchase of a woman, is in the nature of a deposit or security for good behaviour, which will be forfeited if the woman obtains the permission of her sponsors to leave her husband on account of unsatisfactory treatment. This opinion confirms my own view.

The domestic duties allotted to females, although they involve physical effort in such tasks as carrying water and firewood and pounding maize, are by no means unwholesome or unduly burdensome. In short, all of us who have seen something of native life consider that the women's share is agreeable and that they hold a pleasant and sufficiently independent position.

Extract from a Note, dated May 1st, 1930, from the Secretary for Native Affairs of Northern Rhodesia to the Chief Secretary concerning Health Conditions of Natives (Status of Native Women).

7. If there is any belief that the status of native women in this territory is in general "scarcely distinguished from slavery" it should be refuted, because it is contrary to the facts. Whatever the position of women may have been in the past, at the present time their position is satisfactory. Under the law of inheritance, in most tribes women in the past have been in an awkward position,

and widows often had to marry heirs whom they did not care for, or even loathed; but these matters are adjusting themselves, and to-day few women would agree to become the wife of a man they do not desire. Far from suffering ill-treatment at the hands of their husbands or clan, the tendency is for women to rule their men folk; and beyond performing the few domestic duties of a native family and carrying out a certain amount of agricultural work, the life of the women is often one of comparative leisure. Owing to the favourable position of Northern Rhodesia, the food supply of the people can be obtained with a minimum amount of labour, and the women, generally speaking, do not lead a life of perpetual work, such as is often the common lot of women in civilised countries.

8. It should be mentioned in this connection that amongst many tribes the state of society described as "Mother-Right" prevails. Descent is matrilineal and husbands have to reside amidst the relatives of their wives, leaving their own clan.

Extract from a Memorandum, dated May 5th, 1930, by the Director of Medical and Sanitary Services, Zanzibar (Status of the Women of the Protectorate).

7. The status of the women of the Protectorate is far removed from anything akin to slavery. Any restrictions by which they are controlled are entirely of their own making, and the influence exerted by them is considerable and not always to the good. It is among them that prejudice, suspicion, ignorance and superstition persist in their worst forms and they, far more than the men, are responsible for refusing to call in medical assistance and for resorting to spells and incantations in cases of difficult labour and serious illness.

Extract from a Despatch, dated April 17th, 1930, from the Governor of Somaliland to the Secretary of State for the Colonies (Status of Women in the Protectorate).

2. It is certainly incorrect to suggest that in this Protectorate the status of women is scarcely distinguished from that of slavery. The old women, indeed, after passing the child-bearing stage, are apt to be the drudges of the community, but even they are not without power of influencing opinion, and not infrequently inter-tribal trouble can be traced directly to the mischievous activity of the younger women.

Extracts from a Despatch, dated July 30th, 1930, from the Governor of Nigeria to the Secretary of State for the Colonies (Status and Conditions of Life of Women).

16. The status and conditions of life of women must vary considerably in a territory of this size. Though the system of polygamy, which is customary throughout Nigeria, may retard progress and act as a check upon the full development of individual character amongst women, it is in practice, for biological and economic reasons, a privilege principally confined to wealthy persons and the more important chiefs. Nor does it appear that the system, except amongst the Christian educated classes in the south, is distasteful to the women, for it is commonly the wife who incites the husband to add to the number of his wives with a view to lightening her domestic burdens. The first wife, if she becomes the mother of children, is the favourite, but the position of a junior wife is enhanced as soon as she bears a child. Each wife has a separate hut or room, cultivates certain crops for her own use, and usually, in the Southern Provinces at any rate, has a separate purse. Moreover, the fact that the women do not greatly exceed the men in number, coupled with the almost too great facilities for divorce which exist to-day, help to protect them from ill-treatment and to secure them greater respect and attention.

17. Labour is fairly evenly divided between the sexes, the heavier work being performed by the men, while the lighter, though sometimes perhaps the more monotonous tasks, fall upon the women. Thus among the more primitive tribes in the Northern Provinces women as a rule take only a minor part in farming operations, assisting the men on the main farms for an hour or two each day and cultivating small farms near the house on their own account. In the Southern Provinces the men do the hard work of cutting down the trees, clearing the bush, and digging, while the weeding and some of the lighter tasks are left to the women. The same principle applies in the matter of industries. In the north, spinning, beer-brewing, and the making of pottery are monopolised by the women, who also take a prominent part in the collection of sylvan produce, weaving and petty trade, while, in the south, they assist in the making of palm oil, crack the kernels, spin, weave, make pottery and do almost all the petty trade.

18. In the Southern Provinces, women's societies sometimes exist for the purpose of redressing grievances, and organisations based on the system of age-classes are fairly general.

19. Though undesirable customs and adverse conditions are still found in some parts of the country, and the standards of health and intelligence generally must be very considerably raised before conditions can be pronounced satisfactory, I am not of opinion that the relative status of women in Nigeria is entirely unsatisfactory, nor can the position which they occupy in native society be said in any sense to approximate to that of slavery.

Extract from a Despatch, dated July 23rd, 1930, from the Officer administering the Government of the Gold Coast to the Secretary of State for the Colonies (Status of Women in the Gold Coast).

6. As to the status of women in the Gold Coast, they are far from occupying a position of slavery, but, on the contrary, enjoy complete equality with men in every respect. They are not coerced into marriage, and, when married, may trade independently of their husbands and have their separate estates. Their liberty of movement is in no way restricted. Descent among the Akan tribes being matrilineal, the female members of the "stool" families exercise a considerable influence in State affairs and have in many instances been elected as chiefs of important divisions.

Extract from a Letter, dated April 25th, 1930, from the Commissioner of the Central Province, Sierra Leone, to the Colonial Secretary (Status of Women in the Colony).

6. The status of women in this colony presents nothing that is alarming. Men and women share their work almost equally in the daily round of the village. The men do the heavier work such as felling trees and planting the main crop in making their rice farms, or in building their houses; the women the lighter work of weeding the growing rice and mudding the wooden frame of the house. The men do the hunting, the women the cooking. Men and women join together in the harvest, be it of rice or palm produce, though with the latter crop the men cut the nut cobs from the trees whilst the women make the palm oil, but both join in cracking the nuts. Some trades are reserved strictly for the separate sexes, thus men alone are weavers, whilst the potter is invariably a woman, as is also the cloth dyer. Women enjoy an honourable position both before and after marriage, but as soon as they have given birth to a child they occupy a paramount position. The mother is a person of the very greatest respect and authority and, as a consequence, it is the ambition of every woman to become a mother. One aspect of women in the social organisation of the tribe is, however, disturbing and requires remedy, and that is the tendency of the richer native to such a multiplicity of wives that the poorer man goes without any. This is a very serious factor in the life of the small man and is very bad for the tribe. Marriage is by purchase and female children are welcome as marketable commodities. Whilst marriage is by purchase, the woman has a distinct say in the matter and has to give her consent to, and her consent has to be retained during marriage. As soon as a woman tires of her husband she can intimate the fact and, after certain trifling formalities, return to her parents, who obtain her divorce by returning the marriage money. If a husband is too exacting or neglectful, he will not long enjoy the pleasure of his wife. This leads to a distinct pampering of wives and a tendency on the part of the women to select comfort to utility. Thus a rich man with a large number of wives offers greater attraction to a woman than a man with one or two wives only. The work in the rich man's house is divided up so much that each has only a small portion to do, whilst the attention of the husband is not as strict as in a small household. A man, and possibly a fairly old man at that, is, however, not able to satisfy some thirty or forty women maritally and, in consequence, many of the so-called wives seek promiscuous intercourse and through disease become sterile. The percentage of sterility amongst native women would possibly reveal a very serious state of affairs. It is to a very large extent the outcome of this coralling of wives by the big men, and forms one of the most serious obstacles to the free growth of the tribe and is a much more serious factor than any damage done by initiatory rites at puberty.

Extracts from a Report on Customs of the Gambia, transmitted by the Officer administering the Government of Gambia to the Secretary of State for the Colonies on July 26th, 1930 (Status of Women).

5. The status of women has improved considerably in the last fifteen years and it is quite inaccurate to say that the status of women is scarcely distinguishable from slavery. There is not the slightest ground for comparing it to slavery.

6. Times have changed so much that, if a woman considers herself aggrieved or that her life is made too hard for her, she will complain to the chief or to the Commissioner, an unheard-of procedure in former days.

7. The women are still expected to do a great deal of work both in the home and in the field, but they are undoubtedly a force to be reckoned with in matters affecting the interests of the family.

8. They are quick to resent what they consider undue suppression on the part of their menfolk, as is evidenced by the readiness with which many of them apply to the courts for divorce when they fail to attain sufficient satisfaction from married life.

ANNEX 4.

C.C.E.E.49.

COMMUNICATION, DATED MARCH 13TH, 1935, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, FORWARDING A MEMORANDUM CONCERNING SLAVERY IN SOUTHERN RHODESIA.

No. 2207/426/52.

With reference to the letter from this Department No. W.1083/426/52, of February 14th, 1935 and in conformity with the resolution in regard to slavery adopted by the Assembly on September 26th, 1934, I am directed by Secretary Sir John Simon to transmit to you herewith a memorandum, prepared on behalf of the Government of Southern Rhodesia by the Chief Native Commissioner, for transmission to the Advisory Committee of Experts on Slavery.

(Signed) Maurice PETERSON.

MEMORANDUM ON ALL FORMS OF SLAVERY.

Office of the Chief Native Commissioner,
Salisbury, Southern Rhodesia.

Section II of the Charter of 1889 enjoined the British South Africa Company "to discourage and, as far as may be practicable, abolish by degrees any system of slave trade or domestic servitude in the territories".

There was then in Southern Rhodesia a comparatively mild form of domestic servitude. The status of natives known as "amahole" in Matabeleland and as "waranda" among the Mashona, had little resemblance to that of the enchained and ill-treated gangs of other parts of Africa, yet showed some vestiges of a state of slavery; although a truer parallel would be that of the bond-servants of the Hebrew patriarchs.

There was little left even of this mild servitude after the rebellions of 1896-1897; and it may be said that it does not exist in Southern Rhodesia to-day.

The "Lobolo" System.

This system is still in general operation in Southern Rhodesia, and there are not many signs of its decay. Christian natives, as well as all others, continue to support it, and it is recognised by our statutory law. The Churches recognise it in practice, although some missionaries consider it an anachronism and an evil.

It cannot be truly described as "the acquisition of girls by purchase disguised as payment of dowry". It has its disadvantages; but, in present conditions, it tends to stabilise marriage, the group of the bride's family and that of her husband both being interested in maintaining it. The former group hold a sort of deposit, which has in actual fact more to do with the right of custody to the children of the marriage than to unlimited control of the wife; but, which, nevertheless, is in earnest for the fair treatment of the woman. On the other hand, the husband's group has transferred *biens* to the other group; and this is of some consequence in enhancing respect, and the stability which that attitude engenders.

In native custom bearing on "lobolo", there was a practice which endangered the freedom of choice of the woman. It was the pledging of girl children in marriage which often resulted in a bad form of subjection, the girl being sometimes forced to consent—by violence if mental pressure did not avail.

For over thirty-three years, great efforts have been made to uproot this evil social growth. Our Native Marriage Laws provide that any native entering into such an agreement shall be liable to a fine of £50 or one year's imprisonment; and a similar punishment is enforced against anyone compelling the bride to enter into a marriage against her will.

There are grounds for believing, however, that there are still a few cases of secret pledging, and even of compulsion. But all the forces which the Administration can command are working against these practices; and because of this, because of the whole-hearted campaign of Mission workers and teachers, and because of the greatly increased sense of freedom among women, it is believed that cases are now comparatively rare, and before long may cease to occur.

For the Chief Native Commissioner:

(Signed) C. BULLOCK.

ANNEX 5.

C.C.E.E.16.

COMMUNICATION, DATED JULY 13TH, 1934, FROM THE GOVERNMENT OF CHINA
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to your Circular Letter II, dated February 1st, 1934, concerning the question of slavery, I am instructed by my Government to forward to you herewith the information with regard to the prohibition of Mui Tsai and without prejudice to the statement made by the Chinese representative in the Sixth Committee of the last Assembly on this subject.¹

(Signed) CHENTING,

*Director per interim
of the Permanent Office of the
Chinese Delegation
to the League of Nations.*

INFORMATION RELATING TO THE PROHIBITION OF MUI TSAI

Slavery has long been prohibited in China. The system does not exist in which slaves are sold and purchased as a form of property. Though the custom of keeping Mui Tsai is in existence, the practice is different from the keeping of slaves. When poor families cannot afford to bring up their female children, they give them to other families as adopted children, or place them in rich families, in return for their keep, as girl servants to act as personal maids to their mistresses and to do the light work of the household. But their status as a free person is maintained. When a Mui Tsai comes of age, the mistress is under obligation to arrange her marriage and to endow her with a dowry, and, where good feeling exists between the mistress and the Mui Tsai, they are henceforth looked upon as relations. The nature of the Mui Tsai system is, therefore, totally different from that of the slaves.

Although the keeping of Mui Tsai is, in practice, distinct from slavery, it is recognised to be an anomaly in the social structure. Ever since the establishment of the Republic, stringent measures have been taken to suppress the system. After the National Government was established in Nanking, the Ministry of the Interior have repeatedly promulgated orders to the same effect, in order to realise the principle of equality and liberty of all citizens in a Republican State. Again, in September 1932, the "Rules and Regulations prohibiting the keeping of Mui Tsai" were promulgated and all provincial and municipal governments were instructed to enforce the complete abolition of the Mui Tsai system within a given time in the areas under their administration.

Since the above-mentioned Rules and Regulations were enforced, reports have come in from the provincial and municipal authorities to show that the custom of keeping Mui Tsai has considerably declined. Those who have Mui Tsai in their keeping are persuaded to comply with the existing Rules and to give the Mui Tsai wages so that their relation to the master and mistress is now similar to that of employer and employee. In some cases, the Mui Tsai are returned to their own families; and, in cases where they have no families of their own or where their families cannot afford their maintenance, they are sent to local relief houses or other charitable institutions. Those Mui Tsai who have come of age are allowed to marry of their own accord. The measures taken by the Ministry of the Interior have proved to be successful and the Ministry is continuing its efforts to eradicate this anomalous system throughout the country.

¹ See *Official Journal*, Special Supplement No. 120; Records of the Fourteenth Ordinary Session of the Assembly, 1933. Minutes of the Sixth Committee, page 58.

ANNEX 6.

C.C.E.E.53.

COMMUNICATION, DATED MARCH 23RD, 1935, FROM THE SPANISH GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation from the Spanish.*]

In reply to your Circular Letter 218.1934.VI, dated December 18th, 1934, requesting the Spanish Government to supply information on slavery within the limits of the provisions of the Assembly resolution of 1932, I have the honour to inform you as follows:

The areas in North Africa under Spanish sovereignty or protectorate are divided into two parts—the northern zone and the Atlantic territories. These are not merely a great distance apart, but also differ in the extent to which the civilising influence of Spain has penetrated.

In the northern zone, which has been under protectorate since 1913, *slave-dealing*, the *slave trade* and the *slave markets* in which slaves were formerly sold at public auction, have disappeared. The occupation of the entire zone, followed by its complete disarmament and pacification, has totally put an end to abductions and seizures, which were among the methods employed for procuring slaves in the last years of anarchy. They are now punishable offences, and may be said to be non-existent.

With regard to the southern territories, inasmuch as our military occupation of Ifni (which territory has not been even officially delimited) is of recent date, and as we occupy only a few coastal points in the Sahara area, no information will be available by the date at which the League of Nations desires it. At the present stage, any such particulars would be of purely informative value; the appropriate investigating authorities have been instructed to collect them. The Spanish authorities in this southern zone have been acting ever since its occupation in the same spirit as those in the northern zone, and are aiming at the same results.

(Signed) José Maria AGUINAGA.

ANNEX 7.

C.C.E.E.20.

COMMUNICATION, DATED AUGUST 15TH, 1934, FROM THE ETHIOPIAN GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, COMPRISING A
REPORT ON THE APPLICATION OF THE ETHIOPIAN LAWS FOR THE ABOLITION
OF SLAVERY IN ETHIOPIA.

[*Translation.*]

I have the honour to transmit to you herewith a report regarding the application of the Ethiopian Laws for the Abolition of Slavery in the Ethiopian Empire in respect of the period September 1933 (Maskaram 1926, Ethiopian style) to August 15th, 1934 (Nahassieh 1926, Ethiopian style).

REPORT.

The special Bureau for the abolition of slavery set up at Addis Ababa, the capital, in August 1932 (Nehassieh 1924, Ethiopian style) has established in the interior of the country sixty-two local bureaux, to which are attached judges responsible for the liberation of slaves and also the repression of the offences defined and punishable by the Abolition Laws of 1924 (year 1916, Ethiopian style) and 1931 (year 1923 Ethiopian style). These bureaux are as follows:

1st bureau, city of Addis Ababa	12th bureau, province of Betche
2nd " " province of Limmou	13th " " Bounno
3rd " " Harrar	14th " " Balé
4th " " Meskan	15th " " Borena
5th " " Menz	16th " " Boredda
6th " " Mareko	17th " " Tibbe
7th " " Métcha	18th " " Tocque
8th " " Selale	19th " " Nonno
9th " " Sibou	20th " " Aroussi-Siré
10th " " Sidame	21st " " Aroussi-Dougda
11th " " Koutcha	22nd " " Aroussi-Goudrou

23rd bureau, province of	Aroussi-Titche	43rd bureau, province of	Yédjou
24th " "	Ankober	44th " "	Yfat
25th " "	Awache	45th " "	Debré-Bérhan
26th " "	Ada-Bishoftou	46th " "	Djandjere
27th " "	Ennemor-Ennekor	47th " "	Djimma
28th " "	Cambata	48th " "	Gamou-Belta
29th " "	Kaffa-and-Maji	49th " "	" Coddo
30th " "	Conta	50th " "	" Chencha
31st " "	Coulo	51st " "	" Goumay
32nd " "	Walane-Seddo	52nd " "	Goumma
33rd " "	Wallaga-Lakamt	53rd " "	Guéra
34th " "	" Lalokele	54th " "	Guidim-Efrata
35th " "	" Arjo	55th " "	Golla-Assagui
36th " "	" Kéllem	56th " "	Gondar
37th " "	" Yloubabor	57th " "	Gojam
38th " "	" Goudrou	58th " "	Gofa
39th " "	Wallisse-Ambo	59th " "	Tecour-Medir
40th " "	Walamo	60th " "	Chellia
41st " "	Walle	61st " "	Chertcher
42nd " "	Warra-Ylou	62nd " "	Court of Cassation, P.

These bureaux in the capital and in the interior have worked regularly and well, as is proved by the following statistics:

Slaves Liberated under the Laws of 1924 and 1931.

Article applied	Number of slaves liberated
Article 2, Law of 1924	6
Article 3, Law of 1924	6
Article 4, Law of 1924	4
Article 5, Law of 1924	20
Article 6, Law of 1924	773
Article 10, Law of 1924	12
Article 13, Law of 1924	2
Article 14, Law of 1924	39
Article 17, Law of 1924	24
Article 18, Law of 1924	25
Article 19, Law of 1924	4
Article 1, Law of 1931	1,672
Various	1,060
Total	3,647

Of these liberated slaves, 218 belonged to Rass Hailou.

Sentences passed in respect of Offences against the Laws for the Abolition of Slavery.

Article applied	Number of persons sentenced
Article 31, Law of 1924	25
Article 32, Law of 1924	125
Article 33, Law of 1924	2
Article 2, Law of 1931	1
Various	140
Total	293

The Government of His Majesty the Emperor Haile Slassieh I, takes a particularly keen interest in the abolition of slavery under the laws promulgated in 1924¹ and 1931² and the opening up in recent years of several motor-tracks radiating from the capital, together with the quartering in many parts of the country of Central Government troops, trained according to the principles of modern military science, will certainly make it easier to stamp out the slave trade, while facilitating the general strict application of the Imperial laws for the liberation of slaves.

Addis Ababa, August 15th, 1934.

¹ See document C.209.M.66.1924.VI (page 2).

² See *Official Journal* of the League of Nations, Special Supplement No. 99, Minutes of the Sixth Committee, pages 43 and 44.

ANNEX 8.

C.C.E.E.44.

COMMUNICATION, DATED FEBRUARY 28TH, 1935, FROM THE FRENCH GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation.*]

On December 18th, you were good enough, in pursuance of paragraph 3 of the resolution adopted by the Assembly of the League of Nations on September 26th, 1934, to ask me to forward to you, in due time, any information that the French Government might wish to communicate to the Advisory Committee of Experts on Slavery, the first meeting of which has been fixed for April 1st next.

I have the honour to inform you that the results of the enquiry which the French Government has duly carried out do not seem to be such as would modify the data contained in the general report on the position as regards slavery and the execution of the 1926 Convention in the French possessions which my Department forwarded to Sir Eric Drummond on February 9th, 1932.¹ Furthermore, no fresh regulations have been issued regarding the abolition of slavery.

For and on behalf of the Minister:

(Signed) R. MASSIGLI,

*Minister Plenipotentiary,
Assistant Director of Political and
Commercial Affairs.*

ANNEX 9.

C.C.E.E.54.

COMMUNICATION, DATED APRIL 4TH, 1935, FROM THE FRENCH GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH EXTRACTS
FROM THE CAMBODIAN PENAL CODE, 1934).

[*Translation.*]

In a Circular Letter, dated January 10th, 1935, the Colonial Minister asked the Governors-General and Governors of all French colonies for information as to whether any new regulations concerning slavery had been introduced in their territories since 1932. In the present report, the information supplied regarding both slavery proper and disguised forms of slavery will be examined colony by colony.

(a) FRENCH WEST AFRICA.

From the general information supplied by the Governor-General, M. Brévié, it is clear that slavery proper no longer exists in any of the colonies under his authority—namely: Senegal, Mauretania, Guinea, Dahomey and the Ivory Coast.

As regards *domestic slavery*, or what is known as "household captivity", administrative measures applied in all the colonies subject to the authority of the Governor-General of West Africa, have brought about the gradual disappearance of this type of captivity. In any case, domestic slavery was not at all irksome, so that cases are constantly occurring of freed men who prefer to remain in the households of their former masters. This state of affairs is to be observed both in Senegal and in the other colonies of this group.

Captives of a Tribe or Chief. — The term "tribal captives" was formerly used to describe serfs who worked for the benefit, not of a single individual or family, but of a whole tribe or village. The last survivors of this ancestral custom, which is a relic of inter-tribal warfare, are gradually disappearing. A few cases are still to be met with in the households of the more important of the former chiefs, who keep such old men out of charity and in recognition of their past services.

In Mauretania, there are a few household serfs who could easily claim their emancipation but who, having nowhere else to go, prefer to remain where they are. Furthermore, the masters are well aware of the precarious nature of their rights and consequently treat these servants very humanely. During the year 1934, only one case of slave-tading came before the Mauretania courts. The serfs who were the subject of this transaction were, moreover, consenting parties, and the purchaser was severely punished.

The Governor of the Ivory Coast reports that under the influence of the general evolution of native social organisation, household captives and also the captives of tribes or chiefs have completely disappeared.

¹ Note by the Secretariat of the League of Nations. — See document C.E.E.1, pages 3 to 27.

Pledging for the Payment of Debts. — In 1932, the French Government informed the Permanent Slavery Commission that the custom of pledging for the payment of debts had almost entirely disappeared in West Africa. Furthermore, in view of the facilities afforded the natives for having their contracts registered by the French administrative authorities, there can be no further pretext for pledging, which in any case could not be kept secret for very long. In addition, the liberation of serfs makes it impossible for the masters to carry out a transaction of this kind without running the risk of immediate denunciation.

It should, however, be pointed out that the economic difficulties due to the depression have led to a certain revival of the custom of pledging for the settlement of debts; but, as a rule, the value of a day's work by the person pledged is estimated and the estimate is taken as a basis in determining the duration of the pledge. In this connection, the Governor of Senegal reports, on the other hand, that, in order to meet the economic depression and to adapt themselves to it to some extent, the natives have limited their purchases of imported goods and have increased their cultivation of food crops.

Governor-General Brévié indicates in his report of March 12th, 1935, that, in order to avoid any extension of the custom of pledging as a guarantee for the payment of a debt under the pressure of economic difficulties, he has decided to adopt measures to prevent any further development of this custom.

In Dahomey, in 1934, the courts passed a sentence of two years' imprisonment on two natives who had concluded a pledging agreement for the payment of debts; and the Governor of the Ivory Coast reports that the natives under his authority never hesitate to have recourse to the courts in order to obtain payment of sums due to them.

Disguised Sales of Women and Children. — There have been no disguised sales of women or children in the Sudan, and, as the Governor of the Colony points out, "the outlook of our Sudanese, and more particularly of the women, has developed to an extent which makes it possible to rule out the likelihood of any such traffic". Furthermore, as M. Brévié remarks, the evolution of native society in the direction of individualism is growing more and more marked. In many areas, indeed, it is not so much the fear of punishment which prevents practices incompatible with human dignity as the fact that the native mind is now sufficiently developed to be aware of that dignity. It is this feeling that is at the basis of the constant improvement in the position of women and children.

Analysing the possible relationship between the disguised sale of women and children and the custom of giving a dowry to the wife's family, the Government of Dahomey reminds the Department that the dowry is a kind of security for the wife, who is not really sold to the family of the husband but, as it were, lent. The wife is indeed lent to bear children, who represent so many additional hands to work the land; similarly it is a mistake to regard the marriage or promised marriage of children as more or less equivalent to sale. Careful examination and thorough knowledge of native customs show that no one really conversant with the position could possibly confuse these practices. Marriage is indeed preceded and accompanied by innumerable formalities. Furthermore, child marriages are arranged only between families which are known to each other and belong to the same tribe or the same district. Such marriages are in reality family arrangements and have nothing in common with the sale of children. Another possible cause of misapprehension consists in the exchanges of children which take place within families. Such exchanges undoubtedly take place, but they are to be attributed to the reluctance of native parents to correct their own children. The child thus becomes a veritable tyrant; it does exactly what it likes, and it is to prevent this that it has for many years been customary to hand over children to their uncles and aunts. The latter naturally regard them with all the affection and consideration which it is possible to feel for one's own kith and kin, but do not treat them with the same weakness as their parents.

The question of unremunerated work in various forms—that is to say, compulsory work in the public interest or labour service—has been dealt with, as already announced, in a comprehensive decree enacted by the French Government in 1930, and the consideration of this question would not appear to fall within the scope of the activities of the Permanent Slavery Commission.

(b) FRENCH EQUATORIAL AFRICA.

In a communication, dated January 11th, 1935, the Governor-General of French Equatorial Africa informed the Department that, since 1932, no new regulations had been issued in his territory with regard to such slavery as may still obtain there. The administrative and judicial powers at the disposal of the French authorities are amply sufficient to enable them to deal severely with the rare cases which may occur. At present, a certain watch has to be kept in the north of this territory, and particularly in the remote Ouadai, Ennedi and Borkou regions, for cases of individual banditry. Our authorities are indeed sometimes informed that nomads succeed in selling children to the Bahr-el-Ghazal tribes, but these are merely sporadic occurrences, for which a most careful watch is constantly kept.

As regards *domestic slavery*, the Governor-General of French Equatorial Africa reports that the character of this institution is gradually evolving in the direction of the entire disappearance of this form of slavery.

(c) SOMALILAND.

According to the information supplied by the Governor on February 28th, 1935, no cases of slavery have been reported in Somaliland since 1931. As a result of the watch kept by the various posts now set up on the Bay of Tadjoura and the shores of the Red Sea, slave-trading

has practically disappeared. This supervision will shortly be reinforced by the arrival of police forces in the colony, according and, to the Governor of Copet, slave-trading, even in isolated cases, will henceforward be impossible.

From the point of view of the regulations, attention may be drawn to a Decree dated October 1st, 1933, which has been made applicable to French Somaliland; the Law of December 27th, 1916, for the suppression of *souteneurs*; a Decree of May 9th, 1931, strictly regulating the emigration and recruiting of natives of French Somaliland; an Order of January 31st, 1934, setting up at Djibouti a special centre for homeless, abandoned or neglected native children. This institution, which is called the "Cité enfantine", has already rendered valuable service and has removed children of either sex and between the ages of 2 and 16 years from many dangers; it acts as an auxiliary to a valuable welfare institution known as the "Œuvre du berceau indigène de la Côte française des Somalis" (French Somaliland Native Infant Welfare Association).

(d) MADAGASCAR.

With regard to the Colony of Madagascar, the Governor-General intimated on February 2nd, 1935, that he had no new information to communicate to the Department since the report furnished in 1932.

(e) INDO-CHINA.

The only changes of importance to the Permanent Committee on Slavery are the provisions of the Cambodian Penal Code relating to abuses committed in respect of pledging for debts. The text of this document is reproduced in the appendix.

Lastly, at Laos, the Governor-General points out that hiring for the repayment of debts, which is regulated by Articles 260 *et seq.* of the Laos Civil Code, has completely fallen into disuse, owing to the high rate at which the value of a day's work is fixed in Article 263 of the same Code.

The Chief Administrator of Kwangchow states that the Chinese law for the suppression of the traffic has been strictly applied in the territory in three cases of and attempts at trafficking in minors with which the Fort Bayard Mixed Court had to deal during the year 1934.

This completes the additional information furnished by the Colonial authorities at the request of the Minister of the Colonies with a view to adding further information to the French Government's note of 1932.

For the Minister of the Colonies, and by order,
The Director of Political Affairs:

(Signed) MAURICE BESSON,
Head of the First Bureau.

* * *

Appendix

EXTRACTS FROM THE CAMBODIAN PENAL CODE 1934.

Promulgated by Royal Decree No. 103, of July 23rd, 1934. Put into force by Order No. 1969 of the Chief Resident, dated July 27th, 1934. Approved by the Governor-General on July 27th, 1934.

Article 417.

Any person who pledges or agrees to pledge a third person for the liquidation of a debt or for any other reason shall be sentenced to non-infamous punishment in the first division.

The present provisions shall not apply to contracts concluded between an employer and the relatives of a minor employee under 21 years of age, provided the amount of the advance does not exceed the wages due for a period of not more than two years and further subject to the reservation that no interest is charged on the debt.

Article 418.

Any person who purchases or sells, even with the option of repurchase, persons of either sex and of any age or race whatsoever shall be sentenced to non-infamous punishment in the third division.

The maximum sentence shall be imposed when the person to whom the contract relates is a minor under 18 years of age.

In all cases, additional sentences of loss of civil rights and local banishment may be imposed on the offenders.

Attempts to commit this offence shall be punished in the same way as the offence itself.

Article 419.

Any person who traffics in persons, that is to say any person who habitually purchases or procures persons for sale, shall be sentenced to infamous punishment.

Habit shall be proved when several persons are purchased or sold by the same individual or by different individuals forming part of the same undertaking.

ANNEX 10.

C.C.E.E.32.

COMMUNICATION, DATED JANUARY 9TH, 1935, FROM THE INDIA OFFICE TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, TRANSMITTING INFORMATION ON THE PROGRESS MADE IN THE ABOLITION OF SLAVERY IN BURMA.

With reference to your Circular Letter 164.1934.VI, of October 4th, 1934, concerning Slavery, I am directed by the Secretary of State for India to inform you that no anti-slavery operations took place during 1933-34 in those regions on the confines of Burma to which expeditions have been sent in previous years—viz., the North and South Triangle, the Hukawng Valley and the Naga Hills area of the Upper Chindwin. I am further to point out that expeditions to the North and South Triangle and the Hukawng Valley, which were formerly undertaken only because these areas were unadministered, have become unnecessary since the districts in question have been brought under the direct administration of the Government of Burma. With regard to the Naga Hills area, this, as stated in my letter E. & O. 6079, dated 31st August, 1933,¹ is an unadministered tract comprised within the areas in respect of which a reservation was made by the representative of India at the time of the signature of the Slavery Convention of 1926.

(Signed) E. TURNER.

ANNEX 11.

C.C.E.E.46.

COMMUNICATION, DATED MARCH 1ST, 1935, FROM THE ITALIAN GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation from
the Italian.]

(a) INTRODUCTION.

His Majesty's Government has arranged for a full enquiry to be held into the question of slavery among the native populations in the Italian colonies. The enquiry was based upon the following three points:

1. Are there any negro or negroid groups known to owe their origin to slavery in the strict sense of the term? What is their composition? What is their position in relation to the Arab-Berber tribes—*i.e.*, do they live separately, or are they merged in the ethnical communities of the territory?
2. What are the actual relations between the negro elements and the Arab-Berber tribes? Are there still any servile obligations?
3. Are there any concealed or disguised forms of slavery? Have any cases of clandestine slave-trading been discovered and punished?

Below is a summary of the results of the enquiry on these points, amplified by data in the possession of the Research Bureau which specialises on this subject.

(b) TRIPOLITANIA.

Negroes and Negroids.

It is well known that the importation of negroes from Central Africa to the coastal areas dates from very remote times, and is linked both with the caravan trade, which was very active

¹ Note by the Secretariat of the League of Nations — See document A.16(a).1933.VI, or *Official Journal*, October 1933, pages 1121 to 1123.

until last century, and with the slave-trade properly so called, which has been practised since distant antiquity. It is hard to say whether any of the negroes are traceable to the negro races which, according to some historians, dwelt in North Africa before the arrival of the white Mediterranean or Asiatic peoples.

Be that as it may, it is a fact that the negroes and mixed races that now form a large proportion of the population of our Libyan colony, as of other parts of North Africa, are of slave origin, and were formerly a pariah class, being owned absolutely and bought and sold in the market.

At the present day, these peoples, who, it is estimated, total some 20 per cent of the population of Tripolitania, are divided into the following classes:

Abid (plural of *Abd*) — negroes from the Sudan (Kanem, Bornu, Bagirmi, Wadai, Borku, etc.) who retain their original language and, to some extent, the customs of their former homes. In the neighbourhood of certain urban centres (Tripoli, Misurata, Sirte, and some villages in Fezzan), they live in separate communities, but many of them are also scattered among the Arab-Berber tribes.

Shuáshena (singular, *Shushan*)—children or descendants of negroes born in the territory. They have lost their original individuality and are now mingled with the local tribes, of which they form an integral part, speaking their language and following their manners and customs. Here and there, however, there are entire tribes or subdivisions of tribes composed of *Shuáshena*; such are to be found throughout Fezzan, in Jofra, and also in some of the coastal areas. A typical instance is the population of the Taworga oases (about 5,000), four-fifths of whom are *Shuáshena* negroes.

Atara (emancipated slaves)—the name applied to negro communities in the free tribes (*Ahrar*) of Ghadames, Ghat and some parts of Fezzan; they form an organic part of the tribe, but are, at the same time, a separate element. Corresponding to the name *Atara* in the northern area is the name *Atigh* (plural, *Maatigh* or *Maatughín*); but this is applied always to individuals (emancipated negro slaves) and never to ethnical communities.¹ They are now absolutely free.

Mixed breeds—the very numerous hybrids of all sorts of colouring who are to be found widely scattered among the tribes from the coast to the interior. In Ghadames, they are called by the special name of *Homrán*, and are carefully distinguished from the communities attached to the free groups (*Ahrar*), who are the descendants of foreigners and local female slaves.

Present Relations between Negroes and Arab-Berbers.

We need not go in detail into the various conditions and obligations inherent in the state of servitude, which, in the strict sense of slavery, has now completely disappeared. The status of the different groups of slave origin is now roughly as follows:

Abid—The actual communities of negroes, such as are to be found in the plains near Tripoli (about 300), Misurata (about 100), Zliten (about 150), and in various villages in Fezzan, are completely free, and have their own headmen who keep order in the name of the local authorities. As a general rule those who are scattered among the various native tribes in the territory are also free. Among these, however, there are frequent cases of men and their families who have remained with their former masters under the old conditions of servitude, either because they are unable to make a living in any other way, or because they are attached to their masters' families. These are cases of domestic serfdom (domestic servants, guards, watchmen, etc.) or agricultural serfdom (cultivating, sewing, ploughing) or serfdom as shepherds, the sole remuneration being maintenance. Such slaves are generally humanely treated.

Shuáshena. — These also, whether in groups or as isolated families or individuals, are free. Here again, we find old slaves who have remained with the families of their former masters for similar reasons to those mentioned above. A few individuals or families are also still in a state of servitude on account of old debts; this is not a case of slavery, but merely of working off the debt year by year until it is extinguished.

Atara. — The position of these groups in the communities to which they belong is undoubtedly one of inferiority; but it is not, strictly speaking, one of servitude. The *Atara* do most of the domestic and agricultural work, but they are always remunerated either in cash or in kind. In the inhabited centre of Ghat, the *Atara* form the preponderant part of the population (537 out of a total of 732, according to the last census), and a great many *Atara* families now own property, both real and personal; indeed, cases of *Atara* who have grown rich through labour or trade are by no means rare.

On the other hand, no trace of a servile condition is to be found among the *Atigh*; these are slaves who have been emancipated, in almost every case, by a declaration to that effect signed by their former owner, or by a clause in his will.

¹ The ethnical groups that bear the name of *El-Maatigh* derive it from an ancestor called *Maatugh* (a personal name).

Homrán. — Among the inhabitants of Ghadames there are separate communities bearing this name (singular, homri = "red"). Although they are not an inferior class like the Atara, they were and still are in a state of subordination—primarily moral—to the free and noble sections (Ahrar).

No form of servitude exists among the mixed races scattered throughout the territory, and there have been so many marriages between white and black that, in some cases, even the head of an important Arab or Berber family is a mulatto (*e.g.*, Hassuna Karamanli himself).

Possible Existence concealed or Disguised Forms of Slavery or the Slave Trade.

Our enquiry revealed no sign of either of these infringements of the principles of equality on which our laws are based. We must, however, regard as being clearly remnants of a former state of servitude:

(a) The by no means small number of serfs who have remained in that condition of their own free will, with the families of their former masters;

(b) The status of moral inferiority which continues to be held by the groups known as Abid, Shuáshena, Atara, Homrán, and by negroes in general, who, though perfectly free, adopt a humble and subordinate attitude towards the whites, and never address a white man except by the deferential title of *Ya Sidi* (My Lord). In practice, negroes are not entrusted with public office, nor are any honours conferred on them; and, even in the matter of marriage, an essentially free act, it is very rare for a negro to be allowed to marry a white woman, whereas the converse case is frequent;

(c) A remnant of servile status which is to be seen in the traditional forms of subjection suffered by (non-negro) groups known as Duí and Zuí, Asháb, Sedgán, Imgád (these last among the Tuareg tribes). Strictly speaking, these are lower classes in the social sense. Their history is a complicated one, and their inferior status has all kinds of shades and variations. Rooted in ancient usage, it still persists with economic and political effects which the spirit of equality that informs our legislation will not soon be able to eradicate. This subject, however, would require separate treatment; and as it does not concern slavery in the strict sense—the subject of primary interest to the Permanent International Commission—it will not be considered here.

* * *

In conclusion, slavery in the strict sense, characterised by the trade in the black races and their employment as slave labour, the slave being regarded as a chattel (*mamlúk*), was already officially forbidden at the time of the Italian occupation. It actually continued as a more or less disguised practice, but was essentially an institution that had long been in its decline and no longer presented the pronounced and cruel features traditionally associated with it. Hence, its complete disappearance, which took place on the Italian occupation, marked the final official recognition of a state of fact, rather than any veritable revolution in custom. The Italian occupation may fairly be said, however, to have marked the final cessation of raiding for Sudanese negroes—even of clandestine raiding—which, though less frequent and on a smaller scale than in the past, was still a pitiable feature of life in that territory.

(c) SLAVERY IN CYRENAICA.

It is common knowledge that the slave trade, in a more or less disguised form, continued in Cyrenaica during the nineteenth and early twentieth centuries. It was carried on by the Senussi, who, either through raiders of their own or through persons who supplied them direct, imported negroes—Daju, Nubians, Hajar, Telfan, For and Bornu—from Equatorial Africa.

These negroes were obtained by means of raids carried out by the various sultans, or by Arabs acting with their authority on payment of a special tax; they were brought in caravans to the Kufra oases and sold in the markets. The chief centre of the slave trade in Cyrenaica was El-Jof. Latterly, owing to the control exercised by France and England, the Senussi found great difficulty in obtaining supplies of slaves, whereupon they endeavoured to encourage local production by allowing—indeed encouraging—marriages between slaves in their possession, such marriages having formerly been absolutely prohibited.

Owing to this difficulty in obtaining supplies, prices had risen considerably—to such a point that a young man cost as much as 250 megidi (1 megidi = 10 lire).

Some of the slaves acquired by the Arabs of Cyrenaica were employed as gardeners in the oases (Kufra, Jarabub, Aujila, Jalo, Marada), and others in domestic service.

Those employed as gardeners were remunerated with a daily ration of dates (2 zacche = 800 grammes).

On the occupation of the territory by the Italian Government (1911-1912), the slave trade immediately ceased in the areas under direct rule, but continued in the hinterland, always under the

ægis of the Senussi. In the zones controlled by us it was not possible, however, to extirpate the residual form of slavery that subsisted—essentially slavery of a domestic character. The old slaves continued to live in the families in which they already were, some of them refusing to leave their former masters and even asking our authorities to intervene.

Many liberated or fugitive slaves found refuge in Bengazi, in the Sabri encampment, which was composed entirely of negro families (about 400 of them) from the interior of Cyrenaica and also from Tripolitania, who had been emancipated in various ways and at various times.

The encampment is lawfully constituted and properly controlled by the authorities. Its inhabitants live in huts in which the hygienic conditions leave nothing to be desired and every care is taken to preserve morality. The men find voluntary work in various urban trades, while the women attend to their housework.

Slavery in the hinterland of Cyrenaica received its death-blow through the occupation of the oases of Jarabub, Aujila, Jalo and Marada, and the final break-up of the Senussi organisation (January 24th, 1932).

The slaves in the oases, most of whom were employed as gardeners, obtained full liberty as the Italian advance progressed. Many of the emancipated negroes wished and were able to continue in their occupation, under the guardianship of the officials in charge of the government of the area; in other cases they were able to go elsewhere in the colony and earn a living in occupations which they preferred. As an instance, 927 negroes, slaves of the Senussi, were liberated on the occupation of the Kufra oases.

The present situation as regards domestic servitude is uniform throughout the colony. There is no need to recapitulate the special features of this kind of servitude; but it may be mentioned that every well-to-do Arab-Berber family includes not only one or more families of masters, but also one or more negro families who have been living with their masters for a more or less long period of time.

These negroes form an integral part of the family, to which they are linked by bonds^s of affection, and, although they had the possibility of obtaining complete freedom, they preferred to remain dependent on their former masters.

As a general rule, negroes thus attached to Arab-Berber families are well treated, and, though not actually remunerated, receive adequate compensation in addition to their food. The women attend to the domestic work, and act as maids to their masters' wives and nurses to their children; the men generally look after the live-stock and perform the heavy work.

When these negroes reach marriageable age, the masters themselves make arrangements for their marriage with slaves belonging to the same family or to friendly families, and defray the marriage expenses. This is, in short, a form of voluntary servitude, which will eventually die out owing to lack of new blood; at the moment, however, it cannot be eradicated, because the serfs accept it willingly. If the law required the negroes to be removed from their masters' families, they would soon come back and ask their former masters for employment.

Furthermore, as these negroes have had no opportunity of learning any trade, if they were removed from their families they would be reduced to the most squalid poverty and would have no hope of earning a living.

These remnants of domestic slavery will gradually disappear, and the world will soon be able to satisfy itself that the campaign so perseveringly pursued by the Italian Government against the Senussi has led, above all, to a highly humanitarian end, through the destruction of a system of vile and base speculation at the expense of the negro race.

(d) ERITREA.

The last trace of slavery in Eritrea disappeared some decades ago, and the only reason why the Government of the colony is now concerned with a problem that at one time might have caused it serious anxiety is the existence of adjacent or neighbouring territories under the sovereignty of States in which slavery still obtains. This gives the Government occasion to intervene in the final stage of the process—the stage that precedes the formal act of emancipation, which the subordinate authorities on the frontiers are from time to time called upon to perform on behalf of foreign subjects, especially Ethiopians, when these, having fled from their masters or been manumitted by European consular authorities, seek hospitality in the colony.

Another form of intervention to which, as in the first case, the Eritrean Government is impelled by a specific right and duty appertaining to every civilised nation, consists in watching the frontiers, coasts and islands, and the sea; this supervision is carried out very diligently by the subordinate governmental authorities responsible.

Apart from these two forms of intervention—of which the second is purely preventive, inasmuch as no act connected with the institution of slavery has called for punishment for many years past, while the first is limited to the ultimate act of formally emancipating the escaped slave—the Government of Eritrea has had no other occasion to report the existence of slavery in any form.

Before we consider the present situation as regards slavery, it may not be out of place to give a brief summary of the declarations which the Eritrean Government has made with regard to the various aspects of slavery in the colony.

In 1913, His Excellency M. Martini, Governor of Eritrea, said: "We can state with a clear conscience that the slave trade has completely ceased in this colony", and added: "There are some natives whom the people call slaves, but they are no longer slaves, since they live of their own free will in that state of domestic servitude which is wisely permitted by the Brussels Act, and which it would be neither just nor expedient to disturb by an exaggerated and restricted interpretation of the intention of the law.

"The condition of these serfs is perhaps better than that of many completely free natives. The children call their masters and mistresses father and mother; the men are either slave-born or became slaves in their infancy, and, in practice, they are free, inasmuch as no one prevents them from going away or even from practising a trade. The women generally perform household tasks, and, in some cases, act as responsible house-keepers to their masters. The excessive zeal of certain officials has caused what was actually domestic servitude to be regarded as a condition of slavery."

In the same report, it is stated that the slave trade had by then become impossible on the northern part of the coast of Eritrea, and that the establishment of the Sahel Residency had contributed to this result.

In a subsequent report on the Administration of Eritrea in 1924, we read: "The last slaves, properly so called, in the territory of the colony—three in all, one male and two females—were liberated in 1908, since when there has been no trace of slavery in the colony; meanwhile, slaves coming from immediately across the frontier, in order to gain their liberty, continued and still continue to be emancipated.

"The structure of the population, in which the Moslems are subdivided into tribes and sections and the Christians into districts and villages, under responsible headmen; the moral and, particularly, the economic level reached by the people; the efficient intelligence and control service; the military posts scattered along the frontier and on all the roads in the interior; the Customs stations on the sea-coast; the supervision and control exercised over native sailing-vessels; and the Royal Navy's cruises in the Red Sea—all these factors constitute a system which makes it absolutely impossible for a single slave to pass unnoticed through the territory of the colony and reach the coast.

"The action taken in the colony against slavery is not limited to its own territory, but also has good effects in the Ethiopian areas beyond the frontier where, owing to economic and social conditions and customs dating back for centuries, slavery still exists. Cases are by no means rare in which slaves who live in those areas, or are taken there, succeed in escaping into the colony, where they are emancipated the moment they cross the frontier, and receive prompt assistance and employment in the numerous occupations available."

Again, in 1927, we find the following passage: "There is nothing new to say on the subject, except that the anti-slavery policy perseveringly pursued for many years by the authorities of the colony has succeeded in completely eradicating slavery from the territory and also in preventing any slaves from crossing it, whereas formerly they could pass unhindered from the interior to the sea".

Since then, the Government of Eritrea has had to concern itself with slavery only in a few cases of slaves escaping from their masters in the neighbouring areas across the frontier and taking refuge in the colony, or slaves from Ethiopia manumitted by the European diplomatic or consular authorities in Arabia and shipped to Massaua on national steamers.

For instance, in January 1931, an Ethiopian slave manumitted by the British Legation in Jedda was sent through the Italian Consulate there to Massaua; he stated that he did not wish to return to Ethiopia because, having been taken away from the country as a small child, he was entirely ignorant of it.

In this connection, it should be observed that most of the slaves of Ethiopian origin manumitted in the Hejaz do not know where to go, because they have lost all memory of Ethiopia, having either been born in Arabia of Ethiopian slave parents or taken away from Ethiopia as children; many of them, moreover, come from parts of Ethiopia which are more easily accessible from Djibuti than from Massaua.

By arrangement with the Italian Consul at Jedda, the use of the Italian shipping services between Jedda and Massaua, and transit through Eritrea was limited, in the interests of the ex-slaves, to those who:

- (a) Came from northern Ethiopia, or in any case, from north of latitude 12° N.;
- (b) Were familiar with their place of origin and their tribe, and could make themselves understood in the local language;
- (c) Had sufficient means of subsistence to reach their destination.

It is, however, completely impossible for such clandestine embarkations to take place in Italian territories. "Even if it is established that a certain limited traffic in slaves between Ethiopia and Arabia still continues, despite the intensified vigilance of the European Powers, it may be stated with certainty that not the slightest portion of that traffic takes place in Italian territory."

In view of the continual, though insignificant, immigration of slaves from the Ethiopian regions of Birkutan and Wolkait into the neighbouring Eritrean zones in the low-lying western plain, the local authorities were obliged to attempt a final solution of the problem, and it was

accordingly arranged that ex-slaves coming from Ethiopia should be concentrated at Ducambia, a village on the Gaso to the south of Barentú, where they are provided free of charge with everything necessary for agricultural work, and are allotted fields to cultivate, with a guarantee of complete freedom of labour.

The Ducambia group, which consisted of about 60 persons in 1932, has increased since then by a score or two of newcomers who, as has been stated in the monthly political reports, have since crossed the Setit to settle in Eritrea.

Those periodicals in different countries which from time to time deal with the question of slavery, now and again devote space to correspondence, interviews, travel stories and other articles which are highly unreliable and based on too vague knowledge to find credence in international circles.

The *New York American*, of April 26th, 1931, published an article stating that the island of Zukur was then the base for the slave trade in the Red Sea—a report which was, of course, devoid of all foundation.

L'Ethiopie Commerciale of Addis Ababa, August 4th, 1934, reproducing from *Figaro* a report on the meeting of the International Council of Women in London, states that Sir John Harris, Secretary of the Anti-Slavery Society, referred to "the shipping of over 300 slaves from one coast of the Red Sea to the other".

As the two coasts in the neighbourhood of the Strait of Bab-el-Mandeb are so close together that the crossing can be made in a single night, it is not impossible that some small traffic in slaves may still be carried on between Africa and Arabia. What is quite impossible is that such traffic should pass through the territories under Italian sovereignty.

This, however, is what we are asked to believe by the above-mentioned Addis Ababa periodical, which, in its issue of August 11th, 1934, after reproducing from an Egyptian newspaper an apocryphal interview with a romantic merchant of "black ivory" (who referred to his colleagues living in Tajura, Djibuti, Berbera and Zeila, but not, it should be noticed, in any Eritrean port), includes the following in its comments on the interview: "The smuggling continues, but it is carried on also in the neighbouring colonies under the administration of France, Italy and England". So far as Eritrea is concerned, this is completely out of the question.

The Italian Government's action in regard to slavery in this area may be summarised as follows:

Slavery in the Interior of the Colony.

No punitive action is necessary, because, within the bounds of the colony, no person exercises rights of ownership over any other person, nor are there any cases of the capture, seizure or cession of a person; it is thus confirmed that no trade or traffic in slaves exists among the population or in the territory of Eritrea.

Certain forms of agricultural serfdom, where they survive, present no features resembling those of slavery, and are free of all the essential elements of that institution; such serfs or dependents of the "noblemen" are remunerated for the work they do, and can leave the family with which they are living whenever they wish to go to another family, or, if they prefer it, can change their occupation and residence.

This condition of labour is not offensive to western morality nor subversive of public order; the local authorities have never had occasion to intervene in these relations of employer and employed, which are established between the parties by free and mutual consent.

Should any abuses be discovered, prompt action would be taken by the local authorities, who are explicitly required by the regulation on the subject (Article 17 of the Regulations for Regional Commissariats) to see that "no tax or contribution of any kind is imposed by any person on the native population without express authorisation from the Government on each individual occasion. The Government has power to grant, in certain cases, the privilege of levying customary dues in connection with traditional feasts or ceremonies."

Although there have been no specific cases of violation of this regulation, the attention of the Commissioners and Residents in the colony has, quite recently, been drawn afresh to the necessity of observing it.

Slavery outside the Colony.

In regard to acts of enslavement committed outside Eritrea, the effects of which, however, cease in that territory, the Government gives effective assistance to escaped slaves from beyond the frontier, and, of course, refuses to restore them if, as is frequently the case, their restoration is demanded by their former masters on grounds of theft.

Slave Trade in Eritrean Territorial Waters and in the Red Sea.

There is no possibility of the slave trade's being based on the Eritrean coast; the occasional undocumented reports on the subject in certain foreign newspapers can be categorically denied, in view of the vigilance of the police and Customs posts and the lighthouse personnel, and the cruises carried out by the Royal Navy.

In the vigilant supervision exercised by the European Powers in the Red Sea, Italian co-operation is not lacking. Whenever units of the Royal Navy cruise in those waters, a close watch is always kept on any suspicious-looking "sanbuchi" (native craft), and no cases of enslavement

have ever been encountered. This does not, of course, necessarily mean that there is no slave trade, but, on the other hand, it cannot be argued from the absence of any cases of punishment being inflicted that the Italian policing of the sea is inefficient; on the contrary, the international Press has often acknowledged the efficiency of the vigilance exercised in the lower Red Sea by the Italian units stationed there.

(e) SOMALILAND.

Slavery and the slave trade have been totally and effectively abolished in Somaliland, leaving only a distant memory, revived now and again by some case of enslavement beyond the frontier. The villages of emancipated slaves on the Webi Shebeli, and all the Gosha villages, were established by escaped slaves from other parts of Somaliland, even before the colony came under direct State administration. This applies especially to the Upper and Middle Shebeli. The slaves formed numerous centres in which to defend themselves against their former masters, who were endeavouring to recapture them, and to cultivate the more fertile lands near the rivers.

In the Gosha, and among the emancipated peoples in general, there is still a vivid memory of Nassib Bunda, who, like another Spartacus, headed the revolt of the slaves, organised them for defence, and governed with wisdom and prudence the villages of the Lower Gosha between Margherita and Jelib, among which there still exists the " bulo " that bears his name.

Domestic serfdom also, although it should be tolerated under the laws in force, no longer exists in any compulsive form restricting individual liberty. Voluntary labour, however, is still to be found in a very few cases. The institution of domestic serfdom, now generally obsolete, is still preserved, though purely formally, in these rare cases through the habit of living with the former masters, the good treatment provided by them (the serfs sharing the life of the master's family in every respect), and the unfitness of the serfs to earn an independent livelihood.

Since the abolition of slavery took place gradually as the direct control of the State extended over the different parts of the colony, it involved no sudden changes in the social order and economic life of the country. At first, especially in the coastal zone, there was a considerable reduction in the area under cultivation, because this had been cultivated almost exclusively by slaves. Agricultural production decreased, and exports, which had been flourishing in various places, especially Brava, ceased entirely.

Many of the ex-slaves, however, being childish, improvident, incapable of managing their own lives and fundamentally lazy, thought that emancipation meant that they need no longer do any work. Most of them therefore scattered, and only a very few settled in the villages along the Webi-Shebeli and the Juba, with the object of cultivating the unoccupied land in those parts. Some, after a little while, decided to return to their former masters, with whom, as domestic servants, they found at least a certainty of board and lodging; while others migrated from place to place, the wretched conditions of a vagrant life reducing their birth-rate, so that some of these groups may now be said to be extinct.

In short, there was a decline in the economic productivity of the colony and in the amount of labour, especially agricultural labour, available.

This affected the economic development of the colony for a long time, but the setback may now be regarded as completely overcome.

The ex-slave communities are now to a large extent organised in colonising villages in the two areas of Genale and the Duca degli Abruzzi village. Other groups of ex-slaves are settled in the Havai zone and on the lower Juba, where the Wagosha (the communities of the Gosha people) form the typical nucleus.

These are regular smallholders who love their land, to which they are closely tied. Among them, Somali agriculture is much less obviously " nomadic " than in other parts, where its nomadic character varies in intensity with seasonal weather conditions.

The social organisation, based on traditional institutions and customary law, which are now becoming slightly more powerful in certain directions, is superior among the Gosha to that of the other emancipated peoples, and there is still a living memory of the chief Nassib Bunda, to whom the Gosha tribes are mainly indebted for their social structure.

Generally speaking, their present living conditions are not good, owing to the droughts of recent years, which have caused the failure of the crops; this year, however, there has been a greater quantity of rain, and the crops will be very much better.

The following table gives an idea of the needs of a family of emancipated slaves consisting of father, mother and two children (one aged 15 and the other aged 9):

Average daily quantity of food:

	Lire
Maize — 2.50 kg., at 30 lire per quintal	0.80
Meat — 250 grammes at 1.40 lire per kg.	0.40
Milk — 0.50 litre, at 0.60 lire per litre	0.30
Oil — 200 grammes, at 2.44 lire per kg.	0.50
Tea and Somali coffee	0.50
Oil for lighting and sundries	0.20
	2.70

or 985.50 lire per annum.

<i>Clothing:</i>	Lire
4 robes, at 15 lire each	60
2 robes (children's) at 9 lire each	18
2 vests, at 6 lire each	12
Headdresses and sundries	30
	<hr/>
Total expenses: 1,105.50 lire.	120

Income in one agricultural year from an allotment of 1.11 hectares:

17 quintals of maize at 30 lire per quintal	510
5 quintals of durra, at 30 lire per quintal	150
0.70 quintals of cotton, at 100 lire per quintal	70
2 quintals of sesame, at 80 lire per quintal	160
0.35 quintals of beans, at 50 lire per quintal	17.50
	<hr/>
	907.50

Other income:

20 fowls, at 1.50 lire each	30
100 eggs, at 0.10 lire each	10
10 straw mats, at 6 lire each	60
	<hr/>
	100
Total income	1,007.50
Total expenses	1,105.50
	<hr/>
Deficit	98.00

The deficit consists of debts, in general, to Arabs, which are paid off when better times return.

It would be absurd to attempt to give even a remote idea of the number and composition of the emancipated slave population, as the available figures are quite unreliable.

These communities are capable of considerable agricultural development, and may later form a solid agricultural block.

(f) CONCLUSION.

In conclusion, the Italian Government can justly assert that, in the matter of slavery, its civilising influence has been not merely forcible and wholly efficient, but also in some cases very rapid, notwithstanding its serious effects of the native political situation—as, for instance, in Somaliland, in consequence of the action taken between 1910 and 1920. Moreover, the Government has always effectually put down the slave trade in the Red Sea; it has succeeded in eliminating the trade entirely from its own territorial waters and from the coasts of Dancalia, thus preventing the establishment of bases for the shipment of slaves to the opposite Arabian coast. If any slaves are still shipped across the Red Sea, it is quite impossible for them to be shipped from the coasts of our Eritrean possessions.

(Signed) SUVICH.

ANNEX 12.

C.C.E.E.25.

COMMUNICATION, DATED NOVEMBER 16TH, 1934, FROM THE NETHERLANDS GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS FORWARDING A MEMORANDUM ON SLAVERY AND PLEDGING OF PERSONS IN THE OVERSEA TERRITORIES OF THE KINGDOM OF THE NETHERLANDS.

[Translation.]

With reference to your Circular Letter 164.1934.VI, dated October 4th last, concerning the resolution adopted by the fifteenth Assembly on September 26th last on the question of slavery, I have the honour to inform you that the Netherlands Government is prepared to forward to the League of Nations any information relating to slavery that it possesses.

I am taking advantage of this opportunity to forward herewith a Memorandum on Slavery and Pledging of Persons in the Oversea Territories of the Kingdom of the Netherlands.

For the Minister:

(Signed) SNOUCK HURGRONJE,
Secretary-General.

MEMORANDUM ON SLAVERY AND PLEDGING OF PERSONS IN THE OVERSEA TERRITORIES OF THE KINGDOM OF THE NETHERLANDS.

Prior to the Act of 1854, the constitutional laws of the Netherlands Indies still permitted slavery and regulated the status of slaves and their children.

The Constitutional Law of 1854 abolished slavery as from 1860, but only in the directly-governed territories of the Netherlands Indies.

In the West Indies, slavery was abolished by the Act of 1862-1864 in Surinam, and by the Act of 1862-1865 in Curaçao, as from 1863.

In the East Indies, the Act of 1859, No. 46, and the Ordinances of 1859, Nos. 47 and 48, provided in detail for the abolition of slavery and the compensation entailed.

The masters of emancipated slaves were paid compensation on demand.

The sum of 784,000 florins was paid for 4,800 slaves freed.

In the territories not directly governed, the Dutch officials also endeavoured to secure the emancipation of slaves on payment of compensation, but the results were not very satisfactory at first, and it was not until 1872 that considerable progress was made by means of registration and emancipation on payment of compensation.

These results are recorded in the annual reports down to 1922.

Even before the Act of 1854, the constitutional laws prohibited the slave trade, which was an offence under the Penal Code, and also the importation of slaves into the Netherlands Indies; the Act of 1854 further prohibited the public sale of slaves.

Slaves introduced from abroad into the directly-governed territories of the Netherlands Indies, and slaves exported from a territory not directly governed into a directly-governed territory, were to be freed.

From 1895 onwards, fugitive slaves from territories not directly governed were no longer extradited; instead, the Government paid a ransom, the amount of which was debited to the freed slave.

Slavery has thus been abolished—not merely on paper, but in fact—in Java and its dependencies.

In order to put down slavery, the Government resorted to various methods according to the circumstances and the peoples concerned. In some territories, it emancipated the slaves after registering them and paying compensation to their masters. In other territories no compensation was paid. Elsewhere, again, slavery was replaced by a system of pledging combined with registration; under this system, the relation between slave and master was converted into the relation between debtor and creditor. A ransom was fixed, and it was decided at what rate the labour performed should be reckoned in paying off the debt.

Emancipation by the master and self-redemption by the slave were also permitted after registration. The children of a female slave were acknowledged as free.

The system of *pledging*, which was formerly common throughout the East, is closely akin to slavery. Pledging takes place only on account of debt, but if the labour performed by the debtor for the creditor is regarded as an interest payment, pledging does not differ in practice from slavery. The position is quite other if the labour is reckoned towards the payment of the actual debt.

Pledging was regulated by the constitutional laws prior to 1854.

The Act of 1854 prohibited pledging in Java and its dependencies in all territories where social conditions rendered this possible.

In the other territories, pledging was regulated, with a view to promoting its abolition. The transmission of the bondage to the debtor's children was prohibited.

It was forbidden to transport pledged debtors by sea.

The Act of 1854 was repealed by the Act of 1859, No. 43, which specified the dependencies of Java in which pledging was to be prohibited.

In regard to the other territories, the Act of 1859 regulated pledging and aimed at its abolition through registration, gradual payment of the debt by labour, and the prohibition to alienate the person of the debtor, who was not to be separated from his wife and children.

In 1872, pledging was prohibited in all the directly-governed territories. In the other territories, the Dutch officials endeavoured to improve the position, but it was a difficult task, because pledging is in harmony with native customs.

(It is, in fact, a rule of customary law that a debtor who cannot pay his debts must work for his creditor.)

It was not until the beginning of this century that progress was made in the campaign against pledging in the territories not directly governed, by means of the registration of the debtor, the registration of the debt, the determination of the value of the labour, which is credited monthly to the debtor, and the fixing of the date by which the debt is to be paid off.

By this means, it has been possible to abolish slavery and pledging, not merely in the directly-governed territories, but throughout the Indies.

In certain remote and almost inaccessible regions, in the interior of Borneo and New Guinea, for example, certain forms of servitude apparently continue to exist. It is not easy to say in these cases whether it is a compulsory servitude, a voluntary continuance of a form of domestic slavery, or a form of service on account of debts contracted.

These are only isolated cases, and the Government officials are endeavouring to bring about their gradual disappearance.

ANNEX 13.

C.C.E.E.15.

COMMUNICATION, DATED APRIL 16TH, 1934, FROM THE GOVERNMENT OF THE
SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS

I am directed by the Governor General of the Sudan to furnish the following information, supplementary to that contained in Khartoum despatch No. M.13, of April 10th, 1933,¹ in accordance with Article 7 of the Slavery Convention of 1926.

2. No attempts to renew the former traffic in slaves over the Ethiopian border were made, and no incursions by Ethiopian armed parties in search of slaves occurred. The representations made, as mentioned in the last report, to the Ethiopian Government on the subject of such incursions appear to have borne fruit, inasmuch as that Government has directed attention to the settlement and organisation of the frontier provinces and to the control of the frontier chiefs.

3. A number of "freedom papers" have again been issued, including 252 in the Fung Province, of which 227 were given to refugees from Ethiopia.

4. There is a steady improvement in the social status of the ex-serf, who tends more and more to share equally with his former master in normal native life, rather than to remain in the artificial isolation of an ex-serf "colony".

It is not unreasonable to forecast that intermarriage, and the working of the Islamic law of inheritance, will in the future ensure that the descendants of the disappearing servile class automatically become owners of property, and that the seal is set on their status of equality.

5. In the few isolated cases of kidnapping which now occur, investigation continues to be facilitated by the co-operation of native authorities, while conviction has more than once shown that the actual crime has been committed outside the Sudan.

For Civil Secretary (absent on duty):

(Signed) M. W. PARR.

¹ Note by the Secretariat of the League of Nations. — See document A.16.1933.VI, or *Official Journal*, May 1933, page 692.

II. MEMORANDA COMMUNICATED BY THE MEMBERS OF THE COMMITTEE.

MEMORANDUM DATED APRIL 2ND, 1935 BY SIR GEORGE MAXWELL
ON THE MUI TSAI SYSTEM.

C.C.E.E.17(2).

This note is written with particular reference to the Mui Tsai system in the international settlements of Shanghai and Kulangsu. It is necessary, however, to open it with a brief account of the system in general terms.

* * *

The system of female child labour, which is known to Europeans as the Mui Tsai system, has different names in the dialects of the many provinces of China. In the Cantonese dialect, the words "Mui Tsai" are the equivalent of the words "little sister" in English. This term is applied to the system in the provinces of Kwangtung (in which the cities of Canton and Swatow are situated) and Kwangsi, and in the British colony of Hong-Kong. It is from Hong-Kong that the expression became known to Europeans. North of Kwangtung, in the provinces of Fukien (in which the cities of Amoy and Foochow and the international settlement of Kulangsu are situated), Chekiang, Anhwei and Kiangsu, the term "pei-nu" is used. In the provinces of Yunnan, in the extreme south-west, and of Shantung, in the north-east (where the cities of Shanghai, Tsinan and Tsingtao are situated) and of Fengtien (of which Mukden is the capital) the term is "ya-t'ou". The system is also known colloquially in some places by words which can be translated as "wear-clothes—eat-rice". As the system is known to the League of Nations only by the expression "Mui Tsai", it will be convenient in this memorandum to make use of that expression as a general rule.

The system is of immemorial age, and has its roots deep in the social and economic conditions of the country. Under it, poor parents hand over a girl child to another family.

The poverty of the parents is always the impelling cause of the transaction. The poorest families in China often have large numbers of children, and at all times the parents find it difficult to feed and maintain them. A family in better circumstances is often glad to take over a girl from poor parents, partly from motives of humanity, and partly in order to have the use of her services in the domestic work of the household. Although the girl is not actually adopted (and the system of genuine adoption in China is quite different from the Mui Tsai system) yet there is no doubt that, under the principle of the system as it was practised in earlier days, there was an element of "quasi-adoption" in the transaction. It will be suggested in a later paragraph that the simple and direct transaction between two neighbouring families, which were able to maintain intercourse one with another, is now seldom possible in the changed circumstances of modern life. For the moment, we may consider the system as it was originally conceived and practised—and as in some cases it still is practised. Under the system, the girl was in a position which was different to that of an ordinary domestic servant, and was supposed to be better treated. Sometimes she was (and still may be) the child-attendant of one of the elder women of the household. In the family into which she had been taken she was regarded in the light of a member, but a humble member, of the family. The head of the family was responsible for her being properly treated. Her parents had the right to visit the house and see her at any time. She was also under the surveillance of her relatives, who would complain if she were not properly treated. The head of the family in which she lived was expected to see that she made a suitable marriage. If the girl's parents were in the neighbourhood, they would take part in the wedding ceremonies. After the wedding, the girl would cease to be a Mui Tsai; she would go away and live with her husband, who would be son-in-law to her parents. If, however, her parents were dead, or not living in the neighbourhood, she would still go away and live with her husband, but, for family purposes, she would be regarded as a "quasi-daughter" of the family in which she had lived, and her husband would be regarded as a "quasi-son-in-law". During all the years of her service, she would have been fed and clothed, but would have received no wages. When regard is had to the different circumstances of the family in which she was born and the family into which she had been taken, it is reasonable to suppose that, in the majority of cases, she would receive better food and better clothing than would be possible in her parents' house. It is an undoubted fact that in Hong-Kong, when the law permitted the Mui Tsai to apply for restoration to their parents, without any question of repayment of money, numbers of them preferred to remain where they were.

In the main, the above account has been written as a description of the system in its earlier form, but it is still true of a number of cases at the present day. There is, however, another side to the picture, and it is necessary to consider the following points:

(1) The child is always of a tender age. She is not able to give her consent, and her consent is not required.

(2) The girls are often terribly overworked, and sometimes are cruelly beaten and maltreated.

(3) Enforced and unpaid labour over a period of years from childhood to the adult age is not the "fair and humane treatment" which is required by Article 23 of the Covenant of the League of Nations.

(4) "Powers of ownership" are inherent in the system (unless the system is modified and regulated by local legislation and unless the legislation is actually enforced by the executive action of the Government), and the system is, therefore, one of "Slavery" within the definition of that word in Article 1 of the Slavery Convention of 1926, which is as follows:

"Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised."

In any discussion of the Mui Tsai system, it is necessary to remember the social and economic aspect of the problem. As has been stated already, the basic reason is that the parents, by reason of their poverty, are anxious to be relieved of the burden of feeding more children than they can support, and are tempted to dispose of girls to families which are able to maintain them and which require their services for household work. From the point of view of both families it is both a social and an economic affair. It is essentially an economic business from the point of view of the family which acquires the child, for her services are far cheaper than those of a paid domestic servant. It is obvious, therefore, that it is easier to control the system at a time when the country is prosperous, and when the people are able to afford to pay the wages of ordinary domestic servants than at a time of economic depression.

Originally, in the remote past, there was undoubtedly a really humane side to the Mui Tsai system. In an earlier social organisation, the "adoption" side of the transaction was more real, and the child in her new family lived not far from her parents. But, with the growth of towns and cities and the ever increasing facilities of transport, the situation has changed. The children are now taken to places at a great distance from their parents' homes. All the benefits of the propinquity and surveillance of the parents and relatives disappear, and the opportunities for overwork and ill-treatment increase.

This is made all the worse by the development on a very large scale of a system of regular "traffickers" in Mui Tsai. These people obtain children in one place and transport them to other places. Often they travel great distances by river, by road, or by railway.

It may be regarded as an axiom that the further the child is taken from her parents, the greater are the evils of the system and the more flagrant the abuses of it. In any consideration of a method of suppressing the system, it would be unwise, however, to pay too much attention to the instances of its abuse. Most unfortunately, terrible cases of unmerciful punishment, sometimes amounting to torture, have been proved, and cases of heartless ill-treatment are not uncommon. But it is the system (with the normal practices which prevail under it)—and not the abuses (which are an offence against the system)—which requires our attention.

The Mui Tsai system—as is apparent from its name—applies only to girls. There is reason however to believe that an analogous system, under a different name is also in force (but perhaps only to a small extent) in respect of small boys. These boys perform menial services in the household, and sometimes are employed in gangs to perform really heavy work such as carrying firewood, earth or stones for their master, who hires out their services and receives the payment for them. Very little information is available in regard to the employment of boys in such circumstances, and the matter requires investigation.

After these general observations, we can now turn to the two international settlements. In neither of them is the word "Mui Tsai" used. As has been stated above, the expression "ya-t'ou" is used in Shanghai, and the expression "pei-nu" in Kulangsu. In both places, the attitude of the municipal authorities is one of "non-recognition". Any girl can (in theory) apply to any police officer for "liberation" if she claims that she is forcibly detained against her will, and (in theory) her case would be referred to a police magistrate, who would make an order for her removal to some suitable "home". In practice, however, the difficulty of a girl who was forcibly detained against her will would be, first, in obtaining any access to a police officer, and, secondly, in persuading him to listen to her complaint against her employer. Another practical objection is that the girls are not aware of their legal rights, and that no action has ever been taken to inform them. The popular impression throughout the Chinese community of the class which employs these girls is that the system is allowed by the municipal authorities provided that there is no gross cruelty to a girl. It is understood that a thrashing, however severe, is not cruelty. When any cases of gross cruelty come to light, the court generally inflicts a heavy punishment, and orders the girl to be sent to some "home".

In Shanghai, there have been for some years past on an average one hundred criminal prosecutions every year on charges of trafficking in "ya-t'ou", and, though drastic sentences of imprisonment are inflicted by the court, the number of cases shows no diminution.

The International Settlement of Shanghai has a population of 1,100,000 Chinese. The "ya-t'ou" are, as might be expected, mainly in the old-fashioned households of the middle class community. It is impossible to make any guess at their numbers. There seems to be some reason to believe that the numbers are less than they were ten years ago. On the whole, public opinion appears to be changing from one of indifference to one of a desire to have the system abolished on the ground that it is discreditable to the national reputation. No regulations of any kind have, however, ever been promulgated on the subject of "pei-nu" by the municipal authorities of the International Settlement.

In the International Settlement of Kulangsu in the Fukien Province, no regulations on the subject of "pei-nu" have ever been promulgated by the municipal authorities. With few exceptions, every wealthy Chinese family in Kulangsu owns at least one "pei-nu", and among the middle-classes, one family in three has a "pei-nu".

It will be convenient now to consider the action taken in Hong Kong for the gradual suppression of the Mui Tsai system. The system has existed there since the earliest days. By the Act of 1833, the British Parliament abolished slavery in the United Kingdom and its colonies. The colony of Hong-Kong obtained its charter in 1843. From the beginning therefore slavery had no legal status in Hong-Kong; but, with that modification, the system continued with the full knowledge of the Government and without interference. The Chinese Protectorate officers had the power, which they could freely exercise, to remove any Mui Tsai from her employment if they considered that this was desirable. In 1922, a policy of gradual suppression of the system was decided upon, and as the result, the "Female Domestic Servants Ordinance, 1923" was enacted. This Law provided that, thenceforth, no person might take any Mui Tsai into his employment nor employ any female domestic servant under the age of 10 years. Ill-treatment of any Mui Tsai was made punishable by severe penalties of imprisonment and fine, and gross cruelty was punishable with imprisonment without the option of a fine. Under the Law, any Mui Tsai who wished to be restored to the custody of her parents was to be restored to them, without any repayment of money, unless the Chinese Protectorate officials considered that for any reason restoration would not be in the real interests of the child herself. The Law also provided that, as in the past, the Chinese Protectorate officials could make any order which might appear to them to be desirable for the removal of any Mui Tsai from her place of employment, and for her future custody, control and employment. All these provisions of the Law came into operation in 1923. There was also provision in Part III of the Law that, at some later date, which was to be fixed by proclamation, when the time for it was considered to be ripe, all Mui Tsai were to be registered by the Government, to receive wages in accordance with a scale to be fixed by the Government, and to be subject to the inspection and control of Government officials.

There was no further action until 1929, when the Colonial Office instructed the Hong-Kong Government to issue the proclamation which would bring Part III of the Law into force. Certainly, during the period 1922 to 1929, the Law had been beneficial in the provision against the employment of any new Mui Tsai and the provision against the employment of any female domestic servant under the age of 10 years. There is, however, no record in the annual reports of the Chinese Protectorate during the period between 1923 and 1929 of any prosecutions for offences against these sections of the Law; and there is no record of any applications by Mui Tsai for restoration to their parents or for assistance in finding other employment.

It is necessary to mention this fact, because the clear inference is that it was not until registration was introduced that the Law began to have effect. One good effect of the Law of 1923 almost certainly was that it contained the warning that registration could be enforced by the Government at some later date.

The Hong-Kong Government protested strongly against the Colonial Office instructions for registration. This protest was based mainly on four arguments. It is necessary to consider them carefully, because of their bearing upon the problem with which the international settlements are now faced. The first argument was connected with the difficulty of registration in a population which was constantly moving backwards and forwards between the island of Hong-Kong and the mainland of China only a few miles away. There is an incessant daily movement of people in large numbers between Hong-Kong and the mainland of China; and it was contended that, until the Chinese Government enforced registration of Mui Tsai on the mainland, it would be impossible to enforce registration in Hong-Kong. It was even said that because of the proximity of Hong-Kong to China, it would be as hard to free Hong-Kong from the Mui Tsai system, so long as China remained subject to it, as it would be to keep a space free of mud at the mouth of the Canton River. Experience has shown that this argument was unfounded. Mui Tsai continued to be unregistered in China, but were registered effectually in Hong-Kong.

The second argument was that it would be practically impossible to prove that any girl was a Mui Tsai. Experience has shown that there has been little difficulty.

The third argument was that an "army of inspectors" with the widest powers of entry and search in private houses would be necessary; that the drastic powers of these officers would create widespread resentment amongst respectable householders; and that it would be difficult to find officers upon whom such powers could suitably be conferred. Experience has shown that one European inspector and two Chinese lady assistants have been able to carry out their duties most satisfactorily.

The fourth argument was that it would be necessary to incur enormous expense in building and maintaining "homes", "refuges" and "employment bureaux" for the Mui Tsai. In practice, no expenditure has been necessary.

The provisions of the law relating to registration of the Mui Tsai came into operation on November 1st, 1929. At first, there was some reluctance on the part of the employers to come forward and register the Mui Tsai. This was overcome by Government notices in the Chinese vernacular newspapers, and by printed circulars, which gave full information of the action expected from the employers and which sought to dispel their alarm regarding the nature of the Government inspection. The Government also obtained the invaluable assistance of the District Watch Committee, various Chinese philanthropic societies and leading members of the Chinese community. At first, registration was slow, but, after a few months, the employers realised that the Government was determined to enforce the law, and, after that, everything proceeded smoothly. This initial difficulty is what would naturally be expected in the introduction of a new law. It is mentioned because it shows the necessity of careful propaganda and publicity for some little time beforehand. It also shows the value of the co-operation of local associations and societies and of the leading members of the community.

On June 1st, 1930, the six months' period in which registration might be effected, came to an end. The number of registered Mui Tsai was 4,368. This was far less than the original estimate of 10,000 which was admitted to be only guess-work. On November 30th, 1934, the number had been reduced to 2,291.

The process of gradual emancipation since the enforcement of registration is set forth in public half-yearly reports by the Governor of Hong-Kong to the Colonial Office. These reports are frank and detailed, and show a genuine desire to give all the information that is available.

In a despatch dated January 4th, 1933,¹ the Governor has paid a tribute to "the usual invaluable co-operation and assistance of the Po Leung Kuk Committee and the Salvation Army", and has quoted extracts from the reports of the local Society for the Protection of Children and the local anti-Mui Tsai Society, both of which were complimentary and appreciative.

The *minimum* wages of a Mui Tsai are fixed by a Government notification under the law at 1 dollar a month for a Mui Tsai over the age of 10 years and under the age of 15 years, and 1.50 dollar a month for Mui Tsai over the age of 15 years. This is in addition to the free food, clothing and medical attendance for which the law provides. At present, the Hong-Kong dollar is the equivalent of about 1s. 6d., but this is no indication of the local purchasing power of the dollar. The only test of the adequacy of these minimum wages is a comparison between them and the wages of free domestic servants. As the Mui Tsai are able to apply for assistance in finding other employment, it is reasonable to suppose that those who do not do so are content to remain with their employers.

With complete registration of all Mui Tsai for some years past, and with proper supervision of them by government inspectors there can be no doubt that the conditions under which the Mui Tsai are now employed in Hong-Kong are immeasurably better than they were.

The experience of Hong-Kong has proved beyond any doubt that it is possible to maintain an efficient registration system in a city in close proximity to the vast agricultural population of the adjoining countryside, in spite of the daily movement of the people from and to the city. It is, that is to say, a matter which can be controlled by the municipal authorities. There can be registration and supervision of the Mui Tsai within the municipal limits, even if registration and control is for any reason impossible in the areas outside those limits.

In Hong-Kong, it was possible to prohibit from the outset the employment of any new Mui Tsai. Consideration of the social and economic difficulties which now exist in China make it possible to doubt whether it is practicable, or even advisable, to go so far as this at the outset. On the one side, there is the anxiety of poor parents to dispose of children whom they are unable to feed, and, on the other side, there is the position of families, who would be able to employ the cheap labour of Mui Tsai, but who could not afford to pay wages to ordinary domestic servants. Prohibition of the employment of any more Mui Tsai would therefore create most serious difficulties on both sides. Possibly, the economic situation may now be so satisfactory that prohibition could be enforced at once or in the near future, but it would probably be more prudent to defer the introduction of prohibition until some later date, when the economic situation has improved.

The suggestion which is now made can be set forth briefly as follows:

1. Immediate introduction of regulations in both International Settlements for the protection of these girls, with provisions for free restoration to their parents or guardians upon application by parent or girl; with provision for the freedom of the girls to seek other employment, upon application to some suitable official; and with suitable punishment for offences of ill treatment and overwork.

2. Immediate appointment of an adequate staff of inspecting officers on the lines which have been so successful in Hong-Kong.

3. Provision in the regulations whereby "registration" can be introduced by a proclamation which will have effect from a date to be decided by the municipal authorities.

¹ Note by the Secretariat of the League of Nations. — See Appendix 4 to document C.C.E.E.42, contained on page 53.

4. Provision in the regulations whereby, at some date to be decided by the municipal authorities (but not necessarily the date from which "registration" came into operation), a minimum scale of wages can be enforced. Part, at least, of these wages might be required to be paid into a savings-bank account.

5. Provision in the regulations, whereby, at some future date, it might be declared that no more new registrations would be allowed.

6. Provision in the regulations for adequate protection to male children in similar circumstances.

7. Provision in the regulations for punishment of offences of failing to register and failing to pay minimum wages.

At every step, invaluable assistance can be obtained from the support of public opinion and the co-operation of societies interested in children's welfare. If such societies are not already in existence in the town in which the registration of Mui Tsai is enforced, the government or municipal authorities might consider the advisability of starting and encouraging them. Names, of which the English equivalent would be "Mui Tsai Friendly Society" or "Mui Tsai Aid Society" would seem suitable, whilst any name such as "Anti-Mui Tsai Society" would be deprecated. The purposes for which such societies might be formed would be:

(1) To support the municipal authorities' policy of gradual suppression, and eventual abolition, of the Mui Tsai system;

(2) To afford friendly advice and practical assistance to every Mui Tsai; to assist the Mui Tsai to obtain access to the municipal inspectors, and to help the Mui Tsai to find other employment;

(3) To assist the municipal inspectors in every way;

(4) To arouse and stimulate public interest in the welfare of the Mui Tsai.

With reference to the second clause of this summary, it is necessary to give a word of warning regarding the introduction of registration. It is possible that the law was too strict on this point in Hong-Kong and it is more than probable that this was so in Malaya. A notice of six months is perhaps not long enough for the community to realise the instructions of a new law to deal with an ancient system. The result almost certainly must be that all the Mui Tsai are not registered within the prescribed period, and as the law in Hong-Kong and Malaya prohibits registration after the lapse of the prescribed period, the consequence may very well be to the disadvantage of the girl whom the law wishes to protect. As she cannot be registered, she must be concealed by her employer, or else must be disposed of by him elsewhere. The carelessness or ignorance of the employer may thus cause real hardship to the girl.

It is therefore suggested that any legislation should provide for "free registration" within a period of another six months, and for a heavy fee (in addition to any fine) for registration after the expiration of that period.

The court would thus be able to fine a person for employing an unregistered "ya-t'ou" or "pei-nu", and at the same time to order registration, if registration appeared to be in the girl's own interests.

In making these suggestions, I have been guided by the following statement in the report of the Temporary Slavery Commission, dated June 12th, 1924:¹

"The Commission is of opinion . . . that it should endeavour to indicate some practical measures calculated in its opinion to ensure the gradual suppression of slavery and analogous forms of servitude, and to facilitate the development of the social and economic conditions which should succeed it. The Commission recognises that this is a very delicate task, but believe that it will be possible to offer suggestions of a practical nature which might be of value to the States which are endeavouring to meet the problems with which they are faced in their efforts to secure the gradual suppression of all forms of slavery."

(Signed) George MAXWELL.

April 2nd, 1935.

¹ Document A.17.1924.VI, page 2, or *Official Journal*, October 1924, page 1395.

Geneva, May 15th, 1936.

LEAGUE OF NATIONS

2

SLAVERY

REPORT OF THE ADVISORY COMMITTEE OF EXPERTS

THIRD (EXTRAORDINARY) SESSION OF THE COMMITTEE

Held in Geneva, April 15th to 24th, 1936.

Note by the Secretary-General :

The Council decided, on May 13th, 1936, in accordance with Article 15 of the Rules of Procedure of the Advisory Committee of Experts on Slavery, to authorise the publication in full of the report of the Committee and the documents annexed thereto. In taking this decision, the Council made all necessary reservations in respect of those parts of the report and documents to which Article 16, paragraph 2, of the said Rules apply, and expressed no opinion upon them.¹

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¹ Text of Article 16, paragraph 2 :

" If a communication relating to slavery and concerning any country is submitted by the Government of another State, the Committee shall forward it to the Council with a view to its transmission to the Government of the country concerned, so that the latter may be enabled to submit its observations." (See *Official Journal*, February 1934, page 222.)

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¹ This appendix has not been reproduced and is kept in the archives of the Secretariat of the League of Nations. It has been printed as Command Paper No. 5121.

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A. REPORT TO THE COUNCIL.

INTRODUCTION.

1. The Advisory Committee of Experts on Slavery met at Geneva from April 15th to 24th, 1936, for its third (extraordinary) session. All the members of the Committee took part in the work. M. Louwers, the Belgian member, was unable to attend the last three meetings.

The Committee paid a tribute to the memory of its Chairman, M. Gohr, who died on April 7th, 1936, shortly before the session opened.

M. Marchand, Vice-Chairman, took the chair.

2. The Committee had before it documents supplied or communicated by the Governments of Belgium, the United Kingdom, China, France, India, Iraq, Italy, the Netherlands and Portugal concerning the question of slavery in the territories under their authority.

It examined these various documents, reproduced as annexes, in accordance with Article 13, paragraphs (a) and (b), of its Rules of Procedure (see *Official Journal*, February 1934, page 222), which read as follows :

“ During each ordinary session, the Committee :

“ (a) Will study and examine the documents supplied or transmitted by the Governments since its last session ;

“ (b) Will study, on the basis of such documents and of the special knowledge of its members, the facts and institutions mentioned in Article I of the Convention of 1926 and their rôle in the social system.”

3. The Committee also took note of three documents from the Italian Government — namely, two notes dated respectively March 2nd and April 14th, 1936 (see pages 83-90), and a letter dated April 18th, 1936 (see page 90), laying before it the memorandum submitted to the Council by the Italian Government on September 4th, 1935, concerning the situation in Ethiopia (see document C.340.M.171.1935.VII). Apart from the passages which deal with the Italian colonies and which are analysed elsewhere in the present report, the notes of March 2nd and April 14th announce the general freeing of slaves in the Ethiopian territories — adjacent to Eritrea and Somaliland — which have been occupied by the Italian troops. They refer to the situation which the Italians found in Ethiopia in the matter of slavery. As regards the memorandum of September 4th, 1935, this deals, in Part II, Chapter IV, paragraph A, with the question of the attitude of Ethiopia to the special engagements assumed by that country towards the League of Nations in regard to slavery. This part of the memorandum ends, on page 56, with the following conclusions, which are here reproduced in full :

“ (a) That Ethiopia recognises slavery as a legal condition ;

“ (b) That raids for the capture of individuals for purposes of slavery are continuing on a large scale, especially in the southern and western regions of Ethiopia ;

“ (c) That the slave trade is still practised ;

“ (d) That the Ethiopian Government participates directly in the slave trade by accepting slaves in payment of taxes and allowing detachments of regular troops to capture new slaves ;

“ (e) That, in addition to slavery proper, there exists the institution known as ‘ gebbar ’, to which the populations of non-Ethiopian regions are subject and which is a form of servitude akin to slavery ;

“ (f) That the Ethiopian Government has taken no account of the recommendations made to it by the Committee of Experts on Slavery, more particularly as regards the abolition of the legal status of slave, as appears further from the report submitted to the League of Nations in May 1935.”

In regard to those parts of the notes of March 2nd and April 14th, 1936, and of the above-mentioned chapter of the memorandum of September 4th, 1935, which relate to Ethiopia, the Committee decided that these texts should be transmitted to the Council, in accordance with Article 16, paragraph 2, of its Rules of Procedure, which paragraph reads as follows :

“ If a communication relating to slavery and concerning any country is submitted by the Government of another State, the Committee shall forward it to the Council with a view to its transmission to the Government of the country concerned, so that the latter may be enabled to submit its observations.”

4. The Committee also noted the replies of certain Governments to the Secretary-General's circular letters (see page 99).

5. It further examined a number of studies and memoranda prepared by its members, more particularly by Sir George Maxwell. In addition, it noted two resolutions adopted by the Council for the Representation of Women in the League of Nations and a communication from the London Missionary Society concerning the Masarwa in Bechuanaland, which were communicated by the United Kingdom Government.

Certain Governments — viz., those of the United Kingdom, China, India and Italy — sent the Committee texts of laws and regulations enacted for the suppression of slavery. This

material was supplemented by certain legislative texts submitted to the Committee by its Belgian, British, French, Italian and Netherlands members.

6. The Committee had been asked by the Council to submit all necessary proposals designed to bring its Rules of Procedure into line with the General Regulations on the Committees of the League of Nations adopted on January 24th, 1936. This question forms the subject of a special report by the Committee to the Council (document C.187.1936.VI).

7. In connection with suggestions made in the Council and Assembly, the Committee was led to consider the question of a possible extension of its mandate. In view more particularly of the fact that the session was an extraordinary one, the Committee thought it advisable not to express an opinion on this subject for the moment.

8. In framing its report, the Committee has felt it necessary, for practical considerations, to depart from the plan of the previous report, which followed that adopted by earlier Committees. To facilitate comparison between the present report and previous reports, a table is given below showing both the old and the present schemes.

9. Referring to the conclusions reached in its 1935 report (document C.159.M.113.1935.VI, page 19), the Committee would confirm, after perusal and examination at the present session of the further information communicated by Governments, that the various systems based on the giving of "dowry", such as "Lobolo", etc., have no features entitling them to be regarded as forms of slavery within the meaning of the 1926 Convention. The Committee consequently proposes to refrain from dealing with the subject in future, as it is clearly outside its powers unless subsequent documentary material necessitates a reversal of this decision.

10. As at its last session, the Committee must point out that several Government communications have reached it too late for them to be profitably utilised in the framing of its report. To meet this drawback, the Committee expresses the hope that the documents which it is called upon to examine will be sent to the Secretariat by Governments as early as possible and as soon as they are ready.

SCHEME OF THE COMMITTEE'S REPORTS.

1935 REPORT.	1936 REPORT.
<i>Chapter I.</i> — Status and Legal Status of Slaves.	<i>Chapter I.</i> — The 1926 Convention ("Status and Legal Status of Slaves" is now dealt with under Chapters II and III).
<i>Chapter II.</i> — Slave-raiding and Similar Acts : (a) Raids. (b) Inter-tribal Wars. (c) The Capture of Individuals.	<i>Chapter II.</i> — Slave Raids, Slave Trade and Captured Slaves.
<i>Chapter III.</i> — Slave Trade.	<i>Chapter III.</i> — Born Slaves.
<i>Chapter IV.</i> — Slave - dealing (including Transfer by Exchange, Sale, Gift, Inheritance, or Occasional Sale of Persons previously Free).	<i>Chapter IV.</i> — Other Institutions : (a) Debt Slavery, Pawning and Peonage. (b) Mui-tsai System. (c) Quasi-adoption of Children. (d) Serfdom.
<i>Chapter V.</i> — Practices restrictive of the Liberty of the Person : (a) Acquisition of Girls by Purchase disguised as Payment of Dowry. (b) Enslavement of Children disguised as Adoption. (c) Pledging of Third Persons. (d) Pledging of the Debtor Himself.	<i>Chapter V.</i> — Conclusions.
<i>Chapter VI.</i> — Domestic or Predial Servitude.	(Questions relating to "Domestic or Predial Servitude" are dealt with under Chapter III — Born Slaves.)
Conclusions.	

CHAPTER I. — SLAVERY CONVENTION OF 1926.

(a) As to the accession to or ratification of the Slavery Convention, the situation is as follows :

(1) Afghanistan is the only State which has acceded to the Convention since the Committee's 1935 report.

(2) The Convention¹ is now binding upon forty-three States. It is not binding upon thirty-one States, of which eight have not yet ratified the signatures to the Convention, one has acceded subject to ratification, and twenty-two have not accepted the invitation to accede to it.

(3) Twenty-eight States have ratified the Convention. They are : Australia, Austria, Belgium, United Kingdom, Bulgaria, Canada, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, India (with reservation),² Italy, Latvia, Liberia, Netherlands, New Zealand, Norway, Poland, Portugal, Roumania, Spain (with reservation),³ Sweden, Union of South Africa, Yugoslavia.

(4) Fifteen States, which had not been signatories to the Convention, have acceded to it. They are : Afghanistan, Ecuador, Egypt, Haiti, Hungary, Iraq, Irish Free State, Mexico, Monaco, Nicaragua, Sudan, Switzerland, Syria and Lebanon, Turkey, United States of America (with reservation).⁴

The Dominican Republic has also acceded, subject to ratification.

(5) The eight States which signed the Convention but have not as yet ratified it are : Albania, China, Colombia, Ethiopia, Iran (with reservation),⁵ Lithuania, Panama, Uruguay.

(6) The twenty-two States which have not accepted the invitation to accede to the Convention are : Argentine, Bolivia, Brazil, Chile, Costa Rica, Free City of Danzig, Guatemala, Honduras, Iceland, Japan, Liechtenstein, Luxemburg, Nepal,⁶ Paraguay, Peru, Salvador, Sa'udi Arabia, San Marino, Siam, Union of Soviet Socialist Republics, Venezuela, Yemen.

(b) As to the action taken by the Secretary-General, the situation may be summarised as follows :

(1) In accordance with Article 11, paragraph 2, of the Convention, States which had not signed it, including States non-members of the League, were invited in 1927 by the Secretary-General to accede to the Convention. A similar invitation was sent in 1928 to Iraq, at the request of the mandatory Power, and in 1935 to Nepal and Yemen, at the request of the Council.⁷

(2) No. I of the Assembly resolution of October 3rd, 1930, provides that the Secretary-General of the League of Nations should, *each year*, request any Member of the League or non-member State which has signed any general convention concluded under the auspices of the League of Nations, but has not ratified it before the expiry of one year from the date at which the protocol of signature is closed, to inform him what are its intentions with regard to ratification.

The request was sent for the first time in 1930 to the eight States mentioned above under (a) (5), and each year since that time.

The Albanian Government replied in 1932 that it was completing the necessary formalities for ratification.

The Colombian Government replied in 1931 that the National Congress would be asked to ratify at the next ordinary session.

The Iranian Government replied in 1931 that the Convention was being examined.

The Government of Panama replied in 1934 that the National Assembly, which was to meet in September 1934, would be asked to approve the Convention.

The Uruguayan Government replied in 1935 that it intended to ratify as soon as the necessary legislative approval had been received.

(3) No. II of the Assembly resolution of October 3rd, 1930, provides that the Secretary-General shall, at such times as seem suitable in the circumstances, request any Member of

¹ See document C.210.M.83.1927.VI.

² "Under the terms of Article 9 of this Convention, the signature is not binding as regards the enforcement of the provisions of Article 2, sub-section (b), Articles 5, 6 and 7 of the Convention upon the following territories : in Burma, the Naga tracts lying west and south of the Hukawng Valley bounded on the north and west by the Assam boundary, on the east by the Naphuk River and on the south by the Singaling Hkamti and the Somra tracts ; in Assam, the Sadiya and Balipara frontier tracts, the tribal area to the east of the Naga Hills district, up to the Burma boundary, and a small tract in the south of the Lushai Hills district ; or on the territories in India of any Prince or Chief under the suzerainty of His Majesty. Further, it is not binding in respect of Article 3 in so far as that article may require India to enter into any convention whereby vessels, by reason of the fact that they are owned, fitted out or commanded by Indians, or of the fact that one-half of the crew is Indian, are classified as native vessels, or are denied any privilege, right or immunity enjoyed by similar vessels of other States signatories of the Covenant, or are made subject to any liability or disability to which similar ships of such other States are not subject."

³ "For Spain and the Spanish colonies, with the exception of the Spanish Protectorate of Morocco."

⁴ "Subject to the reservation that the Government of the United States, adhering to its policy of opposition to forced or compulsory labour except as punishment for crime of which the person concerned has been duly convicted, adheres to the Convention except as to the first subdivision of the second paragraph of Article 5 (forced or compulsory labour)."

⁵ "Ad referendum and interpreting Article 3 as without power to compel Iran to bind herself by any arrangement or convention which would place her ships of whatever tonnage in the category of native vessels provided for by the Convention on the Trade in Arms."

⁶ For the reply of Nepal, see *Official Journal*, March 1936, page 287.

⁷ See *Official Journal*, June 1935, page 608.

the League which has neither signed nor acceded to a convention concluded under the auspices of the League within a period of five years from the date on which the convention became open for signature to state its views with regard to the convention — in particular, whether it considers there is any possibility of its accession to the convention or whether it has objections to the substance of the convention which prevent it from accepting it.

The Secretary-General sent this request for the first time on March 5th, 1935, to the following States : Afghanistan, Argentine, Bolivia, Chile, Guatemala, Honduras, Japan,¹ Luxemburg, Paraguay, Peru, Salvador, Siam, Union of Soviet Socialist Republics, Venezuela.

Afghanistan replied acceding to the Convention on November 9th, 1935.

The Union of Soviet Socialist Republics replied in 1935 that accession was not contemplated.

The Government of Venezuela replied, also in 1935, that the Republic offered no possibility of slave traffic and that the Government did not propose to accede.

(c) *Conclusions.*

(1) Perusal of the lists (see (a), paragraphs (3) and (4) above) of the forty-three States which are parties to the Convention shows that, in a number of cases, there is no question of slavery existing in those States at the present time. They have acceded for the sole purpose of giving their moral support to the general principles of the Slavery Convention — namely, the suppression of slavery in the countries in which it may still exist. It is beyond all doubt that the great majority of the thirty-one States which are not yet parties to the Convention are as free from slavery in all its forms as are the States which are parties.

The Council of the League, by its resolution of May 22nd, 1935, recommended that States which have signed the Slavery Convention of September 25th, 1926, or acceded to it subject to ratification but have not yet ratified it, should ratify the said Convention at an early date. It also expressed the hope that such of the Members of the League and of the non-member States invited at the time to accede as are not yet parties to the said Convention would consider the possibility of acceding thereto.

The Committee trusts most sincerely that all those States will, without further delay, become parties to the Convention.

(2) As regards *India*, the Committee, in No. 9 of its 1935 report, expressed the hope that the Government of India would be good enough to consider the advisability of withdrawing for Burma the reservation accompanying its signature of the Convention.

In its communication of March 31st, 1936 (see page 82), the Government of India stated that this reservation was in respect of the Naga tracts. The Secretary of State for India had taken up with the Government of India and the Government of Burma the question of withdrawing this reservation for Burma, and it was hoped to be able to report definite decisions in time for the present session of the Committee. The Secretary of State for India is still in active correspondence with those Governments on the subject, and he much regrets that there must be some further delay before definite conclusions can be reached.

The Committee noted with satisfaction the information furnished by the Government of India. The remarks in No. 9 of its 1935 report referred solely to the Naga Hills tracts. Although — as stated in the note from the Government of India — administration has not been extended to these areas, they nevertheless form, in the opinion of the Committee, part of the British Empire and are covered by the Imperial Law of 1833 relating to the abolition of slavery. All that the Committee asked in No. 9 of its last report was that the Government of Burma should apply that Imperial Law. The Committee notes with satisfaction the above-mentioned statement of the Government of India and hopes that the negotiations in progress will shortly be brought to a successful conclusion.

(3) In No. 9 of its 1935 report, the Committee asked whether it might be possible to consider the desirability of obtaining from the *Indian States* under the suzerainty of His Britannic Majesty, in which slavery may still exist, a declaration of their intention of taking action as soon as possible for its suppression in their territory. A declaration on the part of the Indian States which have already taken steps in that direction, mentioning the nature of those steps, would, in the Committee's opinion, be of the greatest value.

The Government of India, in their communication of March 26th, 1936 (see page 80), state that, for constitutional and other reasons, they have not found it possible to call upon individual Indian States to make specific declarations on the lines suggested by the Committee. The Government of India had already, after the conclusion of the Convention, taken steps to bring its provisions to the notice of all Indian States with a view to their working steadily towards the position as accepted for British India. Active steps have since been taken to ensure that Indian States which have not already done so shall enact legislation for the suppression of slavery on the same lines as the legislation in force in British India. The Government of India are confident that the advice which they have given to the Indian States will be complied with. They consider that, if the States were advised to adopt more elaborate machinery, this would only lead to delay and prove to be less effective than the measures which have already been taken.

¹ Japan has ceased to be a Member of the League since March 27th, 1935.

As regards the reservation in respect of four articles of the Slavery Convention, the Committee would like to know whether the signature of the Convention implies the accession of all the native Indian States, except as regards the articles in respect of which special reservations have been made.

CHAPTER II. — SLAVE-RAIDS, SLAVE TRADE AND CAPTURED SLAVES.

1. In bygone centuries, slavery was a feature inherent in former civilisations or in the conditions of life in certain countries in Europe, Asia and Africa. In modern times — and even since the abolition of the slave trade to the American colonies — it has been the sad privilege of the “Black Continent” to retain this hideous scourge.

There are practically no slave-raids at the present day except in certain parts of Africa; and it may now be said of nearly every country in Africa that, if a raid ever takes place, it is in the nature of a frontier foray between hostile tribes or an act of brigandage by a few desperate men. Such raids and captures in these countries must be regarded as isolated crimes, against which the Governments take every precaution and for which they inflict the heaviest penalties.

2. In support of this general statement, and in exemplification of the exceptions to it, we recapitulate briefly the information supplied by the various Governments on the subject of slave-raids, the slave trade and captured slaves. The information concerning “born slaves” will follow in Chapter III.

It will be convenient to mention, in alphabetical order, first the self-governing countries, and then the colonies of the European Powers and the mandated territories.

AFRICA.

Egypt.

The law prohibits slavery throughout the Kingdom, and offences in this connection are punished with penalties varying from a fine up to the death sentence (see document A.10.1926.VI, or *Official Journal*, August 1926, page 1035). This statement was confirmed in a recent communication from the Egyptian Government (page 99).

The Committee would be glad to know what steps are taken to prevent any secret transit of slaves to Arabia.

Ethiopia.

It appears from the documents that Ethiopian legislation on slavery is as follows :

An Edict dated September 15th, 1923, after reciting the earlier Edicts of Menelik II, which prohibited the purchase and sale of slaves, proclaimed that, except in time of war and in cases when the King's permission had been obtained, any person who enslaved another would be punished by death, and contained severe penalties for provincial governors and local chiefs in case of negligence in suppressing the slave traffic.

On March 31st, 1924, an Edict was issued for the suppression of slavery (document C.209.M.66.1924.VI). The greater part of it relates to “born slaves” and is mentioned in Chapter III. In Articles 31 and 32 of the Edict, severe punishments are provided for buying and selling slaves and for “enticing away a liberated slave with a view to enslavement”. Article 10 provides that slaves “captured on expeditions” shall be liberated on the death of their masters.

In 1927 (document A.37(b).1927.VI), and again in 1928 (see *Official Journal* of the League of Nations, Special Supplement No.70 (1928), page 36), the Ethiopian Government supplied lists of persons sentenced to imprisonment for offences under the Edict.

A report from the Ethiopian Government, dated August 15th, 1934 (see page 93 of document C.159.M.113.1935.VI), stated that, during the period September 1933 to August 1934, bureaux for the abolition of slavery had convicted 293 persons of offences against the Slavery Laws. Further mention of these bureaux is made in Chapter III, page 18. The same report stated that the development of motor transport in recent years and the disposition of military forces in many parts of the country had made it easier to stamp out the slave-trade. This subject was referred to in paragraph 33 of the Committee's last report.

The material communicated by the Italian Government with regard to Ethiopia is dealt with above in the introduction to the Committee's report.

Liberia.

Article 1, paragraph 4, of the Constitution contains a provision to the effect that :

“There shall be no slavery within this Republic; nor shall any citizen of this Republic, or any person resident therein, deal in slaves either within or without this Republic, directly or indirectly.”

In 1932, the Liberian Government reported (see document A.16.1933.VI, page 1, or *Official Journal*, January 1933, page 155) that there had been no slavery in the Republic during the current year and that the laws of the Republic in connection therewith had been strictly applied.

Since that date, no new document with regard to slavery has been sent in from the Liberian Government (see also Chapter III, page 18).

Sudan.

The annual reports show the remarkable change that has taken place in this country since its reoccupation. Strict legislation has been passed, the rigorous enforcement of which has made it possible gradually to reduce slave-trading to a minimum. The documents regularly submitted by the Sudan Government to the League of Nations throw full light on the action of the authorities dealing with the suppression of the traffic, and even go so far as to cite concrete cases. In the last report, mention is again made of the help of the tribal authorities in the suppression of these occasional crimes and of the deterrent effect of the punishments upon conviction (page 98).

The Committee would be glad to receive information as to such sporadic cases as may occur of secret embarkation of slaves for Arabia on the Sudanese coast of the Red Sea.

Union of South Africa; Mandated Territory of South West Africa.

The Government of the Union reported in 1922 (document A.18.1923.VI, page 11) that neither in the Union nor in the mandated territory of South West Africa was any slavery practised.

Basutoland, Bechuanaland Protectorate, Swaziland.

The United Kingdom Government reported in 1924 (see document A.25(a).1924.VI) that no slavery was known to exist in these territories.¹

Belgian Congo.

The Belgian Government's report of 1924 (see document A.25.1924.VI, pages 3-14) shows how formidable a task confronted the authorities in 1890, when they undertook the suppression of the slave-trade. The report gives an account of the measures taken for the purpose. Since 1897, no further cases of slave-dealing have been mentioned.

The 1930 report (document A.17.1930.VI, page 4, or *Official Journal*, September 1930, page 1133) recorded that no act which could be regarded as slave-trading had been observed and that the extreme vigilance of the Government made any such act practically impossible.

The last report of the Belgian Government (see page 29) accordingly contains no mention of any slave-raids, slave-trade or even of individual acts of kidnapping. There is the definite statement that inter-tribal warfare has, for several decades, ceased to be a source of slavery. It is also stated that different tribes in the colony used formerly to carry on a trade in slaves, who were offered for sale in organised markets at regular dates. This no longer exists — "subject to the reservation, as regards sale, that there may still be clandestine transactions, though these are assuredly rare". The report of the Royal Belgian Colonial Institute, from which this information has been taken, is mentioned in Chapter III, page 19, of the present report.

Ruanda-Urundi under Belgian Mandate.

It appears from the Belgian Government's reports that the slave-trade was quite unknown in the territory at the time when Belgium accepted the mandate (document A.17.1930.VI, page 5, or *Official Journal*, September 1930, page 1133). A Decree-Law, dated March 28th, 1923, makes any person guilty of enslaving a native liable to imprisonment.

African Territories under British Administration.

No slave-raids have ever been reported.

Nigeria.

The report of the Government of Nigeria submitted by the United Kingdom Government (see page 64) states that the slave-traders are mainly Shuwa Arabs, Kanembus and Mandaras, who sell their victims to the inhabitants of the Lake Chad region and to merchants of Wadai, Kanem and Tibesti. The slave-route starts from Mandara in the Cameroons under French mandate and goes to Lake Chad. The French and Italian members of the Committee gave an account of the measures taken to effect the virtual abolition of this traffic.

¹ The relations between the Bamangwato and the Masarwa are mentioned in Chapter IV (d), under the heading of "Serfdom".

It appears from the report that a certain recrudescence of slave-trading activities was reported in 1933 from the Northern Provinces of Nigeria ; but it is said that the position had considerably improved by 1935. As the result of the vigilance of the administrative and native authorities and the co-operation of the French Administration, the traffic has been greatly reduced. In the Southern Provinces of Nigeria, there is no organised slave traffic. On the other hand, the United Kingdom Government's report refers to traffic in children. In the Benue Province, during the last five years, forty-two persons were convicted of offences connected with slave-dealing, and nineteen persons freed. In the Plateau Province, in 1933, there was an extensive trade in pagan children, who were sold by their parents as a result of financial distress. A number of persons were convicted and fifteen children liberated. This appears to have stopped the traffic. In this colony, during the first six months of 1935, thirty-five persons were convicted of slave-dealing offences. The Government has information of the principal sources from which the children are obtained, of the route taken by the dealers and of the areas of greatest demand. This information is being usefully employed in suppressing the traffic. The report shows that, in spite of most energetic action by the administration, it is difficult to stamp out the practice among a primitive people living in very thickly wooded country. It is stated that the system is not truly slave-dealing, but the adoption of children by purchase ; that the children are bought by middlemen from their parents, and sold in a district where there is a demand for them ; that children who have been recovered have always been well treated and content ; that they often refuse to leave their "masters" or adoptive parents ; and that they always resent being described as slaves.

Cameroons under British Mandate.

The mandatory Power has communicated information in its annual reports to the League of Nations since 1922. The reports are evidence of the marked progress accomplished. It was stated in the annual report for 1922 that, before that date, the slave-trade was in an "active state". The 1923 report said that slave-raids were frequent. The reports draw attention to the vigilant activities of the authorities, their co-operation with the French authorities in neighbouring territories, and the growing support of the population. The annual reports for the years 1929-1934 show that cases of slave-trading are rare.

The 1934 report refers to the vigilance of the police, the establishment of five new police-patrol posts for intercepting the traffic, and the arrangements for even closer co-operation with the French authorities for frontier control. One source of the trouble is the custom of pagans in one territory selling their children to pagans in another, for small sums, in the guise of marriage. The report explains that often — as, for instance, when there is a famine — the parents are actuated by the best motives.

Tanganyika under British Mandate.

The report of the United Kingdom Government (see pages 28 to 30 of document C.159.M.113.1935.VI) shows that "compulsory slavery" is non-existent.

Togoland under British Mandate.

The annual report of the mandatory Power for 1923 stated that all the inhabitants of the country were fully aware that a revival of slavery would be severely punished, and there is no mention in any subsequent report of any offence of child-stealing, or any similar offence.

French African Colonies.

The French Government supplied full information in 1935 (see pages 95 to 98 of document C.159.M.113.1935.VI) and in 1936 (see page 78). From these it appeared that, in the colonies administered by France, all necessary steps had been taken against the last slave-traders who may still exist. The Committee has received detailed statistics of the sentences passed since 1930 in each territory for slave-trading offences. In French Equatorial Africa, in conjunction with the British authorities in Nigeria and the Sudan and the authorities in French West Africa and the Cameroons, a close watch is kept on the main routes formerly followed by bandits or slave-traders.

The Committee trusts that the French and Spanish authorities will succeed in arranging co-operation in the Sahara area on the same lines as the British and French authorities in the Cameroons and the Italian and French authorities in Tibesti.

In Somaliland and Madagascar, no slave-trading has been discovered.

Cameroons under French Mandate.

The annual reports stress the constant watch for slave-trading kept by the authorities. The 1934 report shows that, in co-operation with the neighbouring British authorities and local

chiefs, a number of notorious traffickers were arrested. This co-operation, moreover, has been organised along all the frontiers by means of patrols.

Togoland under French Mandate.

The annual report of the mandatory Power for 1929 stated that slavery no longer existed and the slave-trade had entirely stopped. According to the reports for subsequent years, no case of trading has since been discovered.

Italian Colonies.

The Committee published, as an annex to its 1935 report, the information received from the Italian Government. It may be summarised as follows :

Libya. — Even before the Italian occupation, slavery in the strict sense of the term, where the slave is regarded as a chattel (*mamlúk*), had been officially forbidden, but had actually continued in a clandestine form. Its complete disappearance, due to the Italian occupation, created no difficulties. The Italian occupation has also marked the final cessation of raiding for Sudanese negroes, and even of clandestine raiding.

Cyrenaica. — In Cyrenaica (forming part of Libya), the slave-trade stopped immediately, on the occupation of the territory in 1911-12 by the Italian Government, in the districts under its direct authority, but continued in the hinterland, where it received its death-blow through the occupation of the oases of Jarabub, Aujila, Jalo and Marada, and the final break-up of the Senussi organisation in January 1932.

Eritrea. — The slave-trade and the last trace of slavery have long since disappeared.

Somaliland. — Slave-trading and slavery are completely and effectively abolished.

The Italian Government's 1936 report (see page 83) confirms that slavery no longer exists throughout the whole of Libya, Eritrea and Somaliland.

North-African Territories under Spanish Sovereignty or Protectorate.

The Spanish Government's report (see document C.159.M.113.1935.VI, page 93) states that, in the northern zone, which has been under protectorate since 1913, slave-dealing, the slave-trade and the slave-markets have disappeared. Abductions and seizures are now punishable offences and may be said to be non-existent. With regard to the southern territories, the military occupation is of recent date, and the authorities have been instructed to collect information.

The 1926 Convention does not apply to the Spanish Protectorate of Morocco, owing to a reservation made by the Spanish Government when signing that instrument. The report in question points out that it may be assumed that in this unadministered territory slavery still possesses a legal status in virtue of Mohammedan law.

Portuguese Colonies.

The situation has been described in reports from the Portuguese Government in 1931 (document A.29.1931.VI, pages 2 and 3, or *Official Journal*, September 1931, page 1609), in 1935 (document C.C.E.E.35, or paragraph 6 of the 1935 Committee's report) and in 1936 (see pages 91-96).

Cape Verde Islands. — Slavery does not exist.

Guinea. — As a result of action by the authorities and pressure exercised on the chiefs, there have for some time past been no slaves.

São Thomé and Príncipe. — No case of slavery or slave-trading has been discovered.

Angola. — The Curator of Natives emphasises the fact that, during the last thirteen years, only two cases of slavery have occurred.

Mozambique. — No case of slavery has been reported.

3. The official documents briefly referred to above show the important change which has occurred in Africa during the present century. The legal status of slavery still exists certainly in Ethiopia and perhaps in the Spanish Protectorate of Morocco. There is no recent information concerning the interior of Liberia. On the other hand, as regards all other areas in Africa, the Committee is convinced that the "slave-trade" has completely disappeared, that the acts of brigandage and kidnapping which occur constitute isolated offences that no longer threaten the security of the population as a whole, and, lastly, that Governments are taking all possible precautions to prevent their recurrence, and that, where necessary, they deal most energetically with them.

At the same time, the work is far from finished, since there are still captured slaves in Ethiopia and Arabia, and isolated cases of trading across the Red Sea still occur.

SURVEILLANCE OF THE RED SEA.

4. The United Kingdom Government's report of 1935 (see page 25 of document C.159.M.113.1935.VI) mentions that the British Navy has for many years maintained two sloops in the Red Sea for duty as an anti-slavery patrol. The sloops carry interpreters on board and inspect suspicious dhows. Between January 1st, 1931, and December 31st, 1933, these two vessels covered a distance of approximately 38,060 miles and examined 126 dhows. According to the information supplied by the United Kingdom in 1936 (see page 58), the situation remains unchanged. Between January 1st, 1934, and June 30th, 1935, these vessels covered 19,647 miles and examined 20 dhows, with no result. More than thirteen years have passed since a negro dhow was captured.

5. The French member of the Committee emphasised the fact that a closer watch was now kept on traffic crossing the Red Sea and along the Somaliland coast by means of air patrols.

6. The Italian Government's report for 1935 (see page 98 of document C.159.M.113.1935.VI) states that, even if it is established that a certain limited traffic in slaves between Ethiopia and Arabia still continues, despite the intensified vigilance of the European Powers, it may be affirmed with certainty that not the slightest portion of that traffic takes place in Italian territory. The report mentions the vigilance of the police and Customs posts and the lighthouse personnel, the cruises carried out by the Royal Navy, and co-operation with the vessels of other European Powers in the Red Sea.

7. The Italian member of the Committee drew attention to the compulsory registration of all sambuqs in Italian Eritrea — a measure which reinforces the close watch kept on traffic in the Red Sea.

8. The Committee is gratified to note the efficacy of the action taken by the European Powers. It would like to receive information regarding the efforts made by the Egyptian and Sudanese authorities to prevent clandestine embarkation and transit in the ports of the northern Red Sea coast, so far as such incidents may occur.

9. Moreover, the Committee refers to the hope it expressed last year (No. 37 of the report), and, without going so far as to recommend the conclusion of an international convention, would welcome special agreements providing for still closer co-operation between the European Powers concerned.

ASIA.

Sa'udi Arabia and Yemen.

As mentioned in Chapter I, these two countries have not accepted the invitation to accede to the Slavery Convention. In paragraph 34 of its last report, the Committee referred to Article 7 of the Treaty of September 17th, 1927, concluded between Sa'udi Arabia and the United Kingdom Government, providing for full co-operation in the suppression of the slave trade. In the same paragraph it mentioned the undertaking given by the Yemen Government to the United Kingdom Government, in notes exchanged in connection with the Treaty of February 11th, 1934, to prohibit the importation of slaves from Africa. At the same time, the Committee expressed the wish to know whether any proclamations had been published or laws enacted on this subject, whether any arrests had been made or prosecutions instituted for slave-trading and whether, in reality, the importation of slaves from Africa or elsewhere had been effectively prevented.

The Committee has received no new information on this subject.

Aden Protectorate.

This area lies to the north and east of the small British territory of Aden (where slavery does not exist) (document A.25(a).1924.VI). It includes Hadramaut, which runs eastward up to the frontier of Muscat, and inland as far as the frontiers of Yemen and Sa'udi Arabia. The Protectorate is divided into a certain number of sultanates and sheikhdoms which are not administered by the United Kingdom Government.

In reply to the request made in paragraph 34 of the Committee's last report, the United Kingdom Government communicated various particulars (see page 60). The assurance is given that the importation of fresh slaves is probably an occurrence of the utmost rarity and that importation *by sea* has been completely abolished.

The United Kingdom Government has also communicated to the Committee (see page 75) a proclamation, dated March 7th, 1935, of the Sultan of Lahej, forbidding, on pain of punishment, the importation of slaves from the sea and their sale and purchase.

The Aden Resident has been invited by his Government to take an early opportunity of negotiating further agreements with the local chiefs in order to secure their co-operation in preventing the introduction of further slaves into their territories.

Persian Gulf Area.

In its 1936 report (see page 72), the United Kingdom Government deals with the States situated on the eastern and south-eastern coasts of Arabia — namely, Koweit, Bahrein, Trucial Oman, Qatar and Muscat. The report asserts that the slave-trade in the Persian Gulf practically no longer exists; although there is no treaty for the suppression of the slave-trade in *Koweit*, the Sheikh has apparently, within the last few years, entirely stamped out the sale of new slaves, however secretly imported. In *Bahrein*, the slave-trade is said to be extinct, and in *Trucial Oman* and *Qatar* there is no longer anything in the nature of a slave-market (as there was before the British Treaties), and, though slaves sometimes change hands, there is no really extensive buying or selling. The British sloops detain and search dhows regularly. As no slave has been discovered in recent years, it is believed that traffic by sea must be negligible.

Every possible opportunity is taken of impressing on the sheikhs the necessity of trying to suppress the traffic. The coast of *Muscat* is specially watched by British vessels, but here again no slave has been discovered in recent years; the Sultan is well disposed to the suppression of the slave traffic.

China.

In a communication of March 25th, 1936 (see page 75), the Chinese Government stated that slavery did not exist in China. The Chinese Constitution provides that all citizens are equal before the law. Moreover, the new Chinese Penal Code, which came into force on July 1st, 1935, strengthened the relevant provisions of the previous Penal Code. The new Code lays down that any person reducing another to slavery, or to a state similar to slavery, shall be punished by imprisonment for a term of not less than one year or more than seven years. Attempts to commit this offence shall also be punishable.

Iraq.

The Government reported in 1935 that the slave-trade was prohibited long ago, when Iraq was part of the Ottoman Empire, and that for many years it has ceased to exist. As there is no legislation specifically forbidding traffic in slaves, the Government has drafted a Bill which is at present under consideration (see page 83).

Netherlands Colonies.

Every trace of slavery has long since disappeared.

French Indo-China.

The French Government's report states that no case of the slave-trade or slavery has been reported (see page 79).

Portuguese Colony of India; Macao.

There has not been the slightest trace of slavery in any form whatsoever for two centuries past (see page 93). The Portuguese member of the Committee informed it that slavery had never existed in Macao.

Portuguese Colony of Timor.

Slave-raids have ceased owing to the natives being disarmed and the free traffic in arms prohibited (see page 96).

THE RIGHT OF MANUMISSION.

10. In paragraph 32 of the report of the Committee of Experts for 1932, and in paragraph 40 of the 1935 report of the Committee, mention was made of the right of manumission exercised in Sa'udi Arabia by the United Kingdom Government through His Britannic Majesty's Legation at Jedda. The United Kingdom Government regularly supplies the information collected from slaves who ask to be manumitted regarding the means by which they have been brought to Arabia, the route followed and the agents who have acted in the matter. Between January 1st, 1930, and April 30th, 1935, 136 persons claiming to be slaves took refuge at the British Legation; between May 1st and October 31st, 1935, the corresponding figure was nine (see pages 37-39).

The Committee noted with interest the information supplied by the United Kingdom Government and its assurance that it would be regularly supplemented.

The statistics of manumissions at the British Legation at Jedda (see page 37) show that the slaves have been brought from a great number of places, and conveyed by many different routes and by various methods of transportation.

11. The *Sudan* Government's 1936 report (see page 98) states that the arrangements made on behalf of slaves repatriated from Jedda to the Sudan after being manumitted at Jedda continue to operate satisfactorily.

12. The United Kingdom Government has supplied information regarding manumissions in the *Persian Gulf* area (see page 73). The right of manumission is exercised by the British representative at Muscat, Bahrein and Shargah (in Trucial Oman), and statistics are given of the manumissions effected in each of these localities for the six years 1929 to 1934. The number is relatively small.

* * *

13. In order to achieve the object of the 1926 Slavery Convention, a clear distinction must be drawn between the question of "captured slaves" and that of "born slaves".

14. It is desirable that, in the few districts where legislation has not yet succeeded in absolutely preventing individuals from being enslaved as a result of abduction, capture or any other action, suitable steps should be taken by the competent authorities.

15. As regards the liberation of captured slaves, the first step which it would seem necessary to recommend is the enactment of legislation making it an offence liable to very severe punishment for anyone knowingly to keep as a slave a person who has been enslaved under the above conditions. If the Committee, which has already had occasion to stress this point in its previous report, feels it necessary to revert to it, the reason is that it would seem clear that the supply of slaves — that is, their capture and sale — is dependent on the demand of purchasers. The slave-trade will therefore disappear as soon as an end is put to this demand by making it a punishable offence to own a captured slave.

16. The second measure is the effective liberation of captured slaves. Clearly, the liberation of such slaves as were captured before the legislation referred to might be accompanied by certain measures of compensation, such as grants paid by the authorities.

17. It may be well, in conclusion, to point out that captured slaves are in a special category entirely different from all other categories of slaves. Their liberation would not be prejudicial to the social and economic life of the country. Moreover, the emancipation of persons who were formerly free men is no more than an act of elementary justice and cannot be delayed.

CHAPTER III. — BORN SLAVES.

1. By "born slaves" are meant the descendants of captured slaves, who are slaves for the reason that their parents (or forefathers sometimes over many generations or centuries) had been enslaved. Theoretically, they are "absolute" slaves in that they are completely the property, or the chattels, of their owners, who have full rights of ownership over their persons and can sell or dispose of them in any way at their will. In some countries, the owners' rights are still in full force, on the principle that the offspring and the parents are *ejusdem generis*. In other countries, as the result of more humane ideas, the theoretical rights have diminished to such an extent that the power of sale has completely disappeared and that the curious condition of "voluntary slavery" is all that remains. It is permissible to attach some importance to the fact that these humane ideas have been introduced by external influences and that they were accepted and developed by local opinion. These "voluntary slaves" differ from "serfs" and persons in various forms of predial or agrarian servitude whose relationship to their masters is connected with some system of tenure of land for agriculture or for pasturage. Although it is possible that in some places the distinction is occasionally not very clear because, in the course of many centuries, the descendants of captured slaves have become more or less like "serfs", yet, in the majority of countries where born slaves are still to be found, their status is essentially different from that of the "serfs", which is dealt with below in Chapter IV.

2. It will have been seen in Chapter II of the report regarding captured slaves that, according to information from Governments, no kind of slavery now exists in certain African countries, colonies and mandated territories. Taking them in the order in which they appear in Chapter II, we note that the following are entirely free from it — namely, Egypt, the Union of South Africa, the mandated territory of South West Africa, and all the Italian and Portuguese colonies.

3. In respect of the other countries, the situation, as shown in the communications from Governments summarised below, is as follows :

AFRICA:

Ethiopia.

Ethiopia is the only country in Africa in which the legal status of slavery still exists.

On March 31st, 1924, the Ethiopian Government issued an edict for the suppression of slavery (document C.209.M.66.1924.VII). It was based on the assumption that "the simultaneous liberation of all slaves would disturb public peace" (Article 1), and it aimed at suppression of slavery by the prohibition of the sale or transfer of a slave, the liberation of children born of slave parents after March 31st, 1924, the liberation of slaves seven years after the death of their masters, the liberation of slaves baptised under the masters' sponsorship or educated by their masters, and the liberation of slaves who leave their masters, unless they are claimed within eight days. Slave-judges for the liberation of slaves were appointed.

A note prepared by the Ethiopian Ministry of the Interior (document A.37(b).1927.VI, or *Official Journal*, November 1927, page 1564) and dated August 16th, 1927, contained a list of slaves liberated under the Edict of March 31st, 1924, and mentioned a "Welfare Association" for general assistance to liberated slaves and for education of their children. Three more lists of liberated slaves have been supplied: one in 1928 and two in 1930 (see *Official Journal*, Special Supplement No. 70, page 36; document A.13(b).1930.VI, or *Official Journal*, February 1930, page 1830; document A.13(c).1930.VI, or *Official Journal*, January 1931, page 11).

A decree dated July 15th, 1931, amended the Edict of March 31st, 1924, by additional provisions concerning the liberation of slaves (*Official Journal*, Special Supplement No. 99, page 43).

In a letter dated August 15th, 1934 (see page 93 of the Committee's last report), the Ethiopian Government forwarded a report upon slavery for the period September 1933 to March 1934. It stated that a special bureau, set up in August 1932, for the abolition of slavery had established sixty-two local bureaux (of which the names were supplied); that slave-judges were attached to them; and that the bureaux, which had liberated 3,647 slaves during the period mentioned, worked regularly and well. This is the last information received from the Ethiopian Government.

In the Introduction and in paragraph 2 of the previous chapter, the Committee mentioned the statements made by the Italian Government.

In paragraph 33 of its last report, the Committee set out briefly the information which it had received and indicated the information which it lacked. It emphasised the importance to the Ethiopian Government of keeping the League informed of the measures which that Government was taking and the obstacles it was encountering.

No information was supplied by the Ethiopian Government in the years 1932, 1933 and 1935 in response to the resolutions of the League of Nations. It might be well to remind the Ethiopian Government that, when it applied for admission to the League of Nations, it declared itself ready to furnish the Council with any information the latter might require.

Liberia.

In 1924, the Liberian Government supplied information on slavery (document A.25.1924.VI). In 1931, it forwarded a proclamation concerning domestic slavery and a law concerning pawning, which had been issued after the report of the Christy Commission,¹ and stated that "the little slavery which existed in this Republic has been abolished" (document A.13(a).1931.VI, or *Official Journal*, September 1931, page 1792). In 1932, the Liberian Government forwarded a report (document A.16.1933.VI, or *Official Journal*, January 1933, page 155). It was as follows:

"There has been no slavery in the Republic of Liberia during the present year. The laws of the Republic were rigidly enforced in connection therewith.

"Immediately after the President's Proclamation of 1930 ordering the release of pawns was published, at least 83 $\frac{1}{3}$ % of the pawns took their freedom. The remaining 16 $\frac{2}{3}$ % are being freed through the Departments having jurisdiction."

In its last report, the Committee asked for information regarding the measures adopted by the Liberian Government in application of its legislation and on their effects from the social and economic point of view. No particulars have so far been received.

Sudan.

A memorandum published in 1926 (Papers relating to Slavery in the Sudan, Command 2650, page 13) explains the Government policy in detail. The most drastic action was taken to stamp out the capture and subsequent sale and purchase of slaves. The status of slavery was not recognised, and every slave of every kind had the right, not only to leave his or her master, but also to obtain Government assistance in so doing. Every slave could obtain, upon application, a "Freedom Paper", which was the Government certificate of his or her emancipation. Further than this the Government did not go: it did not compel the slaves to leave their masters. There was always the danger of a slave failing to earn a livelihood when he (or she) left the master's household, and becoming a source of trouble to the community. In their own interests, it was not desirable to encourage them to leave, unless

¹ Report of the International Commission of Enquiry in Liberia (document C.658.M.272.1930.VI).

they could earn a living elsewhere. It is definitely stated in the memorandum that, in the majority of cases, "the slaves were living contentedly with their masters, enjoying a large measure of freedom, and indeed, in many cases, a freedom which is practically complete". The memorandum concluded with the following words :

"The question is really one of the pace at which it is desirable to proceed ; but no justifiable measure will be neglected which is likely to bring nearer the day on which the eventual result will have been achieved."

The annual reports for subsequent years contain particulars of the issue of "Freedom Papers", especially to "immigrants" from Ethiopia. The report for 1929 (document A.17.1929.VI, or *Official Journal*, May 1929, page 833) mentioned that, though the relations between the Arab and the negroid were generally those of "master and man", the "man" is always free to go elsewhere if he chooses, and that the "master" knows it too and behaves accordingly. The later reports contain information of the manner in which Arabs and negroids are now living peacefully side by side in the same villages. The report for 1934 (see page 97) contains this illuminating paragraph :

"The class of domestic serfs of the old 'family retainer' type, who are content to live with their former masters and have no wish to change their status, is gradually dying out ; simultaneously, employers who had previously relied on serf labour are beginning to realise that hired labour is, in the end, less expensive."

The last report adds that the gradual disappearance of the system continues uninterrupted (see page 99).

The evolution, although seemingly gradual and almost imperceptible, has actually been amazingly rapid. There appears to have been no discontent amongst the "master" class, all of whom are Mohammedans, and no unrest amongst the "slave" class. Doubtless it was because the Government was content to "hasten slowly" that it has had the support of a sympathetic public opinion and an awakened public conscience.

Belgian Congo.

In Chapter II of its 1924 report (document A.25.1924.VI), the Belgian Government distinguished very clearly between the captives of the slave-trade and the "domestic slaves". There was good reason to believe that, in the great majority of cases, the slaves had nothing to complain of and that they were treated as members of the family. Immediate emancipation would have been dangerous : it would have imperilled the food-supply of the population, which was mainly provided by servile labour ; it might have provoked the armed resistance of the owners ; and, temporarily, at any rate, it would have been harmful to the slaves themselves. The Government's policy was to transform servile labour gradually into free labour. The status of slavery was never recognised legally. A master could not keep a slave against his will and could not recover a fugitive slave. There is at present a demand for free labour, and domestic slavery, as a result, is dying out. Persons thoroughly cognisant of conditions in the colony declare that domestic slavery has now completely disappeared in many parts of the Congo. It appears from the 1936 report of the Belgian Government (see page 29) that, as a general rule, the children of captured slaves were slaves, but that the grandchildren either were not slaves or were liberated on reaching adult age.

The report to which reference has just been made is, in fact, a memorandum prepared by the Belgian Government, summarising the conclusions reached as a result of the enquiry concerning slavery in the Congo undertaken by the Royal Belgian Colonial Institute.

The memorandum in question shows that slavery, even in the form of a social institution (domestic slavery), is continuously decreasing in the Belgian Congo.

The Belgian member of the Committee added that ethnologists even deny that this institution still exists in any tribe whatsoever. In their view, the institutions which some people are inclined to regard as slavery do not present the specific characteristics of that social phenomenon.

The enquiry by the Royal Belgian Colonial Institute, to which the latter is endeavouring to give the highest possible scientific value, is being continued. The Committee would be glad to be informed of the results of this further work.

Ruanda-Urundi under Belgian Mandate.

Domestic slavery had become extremely rare even before Belgium's acceptance of the mandate. The native communities were more highly developed than those of the Congo, and the Royal Commissioner, knowing that he could rely upon the influence of the powerful chiefs, issued on March 28th, 1923, a decree-law abolishing domestic slavery. Such a measure would have been premature in the Congo (document A.17.1930.VI, or *Official Journal*, September 1930, page 1133).

British African Colonies and Dependencies.

Gambia. — The information examined by the Committee shows that, in 1924, domestic slavery was "practically unknown" (document A.25(a).1924.VI). The legal status of slavery was abolished by law in 1930 (document A.13(a).1931.VI, or *Official Journal*, March 1931, page 584) by an ordinance which declared and enacted that slavery in any form whatsoever was unlawful and that the legal status of slavery did not exist.

Gold Coast Colony. — An ordinance for the emancipation of slaves was passed in 1874 and carried into full effect. It was reported in 1924 that there had been very few prosecutions for offences connected with children imported from outside the colony in doubtful circumstances (document A.25(a).1924.VI) and that slavery no longer existed. In 1930, an ordinance known as "The Reaffirmation of the Abolition of Slavery Ordinance, 1930" was issued, enacting that slavery in any form whatsoever was unlawful and that the legal status of slavery did not exist (document A.13.1931.VI, or *Official Journal*, April 1931, page 726). In 1935, "domestic slavery" existed to a small extent, but it could not be accurately described as, and was not indeed comparable to, predial servitude or serfdom. The so-called "domestic slaves" were never addressed as such; they were at liberty to leave their masters at any time and were well aware of the fact. They were the descendants of former slaves (see page 28 of the Committee's 1935 report).

Gold Coast: the Colony of Ashanti and the Northern Territories Protectorate. — When Ashanti became part of the British territories in 1901, and when effective jurisdiction was established in the Northern Territories Protectorate, a declaration of the abolition of the status of slavery would have created serious internal disorganisation and might have provoked disturbances. The report for 1924 (document A.25(a).1924.VI) explains in detail how the same object was attained in another way. There were many men and women who twenty years before had been slaves and who, if questioned, would, with their low mentality, say that they were still slaves. Their status had nevertheless undergone a very real and great change: in the past they had been mere chattels; their service had then become a voluntary one and in many ways their status was indistinguishable from that of the free-born. The agricultural and economic development of the country had been due to the exertions of a large number of small proprietors; servile labour and paid labour could not exist side by side when both were performing the same class of work.

The Ashanti Ordinance No. 10 of 1930 and Northern Territories Ordinance No. 6 of 1930 reaffirmed and declared that slavery in any form whatsoever is unlawful (document A.13.1931.VI, or *Official Journal*, April 1931, page 726).

Kenya. — The status of slavery was abolished by law in 1907. Claims by the former masters for compensation were admitted. They were finally settled in 1916, when a grant by the British Government was expended in liberating 7,683 slaves. The grant was £40,000, but only £30,500 was required. The freed slaves were established as cultivators in settlements, and the Government provided poor-relief for the aged and infirm. Even so long ago as 1924, their numbers were fast diminishing (document A.25(a).1924.VI).

Nigeria. — In the Southern Provinces and the pagan districts of the Northern Provinces, the status of slavery was not recognised in 1924. There were, however, persons of servile origin who were still regarded by native societies (and by the persons themselves) as slaves. They knew quite well, however, that, if they wished to leave, they could do so. As a rule, ex-slaves have merged into the general population.

In the Northern Provinces, it was the intention and the policy of the Government not to interfere with the relation of master and slave, so long as that relation was voluntarily maintained by both parties in the districts which recognised Mohammedan law and were under the jurisdiction of the Mohammedan courts. Though the slave status remained, these persons could not be retained against their will and could not be bought or sold. If they ran away, their return could not be enforced by any court. Any native tribunal could grant them certificates of freedom if they had acquired freedom according to Mohammedan law. The masters recognised the position and were ready to acquiesce in the methods of liberation approved by native law and custom. In many cases, especially those of the older people, the slaves were unwilling to leave families (document A.25(a).1924.VI).

In 1935, "domestic slaves" still existed in the Mohammedan States, but they were well aware that they could procure a certificate of freedom. In some instances, they preferred to obtain the certificate on payment of a small fee. (See page 28 of the Committee's 1935 report.)

In 1935, consideration was being given to the question whether the time had not arrived for an amendment to be introduced so as to include, in the declaration of freedom contained in Section 3 of Ordinance 35 of 1916, *all persons* in the Northern Provinces, and not only those "born in or brought within" those provinces after March 31st, 1901 (see page 63).

Northern Rhodesia. — An Ordinance of 1930 declares that slavery in any form whatsoever is unlawful (document A.13.1931.VI, or *Official Journal*, March 1931, page 584).

Nyasaland. — Slavery has never been practised by the inhabitants (document A.25(a).1924.VI). An Ordinance of 1929 enacts that slavery in any form whatsoever is unlawful (document A.13.1931.VI, or *Official Journal*, March 1931, page 585).

Sierra Leone Colony. — Slavery does not exist (document A.25(a).1924.VI).

Sierra Leone Protectorate. — In 1924, domestic slavery in a very mild form existed to a considerable extent, but was gradually dying out. These "domestics" were in most cases treated considerably and the majority of them had the means to purchase their freedom if they wished to do so (document A.25(a).1924.VI). Certain steps were taken to accelerate the abolition of domestic slavery, and, as a result, it was abolished by Ordinance No. 9 of 1926 (document A.37.1927.VI, or *Official Journal*, September 1927, page 1070). The Legal Status of Slavery (Abolition) Ordinance came into force on January 1st, 1928 (document A.24.1928.VI, or *Official Journal*, September 1928, page 1365). The effects of this legislation are described in the 1929 report (document A.17.1929.VI, or *Official Journal*, December 1928, page 1958). In the Northern Province, the great majority of former slaves remained with their former masters and worked for them as before, except that there was no compulsion. They worked for a return in the shape of a lodging, a plot of land, food, or some such consideration — as, indeed, in most cases they had done before. A very small proportion of the ex-slaves left their chiefdom and settled in unpopulated areas elsewhere. Some of them were beginning to drift back, but not necessarily to their former masters. In the Central Province, slavery had been abolished *de facto* long before, and abolition *de jure* made no difference. In the Southern Province, over 80 % of the ex-slaves remained where they were, cultivating the same land as before but being absorbed into the ranks of the free-born. Other ex-slaves moved to the other chiefdoms, but some of them came back again, being unable to better themselves elsewhere. The unsettlement which had been expected did not materialise. In 1935, these people became independent farmers tilling the land or took employment in the mines (see page 22 of the Committee's 1935 report).

Somaliland Protectorate. — Slavery was never a recognised institution and there is no legislation on the subject. The slaves owned by the Mullah were released when his power was crushed and settled on the land (document A.25(a).1924.VI). An Ordinance of 1930 enacts that slavery in any form whatsoever is unlawful (document A.13.1931.VI, or *Official Journal*, March 1931, page 584).

Uganda. — Since the advent of the British Government, slavery has been non-existent (document A.25(a).1924.VI). Two judgments by the courts confirm that the legal status of slavery does not exist (document A.13.1931.VI, or *Official Journal*, March 1931, page 585). In view of these judgments, legislation was considered to be unnecessary (document A.13(a).1931.VI, or *Official Journal*, August 1931, page 1608).

Zanzibar. — In 1897, the Sultan, by a decree, enabled domestic slaves to obtain their freedom upon application. During the next decade, 11,071 domestic slaves obtained their freedom by application and 6,222 were emancipated by their masters. A decree in 1909 abolished entirely the status of slavery. Domestic slavery no longer exists (document A.25(a).1924.VI).

Territories under British Mandate.

Cameroons. — In 1922, the status of "domestic slavery" was recognised by "public opinion", but not by the Government. The domestic slaves were not badly treated, but suffered the ignominy of their status. Although the Government issued a certificate of freedom to every applicant, the slaves, as a general rule, felt that, until they had repaid their masters, they were still "slaves" in public opinion. In the emancipation of slaves, the native Mohammedan courts were dealing with the cases fairly and discreetly. (See 1922 annual report of the mandatory Power.) The legal status of slavery was abolished in 1925. Nevertheless, the slaves' sense of a moral obligation to their masters was so strong that the practice was for them to apply to the local native court for an order fixing the amount which they should pay before gaining their liberty. A slave's offer to redeem himself could not be refused by the master, and, if the latter was unreasonable, the court declared the applicant to be free, on the principle of Mohammedan law that it was a pious duty to promote emancipation. When the slave had thus, in accordance with his own expressed wishes, freed himself from the social stigma of slavery, he was given a certificate of freedom by the court. This was then a greatly treasured document. Apparently, however, the number of cases heard annually by the native courts in this manner was not very great. (See 1924 and 1925 annual reports of the mandatory Power.)

In 1928, villages which in former years had been composed entirely of slaves still existed in various parts of the territory as "stranger villages", but little stigma, if any, attached to the inhabitants. (See 1928 annual report of the mandatory Power.)

In the past ten years (1925-1934), the total number of manumissions of domestic slaves has been only thirty-five in the Adamawa District and seventy-five in Dikwa. Of these, by far the greater number took place in the first five years of the decade, for in the last five years there have been only two manumissions in Adamawa and twenty-one in Dikwa. (See annual reports of the mandatory Power for the period 1925-1934.)

Togoland. — In 1922, survivals of domestic slavery were still met with in the remote parts of the country. In 1923, it was stated that domestic slaves in former days had been treated like dependants in the family, and particulars were given of "voluntary slavery". In 1924, in the Southern Section, there was no slavery, and in the Northern Section — which at one time had been a great centre of slavery — the descendants of the slaves had intermarried with the local people and lived on equal terms with them. The ruins of slave villages could still be seen. In 1930, the legal status of slavery was abolished throughout the territory. There is no mention of slavery in the later annual reports. (See annual reports of the mandatory Power for the period 1922-1934.)

Tanganyika. — The Involuntary Servitude (Abolition) Ordinance, 1922, declared that "no person should detain any person against his will as a slave". According to the 1935 report, compulsory slavery has ceased to exist. There have been no prosecutions under the Ordinance during the past five years. The number of former slaves still living with their masters because they are unable to support themselves, and regarding themselves as slaves, must be very small; and any condition which could properly be called slavery is non-existent. (See page 28 of the Committee's last report.)

The United Kingdom Government refers to a statement in its report for last year, to the effect that slavery may still exist in a remote district, and states that recent reports show that slavery — in the accepted sense of the word — does not exist there and has not existed for many years. It explains that the prevailing system of feudal land tenure has undergone certain modifications during the last few years, and appears to be evolving into a system of individual holdings. It concludes that the term "slavery" is no longer applicable to any of the conditions of life obtaining among the natives of the territory. (See page 60.)

Spanish African Colonies.

There appears to be no information regarding domestic slavery.

French African Colonies.

According to the reports of the French Government for 1935 and 1936 (see page 95 of the Committee's 1935 report and page 78 of the present report), the situation is as follows:

French West Africa. — Domestic slavery has gradually disappeared. It had never been irksome, and in consequence cases constantly occur of freed men preferring to remain in the household of their former masters.

French Equatorial Africa. — The character of domestic slavery is gradually evolving towards its total disappearance. Notwithstanding the measures taken for liberation (such as exemption from taxation for a year, and a gratuity paid by the former owner), most of the persons concerned never think of demanding their liberty and would refuse it if it were imposed upon them.

Somaliland. — No cases have been reported since 1931.

Madagascar. — Slavery, even in a disguised form, does not exist.

Territories under French Mandate.

Cameroons. — Proclamations were issued by the Government in 1923 declaring that the status of slavery was not recognised and that all persons were free. According to the 1936 report of the French Government, there is nothing further to state (see page 79).

Togoland. — In 1923, proclamations had been issued informing the natives that the status of slavery was not recognised and that all persons were free (document A.18.1923.VI). Before 1929, already slavery in every form had ceased to exist (annual report of the mandatory Power for 1929, page 7). There is nothing further to report in 1935 (see page 79).

This completes our survey of the conditions in Africa. Outside the African continent, born slaves exist only in the continent of Asia.

ASIA.

Arabia.

It is well known that there are born slaves in Sa'udi Arabia, the Yemen, the Aden Protectorate and certain sultanates and sheikhdoms. The first two countries are not parties

to the Convention of 1926, and the Committee has received no information regarding them, except the reports of the United Kingdom Government concerning its power of manumission in Sa'udi Arabia (see Chapter II, page 16).

Aden Protectorate.

In 1924 domestic slavery existed, especially in the wealthier households in the territories of the Sultan of Lahej and the Sultan of Shihr and Mukalla. These slaves were born in slavery and are employed in domestic and agricultural work. They are well treated. If they were discontented, it would be easy for them to escape into British territory, where they would be automatically free and would run no danger of being handed back to their masters. It is impossible to interfere actively for the suppression of this form of slavery. Moreover, interference would probably be resented by the slaves themselves (document A.25(a).1924.VI).

The Protectorate is not administered by the British Government: the legal status of slavery still exists under Mohammedan law; nevertheless, many tribes or States have no slaves; in the rest of the area, there are not less than 4,000-5,000 slaves. As a general rule the slaves are well treated. They do not rank as the lowest class of the community. Sometimes they rise to the highest positions such as Governors of Districts. The majority are soldiers. Others are domestic servants and cultivators.

In the Sultanate of Lahej, the number of slaves has decreased, and is now probably not more than one hundred. The enlightened policy of the Sultan is referred to by the Committee in Chapter II.

The Sultan of Shihr and Mukalla himself owns about 800 slaves, who are his soldiers. They are well treated and cost him a great deal more than the freemen. The Sultan relies on these men to support his authority: otherwise, he would be glad to be relieved of the expense of maintaining them. Their children are specially trained in the Cadet Corps and are very well looked after.

It is the policy of the United Kingdom Government, in agreement with the local rulers, to abolish all the abuses of slavery, and eventually slavery itself, but the process must be a gradual one (see page 60).

The Persian Gulf Area.

The United Kingdom Government has supplied information in response to the application in the Committee's last report (see page 72). This information may be summarised as follows:

Koweit. — In 1930, the number of slaves was estimated at 2,000, but it must actually be much smaller: very many slaves have been freed in recent years and there are no new slaves (see Chapter II, page 16). About a hundred slaves are engaged in pearl-fishing, but they keep the proceeds of their work on the same terms as other divers. The great majority of the slaves are household domestics. Any slave with a grievance can, at any time, go for justice to the Sheikh, who, if he cannot settle the matter, frequently buys the slave's freedom. The Sheikh has for long been a real protector of born slaves.

Bahrein. — Slavery is for practical purposes extinct and it has long ceased to be recognised by the courts. It is a mistake to say that Bahrein pearl-divers are slaves; formerly, there were abuses connected with a system of indebtedness, but the present rules ensure the independence of the divers.

The Trucial Oman and Qatar. — This desolate coast depends almost entirely on the pearl trade, and the number of slaves employed in pearl-diving is estimated at some thousands. This region is relatively untouched by European influence.

Muscat. — Household and industrial slavery are understood still to exist. It is estimated that about 500 slaves are employed in pearl-diving. The estimated number five years ago was one thousand.

Concerning the conditions of "household" and "industrial" slavery in this area, it is claimed that, partly because it is easy for a slave to escape to some British agency, partly as the result of the frequent visits of British sloops, and partly as the result of the right of manumission, the slaves, in general, are well treated. Broadly speaking, no one need remain a slave on the Arab coast against his will.

THE RIGHT OF MANUMISSION.

The question of the manumission of slaves at the British Legation at Jedda and in the Persian Gulf Area is dealt with above in Chapter II, pages 16-17.

Iraq.

The information supplied by the Iraq Government shows that slavery does not exist, and that the personal liberty of all Iraqis is guaranteed by Article 7 of the Constitution. Some persons of negro blood, descended from slaves, remain, of their own free will and entirely as free agents, in the service of certain aristocratic families (see page 83).

4. Official documents show that all the Governments parties to the 1926 Convention¹ have abolished the status of slavery, simultaneously with the capture, trade in and sale of slaves. They also show, however, that domestic slavery is an institution of a special character, corresponding in most cases to local circumstances for which allowance must still be made.

5. Thus, as the documents studied show, even if the legislation of these countries forbids all forms of slavery, the authorities, for practical reasons, are obliged, in the very interest of the domestic slaves emancipated *de jure*, not to force the latter to break the customary bond connecting them with their masters, though such rupture is always legally possible.

6. In the majority of cases, these people remain where they are because there are real ties of habit between them and their employers, because they are well treated, and because they would not go elsewhere or do anything else. On the other hand, it would be wrong to assume that a person's remaining with his or her former owner in a condition of slavery, however nominal, necessarily means that person is, in fact, content to do so. There may be some practical reasons, over which the person has no control, which prevent him or her from leaving and finding employment elsewhere. First, they may be afraid of persecution or oppression if they avail themselves of the law. Secondly, the system of land tenure in the country may make it impossible for them to obtain any land which they can cultivate and thereby earn their own living; the land tenure system of some countries in which "debt-slavery" still exists is almost entirely, if not entirely, the cause of the continuance of this situation. Thirdly, even in the countries where Government land is available, they may be prevented by their abject poverty from obtaining the implements with which to cultivate the soil or to build a house. Furthermore, the mental helplessness of a depressed class, as the almost inevitable result of the conditions in which they live and their forefathers lived, may sometimes present a practical obstacle of great difficulty.

7. The Committee would point out that the Council, in its resolution of December 11th, 1923, had under consideration the economic and social situation of emancipated slaves. The Committee trusts that Governments will make a careful investigation of the situation of these slaves with a view to such remedial measures as may be appropriate, and report to it the results obtained. It would be glad if Governments which have made loans to newly emancipated slaves or have settled them in special villages would supply information on this subject.

8. As regards certain Mohammedan areas outside European colonies where the status of slavery still exists, there is reason to hope, in view of the local economic and religious conditions, that a favourable evolution may occur. The Committee is accordingly convinced that the present trend of Mohammedan thought, which tends to place ever-increasing emphasis on the liberal attitude of the Koran and tradition (Sunnah) to slavery, warrants the belief that the change desired by the Committee will be effected in course of time.

9. As the Committee pointed out in paragraph 25 of its 1935 report, the Mohammedan religion very largely encourages the liberation of slaves. Liberation (*ytq*)² is a highly meritorious act (*Qurba*) and the system (*Mukdataba*)² seems to afford a suitable method for slaves to win their emancipation. Liberation may also be effected by a declaration known as *Tádbir*.

10. Furthermore, it is to be observed that in essentially Mohammedan countries — Egypt, Afghanistan, Morocco, Tunisia, Iraq, etc. — the liberal nature of Mohammedan doctrine has been reinforced by widespread application.

CHAPTER IV. — OTHER INSTITUTIONS.

(a) DEBT SLAVERY, PAWNING AND PEONAGE.

1. In theory, at least, debt slavery is only a temporary form, for the assumption is that the slavery ends as soon as the debt is repaid. In practice, however, the conditions in which the debt-slave lives are often of such a nature that repayment is an impossibility and the debtor is therefore a slave for life. Even worse than this may sometimes happen, for in some systems there are cases in which the debt is "hereditary" and, after the death of the debtor, is transmitted to his children and children's children. It is right, perhaps, that one should

¹ See Chapter I above for the special situation of each country in regard to the Convention.
² Note by the Secretariat. — These two terms are variants of the forms *Ataq* and *Kitabat*, which are found on page 11 of the Committee's 1935 report.

realise quite clearly that the system — whatever form it may take in different countries — is not “slavery” within the definition set forth in Article 1 of the 1926 Convention, unless any or all of the powers attaching to the right of ownership are exercised by the master.

Nigeria.

The memorandum of January 1936 from the Government of Nigeria (see page 66) points out that in certain provinces forms of pawning (*i.e.*, of the debtor himself and of a third person) have been reported. The pawns were informed that they were free and that their debts were extinguished. Future offenders will be severely punished.

Belgian Congo.

The communication from the Belgian Government, dated March 2nd, 1936, gives very valuable information regarding the various practices which were formerly current in the Belgian Congo (see page 30). This communication states that at the present time there is very little genuine debt-slavery, except in two tribes. The enquiry on the subject has not yet been completed, and the Committee would be glad to be informed of the final results as soon as they appear.

French West Africa.

A communication from the French Government of 1936 (see page 78) shows that in certain districts of French West Africa there was a revival of this custom due to the economic depression, and the question formed the subject of very exhaustive enquiries in 1935, the results of which are not yet known.

Liberia.

As the Committee pointed out in paragraph 18 of its report for 1935, pawning was declared illegal in Liberia by a Law of December 19th, 1930. The Committee had at that time requested the Government to furnish further information on the measures taken to carry out this legislation. No information has been received up to the present.

Netherlands East Indies.

The efforts made by the Government of the Netherlands East Indies to abolish slavery and debt slavery are set forth in the communication of the Netherlands Government dated November 16th, 1934 (page 105 of the Committee's report for 1935). The method generally followed has been to register the debtor and the amount of the debt, to determine the value of the labour which is credited monthly to the debtor, and to fix a date by which the debt must be paid off. By these means debt slavery has been abolished, not only in the directly-governed territories, but throughout the Netherlands Indies, with the exception of certain remote and almost inaccessible districts in the interior of Borneo and New Guinea.

India.

The Government of India, in its communication of 1936 (see page 80), has transmitted to the Committee regulations for abolishing the practice known as “bhagela”, which were put into force on February 10th, 1936, in the State of Hyderabad. An officer, whose services have been borrowed from the Bombay Presidency, has been specially charged to investigate the working of the regulations and to supervise the enforcement of their provisions. The Committee would be glad to obtain information as to the results of these measures.

* * *

2. Although the information on the subject of the various forms of debt slavery is very imperfect, it would appear that the existence of two classes of slavery can be admitted :

- (a) Household and domestic debt slaves ;
- (b) Agricultural debt slaves.

The liberation of slaves of the first class is a comparatively simple matter, but, in countries where this class prevails to such an extent as to form an important part of the social system, the change should be gradual, for there is a very real danger of social and economic dislocation during and after liberation. The method of gradual liberation (where, for any reason, a proclamation of immediate liberation is inadvisable) must depend upon local circumstances. The adoption of legislation with penal clauses and effective administrative action should prevent any free person from becoming a debt slave.

3. The problem of the agricultural debt slaves is exceptionally difficult. The root of the trouble perhaps lies in the system of land tenure, under which a few favoured persons own most of the land and the peasantry are landless folk dependent upon them for permission to cultivate the soil. In some places, it may well be that the system is almost indistinguishable from serfdom, and, in such cases, it may be difficult to say whether the persons are in debt because they are serfs, or whether they are serfs because they are in debt. It is possible that there

is more human misery as the result of debt slavery than there is anywhere as the result of domestic slavery.

4. In conclusion, the Committee considers that, if pawning is a cloak for various forms of slavery, it is for the Governments concerned to see that this state of affairs should gradually disappear.

5. The Committee observed in paragraph 51 of its report for 1935 that there is a possibility of other measures being taken against the debtor, if he does not pay his debt, which oblige him to work for his creditor whether he wishes to or not. The system of peonage which appears to be found in most States of Central and South America was mentioned in the reports for 1925 and 1932 of the former Committees.

6. This question appears to come within the scope of a study made recently by the International Labour Organisation. A Labour Conference of the American States Members of the International Labour Organisation, held at Santiago de Chile and attended by seventy delegates, adopted on January 14th, 1936, a resolution which requested the Governing Body of the International Labour Organisation to instruct the Office to complete its investigations into the truck system, and to prepare a proposed text for a draft Convention or recommendation on the subject, special account being taken of the peculiar needs of the American continent.¹

7. The same Conference at the same time adopted another resolution,² which asked for an enquiry into the conditions of the life and labour of the indigenous populations of American countries.

8. It appears to the Committee that both these investigations are likely to involve the collection of information on the subject of "peonage". The Committee will follow with the greatest interest the progress of these two investigations, and hopes that they will not reveal the existence of any practices which may be inconsistent with the Slavery Convention.

(b) MUI TSAI SYSTEM.

9. In paragraph 43 of its report for 1935, the Committee expressed a desire that the Chinese Government should furnish more detailed information on certain points which it had raised.

10. In its communication of 1936 (see page 75), the Chinese Government stated that the letters of May 6th, 1933 (see document A.16.1933.VI, or *Official Journal*, June 1933 (Part 2), page 738), and July 13th, 1934 (see document C.159.M.113.1935.VI, page 92), from the Chinese delegation accredited to the League of Nations had already emphasised the fact that the Mui Tsai system was not slavery, and had mentioned the satisfactory results already obtained. Fresh regulations, which were put into force on January 22nd, 1936, prohibit the keeping of Mui Tsai. Article V. of these regulations provides that, "after registration, all Mui Tsai shall immediately and unconditionally recover their liberty"; Article VII makes it possible for liberated Mui Tsai who have attained civil majority "to be employed by their former employers".

11. It appears that all Mui Tsai who have not attained civil majority must be returned to their families or entrusted to local relief homes.

12. The Chinese Government has promised to furnish statistical data on the results of registration and on the application of the regulations. The Committee considers that, in these circumstances, it is advisable to adjourn any observation on these regulations.

13. In its previous report, the Committee drew attention in paragraph 44 to a note by the British expert, published as an annex to the report, stating what measures might be adopted with regard to the Mui Tsai system, especially in the International Concessions of Shanghai and Kulangsu. The Committee has not yet been informed of the opinion of the municipal authorities whom these suggestions concern. It hopes that, at its next session, it will be put in possession of this information.

14. In paragraph 45 of its report for 1935, the Committee noted that, in Hong-Kong, the application of the laws was effective and the system was working satisfactorily. The report of a Committee set up by the Governor in 1934 to study the Mui Tsai system was forwarded to the Slavery Committee by the United Kingdom Government.³ The latter stated that the measures to be taken as a result of the recommendations of the Committee appointed by the Governor would be submitted to it within a few weeks (see page 62 of the present report).

15. The Committee in question states in its report that, in its opinion, a fresh enquiry into the entire problem is urgently needed. On March 18th, 1936, therefore, the Secretary of State for the Colonies informed the House of Commons that he had appointed a commission to proceed to Hong-Kong and Malaya to study the entire question.

¹ *Official Bulletin of the International Labour Office*, Vol. XXI, No. 1, April 15th, 1936, pages 67, 68.

² *Ibid.*, page 53.

³ This report has not been reproduced and is kept in the archives of the Secretariat of the League of Nations. It has been published as Command Paper No. 5121.

16. In these circumstances, the Slavery Committee considers that it would be preferable to postpone any observations on this subject until the report of the new commission has been received.

17. In paragraph 46 of the report for 1935, the Committee expressed a desire to receive information on the methods to be employed in the Malay States for the application of the laws, especially as regards the appointment of inspectors. In addition, it pointed out that, owing to the extent of these territories and the number of towns which they contained, the inspection would probably be more difficult to carry out than at Hong-Kong.

18. According to a communication from the United Kingdom Government of 1936 (see page 61), three lady assistant inspectors have been appointed in the Federated Malay States as from April 1st, 1935, and tours of inspection will be organised in the Unfederated Malay States.

19. It appears from a communication from the Netherlands Government of 1936 (see page 91) that, before 1919, "slave-boys" and "slave-girls" were imported from China into the Netherlands Indies by Chinese immigrants who claimed to be their parents, and, in this way, these children paid no entrance tax. Since then, control has been made more effective, and this control, together with the levy of an immigration tax of 150 florins for every person entering the country who is not strictly a member of the family, has rendered this practice virtually impossible. The Mui Tsai system is unknown among the Chinese already domiciled in the Netherlands Indies. Moreover, there is no reason for the existence of this system in view of the economic position of the Chinese there. It is quite easy to obtain native female servants at very low wages. Moreover, the regulations and supervision are sufficient to prevent any abuse.

(c) QUASI-ADOPTION OF CHILDREN.

20. According to the United Kingdom Government report of March 7th, 1936 (see page 62), the question of the adoption of children in Ceylon has been the subject of study since 1930. In 1935, the report of a sub-committee, which has been communicated to the Slavery Committee by the Government, was published.¹ This report was adopted in principle by the Government of Ceylon and a draft Bill embodying the recommendations in the report is in course of preparation. The United Kingdom Government states that it hopes the Slavery Committee will concur in the opinion that child-adoption in Ceylon is not a matter which concerns it.

21. It appears to the Committee that, if the recommendations are enforced by legislation and executive action, the system will be deprived of any objectionable features. When the proposed legislation is introduced, the Committee will greatly appreciate information regarding it and the results obtained from it.

(d) SERFDOM.

22. It is possible to have a fairly clear impression that "serfdom" is quite different from "slavery", without having any idea where the difference lies. Broadly speaking, we may say that a "slave" is a person who is either the victim — or else is the descendant of a victim — of an act of personal violence, resulting in capture and subsequent detention and use as an article of property; and that the services rendered by a "serf" are connected sometimes with the relationship between one tribe and another, sometimes with the fact that his lot is bound up with that of agricultural land or grazing grounds, occasionally with employment in or around the household of a "master", and, in some cases quite possibly, are a curious medley of all three. It is true that the treatment of "born slaves" — as the result partly of the growth of humane ideas in the country, partly of the progress in the social and economic development of the people and partly of an awakening desire for freedom amongst the "slaves" themselves — has, in many places, become so mild that they are nearly indistinguishable from "serfs". It is important, however, to keep the fundamental distinction clearly in mind, and to realise that the status of "serfdom" is a condition "analogous to slavery" rather than a condition of actual slavery, and that the question whether it amounts to "slavery" within the definition of the Slavery Convention must depend upon the facts connected with each of the various systems of "serfdom".

23. As an instance of tribal serfdom, mention may be made of the relationship, in the Bechuanaland Protectorate, between the dominant tribe of the Bamangwato and the subservient tribe of the Masarwa. This was the subject of a report in October 1931 by Mr. E. S. B. Tagart (see page 30 of the Committee's last report).

24. In its report of March 7th, 1936 (see page 60), the United Kingdom Government points out that a European officer has been specially detached to take charge of the interests of Masarwa, and, *inter alia*, to make a census of these natives, in accordance with the recommendation made in the Tagart report. A proclamation affirming that slavery in any form is unlawful in Bechuanaland has been drafted, as well as another proclamation making

¹ This report has not been reproduced and is kept in the archives of the Secretariat of the League of Nations.

further provision for the protection of native labourers. The issue of these proclamations has been authorised, subject, in the case of the latter, to the clearing-up of certain points.

25. A report by the United Kingdom Government of 1936 (see page 61) shows that there is a curious system of servitude in the State of Sarawak. Though "slavery" is stated in the report to be non-existent in Sarawak, tribes known as Muruts and Kalabits admit individual ownership of "ulun", a word which may be translated as "lower class". It is stated that an "ulun" may not be transferred, nor kept against his will, and that there is, in fact, very little difference between an "ulun" and his master. Amongst the Kayans and Kenyahs — two other tribes — the system is that the "ulun" owes his allegiance to a family and not to an individual. The Government regard the system as a modified form of the mediæval feudal system, and believe that both parties benefit from it. It is reported that cases of ill-treatment are so rare as to be negligible, and that the villages are constantly visited by Government officers. In the opinion of the Government, the system works very satisfactorily, and any attempt at interference would be unwise.

* * *

26. The Committee hopes that the Governments of all countries in which any form of serfdom still exists will be good enough to supply information on the subject. The publication of detailed information would be of value, because frank disclosure of the facts would sometimes enable the remedy to be found, and because the example of one country would be an encouragement to every other country.

CHAPTER V. — CONCLUSIONS.

The Committee,

(a) Reiterates the hope that the Slavery Convention of September 25th, 1926, may be ratified without further delay by those States which, having signed or acceded to it, subject to ratification, have not yet ratified, and likewise expresses the hope that such States as have been invited to accede and are not yet parties to the Convention will consider the possibility of acceding thereto;

(b) Expresses the hope that the Governments will continue to supply information as full and as accurate as possible, in accordance with Article 7 of the 1926 Convention and the various resolutions of the Assembly;

(c) Calls the Council's attention more particularly to the suggestions formulated in the present report on the basis of Article 16, paragraph 1, of the Committee's Rules of Procedure, for obtaining such further light as it deems desirable on points arising in connection with the examination of the documents supplied by the Governments;

(d) Suggests that the Council should bring to the notice of the Governments concerned, for any action they may think fit to take, the resolutions and recommendations, both general and specific, which it has been thought expedient to formulate in the present report.

B. ANNEXES.

ANNEX 1.

C.C.E.E.87.

COMMUNICATION, DATED MARCH 2ND, 1936,
FROM THE BELGIAN GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation.*]

The Department of Foreign Affairs and Foreign Trade has the honour to transmit to the Secretary-General of the League of Nations, in accordance with his note dated October 5th, 1935 (C.L.154.1935.VI), the enclosed report containing information regarding slavery.

* * *

With reference to the investigation arranged by the Royal Belgian Colonial Institute to which attention was drawn in the communication, dated April 26th, 1934,¹ from the Belgian Government to the Secretary-General of the League of Nations, a number of studies have now reached the Belgian Colonial Department. Although the investigation is not yet complete, the studies already received relate to a considerable part of the Colony and to many important tribes, as will readily be seen from the particulars on the enclosed ethnographical map.

In this sphere there has been a profound evolution, accentuated year by year, during the period of European occupation in the equatorial territories under Belgian influence. Clear and striking evidence of this evolution is provided by the studies collected by the Institute, a comprehensive survey of which gives some idea of its scope.

CHAPTER I. — SOURCES OF SLAVERY.

A. WAR.

There are various sources of slavery, one of which — war — has now completely vanished for several decades. Before the "Pax Belgica" was introduced and its beneficial effects had spread to the farthest confines, the whole country was laid waste by inter-tribal and inter-clan wars. The vanquished tribes were reduced to a state of slavery and were divided among the conquerors or notables, as with the Bambole and the Wabembe, or were bestowed upon the chiefs, as with the Banianbundu.

It was therefore only the children, women and old men who became slaves, vanquished warriors being massacred for the festival of the conqueror: that was the custom in many tribes — the Baluba, the Bashilele, the Bayaka, the Bwaka and the Gombe.

Barbarous customs of this kind were not widespread, however. The Bambala and the Munji liberated their prisoners on payment of a ransom, and natives captured by the Azande were not reduced to slavery, but were absorbed into the tribe and treated as equals.

There have been no wars for a long time. But, though slaves are no longer obtained directly from this source, can its effects be said to continue through the maintenance in a state of slavery of the descendants of the original slaves? Even from this aspect, there is no longer any trace of it. The enquiry has shown that, while the offspring of two slaves retain the status of slavery — except in the Abandia and Azande tribes, where, as stated, captives are treated as equals — their children, or at any rate their grandchildren, became free. On the other hand, in patrilineal tribes, such as the Kundu, the Mongo and the Bena-Lulua, a child born of a free man and a slave woman was freed, while in matrilineal tribes, such as the Baluba and the Bayaka, the offspring of a free woman and a slave was born free.

War must therefore be ruled out even as a remote source of slavery.

B. DEBT.

Should a debt not be met in the usual way by the payment of the amount agreed upon — and this is the only form of settlement recognised by the Azande, the Bwaka, the Booli, the Kundu and the Ngbandi — it is customary with the Badinga, the Bambala, the Basalampasu,

¹ See document C.159.M.113.1935.VI, page 21.

the Bateke, the Bayaka, the Gombe and the Bena-Lulua for the debtor to offer to work for the creditor until the debt is discharged, and the latter decides when he has been indemnified. With the Bateke, the Bayaka and the Mayumbe, it is customary to imprison recalcitrant debtors in order to induce them to pay.

The debtor need not pay in person; in many tribes, he is allowed to send the creditor a member of his family as hostage — his sister, niece or nephew in matrilineal tribes, his daughter or son in patrilineal tribes. Again, the taking possession of a hostage is not always possible at the will of the creditor. The intervention of the authorities — viz., the chief or the assembly of notables, or both — is necessary among the Azande, the Bwaka, the Gombe, the Bena-Lulua, the Lalia, the Mangbetu, the Munji and the Ngbandi. Yet, in all these cases, all that is involved is constraint of the person, the debtor being required to work in the Bambole, Gombe and Mongo tribes, while with the Bwaka he patiently awaits release, his feet held by a block of wood, so long, of course, as this treatment does not come to the knowledge of the European authorities.

With the Azande and the Baluba, a creditor may not have intimate relations with a woman held as a hostage. Should he marry her, the debt is extinguished in accordance with custom in the Azande, Bango-Bango, Bateke, Bahavu and Wabembe tribes.

Although it is only a matter of providing a pledge, a creditor in the Basalampasu, Ngbandi, Bayeke and Baushi tribes had formerly full rights over the hostage, including the right of life and death, while with the Bwaka, the Gombe and the Munji, his only rights were those of a creditor holding a pledge.

Generally speaking, only when the debtor was definitely unable to pay his debt did he or the hostage he had given pass into a condition of servility and the creditor acquire the right to dispose of him to another owner. With the Mayumbe, a debtor could offer himself as a slave to another native in payment of his debt.

At the present time, there is very little genuine debt slavery, except in the Bakuba and Dengese tribes.

The Azande and the Balunda have always considered that the work of a debtor or his hostage was not very profitable, and, on the other hand, that debt was not a sufficient reason for turning a free man into a slave. They therefore thought that the equivalent of the debt ought to be paid and that the family or the clan ought to have joint responsibility if the debtor was insolvent.

In the Bankutshu tribe, a notable guarantees payment of the debt; he gives the creditor a spear as security pending settlement of the debt by the debtor.

C. CRIMES AND OFFENCES.

With the Bambala, the Bambole, the Bango-Bango, the Basonge, the Basalampasu, the Bateke, the Bayaka, the Bayeke, the Bambunda, the Bwaka, the Kundu, the Lalia, the Mayumbe, the Mangbele, the Mbole, the Munji and the Ngbandi, slavery was formerly the penalty for murder, adultery, theft and assault. With the Gombe, the Bena-Lulua and the Mongo, slavery was enforced only when the offender was unable to compensate the victims for the damage done.

The slaves usually belonged to the family of the victim or to the person injured; this was the case in particular with the Boyela, the Bwaka, the Gombe, the Lalia, the Bena-Lulua, the Mangbele and the Mbole. With the Basonge, the offender became the slave of the chief. With the Bashilele and the Dengese, a woman was handed over to the family of the victim of a murder.

The Azande did not regard murder as a ground for slavery, but it was recognised that the offender could escape capital punishment by handing over a woman. She lived on a footing of equality with the other women, moreover, and her children were not in a position of inferiority.

In Bakuba territory, only adultery with the wife of a chief was punishable by slavery, whilst, with the Abandia, not only was the adulterer put to death, but one or more women were handed over to the injured native.

For the murder of a notable, the Bambole and the Boyela imposed only one penalty — death. The Bayaka treated a native guilty of adultery with the wife of the chief in the same way.

At the present time, crimes and offences are punishable under the penal provisions of written law and not by customary penalties. Except for serious infringements which are brought before the European courts, the native courts recognised by the authorities co-operate, under strict supervision, in passing sentence on the basis of custom, provided that this is not contrary to general public order. That is to say, the former barbaric customary punishments, such as slavery, have had their day.

D. MARRIAGE.

It is not possible to become a slave by marriage; on the contrary, marriage frequently means liberation. The only exception to this rule seems to be confined to Baluba, in Albertville Territory, where a free man himself became a slave on marrying a woman slave, unless her owner released her and was satisfied with the payment of a dowry.

E. PRESENTS, DOWRIES.

The custom of tendering slaves in payment of dowries, which was formerly widespread among the Baluba, the Bambole, the Bosaka, the Gombe, the Lalia, the Mangbele, the Mangbetu, the Mbole, the Mongo and the Ngbandi, is now rarely found, except with the Mongo of Boende and the Mbole. It is not a source of slavery, however.

The giving of presents affects only children. With the Bayaka, for instance, the child of a free man was sometimes offered to the chief as tribute, and with the Bayeke a native medicine man who had made a woman fertile received a child if the mother had already at least four. With the Bayeke also, a family would give a child to a rich native whose generosity had saved them from starvation during a famine.

F. BIRTH.

With the Bakuba, the Bakusu, the Bambala, the Bankutshu, the Bayaka, the Bosaka, the Boyela, the Dengese, the Gombe, the Mabudu, the Mayumbe, the Mangbetu, the Mbole, the Mongo, the Munji and the Ngbandi, only the children of natives reduced to slavery were themselves slaves. More often than not, their children were not slaves. With the Munji, the first generation of descendants of slaves were liberated on reaching adult age. Except with the Mongo, the children of slaves were not members of the clan; the whole of their dowry was paid to the owner.

The children of natives who were slaves were free with the Azande, the Basala-Mpasu and the Bena-Lulua; they were usually absorbed into the clan. Nevertheless, their owner received the whole or the larger part of the dowry paid by a native marrying a girl belonging to this social class.

G. VOLUNTARY SACRIFICE OF LIBERTY.

Apart from the case of the Mayumbe, where, as mentioned above, an insolvent debtor offers himself as a slave in payment of his debt, there are no slaves whose status is due to voluntary abandonment of personal liberty. With most tribes, of course, orphans, persons repudiated by their families for incest, insolvent debtors anxious to escape personal constraint and abductors fleeing with the abducted woman place themselves under the protection of the head of a family. But, except in political affairs, they have the same rights as free men; if need be, their patron presents them with a woman and they are even free to leave him if they wish. The characteristics of this status are those of a "client" and not a slave.

H. VARIOUS SPECIAL CASES.

Formerly, during the great famines, the Bahavu and the Wabembe used to sell their children in order to obtain funds. This, of course, is now no more than a memory of the past.

It still happens — as, for instance, among the Bayake — that an unlucky player may pledge his person, after his property. Persons capable of casting evil spells were formerly sold as slaves among the Badinga, the Boyela, the Gombe and the Bena-Lulua. Such was also the fate, among the Baluba of Albertville, of any individual who was unfortunate enough to destroy the chief's fetish.

Among the Bwaka, a native reputed to possess the evil eye used to place himself under the protection of the owner of a powerful fetish.

CHAPTER II. — TREATMENT AND CONDITION OF SLAVES.

In the majority of tribes, slaves have, on the whole, been humanely treated by their masters, to whose advantage it was to be sparing of the potential labour which they represented. Among the Baluba, the Bambole and the Mangbele, they were even regarded as members of the family.

Slaves were not distinguished by any external mark, clothing, ornament or tattooing from the free men, whose work they usually shared: the building of huts, clearing of the bush, gathering of palm fruit, manufacture of palm wine, fishing and hunting fell to the men; the women were responsible for looking after the crops and preparing the food. Among the Lalia, the Mangbele, the Mbole, the Mongo and the Ngbandi, however, they alone were responsible for menial work such as gathering fuel and fetching water.

The married slaves lived in separate huts, not far from the master's dwelling; the unmarried slaves lived together in a compound or shared the dwelling of the master's sons.

The slaves were given the same burial as free men and were often mourned like the master's own children. Among the Baluba, the Bayaka and the Ngbandi, they were buried in a special cemetery; but among the Bambole and the Mabudu, those who had given grounds for complaint during their lifetime were cast into the bush or thrown into the river.

The master's civil responsibility was generally involved by reason of crimes or offences committed by a slave; this was the custom among the Bwaka, the Mayumbe and the Ngbandi. The custom did not prevail among the Balendu, the master not being liable for any form of reparation.

Theoretically, in many tribes, the master possessed the right of life and death over his slaves; this was the case among the Bambala, the Bambole, the Bankutshu, the Bakuba, the Basuku, the Boyela, the Dengese, the Gombe, the Balunda and the Mongo. Among the Bayaka, a master who had killed his slave without due cause was required to pay a fine to the chief.

In the Bakuba, Bayeke, Bena-Lulua, Balunda and Munji tribes, a slave who was dissatisfied with his master could ask him to transfer him to another. The master generally granted this request, to prevent the slave from running away.

Among the Badinga, Baluba, Bambole, Bosaka, Boyela, Gombe, Lalia and Mbole tribes, a dissatisfied slave who had run away and been caught was subjected to corporal punishment. In the case of a repetition of the offence, he was sold.

Native public opinion troubled very little about the ill-treatment of slaves, and still less about their sale. Among the Bayaka, however, free natives sometimes shielded the flight of slaves who were trying to escape from a cruel master. Similarly, among the Bena-Lulua, the chief and notables in council obliged a bad master to pay a fine to the community if he had been guilty of personal cruelty to his slave; in the event of a repetition of the offence, the slave might be removed from his ownership and handed over to the head of the family.

No slave was ever denied the right to marry; the master procured a female slave for him. Except among the Baluba, the Bambole, the Bankutshu, the Boyela, the Dengese and the Kundu, he can even marry a free woman, in which case the master pays the dowry.

Except among the Bahunde, Bambole, Bakusu, Basonge, Baushi, Mangbele and Mangbetu tribes, slaves have generally had the right of possession: they are given a field like other natives; they can also sell for their own benefit any objects or utensils they may make. Among the Baluba, the Bakumu, the Bena-Lulua and the Balunda, however, they are required to hand over to the master the firstfruits of their crops, and, among the Bashilele, to give him part of the game they have killed.

Slaves always form part of the estate of the deceased. In the Mangbele region, when there is no heir, they pass to the chief, who can do as he pleases with them.

The Bambunda and the Mongo tribes allow the master to designate a slave to succeed to his title and property when there is no heir.

As a rule, on the death of the slave, his property reverts to the master, who hands over part of it to the children of the deceased.

The different tribes in the Colony used formerly to carry on a trade in slaves; the latter were offered for sale in markets organised in various places at regular dates. They were paid for in "croisettes" (small copper ingots in the form of a cross), in woven mats called "madiba", in goats or in knives; a woman was worth twice as much as a man, her value at that time being about 300 francs in our currency. Such transactions have now ceased, under the administration of the European authorities. There are certain indications from which it would appear that among the Bakusu, the Bakuba, the Dengese and the Baluba they still occur occasionally, though in a clandestine manner.

Formerly, among the Bambole, the Basonge, the Bwaka, the Lalia, the Mangbele and the Mongo, slaves were prohibited from concluding contracts. But this was not the case among the Bakuba, the Bakusu, the Bambala, the Bankutshu, the Bateke, the Bayaka, the Dengese, the Gombe, the Bena-Lulua and the Ngbandi and in certain Bakuba groups.

While slaves, as a rule, enjoyed no political rights, they were allowed, in a number of tribes, to take part in public life: they participated in rejoicings, feasts and dancing. Their testimony was accepted before the judicial assembly and their opinion was even asked, on occasion, in tribal discussions.

Formerly, when slavery existed as the result of war, many slaves feeling homesick in the early days of their captivity sought to regain their liberty by running away. But insensibly the good treatment extended to them led to acceptance of their new life, first in a spirit of resignation and later without effort, so that after their liberation they used to remain in their new environment, in which they had married and their children had been born.

CHAPTER III. — CAUSE OF THE CESSATION OF SLAVERY.

Except among the Baboma and the Mangbele, slaves — at all events, those in whose case the ground of servitude was a debt — could generally obtain their liberty on payment of the money they had saved. Often, however, owing to the inadequacy of their earnings or because the latter belonged entirely to the masters, they had to be redeemed by their family. This was the case more particularly among the Bambala, the Bashilele, the Dengese, the Mbole, the Bosaka, the Boyela, the Lalia, the Mangbetu, the Mongo, the Ngbandi and the Nkundu.

A master could liberate his slaves as a reward for having saved his life (Bakusu, Boyaka) or in recognition of their good services and devotion (Bahavu, Baluba, Bayeke, Mangbetu, Balendu).

Among the Ngbandi, for example, the maker of a particularly successful xylophone might win his liberty in return for his labours.

In the Bayaka and Wabembe region, the death of the master entailed *ipso facto* the liberation of all his slaves. Among other tribes, liberation ensued — as a result of death — only when there had been an express desire to this effect on the part of the master, who, when he had no heirs, generally declared that, on his death, his slaves should recover their liberty; this was the case more particularly among the Bakongo, the Baluba, the Bambala, the Basonge, the Gombe, the Bena-Lulua, the Balunda, the Mangbetu and the Munji.

Among the Bashilele and the Bateke, a slave who, as a result of the death of the free men of the family, remained the sole male representative of the latter was liberated and could even acquire the dignity of chief of the social group.

As noted above, marriage is a form of liberation. Among the Basalampasu, the Basuku, the Boyela, the Bwaka, the Lalia, the Bena-Lulua, the Mangbele, the Mangbetu, the Mongo

and the Munji, marriage with a free person involved the liberation of the slave, whereas, among the Bateke, the Bosaka and the Ngbandi, husband and wife retained their respective status. The Bambole prohibited marriage between a free person and a slave, the prohibition being restricted among the Gombe to the marriage of a slave with a free woman.

As a general rule, the descendants of slaves are liberated only in the second generation. Among the Balunda, however, the belief that a dead person might be reincarnated in the body of a new-born slave sometimes led to the liberation of children, who were then incorporated in the family.

Among the Bena-Lulua, the children of a man reduced to slavery became free on attaining the age of adults, and the father was liberated at the same time.

CONCLUSION.

The enquiry instituted by the Royal Belgian Colonial Institute brings fresh confirmation of the conclusions embodied in previous statements : slavery as the result of war or through birth, and interpreted as conferring on the master the right of life or death over the slave, the right to make him undergo mutilation or torture or merely the right of sale, no longer exists in the Belgian Congo — subject to the reservation, as regards sale, that there may still be clandestine transactions, though these are assuredly rare.

There no longer exist any but attenuated forms, to which some people think that the term "slavery" cannot be applied.

The institution, which no longer possesses its particularly odious character and implies no scorn of the human person, has practically as its sole cause the execution, by the creditor on the person of the insolvent debtor or a person appointed by the latter as his substitute, of rights derived from a claim invariably relating principally to property or securities. Natives living in this state are well treated, and there is no longer anything unbearable in the way in which the inferiority of their condition is signified.

None the less, the institution, notwithstanding its family character, still constitutes an attack on the rights of the individual. While no longer in the nature of bodily constraint, it cannot legitimately persist in this form unless it is purified and purged of all that differentiates it from such constraint : the creditor's rights can be based only upon a judicial decision and can be exercised only within authorised and hence legitimate limits. This is the continuous aim of the occupying Power ; the enquiry enables the results obtained to be determined, since it may be concluded from the data available that slavery, which is on the decline in the greater part of the Colony, has completely disappeared among the Bahavu, the Baunde, the Bakumu, the Baluba, the Bambole, the Baniabungu, the Basonge, the Bayeke, the Boyela, the Bayaka, the Lalia, the Mangbele, the Mangbetu, the Mbole, the Wabembe and the Balendu.

In regions where, while assuming the attenuated form in which it does exist, the institution still exhibits certain features incompatible with the notion of universal public order, it is doomed to extinction. Apart from the energetic and continuous action of the authorities on positive lines, the mere enforcement of administrative regulations tends automatically to break down what vestiges of slavery may remain ; for the administration, ignoring any difference in social conditions, in all matters affecting the natives, places the latter on a footing of strict equality, whether in regard to fiscal, military or administrative obligations, such as the census or the various rights conferred on the natives.

The European authorities have found a powerful adjutant in their activities in the customary tribunals, whose revival was sanctioned and ensured in a Decree of 1926. The Government recognises these tribunals, attaches to their verdicts the same value as to those of its own courts and ensures the execution of such verdicts by lending them the assistance of its police ; these customary courts are popular among the natives. They are competent to settle all disputes between private individuals, and it is only in the matter of punishable offences that particularly serious cases are withdrawn from their competence. They judge with reference to customs, under strict supervision, which eliminates from the latter anything that may be contrary to universal public order.

In view of these circumstances, the institution of slavery can only persist in a form contrary to public order with the assent of those submitting to it, as the master must inevitably lose in any dispute that may arise ; hence, being devoid of interest in that it is devoid of guarantees, it is bound to be transformed and to disappear in so far as it assumes a form approximating to that of slavery.

ANNEX 2.

COMMUNICATION, DATED SEPTEMBER 19TH, 1935,
FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE
SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to paragraph 41 of the report for 1935 of the Advisory Committee of Experts on Slavery,¹ I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to inform you that His Majesty's Government in the United Kingdom are prepared to furnish you in future, for transmission to the members of the Committee of Experts on Slavery, with any information supplied to His Majesty's Legation at Jedda by applicants for manumission, which might be useful to the Committee as an indication of the manner, agency or route by which the slaves in question reached Arabia.

2. This information will be forwarded, when available, in monthly reports. The first of these reports was prepared for the month of May last and a copy is enclosed herein. No slaves took refuge at His Majesty's Legation during the months of June, July and August last, and no reports are accordingly forwarded in respect of these three months.

3. I am further to transmit to you the accompanying copy of a memorandum, prepared by His Majesty's Legation at Jedda, which summarises information contained in the archives of the Legation in regard to slaves manumitted during the period January 1st, 1930, to April 30th, 1935, and will doubtless be of interest to the members of the Committee of Experts.

4. The Secretary of State will be grateful if you will be so good as to circulate the documents enclosed herein to the members of the Committee of Experts on Slavery and to inform them at the same time of the fact that no slaves took refuge at His Majesty's Legation at Jedda in the months of June, July and August last.

(Signed) G. W. RENDEL.

Appendix I.

NOTE ON SLAVES WHO TOOK REFUGE IN THE BRITISH LEGATION, JEDDA, FROM MAY 1ST TO MAY 31ST, 1935, WITH SPECIAL REFERENCE TO THE MANNER AND DATE OF THEIR ENSLAVEMENT AND TO THE AGENCY OR ROUTES BY WHICH THOSE NOT BORN IN SA'UDI ARABIA ARE BELIEVED TO HAVE REACHED THIS COUNTRY.

Four persons claiming to be slaves took refuge during the period under review. Of these, one could give no useful information as to how he had been enslaved. The following notes summarise the main facts elicited by questioning the remainder, but it must be remembered that, in almost all cases, the recollection of such persons regarding dates is very uncertain :

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1. Surur Ibn Rajab, Abyssinia.	Jimma Bajifar, 1921.	Dhow to Tajurri.
2. Said (alias Araro), Abyssinia.	Shingilla, 1916.	Dhow to Jedda.
3. Feruz (alias Aggafari), Abyssinia.	Shingilla, 1915.	Dhow to Medi.

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI.

Appendix II.

NOTE ON SLAVES WHO TOOK REFUGE IN THE BRITISH LEGATION, JEDDA, FROM JANUARY 1ST, 1930, TO APRIL 30TH, 1935, WITH SPECIAL REFERENCE TO THE MANNER AND DATE OF THEIR ENSLAVEMENT AND TO THE AGENCY OR ROUTES BY WHICH THOSE NOT BORN IN SA'UDI ARABIA ARE BELIEVED TO HAVE REACHED THE COUNTRY.

One hundred and thirty-six persons claiming to be slaves took refuge during the period under review. Of these, twenty-nine had apparently been born in slavery in this country; eight could throw no light on their origin; and forty-one could give no useful information as to how they had been enslaved or how they had been imported. The following notes summarise the main facts elicited by questioning the remainder, but it must be remembered that, in almost all cases, the recollection of such persons regarding dates is very uncertain:

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1930.		
1. Jaber Ibn Muhammad Ab-bashir. Wadai, French Equatorial Africa.	On pilgrimage, 1906.	On pilgrimage with uncle.
2. Jamula Bint Muhammad, Berber, Sudan.	Berber, 1892.	Stolen with mother.
3. Khairullah Ibn Qasam, Dongola, Sudan.	Dongola, 1895.	Stolen from his home.
4. Said Ibn Yahya, Abyssinia.	Medi, Yemen.	Son of freed slave, sold on father's death and brought to Mecca.
5. Saad Ibn Abdulkhair, Tokar, Sudan.	Tokar, 1910.	Stolen with parents.
6. Abdullah ibn Bilal, Gawo, Gasbeiro, Nigeria.	Medina, 1922.	Came on pilgrimage 1912 and stayed in Medina.
7. Mubarak, Gala, Abyssinia.	Abyssinia, 1904.	Stolen and brought to Hejaz via Medi and Rabegh.
8. Ahmad, Addis Ababa.	Abyssinia, 1920.	Sent to Hejaz via Medi.
9. Saadullah, Aden.	On pilgrimage, 1904.	Came on pilgrimage.
10. Maryam Bint Ash-Sheykh, El Fasher, Sudan.	El Fasher, 1890.	Stolen when a child.
11. Farajullah, Khartoum, Sudan.	Khartoum, 1896.	Stolen as a child.
12. Khadija Bint Hasanain, Suakin, Sudan.	Suakin, 1911.	Stolen by a Nigerian and brought to Medina.
13. Abdullah Ibn Hamid, Bargo, Wadai. French Equatorial Africa.	Borgo, 1910.	Brought to Hejaz via El Fasher.
1931.		
14. Amman ibn Alwad Ali, Galla, Abyssinia.	Galla, 1916.	Stolen and brought to Mecca via Lith.
15. Baraka bin Muhammad Ahmed, Abyssinia.	Qanta, Abyssinia, 1921.	Brought to Hejaz via Suakin.
16. Abdullah Ahmed ibn Bashir, El Obeid, Sudan.	El Obeid, 1890.	Stolen and brought to the Hejaz via the Farsan Islands.
17. Marzûq Ibn Gano, Addis Ababa, Abyssinia.	Addis Ababa, 1921.	Stolen and brought to Rabegh via Togorro and Medi.
18. Abdullah ibn Muhammad, French Equatorial Africa.	Dar Sila, French Equatorial Africa, 1914.	Stolen by Nigerians and brought to Lith.
19. Saida Bint Farajallah, El Obeid, Sudan.	El Obeid, 1900.	Brought to the Hejaz via Qunfidha.
20. Aman Ibn Taufiq, Abyssinia.	On pilgrimage, 1931.	Sold at Mecca.
21. Fatima bint Mustafa, Dar Sila, French Equatorial Africa.	Dar Sila, French Equatorial Africa, 1914.	Stolen and sold at Gimmeiza. Lived as a slave in Sudan. Came to Hejaz by steamer, 1931.
22. Rasha bint Salim, Yemen.	Santa, 1921.	Brought to Medi, whence by sambuq to Qunfidha.
23. Mubarrak ibn Abdul Monin, Sudan.	Sudan, 1878.	Stolen and brought by sambuq via Massawa to Qunfidha.
24. Salama bint Tajjamash, Abyssinia.	Shangand, Abyssinia, 1908.	Sold in Addis Ababa, brought to Tajura, whence to Qunfidha.
25. Haroun ibn Hayn, Yola, Adamawa, Nigeria.	Mayo Faran, Nigeria, 1902.	Lived with master in Nigeria until brought on pilgrimage in 1930 via Massawa and Al Qalim.
1932.		
26. Sa'dullah Ibn Abdurrahman, Kassala, Sudan.	Kassala, 1875.	Taken to Tokar and Hitaim and then by sambuq to Lith.
27. Jaber Ibn Darraj Abu Anja, Sudan.	Khartoum, 1892.	Taken to Suakin, whence by sambuq to Jedda.
28. Sa'ida Bint Huseyn, Sudan.	Khartoum, 1924.	Brought from Khartoum to coast, whence by sambuq to Hejaz.

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1932.		
29. Said Ibn Bakhit, Sudan.	Dongola, 1900.	Brought up the Nile to Omdurman, whence to Port Sudan (? Suakin) and by sambuq to Jedda.
30. Jamila Bint Mubarak, Abyssinia.	Sidamo, Abyssinia, 1916.	Sambuq to Qunfidha.
31. Jamila Bint Bakhit, Abyssinia.	Sana', 1910.	Came with family <i>via</i> Massawa and Hodeyda. Stolen in Sana'; sold in Abu Arish, whence came eventually to Lith.
32. Hassan ibn Abdullah, Abyssinia.	Kabeina, Abyssinia, 1911.	Sambuq to Medi, whence to Buraida.
33. Said Ibn Dabulu, Abyssinia.	Dabulu, Abyssinia, 1911.	Sambuq Jibouti to Qunfidha and Jedda.
34. Jabir Ibn Abdullah, French Equatorial Africa.	Abbash, Wadai, French Equatorial Africa, 1900.	Sold at Dar Sila, taken to Suakin, whence by sambuq to Jedda.
35. Saad Ibn Fayisa, Abyssinia.	Gofa, 1910.	Sold in Addi Ababa. Came eventually to Jibouti and Medi, whence to Mecca.
36. Musa Ibn Nanlubi, Sudan.	Nuba Mountains, 1892.	Brought to Khartoum, Tokar and sambuq to Jedda.
37. Murjan, Abyssinia.	Addis Ababa, 1917.	Sold in Addis Ababa, brought to Tajura, whence to Medi.
1933.		
38. Abdul Faraj Ibn Abdurrahman, French Equatorial Africa.	Dar Sila, French Equatorial Africa, 1913.	Brought to El Obeid and Omdurman, thence by train to Suakin and steamer to Jedda.
39. Said Ibn Zudius, Abyssinia.	Addis Ababa, 1923.	Sambuq from Tajura to Medi.
40. Aman Ibn Ashana, Abyssinia.	Ashana, Abyssinia, 1927.	Sambuq to Medi.
41. Mubarak, Aden.	(?) Aden, 1917.	Taken to Hudeyda, whence to Mecca.
42. Faraj, French Equatorial Africa.	Abeshr, French Equatorial Africa, 1901.	Taken to Gedaref and Suakin, whence by steamer to Jedda.
43. Olulu Ibn Sakallu, Abyssinia.	Sifayo, Abyssinia, 1928.	Taken to Jibouti, whence by steamer to Jedda.
44. Abdullah Ibn Faraj, Nigeria.	Bornu, 1893.	Brought to El Obeid and Omdurman, whence to Suakin by railway and Jedda by steamer.
45. Musa, Nigeria.	Yarwa, Bornu, 1900.	Brought to Darfur, El Obeid, whence by railway to Khartoum; overland to Suakin and by steamer to Jedda.
46. Jaber Ibn Idha, Sudan.	Nuba Mountains, 1903.	Sambuq to Lith.
47. Ali ibn Adam, Sudan.	Darfur, Sudan, 1900.	Sambuq from Suakin.
1934.		
48. Itir Bint Mabruk, Abyssinia.	(?) 1914.	Sambuq to Medi and Lith.
49. Saad Ibn Salem, Sudan.	Omdurman, 1898.	Brought with 35 other slaves to Tokar and by sea to Jedda.
50. Abdul Razzaq Ibn Bakhit, Sudan.	Dongola, 1894.	Sold at Berber, taken to Suakin, whence by dhow to Jedda.
51. Johar ibn Al Hilu, Abyssinia.	Deseh, Abyssinia, 1921.	Dhow from Jibouti to Medi with 20 other slaves.
52. Hasina Bint Hamad, Abyssinia.	Addis Ababa, 1914.	By sambuq from Tajura to Hudeyda.
53. Khairullah Ibn Abdulaziz, Abyssinia.	Gojam, Abyssinia, 1912.	Dhow from Tajura to Qunfidha.
54. Jabir Ibn Idha, Sudan.	Nuba Mountains, 1904.	Taken to Hitaim, whence by sambuq to Lith.
55. Abdullah Ibn Muhammad, Sudan.	Khartoum, 1920.	By dhow to north of Yanbu'.
1935.		
56. Abdulkheyr, Abyssinia.	Addis Ababa, 1915.	Taken to Somaliland and to Lith by sambuq.
57. Jamila Bint Abdullah, Abyssinia.	Suakin, 1910.	Married to a Sudanese in Abyssinia, came to Suakin, where stolen and taken by dhow to Hudeyda.
58. Salem, Abyssinia.	Addis Ababa, 1920.	Kidnapped and taken by train to Jibouti, whence by dhow to Tajura, whence to Hudeyda.

ANNEX 3.

COMMUNICATION, DATED OCTOBER 18TH, 1935, FROM THE GOVERNMENT
OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS.

NOTE ON SLAVES WHO TOOK REFUGE IN THE BRITISH LEGATION, JEDDA, FROM SEPTEMBER 1ST TO 30TH, 1935, WITH SPECIAL REFERENCE TO THE MANNER AND DATE OF THEIR ENSLAVEMENT AND TO THE AGENCY OR ROUTES BY WHICH THOSE NOT BORN IN SA'UDI ARABIA ARE BELIEVED TO HAVE REACHED THE COUNTRY.

Two persons and a child claiming to be slaves took refuge during the period under review. The following notes summarise the main facts elicited by questioning them, but it must be remembered that in almost all cases the recollection of such persons regarding dates is very uncertain :

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1. Bakr Ibn Hamza (<i>alias</i> Faraj), British West Africa.	On pilgrimage during the reign of Sherif Hussein, <i>circa</i> 1923.	Came on pilgrimage <i>via</i> Sudan.
2. Halima Bint Mabruq Oqqash and daughter Zahra, Yemen.	Born in slavery at Medi (Yemen).	Sold to a native of Jedda about 1928.

C.C.E.E.64.

ANNEX 4.

COMMUNICATION, DATED NOVEMBER 22ND, 1935, FROM THE GOVERNMENT
OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS.

NOTE ON SLAVES WHO TOOK REFUGE IN THE BRITISH LEGATION, JEDDA, FROM OCTOBER 1ST TO 31ST, 1935, WITH SPECIAL REFERENCE TO THE MANNER AND DATE OF THEIR ENSLAVEMENT AND TO THE AGENCY OR ROUTES BY WHICH THOSE NOT BORN IN SA'UDI ARABIA ARE BELIEVED TO HAVE REACHED THE COUNTRY.

Three persons claiming to be slaves took refuge during the period under review. Of these, one had apparently been in slavery in this country. The following notes summarise the main facts elicited by questioning them, but it must be remembered that in almost all cases the recollection of such persons regarding dates is very uncertain :

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1. Saida Binti Ali, Sudan (al Fasher).	Al Fasher (Sudan), 1894, when 9 years old.	Traded across the Sudan to Suakin, whence by dhow to Jedda about 1914 (?).
2. Aman Ibn Omar, Abyssinia.	Kidnapped from (?) Dauro, Abyssinia, 1902, when 5 years old.	Taken to Tajura (Fr. Somaliland) and then by dhow to Jedda.

ANNEX 5.

**COMMUNICATION, DATED JANUARY 25TH, 1936, FROM THE
GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS**

London, January 25th, 1936.

I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, two copies of each of the following documents :

(a) Two reports by the Governor of Hong-Kong on the Mui Tsai system for the half-years ended November 30th, 1934, and May 31st, 1935, respectively ;

(b) Two returns showing the registration of Mui Tsai in Malaya on December 31st, 1934, and June 30th, 1935, respectively ;

(c) The following legislation relating to Mui Tsai in the Unfederated Malay States :

Kelantan Enactment No. 3 of 1935 ;

Perlis Enactment No. 5 of 1933 ;

Trengganu Enactment No. 1 of 1934.

(Signed) R. DUNBAR.

Appendix I.

**REPORT BY THE GOVERNOR OF HONG-KONG ON THE MUI TSAI SYSTEM FOR THE HALF-YEAR
ENDED NOVEMBER 30TH, 1934 (WITH TABLE ATTACHED).¹**

The number of Mui Tsai on the register on November 30th, 1934, was 2,291.

2. On May 31st, 1934, the number of Mui Tsai still remaining on the register was 2,508. Between that date and November 30th, 1934, there was a further decrease of 217, made up as follows :

(i)	Died	3
(ii)	Returned to parents or relatives	43
(iii)	Absconded.	16
(iv)	Left Colony permanently	54
(v)	Married.	32
(vi)	Entered domestic service	28
(vii)	Left employer to earn own living	11
(viii)	Handed to care of Secretary for Chinese Affairs.	10
(ix)	Written off the register (see paragraph 4 (a)).	20

217

¹ See footnote ¹ on following page.

3. A table classifying the girls by ages has been compiled from the register. A copy of the detailed table is appended¹ to this despatch, but the figures may be summarised as follows :

Under 15	975
Between 15 and 18	1,031
Over 18	285
	2,291

4. (a) The careful checking of the register entailed in the compilation of the above table of ages has revealed a numerical error which, in order to preserve the continuity of the figures given in these six-monthly reports, has now been rectified by "writing off" twenty hypothetical girls from the register (item (ix) in paragraph 1 above). The error arose in the addition of those figures in the register on the basis of which the total of "Mui Tsai registered but never visited" was stated in the fifth paragraph of Mr. (now Sir Thomas) Southorn's despatch No. 321 of June 28th, 1932,² to have been 299. This figure should rightly have read 279, and the figures in subsequent despatches should have been reduced accordingly. The untraced girls in this category now number eighty-four — namely, ninety-two (erroneously given as 112 in a previous report) less eight traced during the period now under review.

(b) Of the 300 girls in the category "Mui Tsai registered and visited at least once", who were reported as still untraced in the same despatch, a further nineteen have been traced up to November 30th, 1934, leaving 281 (300 less 19) still missing. I have also to record that, up to November 30th, 1934, there was a further increase of eighteen girls in the category "Mui Tsai reported by the inspectors as not to be found when addresses shown on the register were visited". As pointed out in previous reports, the number of girls in this category, though it changes from day to day, tends to show a gradual increase. On November 30th, 1934, it stood at 360, as compared with 342 on May 31st, 1934, a net increase of eighteen.

(c) The total number of Mui Tsai on the register whose addresses were unknown at the end of the period under review — *i.e.*, on November 30th, 1934 — was therefore 725 (84 plus 281 plus 360).

5. (a) During the period under review, there have been thirty-three prosecutions under Ordinance 1 of 1923,³ involving thirty-one defendants and thirty-two Mui Tsai. Of these, eighteen prosecutions were for keeping unregistered Mui Tsai, two were for bringing unregistered Mui Tsai into the Colony, ten were for failing to notify change of address, two were for failing to pay wages to registered Mui Tsai and one was for assault.

¹ A Table of Ages of Registered Mui Tsai ranging from 4 to 29 Years up to November 30th 1934.

Ages of registered Mui Tsai	Total
4	4
5	10
6	15
7	28
8	50
9	65
10	60
11	136
12	144
13	230
14	233
	975
15	322
16	264
17	256
18	189
	1,031
19	145
20	69
21	38
22	16
23	13
24	1
25	1
26	1
29	1
	285
	2,291

² Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.V1, page 52.
³ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.V1, page 62.

(b) In the eighteen cases of keeping unregistered Mui Tsai, one defendant was fined \$250; two defendants were fined \$150; three defendants were fined \$100; one defendant was fined \$75 and \$150 on an additional charge of assault; three defendants were fined \$50; two defendants were fined \$25; one defendant was fined \$10 on a charge of keeping an unregistered Mui Tsai, a second charge of keeping another unregistered Mui Tsai being withdrawn on proof that the latter girl was a relative of the employer; two defendants were fined \$10; one defendant was discharged by the magistrate on the girl concerned admitting that she was a domestic servant and not a Mui Tsai; one defendant was discharged on account of the fact that the girl's mother, who, at the Secretariat for Chinese Affairs, had stated that the girl was a Mui Tsai, gave another version at the police court; and one charge was withdrawn because the employer had left the Colony.

(c) In the two cases of bringing an unregistered Mui Tsai into the Colony, one defendant was fined \$25 and one defendant was fined \$20.

(d) In the ten cases of failing to notify change of address, one defendant was fined \$20, one defendant was fined \$15 and cautioned (with an order to pay) on an additional charge of failing to pay wages, four defendants were fined \$10, one defendant was fined \$5, and three defendants were cautioned.

(e) In the remaining case of failure to pay wages, the defendant was cautioned and ordered to pay the amount outstanding.

(f) In most of the cases of keeping an unregistered Mui Tsai, the girls concerned were restored to their parents or other relatives or the usual arrangements were made for their well-being by the Secretary for Chinese Affairs. In three such cases, however, the girl was allowed to remain with the employer as a paid domestic servant, and in another case the girl was found employment elsewhere as a domestic servant. In the two cases of bringing an unregistered Mui Tsai into the Colony, one girl was restored to her mother and the other girl was allowed to remain with her employer as a domestic servant. In the cases of failure to notify change of address, the girls were generally allowed to remain with their employers.

(g) It is noteworthy that there were no prosecutions for the ill-treatment of registered Mui Tsai by their employers.

6. Since my last report, forty-four of the Mui Tsai who were recorded as attending school have been removed from the register, but a further twelve have been noted as attending. This brings the total number of girls attending school to 109 (141 less 44 plus 12).

7. (a) Of the three Mui Tsai who are mentioned in paragraph 2 as having died during the period under review, one died in hospital from natural causes, whilst the deaths of the other two were attended by circumstances which deserve special mention as follows :

(b) One Mui Tsai, 21 years of age, committed suicide by jumping from the first floor of her employer's residence. About two years ago she was betrothed by her mistress, but the engagement was broken off after a year or so on account of the illness of the prospective husband. Later, she was betrothed again to a hairdresser, but this man was unable to marry her at the appointed time because he lost his money in the bankruptcy of his employer's business. The deceased girl was upset and depressed after this second disappointment and it appears that she deliberately threw herself from the verandah of the first floor. A coroner's enquiry was held into the girl's death, and the jury returned a verdict of suicide while of unsound mind, with a rider to the effect that the girl had not been ill-treated in any way by her employer. She had, in fact, been in the service of her employer for twelve years, and appeared to have been exceptionally well treated.

(c) The other Mui Tsai, aged 16, either jumped or fell from the roof of her employer's residence. The day before her death, the girl was visited by one of the lady inspectors, and was asked about the amount of wages which she received from her employer. She stated that she had received only \$4 in wages since her registration, but that she did not mind whether any wages were paid or not. The employer, when interviewed, stated that she had not saved up the girl's wages, but that she intended to pay the arrears to the girl on her marriage at some future undetermined date. The lady inspector told the employer that this method was not in order, and instructed her to attend with the girl at the Secretariat for Chinese Affairs on the following day. According to the evidence of the employer and another servant employed in the same household, the girl, who was usually happy and cheerful, appeared to be worried at the thought of the impending visit to the Secretariat for Chinese Affairs, and early the next morning she was found lying in the garden in circumstances suggesting that she had fallen or jumped from the roof. At the coroner's enquiry, the jury returned a verdict to the effect that death was due to injuries received from a fall, but that there was insufficient evidence to indicate how deceased came to fall. There is little doubt, however, that the girl committed suicide.

8. During the six months under review, a total of 1,570 visits were made by the two lady inspectors to registered Mui Tsai and to ex-Mui Tsai who have obtained situations as domestic servants. The work of the inspectorate, not only in the supervision of Mui Tsai but in the protection of children in general, may perhaps be illustrated by the following extract from the latest report of the Hong-Kong Society for the Protection of Children. Referring to the arrangements made for the welfare of children, the report says :

“ In this branch of the Society’s work, your Committee cannot speak too highly of the unfailing sympathy and co-operation of the officers of the Secretariat for Chinese Affairs. Only those who are in close contact with the work of the senior officers, of Sub-Inspector Fraser and of the women inspectors of the Secretariat can sufficiently appreciate the value of their efforts on behalf of the more unfortunate children of the Colony.”

Appendix II.

REPORT BY THE GOVERNOR OF HONG-KONG ON THE MUI TSAI SYSTEM FOR THE HALF-YEAR ENDED MAY 31ST, 1935, WITH TWO ANNEXES.¹

The number of Mui Tsai on the register on May 31st, 1935, was 2,122, being a decrease of 169 on the figure for November 30th, 1934, which was 2,291.

2. The decrease is made up as follows :

(i) Died	1
(ii) Returned to parents or relatives.	49
(iii) Absconded and untraced	12
(iv) Left Colony permanently	27
(v) Married.	39
(vi) Entered domestic service	25
(vii) Left employer to earn own living	9
(viii) Handed to care of Secretary for Chinese Affairs.	6
(ix) Convicted of larceny	1
	169

3. (a) In addition to the twelve Mui Tsai noted in paragraph 2 as “ Absconded and untraced ”, one Mui Tsai absconded and returned to her employer a few weeks later. I have also to record that one of the girls who was reported as having absconded during the six months ending on November 30th, 1934, returned to her employer during the period under review and was handed over to the care of the Secretary for Chinese Affairs.

(b) One Mui Tsai, aged 15, was removed from the register subsequent to her conviction before a magistrate. She absconded from her employer’s house, taking with her jewellery to the value of \$274, the property of the employer. She was ultimately traced and found to be living with a man and woman, who were arrested with her. The Mui Tsai was charged with “ Larceny by servant ”, and ordered nine months’ detention in the Salvation Army Home, which has, under Section 19 of the Juvenile Offenders Ordinance, No. 1 of 1932, been appointed to be a place of detention for the purposes of the Ordinance. The man and woman were charged with receiving stolen property, but were discharged owing to lack of evidence.

¹ Footnote ¹, page 44, and footnote ¹, page 46.

4. A detailed table classifying the girls by their ages is appended.¹ The age of each girl has been advanced by one year since the compilation of the table accompanying Sir William Peel's despatch of January 10th, in view of the fact that the Chinese year commenced on February 4th, 1935. The table may be summarised as follows :

Under 15	719
Between 15 and 18	987
Over 18	416
	2,122

5. (a) Of the eighty-four girls remaining on November 30th, 1934, in the category " Mui Tsai registered but never visited ", a further fifteen were traced in the period under review, and the figure now stands at sixty-nine.

(b) In the category " Mui Tsai registered and visited at least once ", the figure for which stood on November 30th, 1934, at 281, a further eleven girls have been traced, leaving 270 still untraced on May 31st, 1935.

(c) There has been an increase during the period under review in the number of " Mui Tsai reported by the inspectors as not to be found when the addresses shown on the register were visited ". The figure, which stood on November 30th, 1934, at 360, is now 377, representing an increase of seventeen.

(d) The total number of Mui Tsai on the register whose addresses were unknown on May 31st, 1935, was therefore 716 (69 plus 270 plus 377), as compared with 725 on November 30th, 1934.

6. (a) During the period under review, sixty-four prosecutions, in addition to those mentioned in paragraph 7, were instituted against fifty-one individuals for offences against Ordinance No. 1 of 1923.² The number of girls involved was sixty-three.

(b) These cases may be classified as follows :

(i) Keeping unregistered Mui Tsai	25
(ii) Bringing unregistered Mui Tsai into the Colony	4
(iii) Failing to report the death of the employer of a Mui Tsai	1
(iv) Failing to report change of address	13
(v) Failing to report the intended marriage of a Mui Tsai	6
(vi) Failing to report the intended removal from the Colony of a Mui Tsai	9
(vii) Failing to pay wages	6
	64

(c) Out of the twenty-five prosecutions for keeping unregistered Mui Tsai, involving twenty-one defendants, eighteen were successful. One defendant was fined \$150; three defendants were each fined \$100; three defendants were each fined \$75; two defendants were each fined \$50; one defendant was fined sums of \$50, \$25 and \$25 in respect of three different

¹ Table of Ages of Registered Mui-Tsai ranging from 5 to 30 Years up to May 31st, 1935.

Ages of registered Mui Tsai	Total
5	4
6	9
7	15
8	28
9	48
10	63
11	60
12	133
13	140
14	219
15	719
16	222
17	294
18	237
19	234
20	987
21	166
22	132
23	58
24	30
25	14
26	12
27	1
28	1
29	1
30	1
	416
	2,122

² Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, page 62.

girls; one defendant was fined \$30; four defendants were each fined \$25, and one defendant was fined \$10. Five defendants were discharged, two being charged with having two Mui Tsai each.

(d) In the four cases of bringing unregistered Mui Tsai into the Colony, two defendants were each fined \$25. A third defendant who was summoned in respect of two girls was discharged.

(e) One prosecution was brought under Section 9, Sub-section 2, and was the first of its kind. It was alleged against the defendant that he had become the actual employer of a Mui Tsai in consequence of the death of the former employer, and had failed to report the fact within one week. A fine of \$10 was imposed.

(f) All the prosecutions brought for failure to report change of address were successful. Two defendants were each fined \$25; four defendants were each fined \$20; three defendants were each fined \$10; two defendants were each fined \$5; one defendant was fined \$2, and one defendant was fined \$1.50.

(g) In the six cases of failure to report the intended marriage of a Mui Tsai, one defendant was fined \$50; one defendant was fined \$10; two defendants were each fined \$5 and one defendant was fined \$2. The remaining case was adjourned *sine die*, the defendant having left the Colony.

(h) All nine prosecutions for failing to report the intended removal of a Mui Tsai from the Colony were successful. One defendant was fined \$50; one defendant was fined \$25; one defendant was fined \$20; three defendants were each fined \$10; one defendant was fined \$5; one defendant was fined \$2 and one defendant was fined \$1.50.

(i) Six prosecutions were brought against employers for failing to pay wages. One defendant was fined \$10 and ordered to pay the arrears of wages; and four defendants were ordered to pay the arrears of wages, no fines being inflicted. One defendant was discharged, as the Mui Tsai, when she appeared in court, stated that her mother had received her wages on her behalf. In two of the successful cases, the defendants were too poor to pay the full amounts of wages due; the magistrate thereupon reduced these amounts to sums which they were able to pay, and the girls concerned were restored to their relatives.

(j) There were again no cases of cruelty to or ill-treatment of registered Mui Tsai.

(k) The usual arrangements were made for the welfare of the girls concerned in the successful prosecutions for keeping unregistered Mui Tsai and for bringing unregistered Mui Tsai into the Colony. Two girls, who were manifestly attached to their respective employers, were allowed to remain with them as paid domestic servants. Two of the girls concerned in the unsuccessful cases were taken into the care of the Secretary for Chinese Affairs. One of these girls was only 6 years of age, and a conviction would possibly have been obtained against her employer but for the fact that, in court, the child was too frightened even to answer to her name; the other girl was found on premises which were suspected, although no definite proof was obtainable, of being used for immoral purposes.

(l) In cases concerning registered Mui Tsai, the girls were given their choice as to whether they wished to leave their employers or not. They almost invariably elected to remain. This option was not conceded in the cases where full payment of arrears of wages was not forthcoming. These cases have already been referred to in paragraph 6 (i).

7. (a) In addition to those mentioned in the last paragraph, there were a further twelve prosecutions with which I have preferred to deal separately. These may conveniently be summarised as four similar cases, each involving one girl and two defendants.

(b) The girl in each case was a registered Mui Tsai. It was found by the inspectors that she was not residing with her employer, but living and working at another address. The registered employer was summoned on two counts: (A) For transferring a Mui Tsai to another employer, contrary to Section 9, Sub-section 1; and (B) for failing to report the change of address of the Mui Tsai. The person with whom the Mui Tsai was staying summoned for (C) taking a Mui Tsai into his employment.

(c) The first case to be heard was successful, the defendants pleading guilty and admitting that the transfer was intended to be permanent. The first defendant was fined \$10 on each of the charges (A) and (B), and the second defendant was fined \$25 in respect of charge (C).

(d) The second and third cases of this kind came up for hearing together, and the defendants were discharged on all counts. The facts of the case were admitted, but the magistrate held that, inasmuch as there was no evidence to show that a *permanent* transfer was intended, he could not see his way to convict on either charge (A) or charge (C). With regard to charge (B), he held that the wording of the regulation was not such as to compel an employer to report a temporary change of address.

(e) The advice of the law officers of the Crown was sought, and the magistrate was upheld on both points. The fourth case of this kind, in which the circumstances were similar to those of the last two, was then withdrawn by permission of the magistrate.

(f) In view of these cases, it has been considered desirable to alter Regulation 5 (1) (d), and a new regulation in its place has been approved by the Executive Council whereby "any change, whether temporary or permanent, in the address at which the Mui Tsai or the employer resides" must be reported. This regulation¹ has now been published as Government Notification No. 424 in the *Government Gazette* of May 31st, 1935.

(g) Of the four girls concerned in these cases, two elected to remain with their registered employers, one was restored to her parents, and one, at her own request, was allowed to remain with her new employer as a domestic servant.

8. Since my last report, seven of the Mui Tsai who were recorded as attending school have been removed from the register, but a further ten have been found to be studying. The number of girls on record as school pupils on May 31st, 1935, is thus 112, as compared with 109 on November 30th, 1934.

9. (a) Inspector Fraser left the Colony on home leave on May 18th, 1935, and his place is being filled by Acting Inspector O'Connor, who has been lent to the Secretariat for Chinese Affairs by the Police Department.

(b) The two lady inspectors paid a total of 1,622 visits to registered Mui Tsai and to ex-Mui Tsai who have obtained employment as domestic servants. They have, in addition, spent a great deal of time, in company with the male inspector, preparing the cases for prosecution, and following up the reports which frequently come to them in the course of their visiting as to the existence of alleged unregistered Mui Tsai. Their work has been responsible for the great majority of the prosecutions.

(c) Inspector Fraser's work has again been of a very high standard. He has brought the register system and the inspection routine to a high pitch of efficiency and has conducted the prosecutions with marked ability.

(d) The inspectorate staff generally seem to have acquired the confidence of the girls to a remarkable extent, and cases are common in which girls, ex-Mui Tsai and others, who have long passed out of the care of the Secretary for Chinese Affairs, return to the office of the Inspector of Mui Tsai to give an account of their progress and to seek advice.

¹ HONG-KONG. — *Ordinance No. 1 of 1923 (Female Domestic Service)*.

In exercise of the powers conferred by Section 12 (1) of the Female Domestic Service Ordinance, 1923, the Governor in Council further amends the regulations set forth in Government Notification No. 568 published in the *Gazette* of November 8th, 1929, as follows :

Amendments.

- (1) The following is substituted for paragraph (d) of Regulation 5 (1) :
 - (d) Any change, whether temporary or permanent, in the address at which the Mui-Tsai or the employer resides.
- (2) In Appendix A :
 - (i) "Address at which the Mui-Tsai resides" is substituted for "address of Mui-Tsai".
 - (ii) "Address at which the employer resides" is substituted for "address of employer".

Appendix III.

RETURN SHOWING THE REGISTRATION OF MUI TSAI IN MALAYA AS
ON DECEMBER 31st, 1934.

	Straits Settlements					Federated Malay States					Unfederated Malay States ¹		
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Kedah	Total
Number registered on June 30th, 1934	589	492	249	2 ³	1,332	448	457 ⁴	203	64 ⁵	1,172	150	97	247
Cancelled :													
Returned to parents . .	6	2	—	—		2	1	—	1		—	2	
Left Settlement or State	9	3	—	—		—	2	2	—		—	—	
Married	31	11	9	—		10	8	8	1		3	2	
Ceased to be Mui Tsai.	1	2	1	—		6	3	9	1		5	—	
Admitted to P.L.K. . .	7	—	—	—		1	1	—	—		—	—	
Miscellaneous	4	—	—	—		1	3	—	—		—	—	
Total cancelled	58	18	10	—		20	18	19	3		8	4	
Added to register on transfer from another Settlement or State	1	1	—	—		4	—	—	1		3	—	
Total on register on December 31st, 1934. . .	532	475	239	2	1,248	432	439	184	62	1,117	145	93	238

¹ No returns for Brunei and Perlis. ² Figure in last return, 246. ³ No further information received.
⁴ Figure in last return, 463. ⁵ Figure in last return, 63.

Appendix IV.

RETURN SHOWING THE REGISTRATION OF MUI TSAI IN MALAYA AS
ON JUNE 30th, 1935.

	Straits Settlements					Federated Malay States					Unfederated Malay States ¹		
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Kedah	Total
Number registered on December 31st, 1934 . .	532	475	239	2	1,248	432	439	184	62	1,117	145	93	238
Cancelled :													
Returned to parents . .	4	2	—	—	6	1	2	—	—	3	—	—	—
Left Settlement or State	9	2	1	—	12	—	6	2	—	8	4	1	5
Married	23	11	5	—	39	10	9	6	—	25	3	—	3
Ceased to be Mui Tsai.	24	7	1	—	32	10	15	—	—	25	4	—	4
Admitted to P.L.K. . .	3	4	4	—	11	2	—	—	—	2	1	—	1
Miscellaneous	1	1 ²	2 ³	—	4	—	1 ³	—	1	2	—	—	—
Total cancelled	64	27	13	—	104	23	33	8	1	65	12	1	13
Added to register on transfer from another Settlement or State	2	2	3	—	7	1	3	—	—	4	2	—	2
Total on register on June 30th, 1935.	470	450	229	2	1,151	410	409	176	61	1,056	135	92	227

¹ No returns for Perlis, Kelantan, Trengganu and Brunei. ² Absconded. ³ Died.

Appendix V.

LEGISLATION RELATING TO MUI TSAI IN THE UNFEDERATED MALAY STATES.

(a) KELANTAN ENACTMENT NO. 3 OF 1935.

1. This Enactment may be cited as "The Mui Tsai Enactment, 1935", and shall come into force on the 19th day of February, 1935.

2. In this Enactment, unless there is something repugnant in the subject or context :

"Employer" means a person who has acquired the custody, possession, control or guardianship of a Mui Tsai ;

"Mui Tsai" means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the State of Kelantan, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt : Provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of eighteen years or on marriage, whichever shall first happen ;

"Place of safety" means such place as may either generally or for particular cases be directed by His Highness the Sultan to be a place of safety for the detention of Mui Tsai ;

"Protector" means the Commissioner of Police, Kelantan.

3. No person shall, after the commencement of this Enactment, acquire the custody, possession, control or guardianship of a Mui Tsai.

4. (i) Every person who at the commencement of this Enactment shall have a Mui Tsai in his custody, possession, control or guardianship in the State of Kelantan shall register such Mui Tsai in the prescribed manner within six months after such commencement.

(ii) It shall be lawful for the Protector, in his absolute discretion, to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.

5. Subject to the period allowed for registration and subject to the provisions of Section 9, no person shall have in his custody, possession, control or guardianship an unregistered Mui Tsai.

6. No person shall, after the commencement of this Enactment, bring or cause to be brought into the State of Kelantan any Mui Tsai unless such Mui Tsai :

(a) Has previously been in the State of Kelantan and has been registered under this Enactment ; or

(b) Has been registered as a Mui Tsai under the law for the time being in force in the Colony of the Straits Settlements or in some other British Colony or in a British Protectorate or in a Malay State under British protection.

7. (i) No employer of a Mui Tsai shall overwork or ill-treat a Mui Tsai.

(ii) Every employer of a Mui Tsai shall provide such Mui Tsai with wages at a rate not less than such minimum rate as may be prescribed, and with sufficient food, clothing of a reasonable kind and, in case of illness, proper medical attendance.

8. (i) In the event of any dispute arising between a Mui Tsai and her employer concerning the payment of wages, the Protector may enquire into and decide such dispute and make such order as he may deem just.

(ii) Any order made by the Protector under Sub-section (i) may be enforced by the court of a magistrate of the first class in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the protector.

9. (i) No Mui Tsai shall, after the commencement of this Enactment, be transferred from one employer to another without the previous sanction of the Protector : Provided that upon the death of the employer of any Mui Tsai the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.

(ii) Every person who, after the commencement of this Enactment, shall become the employer of a Mui Tsai by reason of the death of the former employer of such Mui Tsai, or for any other reason, shall report such fact in the prescribed manner within one month after he shall have become the employer of such Mui Tsai.

10. (i) Any Mui Tsai who wishes to be restored to the custody of her parent or natural guardian, and any Mui Tsai whose parent or natural guardian wishes such Mui Tsai to be restored to his custody, shall, without any payment whatsoever, be restored to such custody unless the Protector shall see some grave objection in the interest of such Mui Tsai to such restoration.

(ii) Any such Mui Tsai may, by order of the Protector, be detained in a place of safety until arrangements have been made for her restoration to her parent or natural guardian.

11. Every Mui Tsai and every employer shall have the right to apply to the Protector, and upon such application the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the custody, possession, control or guardianship of the Mui Tsai and may order her detention in a place of safety.

12. Any person who harbours any girl knowing or having reason to believe that such girl is a Mui Tsai shall report the fact to the Protector or to the person in charge of a police-station within a period of forty-eight hours.

13. His Highness the Sultan in Council may by notification make rules for and in respect of all or any of the following purposes or matters :

(a) The registration of Mui Tsai, the taking of photographs and finger-prints of Mui Tsai upon registration, the particulars to be entered in the registers, and the keeping of such registers up to date ;

(b) The inspection and control of Mui Tsai ;

(c) The care, detention, temporary absence and maintenance of Mui Tsai detained under this Enactment ;

(d) Any matter which under this Enactment is required or permitted to be prescribed ;

(e) Generally, in relation to any matters, whether similar or not to those above mentioned, as to which it is expedient to make rules for carrying into effect the objects of this Enactment.

14. (i) Every person who contravenes or fails to comply with any of the provisions of Section 7 shall be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for any term not exceeding two years, or to both.

(ii) Every person who is guilty of an offence against this Enactment or contravenes or fails to comply with any of the provisions of this Enactment or of any rules made thereunder shall, if no penalty has otherwise been specially provided, be liable to a fine not exceeding two hundred dollars or to imprisonment of either description for any term not exceeding six months.

15. (i) All offences against this Enactment or any rule made thereunder shall be cognisable by the court of a magistrate of the first class : Provided that no prosecution shall be instituted in respect of any such offence without the previous sanction of the Protector.

(ii) The court of a magistrate of the first class may, notwithstanding anything contained in the Courts Enactment, 1925, impose the full punishment prescribed by this Enactment in respect of any offence.

16. In any prosecution under Section 7, it shall be lawful for the court to convict of voluntarily causing hurt if it finds that the offence of voluntarily causing hurt was committed but does not find that the girl in question was a Mui Tsai.

17. In every prosecution under this Enactment or any rule made thereunder, it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

18. In every prosecution under this Enactment or any rule made thereunder, whether or not evidence be called on the question of age, any girl who appears to the court to be of or under or over any particular age shall, until the contrary is proved, be presumed for the purposes of such prosecution to be of or under or over such age, as the case may be.

19. (i) In any proceedings whatsoever, whether under this Enactment or otherwise, the following shall be admissible in evidence on production :

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder ;

(b) Any extract from any such register which purports to have been certified as correct by the Protector ;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment.

(ii) If any such photograph appears to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

(iii) If any such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular

Mui Tsai, it shall be presumed until the contrary is proved that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

20. (i) The Protector or any person generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry, the Protector or such person as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask, and for the purposes of such further enquiry as may be deemed necessary the Protector or such person as aforesaid may remove any such Mui Tsai to a place of safety to be there detained until her case is further enquired into.

(ii) The Protector or any person generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(iii) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such person as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such person, shall be guilty of an offence against this Enactment.

21. (i) If the Protector has reasonable cause to suspect that any girl has after the commencement of this Enactment been purchased or otherwise acquired in or out of the State of Kelantan with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the State of Kelantan without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(ii) Any person who fails to produce such girl when so required under Sub-section (i) shall be guilty of an offence against this Enactment.

(iii) In default of such photographs being furnished or such security being given, the Protector may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (i) Whenever a Mui Tsai has been detained in or removed to a place of safety under Section 11 or Section 20 or Section 21 of this Enactment and it appears to His Highness the Sultan to be expedient in the interests of such Mui Tsai that she should be removed from such place of safety and transmitted to the Colony of the Straits Settlements for detention in a place of safety established in the said Colony under Ordinance No. 15 of 1930 (Women and Girls Protection), he may cause a representation to be made under Sub-section (i) of Section 16A of the said Ordinance, and upon issue of a warrant by the Colonial Secretary as in that sub-section provided His Highness the Sultan may by order under his hand direct that such Mui Tsai shall be removed to the place of safety specified in such warrant.

(ii) Any order made under Sub-section (i) shall be sufficient authority for the removal of the Mui Tsai named therein.

(iii) Any Mui Tsai removed under this Enactment to a place of safety in the Colony of the Straits Settlements shall, if she so desires, on being discharged from such place of safety, be returned to Kelantan and shall not be subject to the provisions of the Indigent Alien Immigration Enactment, 1914, or of the Aliens Enactment, 1933.

23. (i) Whenever the Protector is of opinion that it is in the interests of any such girl as is referred to in Section 21 that such girl should be permitted to leave the State of Kelantan, the Protector may grant such permission upon being supplied with such photographs as he may require and upon such security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of Government within such period and at such destination in the Colony of the Straits Settlements or in a Malay State under British protection as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from the State of Kelantan,

unless the officer of Government referred to in Sub-section (i) of this section obtains fresh security in the manner specified in Section 21.

(iii) A certificate under the hand of the officer of Government referred to in Sub-section (i) of this section that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect, unless the court requires such officer to be called as a witness.

24. Whenever in accordance with the provisions of this Enactment a Mui Tsai is detained in a place of safety, such Mui Tsai may, subject to the provisions of this Enactment, be detained in such place of safety until she attains the age of nineteen years, if she has not married and if such arrangements for her welfare as the Protector deems necessary have not been made.

25. The Protector and every person generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of " The Penal Code, 1930 ".

(b) PERLIS ENACTMENT No. 5 OF 1353.

1. This Enactment may be cited as " The Mui Tsai Enactment, 1353 ", and shall come into force on the 23rd day of Jemadilawal, 1353.

2. In this Enactment, unless there is something repugnant in the subject or context :

" Employer " means a person who has acquired the custody, possession, control or guardianship of a Mui Tsai ;

" Mui Tsai " means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the State of Perlis, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt :

Provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of eighteen years or on marriage, whichever shall first happen ;

" Protector " means the officer appointed by the President of the State Council under Section 13 (1) to be the Protector.

3. No person shall, after the commencement of this Enactment, acquire the custody, possession, control or guardianship of a Mui Tsai.

4. (1) Every person who at the commencement of this Enactment shall have a Mui Tsai in his custody, possession, control or guardianship in the State of Perlis shall register such Mui Tsai in the prescribed manner within six months after such commencement.

(2) It shall be lawful for the Protector, in his absolute discretion, to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.

5. Subject to the period allowed for registration, and subject to the provisions of Section 9, no person shall have in his custody, possession, control or guardianship an unregistered Mui Tsai.

6. No person shall, after the commencement of this Enactment, bring or cause to be brought into the State of Perlis any Mui Tsai unless such Mui Tsai :

(a) Has previously been in the State of Perlis and has been registered under this Enactment ; or

(b) Has been registered as a Mui Tsai under the law for the time being in force in the Colony or in a British Protectorate or in any other Malay State under British protection.

7. (1) No employer of a Mui Tsai shall overwork or ill-treat a Mui Tsai.

(2) Every employer of a Mui Tsai shall provide such Mui Tsai with wages at a rate not less than such minimum rate as may be prescribed, and with sufficient food, clothing of a reasonable kind and, in case of illness, proper medical attendance.

8. (1) In the event of any dispute arising between a Mui Tsai and her employer concerning the payment of wages, the Protector may enquire into and decide such dispute and make such order as he may deem just.

(2) Any order made by the Protector under Sub-section (1) may be enforced by the court of the chief magistrate in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the Protector.

9. (1) No Mui Tsai shall, after the commencement of this Enactment, be transferred from one employer to another without the previous sanction of the Protector.

Provided that upon the death of the employer of any Mui Tsai the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.

(2) Every person who, after the commencement of this Enactment, shall become the employer of a Mui Tsai by reason of the death of the former employer of a Mui Tsai, or for any other reason, shall report such fact in the prescribed manner within one week after he shall have become the employer of such Mui Tsai.

10. (1) Any Mui Tsai who wishes to be restored to the custody of the parent or natural guardian, and any Mui Tsai whose parent or natural guardian wishes such Mui Tsai to be restored to his custody, shall, without any payment whatsoever, be restored to such custody unless the Protector shall see some grave objection in the interest of such Mui Tsai to such restoration.

(2) Any such Mui Tsai may, by order of the Protector, be detained in a place of safety until arrangements have been made for her restoration to her parent or natural guardian.

11. Every Mui Tsai and every employer shall have the right to apply to the Protector and upon any such application the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the custody, possession, control or guardianship of the Mui Tsai.

12. Any person who harbours any girl knowing or having reason to believe that such girl is a Mui Tsai shall report the fact to the Protector or at a police-station within a period of forty-eight hours.

13. (1) The President of the State Council may appoint any person either by name or office to be the Protector and may make rules in respect of all or any of the following purposes or matters :

(a) The registration of Mui Tsai, the taking of photographs and finger-prints of Mui Tsai upon registration, the particulars to be entered in the registers, and the keeping of such registers up to date ;

(b) The inspection and control of Mui Tsai ;

(c) Any matter which under this Enactment is required or permitted to be prescribed ;

(d) Generally, in relation to any matters, whether similar or not to those above mentioned, as to which it is expedient to make rules for carrying into effect the objects of this Enactment.

(2) All such rules shall be published.

14. (1) Every person who contravenes or fails to comply with any of the provisions of Section 7 shall be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for any term not exceeding two years, or both.

(2) Every person who is guilty of an offence against this Enactment or contravenes or fails to comply with any of the provisions of this Enactment or of any rule made thereunder shall, if no penalty has otherwise been specially provided, be liable to a fine not exceeding two hundred dollars or to imprisonment of either description for any terms not exceeding six months.

15. All offences against this Enactment or any rule made thereunder shall be cognisable by the Senior Court.

Provided that no prosecutions shall be instituted in respect of any such offence without the previous sanction of the Protector.

16. In any prosecution under Section 7 it shall be lawful for the court to convict of voluntarily causing hurt under Section 323 of the Penal Code if it finds that the offence of voluntarily causing hurt was committed but does not find that the girl in question was a Mui Tsai.

17. In every prosecution under this Enactment or any rule made thereunder it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

18. In every prosecution under this Enactment or any rule made thereunder, whether or not evidence be called on the question of age, any girl who appears to the court to be of or under or over any particular age shall, until the contrary is proved, be presumed for the purposes of such prosecution to be of or under or over such age as the case may be.

19. (1) In any proceedings whatsoever, whether under this Enactment or otherwise, the following shall be admissible in evidence on production :

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder ;

(b) Any extract from any such register which purports to have been certified as correct by the Protector ;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment ;

(2) If any such photograph appears to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular

Mui Tsai, it shall be presumed until the contrary is proved that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

(3) If any such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

20. (1) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry the Protector or such officer as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask.

(2) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(3) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such officer as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such officer, shall be guilty of an offence against this Enactment.

21. (1) If the Protector has reasonable cause to suspect that any girl has, after the commencement of this Enactment, been purchased or otherwise acquired in or out of the State of Perlis with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the district in which she then is without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(2) Any person who fails to produce such girl when so required under Sub-section (1) shall be guilty of an offence against this Enactment.

(3) In default of such photographs being furnished or such security being given the Protector may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (1) Whenever the Protector is of opinion that it is in the interest of any such girl as is referred to in Section 21 that such girl should be permitted to leave the district in which she then is, the Protector may grant such permission upon being supplied with such photographs as he may require and upon security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of Government within such period and at such destination as may be specified in the bond.

(2) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from the district.

(3) A certificate under the hand of the officer of Government referred to in Sub-section (1) that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect, unless the court requires such officer to be called as a witness.

23. The Protector and every officer generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of the Penal Code.

(c) TRENGGANU ENACTMENT NO. 1 OF 1354.

1. This Enactment may be cited as "The Mui Tsai Enactment, 1354" and shall come into force on the 12th day of Muharram 1354 corresponding to the 15th day of April, 1935.

2. In this Enactment, unless there is something repugnant in the subject or context :

“ Employer ” means a person who has acquired the custody, possession, control or guardianship of a Mui Tsai ;

“ Mui Tsai ” means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the State of Trengganu, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt : Provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of eighteen years or on marriage, whichever shall first happen ;

“ Place of safety ” means such place as may either generally or for particular cases be directed by His Highness the Sultan to be a place of safety for the detention of Mui Tsai ;

“ Protector ” means the Commissioner of Police, Trengganu.

3. No person shall, after the commencement of this Enactment, acquire the custody, possession, control or guardianship of a Mui Tsai.

4. (i) Every person who at the commencement of this Enactment shall have a Mui Tsai in his custody, possession, control or guardianship in the State of Trengganu shall register such Mui Tsai in the prescribed manner within six months after such commencement.

(ii) It shall be lawful for the Protector, in his absolute discretion, to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.

5. Subject to the period allowed for registration, and subject to the provisions of Section 9, no person shall have in his custody, possession, control or guardianship an unregistered Mui Tsai.

6. No person shall, after the commencement of this Enactment, bring or cause to be brought into the State of Trengganu any Mui Tsai unless such Mui Tsai :

(a) Has previously been in the State of Trengganu and has been registered under this Enactment ; or

(b) Has been registered as a Mui Tsai under the law for the time being in force in the Colony of the Straits Settlements or in some other British Colony or in a British Protectorate or in a Malay State under British protection.

7. (i) No employer of a Mui Tsai shall overwork or ill-treat a Mui Tsai.

(ii) Every employer of a Mui Tsai shall provide such Mui Tsai with wages at a rate not less than such minimum rate as may be prescribed, and with sufficient food, clothing of a reasonable kind and, in case of illness, proper medical attendance.

8. (i) In the event of any dispute arising between a Mui Tsai and her employer concerning the payment of wages, the Protector may enquire into and decide such dispute and make such order as he may deem just.

(ii) Any order made by the Protector under Sub-section (i) may be enforced by the court of a magistrate of the first class in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the Protector.

9. (i) No Mui Tsai shall, after the commencement of this Enactment, be transferred from one employer to another without the previous sanction of the Protector : Provided that upon the death of the employer of any Mui Tsai the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.

(ii) Every person who, after the commencement of this Enactment, shall become the employer of a Mui Tsai by reason of the death of the former employer of such Mui Tsai, or for any other reason, shall report such fact in the prescribed manner within one month after he shall have become the employer of such Mui Tsai.

10. (i) Any Mui Tsai who wishes to be restored to the custody of her parent or natural guardian, and any Mui Tsai whose parent or natural guardian wishes such Mui Tsai to be restored to his custody, shall, without any payment whatsoever, be restored to such custody unless the Protector shall see some grave objection in the interest of such Mui Tsai to such restoration.

(ii) Any such Mui Tsai may, by order of the Protector, be detained in a place of safety until arrangements have been made for her restoration to her parent or natural guardian.

11. Every Mui Tsai and every employer shall have the right to apply to the Protector, and upon such application the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the custody, possession, control or guardianship of the Mui Tsai and may order her detention in a place of safety.

12. Any person who harbours any girl knowing or having reason to believe that such girl is a Mui Tsai shall report the fact to the Protector or to the person in charge of a police-station within a period of forty-eight hours.

13. His Highness the Sultan in Council may by notification make rules for and in respect of all or any of the following purposes or matters :

(a) The registration of Mui Tsai, the taking of photographs and finger-prints of Mui Tsai upon registration, the particulars to be entered in the registers, and the keeping of such registers up to date;

(b) The inspection and control of Mui Tsai;

(c) The care, detention, temporary absence and maintenance of Mui Tsai detained under this Enactment;

(d) Any matter which under this Enactment is required or permitted to be prescribed;

(e) Generally, in relation to any matters, whether similar or not to those above mentioned, as to which it is expedient to make rules for carrying into effect the objects of this Enactment.

14. (i) Every person who contravenes or fails to comply with any of the provisions of Section 7 shall be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for any term not exceeding two years, or to both.

(ii) Every person who is guilty of an offence against this Enactment or contravenes or fails to comply with any of the provisions of this Enactment or of any rules made thereunder shall, if no penalty has otherwise been specially provided, be liable to a fine not exceeding two hundred dollars or to imprisonment of either description for any term not exceeding six months.

15. (i) All offences against this Enactment or any rule made thereunder shall be cognisable by the court of a magistrate of the first class; Provided that no prosecution shall be instituted in respect of any such offence without the previous sanction of the Protector.

(ii) The court of a magistrate of the first class may, notwithstanding anything contained in the Courts Enactment, impose the full punishment prescribed by this Enactment in respect of any offence.

16. In any prosecution under Section 7 it shall be lawful for the court to convict of voluntarily causing hurt if it finds that the offence of voluntarily causing hurt was committed but does not find that the girl in question was a Mui Tsai.

17. In every prosecution under this Enactment or any rule made thereunder, it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

18. In every prosecution under this Enactment or any rule made thereunder, whether or not evidence be called on the question of age, any girl who appears to the court to be of or under or over any particular age shall, until the contrary is proved, be presumed for the purposes of such prosecution to be of or under or over such age, as the case may be.

19. (i) In any proceedings whatsoever, whether under this Enactment or otherwise, the following shall be admissible in evidence on production :

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder;

(b) Any extract from any such register which purports to have been certified as correct by the Protector;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment.

(ii) If any such photograph appears to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

(iii) If any such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular Mui Tsai, it shall be presumed until the contrary is proved that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

20. (i) The Protector or any person generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry the Protector or such person as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask, and for the purposes of such further enquiry as may be deemed necessary the Protector or such person as aforesaid may remove any such Mui Tsai to a place of safety to be there detained until her case is further enquired into.

(ii) The Protector or any person generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(iii) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such person as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such person, shall be guilty of an offence against this Enactment.

21. (i) If the Protector has reasonable cause to suspect that any girl has, after the commencement of this Enactment, been purchased or otherwise acquired in or out of the State of Trengganu with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the State of Trengganu without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(ii) Any person who fails to produce such girl when so required under Sub-section (i) shall be guilty of an offence against this Enactment.

(iii) In default of such photographs being furnished or such security being given the Protector may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (i) Whenever a Mui Tsai has been detained in or removed to a place of safety under Section 11 or Section 20 or Section 21 of this Enactment and it appears to His Highness the Sultan to be expedient in the interests of such Mui Tsai that she should be removed from such place of safety and transmitted to the Colony of the Straits Settlements for detention in a place of safety established in the said Colony under Ordinance No. 15 of 1930 (Women and Girls' Protection), he may cause a representation to be made under Sub-section (i) of Section 16 A of the said Ordinance, and upon issue of a warrant by the Colonial Secretary as in that sub-section provided His Highness the Sultan may by order under his hand direct that such Mui Tsai shall be removed to the place of safety specified in such warrant.

(ii) Any order made under Sub-section (i) shall be sufficient authority for the removal of the Mui Tsai named therein.

(iii) Any Mui Tsai removed under this Enactment to a place of safety in the Colony of the Straits Settlements shall, if she so desires, on being discharged from such place of safety, be returned to Trengganu and shall not be subject to the provisions of the Aliens Enactment, 1351, or of the Government Proclamation Nos. 10 and 13 of 1349.

23. (i) Whenever the Protector is of opinion that it is in the interests of any such girl as is referred to in Section 21 that such girl should be permitted to leave the State of Trengganu, the Protector may grant such permission upon being supplied with such photographs as he may require and upon such security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of Government within such period and at such destination in the Colony of the Straits Settlements or in a Malay State under British protection as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from the State of Trengganu, unless the officer of Government referred to in Sub-section (i) of this section obtains fresh security in the manner specified in Section 21.

(iii) A certificate under the hand of the officer of Government referred to in Sub-section (i) of this section that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect unless the Court requires such officer to be called as a witness.

24. Whenever in accordance with the provisions of this Enactment a Mui Tsai is detained in a place of safety, such Mui Tsai may, subject to the provisions of this Enactment, be detained in such place of safety until she attains the age of nineteen years, if she has not married and if such arrangements for her welfare as the Protector deems necessary have not been made.

25. The Protector and every person generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of "The Penal Code".

THE MUI TSAI ENACTMENT, 1354.

Rules under Section 13.

In exercise of the powers conferred by Section 13 of "The Mui Tsai Enactment, 1354", His Highness the Sultan in Council hereby makes the following rules with effect from the 12th day of Muharram 1354 corresponding to the 15th day of April, 1935.

1. Registration of Mui Tsai shall be effected at the office of the Protector or at any other office visited by the Protector for the purpose of registration.

2. An application for registration of a Mui Tsai shall be in the form set out in Schedule A and shall contain the particulars specified in that schedule so far as they can reasonably be ascertained, and shall be signed by the employer, who shall certify the correctness of the particulars. Such particulars shall be entered in the register of Mui Tsai which shall be kept by the Protector.

Every application for registration shall be accompanied by two photographs of the Mui Tsai for whose registration application is made and the finger-prints of the Mui Tsai may be recorded in the register.

3. As soon as may be after registration, identification tickets shall be given to the employer of every Mui Tsai and to every Mui Tsai so registered. These identification tickets should be produced in connection with any subsequent application or report in connection with the Mui Tsai.

4. The employer shall make and sign a report to the registering officer upon :

- (a) The death of a Mui Tsai ;
- (b) The disappearance of a Mui Tsai ;
- (c) The intended removal of a Mui Tsai from the State of Trengganu ;
- (d) Any change of address of a Mui Tsai or of her employer ;
- (e) The intended marriage of a Mui Tsai ;
- (f) Any change in the actual employer of a Mui Tsai.

5. The employer of any Mui Tsai shall produce such Mui Tsai whenever called upon to do so by the Protector, at any time and place specified by him.

6. Every Mui Tsai under the age of 15 years shall be paid wages at the rate of not less than \$2 a month. Every Mui Tsai of or over the age of 15 years shall be paid wages at the rate of not less than \$3 a month.

SCHEDULE A.

Application for Registration of a Mui Tsai.

Enactment No. 1 of 1354.

Serial number Date

Name of Mui Tsai

Age and date of birth

Place of birth

Names and addresses of any known relatives of Mui Tsai.....

Name of employer

Address, occupation and nationality

Details and date showing when the Mui Tsai came into the custody, possession, control or guardianship of the employer

Address where Mui Tsai is living if different from that of employer.....

Signature of employer

Certified correct,

.....

ANNEX 6.

COMMUNICATION, DATED FEBRUARY 20TH, 1936, FROM THE
UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS (WITH TWO APPENDICES)

With reference to Foreign Office letter of January 25th, 1936,¹ I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, two copies each of the undermentioned documents :

- (1) Report from His Majesty's Government in the United Kingdom on measures taken to combat the slave trade in the Red Sea ;
- (2) Report from the Governor of Southern Rhodesia on slavery.

(Signed) H. J. SEYMOUR.

1. REPORT ON MEASURES TAKEN TO COMBAT THE SLAVE TRADE IN
THE RED SEA.

Nothing has occurred to suggest that the general conditions in the Red Sea, as described in paragraph 25² of the memorandum from His Majesty's Government in the United Kingdom on various questions dealt with in the report of the Committee of Experts on Slavery (League document C.618.1932.VI), have in any way changed. The only additional information that can be offered is that between January 1st, 1934, and June 30th, 1935, the Red Sea sloops have covered 19,647 miles and have examined twenty dhows, with no result.

2. REPORT FROM THE GOVERNOR OF SOUTHERN RHODESIA ON SLAVERY.

Slavery does not exist in Southern Rhodesia to-day.

C.C.E.E.91.

ANNEX 7.

COMMUNICATION, DATED MARCH 7TH, 1936, FROM THE UNITED
KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS

With reference to Foreign Office letter W. 1330/154/52, of February 20th, I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, a memorandum prepared on behalf of His Majesty's Government in the United Kingdom on various questions dealt with in the last report³ of the Committee, together with six appendices thereto.⁴

(Signed) P. LEIGH-SMITH.

¹ See page 40.

² See page 25 of document C.159.M.113.1935.VI.

³ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI.

⁴ Note by the Secretariat of the League of Nations. — Appendices 5 and 6 are not reproduced here and are kept in the archives of the Secretariat. Appendix 5 has been published as Command Paper No. 5121.

* * *

MEMORANDUM FROM HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM
ON VARIOUS QUESTIONS DEALT WITH IN THE REPORT OF THE ADVISORY
COMMITTEE OF EXPERTS ON SLAVERY (1935).¹

1. Copies of the Advisory Committee's report were circulated to the Governments of all the territories administered under the authority of His Majesty's Government in the United Kingdom with the request that they would make a careful study of the report and would furnish their observations on any matters with which they were concerned and also any information which they thought might be of interest to the Committee.

2. The replies received from the large majority of these Governments indicate that, although the report has been studied by them with great interest, they find that there is little or nothing that they can usefully add to the information previously supplied, which was embodied in the memorandum submitted last year to the League of Nations by His Majesty's Government in the United Kingdom (Annex 3 to the Advisory Committee's report). In many cases, of course, the conditions to which the Advisory Committee have drawn special attention do not obtain.

3. The present memorandum summarises the information which has been furnished by the remaining Governments, classified under the same chapter headings as were adopted in the report of the Advisory Committee. A memorandum by the Government of Nigeria, which deals at considerable length with the questions at issue, has been included as an Appendix to the memorandum (Appendix 1).

“ CHAPTER I. — STATUS AND LEGAL STATUS OF SLAVERY. ”

4. In paragraphs 14 and 18 of their report, the Committee of Experts refer to the existence of the legal status of slavery in the Hadramaut. The Hadramaut forms part of the Aden Protectorate, an area extending from the mouth of the Red Sea opposite the island of Perim on the West, to the boundary of Muscat on the East, and inland to the frontiers of the Yemen and of Sa'udi Arabia. This area is divided into a number of semi-independent Arab Sultanates and chiefdoms with which His Majesty's Government have treaty relations but which are not administered by His Majesty's Government.

5. The legal status of slavery still exists throughout the Aden Protectorate, as it does in most Islamic countries where the Shar'ia Law is the law of the land. There are, however, certain tribes or States which have no slaves — viz., the Quteibi, the Sultanate of Upper Yafa, the Mausatta, Dhubi, Maflahi, Hadhrami and Saqladi. In the rest of the Protectorate it is estimated that there are not less than some 4,000 to 5,000 persons in a state of slavery. By far the greater number of these are in the eastern part of the Protectorate, where it is estimated that the number is at least 3,000.

6. It may be stated as a general proposition that the slave in the Aden Protectorate is well treated and often a favoured member of his owner's family. Slaves occupy the position of soldiers, domestic servants and cultivators, but the majority are soldiers. The slaves do not rank as the lowest class of the community, and it is known that, in the eastern areas, slaves have risen to the highest positions in the State and often form the most trusted section of a ruler's population. The following detailed information in regard to slavery in the larger Sultanates of Lahej and Shihr and Mukalla serve to illustrate the above statements. The question of the slave trade is dealt with in Chapter III below.

7. In Lahej, since 1924, there has been a decrease in the number of domestic slaves, and the actual number is now probably no more than 100. This has been brought about by the fact that the children of a slave, by a wife who is a free woman, are free, and that it is common to grant freedom to a slave who marries a free woman and has children by her. The Sultan asserts that this practice has resulted in the liberation of a considerable number of slaves and that the process is still continuing.

8. The Sultan of Shihr and Mukalla himself owns about 800 slaves. These men are extremely well treated and are the most favoured and trusted of his soldiers. Their children are specially trained in the Cadet Corps and are very well looked after. The Sultan has long expressed his desire to free his slaves, as their liberation would relieve him of considerable expense for housing and feeding them. The slave soldiers cost the Sultan a great deal more than the freemen. The Sultan's failure so far to carry out his expressed desire to liberate his slaves is due to the fact that, like some other Oriental rulers, and like some of the Protectorate chiefs in the past, he relies on his slaves to support his authority against

¹ Document C.159.M.113.1935. VI.

refractory tribesmen whom he would otherwise have difficulty in controlling. His slaves, in fact, form a large and trustworthy element in his military forces, and they sometimes provide him with his most reliable Governors of outlying districts.

9. The abolition of the institution of slavery in this particular area accordingly presents a difficult problem. The circumstances of the Protectorate are exceptional, and it is not at present the policy of His Majesty's Government to attempt direct administration. At the same time, it is the aim of His Majesty's Government to bring about, in agreement with the local rulers, the abolition of all abuses connected with the institution of slavery and ultimately the institution itself; but the process must necessarily be a gradual one, more especially in those districts which are remote from the influence of Aden.

10. In paragraph 23 of the Advisory Committee's report, reference is made to the natives in the Bechuanaland Protectorate known as the "Masarwa", regarding which a report by Mr. E. S. B. Tagart, C.B.E., formed Appendix 2 to the previous memorandum furnished by His Majesty's Government in the United Kingdom. The present position as regards this matter is that a European officer has been specially detailed to take charge of the interests of the Masarwa and has taken up his duties, which include the taking of a census of these people, as recommended in the report referred to above. A proclamation affirming that slavery in any form is unlawful in the Protectorate and a proclamation making further provision for the protection of native labourers have been drafted and their issue has been authorised, subject in the case of the latter to the clearing up of certain points.

11. The Government of Tanganyika Territory has taken the opportunity to refer to the statement made in paragraph 3 of Appendix 1 (c) of His Majesty's Government's earlier memorandum relating to the Bugufi area of the Biharamulo district. The passage in question referred to the view expressed by a Provincial Commissioner that slavery might still be in existence in this remote district. Enquiries at the time had failed to reveal any trace of slavery in Bugufi; and the Tanganyika Government now report that the situation in this area has been carefully watched, and that a recent report from the Acting District Officer confirms that slavery in the accepted sense of the term does not exist there and has not existed for many years. The prevailing system of feudal land tenure has undergone certain modifications during the last few years and appears to be evolving of itself into a system of individual holdings. The Tanganyika Government accordingly concludes that the term "slavery" is no longer applicable to any of the conditions of life obtaining among the natives of Tanganyika Territory.

12. The Tanganyika Government further adds that, since August 1934, no prosecutions have been instituted under the Tanganyika Territory Involuntary Servitude (Abolition) Ordinance (Cap. XXVI of the Laws), but there have been five prosecutions under Sections 233 and 235 of Cap. XXV of the Penal Code for offences against the liberty of the person. In four of these prosecutions, the accused was acquitted, while in the fifth, although the accused was convicted of kidnapping and sentenced to three months' imprisonment with hard labour by the First-class Subordinate Court, the High Court, in exercise of its revisional jurisdiction, quashed both the conviction and the sentence.

" CHAPTER II. — SLAVE-RAIDING AND SIMILAR ACTS. "

13. In paragraph 10 of His Majesty's Government's earlier memorandum, it was stated, *inter alia*, that it became necessary to issue old-pattern rifles to specially selected tribesmen in the Northern Frontier District of Kenya in order to secure the defence of individual villages against armed marauders from a neighbouring country. It should, however, have been made clear that the rifles in question are on issue to enlisted auxiliaries of the tribal police in the Northern Frontier District and not to private individuals.

" CHAPTER III. — SLAVE TRADE. "

14. As mentioned in paragraph 34 of the report, treaties for the prevention of the slave trade were concluded many years ago with certain sheikhs of the Aden Protectorate. The sheikhs in question are the Lower Aulaqi Sultan and the Naqibs of Mukalla and Shihr, the Sultan of Shihr and Mukalla having succeeded to the two latter.

15. While no treaty for the suppression of the slave trade has been concluded with the Sultan of Lahej, His Highness is in complete accord with His Majesty's Government and the British authorities in Aden, in the desire to prevent the importation of new slaves from Africa or elsewhere into his territory, and he is determined to take effective steps against such a practice if any instance of it comes to his knowledge. As a proof of this, the Sultan has forbidden the trade and stated that anyone indulging in it will be punished and the slaves confiscated and sent to Aden.

16. Importation of fresh slaves into the Protectorate is probably an occurrence of the utmost rarity. Unconfirmed reports are sometimes received regarding the importation of a slave, and it is possible that a few cases may occur in the eastern portion of the Protectorate, which is more remote from the influence of Aden.

17. It can, however, be said that the importation of slaves into the Aden Protectorate is now confined to isolated cases, and that, so far as the introduction of slaves by sea is concerned, the measures taken by His Majesty's Government have resulted in a complete suppression of the trade. Nevertheless, the Resident is being invited to take an early opportunity to negotiate further agreements with the chiefs of the Protectorate to secure their co-operation in the prevention of the introduction of further slaves.

“ CHAPTER VI. — DOMESTIC OR PREDIAL SERVITUDE.”

18. In paragraphs 2 and 3 of the memorandum by the Government of Nigeria, a copy of which forms Appendix 1 to this memorandum, mention is made of the existence of domestic slaves in the Moslem States of the Northern Provinces of Nigeria. It will be seen that it has been the policy of the Government from the earliest days not to interfere with the relation of master and slave in this area so long as the relation was voluntarily maintained by both parties, and that to-day it may be said that, in the Moslem States, there are no slaves who are not well aware that they can assert their freedom if they choose. The position of these people bears no resemblance to slavery in the ordinary sense of the term. Nevertheless, consideration is being given to the question whether the time has not now arrived for the legislation relating to slavery in Nigeria to be amended so as to include in the declaration of freedom contained in Section 3 of Ordinance No. 35 of 1916 *all* persons in the Northern Provinces, and not only those “ born in or brought within ” those provinces after March 31st, 1901.

19. Slavery is non-existent in Sarawak, but among the Kayans, Kenyahs and kindred tribes, as well as among the Muruts and Kalabits, there is a type of service on which the following remarks may be of interest.

Muruts and Kalabits admit individual ownership of “ ulun ”, though it should be noted that this word as used to define the status of these persons cannot correctly be rendered as “ slaves ”; “ lower class ” would be a more accurate translation. In actual fact, “ ulun ” are invariably addressed by their proper names. They may not be transferred, nor may any owner keep a “ ulun ” against his will. There is, in fact, little, if any, difference between a “ ulun ” and his master.

The custom with Kayans and Kenyahs is different. The “ ulun ” owe allegiance, not to the individual, but to the room, which is the family unit of the long-house, or communal village. A Kayan or Kenyah room may, in fact, be regarded as a house within this village. The family rarely split up, as in the case of Sea-Dayaks, and there may be as many as thirty people in a room, the senior of these having authority. No property may be inherited by anyone living in another room, and it therefore sometimes happens that only “ ulun ” are left in a room, the heir having married and joined his wife's family. In this case, the “ ulun ” keep up the room and look after the property, and the heir has no authority over them unless he moves back into the room.

There is no difference in the dress, food or standard of living of “ ulun ” and their masters, and it is usually impossible for a stranger to distinguish between the two. As in the case of Muruts and Kalabits, no “ ulun ” can be held against his will; but, in spite of this, it is rare for one to wish to leave the family to which he is attached.

This form of service, in fact, may be regarded as co-operative service, in which both servant and master owe certain mutual obligations to, and derive mutual benefits from, each other. It resembles to some extent a modified form of the mediæval feudal system, and can rightly be regarded merely as a variant of institutions established and recognised by civilised people. It would be unwise to attempt any interference with this system, which works very satisfactorily. Native villages are constantly visited by European district officers and native officers, who can ensure that “ ulun ” are not ill-treated. In actual fact, cases of ill-treatment are so rare that they may be regarded as negligible.

The Mui Tsai System.

20. With regard to paragraph 46 of the Advisory Committee's report, legislation regulating the Mui Tsai system has now been enacted in all the Unfederated Malay States, and copies of the enactments introduced in the States of Kelantan, Trengganu and Perlis have recently been communicated to the Advisory Committee,¹ together with two further half-yearly reports furnished by the Government of Hong-Kong for the half-years ended November 30th, 1934, and May 31st, 1935,¹ and of statements by the Malayan Government showing the number of Mui Tsai registered on December 31st, 1934, and June 30th, 1935.¹ A further report and statement have since been received — namely, a report from the Governor of Hong-Kong for the half-year ended November 30th, 1935, and a statement showing the registration of Mui Tsai in Malaya on December 31st, 1935. Copies of these are annexed (Appendices 2 and 3 respectively). A copy of a memorandum by the Acting Secretary for Chinese Affairs giving details of inspections of Mui Tsai which have been made by direction of the Protectorate authorities throughout Malaya is also annexed (Appendix 4).

¹ See pages 40-57.

In order to ensure that the Government's policy as set out in the laws of the Straits Settlements and the Malay States is effectively enforced, early provision of an increased staff of whole-time lady inspectors is to be made for service in the areas of Malaya not at present fully covered by such staff.

21. In 1934, the Governor of Hong-Kong appointed a Committee to consider and report upon suggestions which had been made in a memorandum prepared by Sir George Maxwell on the Mui Tsai system. The Committee has recently submitted its report, of which a copy forms Appendix 5 to this memorandum. The recommendations are under the consideration of the Governor of Hong-Kong, whose conclusions as to the measures to be taken are expected to be submitted to His Majesty's Government within the next few weeks.

22. In North Borneo, the number of Mui Tsai on the registers as at December 31st, 1935, was only seven, as compared with eighteen on the coming into operation of the Female Domestic Service Ordinance, 1930. No prosecutions were instituted under the Ordinance during the second half of 1935. The Mui Tsai remaining on the registers reside in the towns of Sandakan, Jesselton and Beaufort in communities which are by no means large and where potential employers of Mui Tsai are few. The remaining urban areas of the State are of no importance, and in the rural areas the Chinese population is mainly composed of Hakkas of the peasant class, among whom the practice of employing Mui Tsai does not obtain.

When registration of Mui Tsai became compulsory under the Female Domestic Service Ordinance, 1930, each Mui Tsai and her mistress were interviewed upon registration, and it was explained to them that the Mui Tsai had the right at any time to complain to the Secretary for Chinese Affairs or his deputy should she so desire. In addition, in every place where Mui Tsai are registered, the mistress is required to bring her Mui Tsai to the Secretariat for Chinese Affairs (or to the district office, as the case may be) twice a year in order that it may be established that her treatment and wages accord with the law. Communications within the State are such that it is never difficult for the officers of the Secretariat for Chinese Affairs to keep in touch with Mui Tsai and their mistresses. Ample powers are given to the Department to search places where the existence of an unregistered Mui Tsai is suspected, and it has not been found necessary to employ any inspectors.

Communication between the State and China is through Hong-Kong, and the importation of unregistered Mui Tsai into the State is rendered very difficult, in so far as all deck passengers leaving Hong-Kong pass through the hands of the Secretariat for Chinese Affairs in that colony, any suspects being detained there for further enquiry before being allowed to leave, while every ship bringing immigrants into the State from Hong-Kong is met on arrival, the Chinese passengers passing under the inspection of the police and of an officer of the Secretariat for Chinese Affairs prior to disembarkation.

In a comparatively undeveloped country with a small population like North Borneo, the opportunities for successful evasion of the law controlling Mui Tsai are so few that the employment of inspectors for the specific purpose of ensuring that the law is observed would serve no useful purpose.

23. The Mui Tsai system is almost unknown in Sarawak, and the condition of Chinese women and children generally throughout the State gives little cause for concern. Legislation, however, was enacted in 1930 in Sarawak to deal with the system as in other States under British protection in Borneo.

Child Adoption in Ceylon.

24. Reference is made to this subject in this memorandum in view of the frequent and unfounded allegations of slavery in regard to it.

In 1930, the Government of Ceylon had under consideration the subject of the employment of children in the island, and in August of that year there was published a measure designed to regulate and control the practice of adoption of children, under which children were handed over by their parents or guardians to others to be maintained and employed in domestic service. The custom, although of old standing, and of mutual advantage in some cases, was alleged to have developed into a regular traffic in children and to require action on the part of the Government for the protection of the children. The second reading of the measure was passed, and a Select Committee was appointed later to report on the draft Ordinance; but shortly afterwards the Ceylon Constitution was changed and the draft Ordinance automatically lapsed.

In 1933, however, the matter was raised again in the State Council, and a Joint Sub-Committee of the Executive Committees of Home Affairs and Education was appointed. The report of the Sub-Committee was published in February 1935 as Sessional Paper 11 of 1935, of which a copy is annexed (Appendix 6). Attention is directed to Section 6 of Chapter VII of the report, which may be quoted :

“ Ordinance No. 20 of 1844, which is the result of voluntary action by the people of Ceylon, provides for the total abolition of slavery in Ceylon, and Section 361 of the Ceylon Penal Code makes it an offence, punishable with imprisonment extending to seven years, to import, export, buy, sell or accept any person as a slave. It is, however, doubtful whether any person handing over an ‘ unwanted ’ child to a third party for a money consideration

could be construed to have contravened any of the above provisions of law. Since one or two transactions . . . appear to amount to the sale of children, even though these are the only incidents of the kind that came to our knowledge, we think it desirable that the matter should be placed beyond doubt, and such transactions should be made punishable with imprisonment for a period not less than two years."

A summary of the Sub-Committee's conclusions and recommendations is contained on pages 36-40 of the report.

The Ceylon State Council has passed a resolution accepting the report in principle, and a draft Bill embodying the recommendations in the report is in course of preparation and will shortly be introduced into the new State Council. It is hoped that the Slavery Committee will concur in the opinion that child adoption in Ceylon is not a matter which concerns it.

Appendix 1.

MEMORANDUM, DATED JANUARY 1936, ON THE SITUATION IN NIGERIA AND THE CAMEROONS UNDER BRITISH MANDATE IN RELATION TO THE INTERNATIONAL SLAVERY CONVENTION, 1926.

" CHAPTER I. — STATUS AND LEGAL STATUS OF SLAVES. "

The first Ordinance prohibiting slave-dealing in the protectorate was enacted in 1874, though the traffic in slaves had been declared illegal before that date. Various enactments have since been made culminating in the Slavery Ordinance No. 35 of 1916, the provisions of which applied to the whole protectorate and were extended to the Cameroons under British mandate by the British Cameroons Administration Ordinance No. 1 of 1925. Sections 2 and 3 of the Slavery Ordinance, with Ordinance No. 1 of 1925, declared that :

" 2. The legal status of slavery is hereby declared to be abolished throughout the protectorate.

" 3. All persons heretofore or hereafter born in or brought within the Southern Provinces or those portions of the Cameroons under British mandate included in the Northern Provinces, and all persons born in or brought within the Northern Provinces (other than those portions of the British Cameroons included therein) after March 31st, 1901, are hereby declared to be free persons."

2. The effect of this section was to liberate every slave in the Southern Provinces and the Cameroons under British mandate, where slavery was not an institution recognised by any regular code of native law. In the Moslem States of the Northern Provinces, the situation was somewhat different. There, generally speaking, the intention and policy of the Government had been, from the earliest days, not to interfere with the relation of master and slave so long as the relation was voluntarily maintained by both parties ; but careful instructions were laid down with the object, on the one hand, of eradicating slavery and, on the other hand, of avoiding such hasty and ill-considered action as would dislocate the whole social framework. The result is that to-day it may be said that, in the Moslem States, there are no slaves who are not well aware that they can assert their freedom if they choose ; that the masters recognise these facts and are ready to acquiesce in the methods of liberation approved by native law and custom and accepted without any coercion whatever by the slave ; and that the native courts administer the law freely, impartially and liberally, under the ready guidance of the native authorities. Moreover, all persons of 35 years or less are automatically free, by virtue of Section 3 of the Ordinance quoted above.

3. With regard to the social status of these so-called slaves, the position is as stated in the fourth paragraph of the memorandum from His Majesty's Government which formed Annexure No. 3 to the Advisory Committee's report dated April 10th, 1935. Their position bears no resemblance to slavery in its ordinary sense, and perhaps the term " domestic serfdom " most adequately describes their condition.

4. Offences relating to slavery are provided against by Chapter XXXI of the Criminal Code of Nigeria.

" CHAPTER II. — SLAVE-RAIDING AND SIMILAR ACTS. "

5. The importation and possession of arms are rigorously controlled. The native population is unarmed except for the possession of the most primitive weapons. No incursions into or from foreign territory have been recorded, nor have any armed bands made raids within Nigeria or the Cameroons under British mandate.

“ CHAPTER III. — SLAVE TRADE.”

6. There is a slave-trading route which passes through the north-eastern corner of Bornu Province. The main recruiting area for the slave traffic is the Mandara country in French Cameroons, inhabited by Wula pagans. The agents are chiefly Shuwa Arabs, Kanembus and Mandaras, who sell their victims to the inhabitants of the Lake Chad area and to dealers from Wadei, Kanem and Tibesti. The route followed is from Mandara northwards through the western part of Dikwa and along the western shores of Chad. The traffickers travel by night, leaving the slaves hidden in the bush by day, thus making detection difficult. Although there are cases of abduction by force, the majority of the victims are children sold willingly by their parents, the chief reason for their action being shortage of food in their own country.

7. Increased activity in the slave trade owing to bad harvests was reported in 1933, but the situation has considerably improved in the last year. Unremitting vigilance by administrative officers and native authorities in Dikwa, aided by the close co-operation of the French authorities, appears to have been successful in suppressing the traffic to a great extent. It is satisfactory to note that the administration receives active assistance from village headmen and even from private individuals. In 1934, a meeting took place between the District Officer in charge of Dikwa Division and French officers from neighbouring districts, and measures of co-operation between the French military patrol and the mounted native administration police patrols in Dikwa were discussed.

8. Whereas, in the years 1931 to 1933, a number of cases of trafficking in slaves were discovered, during the last two years only three cases of attempted child-stealing — by Arab horsemen in broad daylight — have been brought to light. This may be partly due to increased vigilance in Dikwa and Bornu and to close co-operation with the French authorities, but the position has probably been affected by better harvests in Mandara country. Any return to famine conditions would probably result in attempts to revive the traffic, owing to the natural desire of the pagans to provide their children and themselves with food and to the readiness of the dealers to take advantage of their victims' distress. The present position may be said to be satisfactory, and the trade appears to have been, at least temporarily, checked; but, in the event of any shortage of food in the Mandara district, it would be necessary to ensure that attempts were not made to revive it.

9. Traffic in slaves occurs also along the Adamawa. French Cameroons border and similar steps as in Dikwa have been taken to deal with it. There has been a notable decline in the traffic in the past five years, and it has been a subject of constant exhortation to district and village headmen and unceasing propaganda by administrative officers in the course of their touring.

10. Close co-operation has been maintained with the officials of the French administration in neighbouring territory, and this resulted recently in the capture and extradition of an alleged offender from French territory. No actual case of slave-trading in the Adamawa Province has been brought to light during the past year, a situation which may be ascribed to the vigilance of district administrations and to widespread knowledge of the certain penalties attaching to discovery.

11. There is no organised slave trade in the Southern Provinces other than the traffic in children described in Chapter IV below.

12. The scheme for the care of Nigerian pilgrims travelling to Mecca, which was described in paragraph 21 of His Majesty's Government's memorandum (Annexure No. 3 to the report of the Advisory Committee dated April 10th, 1935), worked smoothly during its first year of trial; but the number of pilgrims taking advantage of it was disappointingly small. A very large number of the poorer class of pilgrims continued to travel by dhow across the Red Sea from Eritrea, carrying no passports. It is hoped, however, that more pilgrims will avail themselves of the facilities offered when the advantages of the scheme become known.

“ CHAPTER IV. — SLAVE-DEALING (INCLUDING TRANSFER BY EXCHANGE, SALE, GIFT, INHERITANCE OR OCCASIONAL SALE OF PERSONS PREVIOUSLY FREE). ”

13. In most of the Northern Provinces, slave-dealing is practically non-existent. Cases do occur, however, from time to time in the areas bordering the Southern Provinces, most frequently in the Idoma Division of the Benue Province. A district officer writes :

“It has been said that every Idoma is a potential slave-dealer, and there is much truth in the statement. Female children are generally regarded solely as financial assets and the ‘ bride-prices ’ to be received from them on marriage are matters of deep family concern. From ‘ bride-price ’ to slave-price is but a short step. Similarly, boys who have no marriageable value may be turned to profit in the slave market at times of financial crisis.”

During the period of economic depression in 1931-32, there was a revival of the child-stealing trade between the western districts of Idoma Division and Eha Amufu in the Nsukka Division of the Southern Provinces. The two routes known to be used for the purpose

were watched, and, after prolonged investigation, twenty-three persons were convicted between 1931 and February 1933, and eleven persons were freed as the result.

14. In 1934, several cases of slave-dealing were brought to light in Nasarawa Emirate, Benue Province. The cases were tried in the High Court in 1935 and resulted in the conviction of nine persons and the release of five persons from slavery. Here, too, the offence took the form of traffic in children intended for sale in the Southern Provinces. In Idoma, it was formerly not uncommon for illegitimate children to be sold into slavery.

15. In Benue Province, during the last five years, forty-two persons have been convicted of offences connected with slave-dealing, and nineteen persons have been freed as the result. Sentences ranging from two to fourteen years' imprisonment have been inflicted, apparently with some deterrent effect.

16. Touring officers are continually on the alert for evidence of the traffic, and all complaints suggesting that this offence has been committed are carefully investigated. It is very difficult, however, to stamp it out entirely among primitive people living in very thickly wooded country. In the absence of strong native public opinion against the practice, the Administration must perforce rely on the efforts of its officers to suppress the traffic. Frequently cases have come to light through direct complaint by the mothers of children who have been sold.

17. In the Plateau Province, in 1933, it was discovered that an extensive slave traffic was being carried on in the Pankshin Division, pagan children being sold by their parents to nomad Fulani as a result of the economic depression. A number of persons were tried and sentenced in the provincial court, and fifteen children were released from slavery. The action taken appears to have had the effect of stopping this traffic.

18. In the Southern Provinces, slave-dealing of this kind is more prevalent. In November 1933, an Assistant Commissioner of Police was specially detailed to investigate slave-dealing and child-stealing in the South-Eastern Provinces, and the investigation continues. The evidence which has been obtained points to the conclusion that children are occasionally kidnapped in parts of the Owerri and Onitsha Provinces. Childless persons — often retired prostitutes — especially in the Obubra and Ikom Divisions of the Ogoja Province, are ready to purchase boys and girls in order to adopt them and bring them up as their own children, and thus the kidnapers are able to dispose of their captives.

19. The police campaign has encouraged the parents of stolen children to lodge complaints with the authorities, and as many as sixty complaints of kidnapping have been made in a single month. The number of complaints is not, however, a reliable index of the prevalence of the offence; many prove on investigation to be due to domestic quarrels regarding the guardianship of a divorced wife's children, and many concern children stolen many years before. The police have obtained several convictions, and these appear to have had the effect of discouraging the practice.

20. It is a well-known fact that, in the Owerri and Onitsha Provinces, parents occasionally sell their children either under economic pressure or because the child is regarded as an abomination. A physical defect, an unusual manner of birth or a peculiarity in its early development may result in a child being looked on as an abomination. Such children in former days were invariably killed. The people have learnt that the Government will not tolerate the murder of these children, but, fearful of offending their gods, they think to escape detection by selling them.

21. During the first six months of 1935, thirty-nine persons were convicted of slave-dealing offences. Information has been obtained of the principal sources from which children are obtained for sale, of the route taken by the dealers and of the areas of the greatest demand. This information is being usefully employed in the suppression of the traffic.

22. The information obtained by administrative and police officers leads to the conclusion — which is confirmed as regards some of the tribes inhabiting the Cross River, the area of greatest demand, by the researches of Professor Daryll Forde — that, once the children reach their ultimate owners, they are treated as members of the family and in no sense as slaves. In some districts, indeed, the "slave" children inherit their owner's property, while his own children are inherited by their mother's family, who become responsible for their maintenance. The system is not truly slave-dealing, but the adoption of children by purchase, the children being bought from their homes by middlemen and sold again in the district where there is a demand for them. This demand, in the case of the Cross River tribes, is fostered by a low birth rate due to the nomadic habits of the women. Children who have been recovered by the authorities have always been found to have been well treated and are generally content with their lot. They often refuse to leave their "masters" or adoptive parents and always resent being described as slaves.

“ CHAPTER V. — PRACTICES RESTRICTIVE OF THE LIBERTY OF THE PERSON.”

(a) *Acquisition of Girls by Purchase disguised as Payment of Dowry.*

23. The dealers referred to in the notes on Chapter IV above sometimes disguise their purchases as payment of dowry. Such cases imply, of course, conspiracy between the dealer and the parents, and may arise from a desire to obtain money quickly, without the lengthy formalities of a proper dowry transaction, or from some physical or mental defect in the girl, such as would make regular marriage impossible.

(b) *Enslavement of Children disguised as Adoption.*

24. Mention has been made in the notes on Chapter IV of the practice of adopting children obtained by purchase. It would not be accurate to describe this practice as “enslavement”, since the children are not held in a subservient position.

25. In the Nsukka Division of the Onitsha Province, girls are sometimes dedicated to a fetish. Two cases were recently brought to trial, but the accused persons in both cases were acquitted, as there was no evidence that the children were held as slaves. Such girls are brought up by the fetish priest, and, on coming of age, become his wives. They are not ill-treated, nor do they perform any duties of a servile nature. They are at liberty to run away if they wish, but they are usually contented with their lot, since the fetish priests are invariably well-to-do and keep good establishments. In any case, their families would not receive them back.

26. There is a somewhat similar system in the Owerri Province, where a person may be dedicated to a fetish. Such a person is named an “Osu”. An “Osu” is the servant of the ju-ju to which he or she is dedicated. If he marries or has sexual intercourse with a non-Osu — a practice which is forbidden — that person would also become an “Osu”. He has certain privileges, but he cannot ever be freed from his dedication, and his children are “Osus” also. Consequently, the number of “Osus” is increasing; but the spread of education and Christianity is weakening the rules which bind them, and it is anticipated that the system will die out of itself in the course of a generation or so. The Government is considering how best to accelerate its disappearance.

(c) and (d) *Pledging of Third Persons and of the Debtor himself.*

27. In the Northern Provinces, in 1932, the existence of both of these forms of pawning was discovered on a large scale among the Nupe in the Bida Division of Niger Province. Although pawning is contrary to Mohammedan law, it is a long-established custom with the Nupe, and the Emir and senior native administration officials acquiesced in it. As soon as it was discovered, steps were taken to inform the pawns that they were free and that the debts were extinguished. Warnings were given that future offenders would be dealt with severely.

28. In 1934, it was discovered that pawning was still prevalent in the Pategi and Lafiagi Emirates of Ilorin Province. Similar action to that taken in Niger Province was taken in this case. It is now realised by the peasantry that pawning is illegal, and no further instances have been reported.

29. In many parts of the Southern Provinces it has been the custom in the past to pawn children as security and interest for debt, but the practice has long been forbidden and cases are severely dealt with. Fifteen cases were brought to the notice of the Government in the five years previous to 1931 and none has been reported since. The practice of a debtor pledging himself was also widespread and has not yet completely died out, although it is known everywhere that the Government does not tolerate it. Every year cases become more and more rare, since the debtor's person can no longer be regarded as safe security.

“ CHAPTER VI. — DOMESTIC OR PREDIAL SERVITUDE.”

30. In some of the Moslem States in the Northern Provinces, there may still be persons, particularly of the older generation, who regard themselves, or are regarded by others, as domestic slaves or “serving-men born in the house”, but they are becoming less numerous every year, and they are perfectly well aware of their right to assert their liberty. Such persons are not found elsewhere in the Protectorate or in the Cameroons.

Appendix 2.

REPORT BY THE GOVERNOR OF HONG-KONG ON MUI TSAI REGISTRATION
FOR THE HALF-YEAR ENDED NOVEMBER 30TH, 1935.

The number of Mui Tsai remaining on the register on November 30th, 1935, was 1,952, being a decrease of 170 on the figure for May 31st, 1935.

2. The decrease is made up as follows :

(1) Died	2
(2) Returned to parents or relatives	40
(3) Absconded	12
(4) Left colony permanently	32
(5) Married	34
(6) Earning their own living	35
(7) Taken into the care of the Secretary for Chinese Affairs	15
	170

3. Both deaths occurred in hospital and were due to natural causes.

4. The usual detailed table classifying the girls by their ages is appended, and may be summarised as follows :

Under 15	690
Between 15 and 18	893
Over 18	369
	1,952

It may be remarked that the three girls aged 26, 27 and 30 respectively are among those whose addresses are unknown.

5. (a) Of the sixty-nine girls remaining on May 31st, 1935, in the category, " Mui Tsai registered but never visited ", a further five have been traced in the period under review, so that the figure now stands at sixty-four.

(b) On November 30th, 1935, the figure in the category, " Mui Tsai registered and visited at least once ", stood at 259, as compared with 270 on May 31st last, a further eleven having been traced.

(c) The figure for the category, " Mui Tsai reported by the inspectors as not to be found when the addresses shown on the register were visited ", shows an increase of six on that for May 31st, 1935, and is now 383.

(d) The total number of Mui Tsai on the register whose addresses were unknown on November 30th, 1935, is therefore 706 (64 plus 259 plus 383), being a reduction of 10 (5 plus 11 minus 6) on that for May 31st, 1935.

6. (a) During the period under review, fifty prosecutions were instituted against forty-five individuals for offences against Ordinance No. I of 1923. The number of girls involved was forty-seven.

(b) These prosecutions may be classified as follows :

(i) Ill-treatment of a Mui Tsai	2
(ii) Keeping an unregistered Mui Tsai	15
(iii) Bringing an unregistered Mui Tsai into the colony	1
(iv) Failing to report the death of the employer of a Mui Tsai	2
(v) Failing to report the disappearance of a Mui Tsai	1
(vi) Failing to report the intended removal from the colony of a Mui Tsai	10
(vii) Failing to report change of address	16
(viii) Failing to report the intended marriage of a Mui Tsai	2
(ix) Failing to pay wages	1
	50

(c) There was, in addition, one prosecution brought against the employer of a Mui Tsai under the Women and Girls Protection Ordinance, No. 4 of 1897. This employer, one of the few males registered as such, was charged with the rape of his Mui Tsai.

7. (a) The cases of ill-treatment are the first that have occurred since that mentioned in Sir William Peel's despatch No. 633, of December 28th, 1933 (Appendix 4 (h) to memorandum furnished by His Majesty's Government in the United Kingdom in February 1935). In each case the defendant faced a charge of keeping an unregistered Mui Tsai in addition to that of ill-treatment.

(b) The first prosecution was in respect of a girl of 9 years, who reported to the District Watch Force Headquarters that she was a Mui Tsai and that she had been ill-treated. The employer, a widow of 46 years, claimed that the girl was her niece and denied that she had

treated her cruelly. The mother of the girl was traced, and with her evidence the defendant was convicted on both counts. She was found guilty of "gross cruelty" and sentenced to two months' hard labour without the option of a fine; she was also fined \$100, with the alternative of a further two months' hard labour, for keeping an unregistered Mui Tsai. It was shown that both girl and employer had been in the colony for only a few months, having come here originally to see the Jubilee celebrations last May. The girl was restored to her mother at the conclusion of the case.

(c) The second case was brought to the notice of the Secretary for Chinese Affairs by a local Chinese resident. The girl concerned was 12 years of age, and her alleged employer, 31 years of age, was a professional dancing partner in a local dancing academy. The medical certificate in respect of the girl read as follows :

"She has numerous bruises and scars scattered all over her body and limbs. Some are old and some are recent. The scars fit in with the story that they have been caused by burns. She has two black eyes which appear to be old. She has a scar on her face which could have been produced, as she says, with a knife. The enormous number of bruises and scars and their varying ages suggests ill-treatment of a severe character extending over many months, or maybe years."

The defendant, on appearing before the magistrate, applied for bail. This application was opposed by the Secretary for Chinese Affairs, but the magistrate granted bail in the sum of \$2,000 cash, then the equivalent of £200 sterling, and remanded the case for one week. The defendant thereupon absconded. Her bail was estreated and a warrant has been issued for her arrest.

8. (a) Of the fifteen prosecutions for keeping unregistered Mui Tsai, two have been already mentioned in the last paragraph. In the remaining cases, one defendant was fined \$150; one defendant was fined \$100 on each of two summonses; one defendant was fined \$100; one defendant was fined \$75; three defendants were each fined \$50; one defendant was fined \$30; and one defendant was fined \$25. Another case was in respect of a girl who, with her employer, had been only a short time in the colony. The employer expressed her intention of leaving the colony at the earliest possible opportunity, and was therefore taken into custody and formally charged, after which, as she was in poor circumstances and had a baby daughter, she was released on bail of \$40, the utmost amount she was able to find. She did not appear in court when the case was called, and her bail was therefore estreated. The remaining two prosecutions were unsuccessful, although there is little doubt that the girls concerned were Mui Tsai. Failure was due to the fact that the witnesses in court gave evidence which was completely at variance with their statements made to the Mui Tsai Inspector before the proceedings.

(b) The one prosecution for bringing an unregistered Mui Tsai into the colony resulted in a fine of \$10. On the afternoon of the day on which the offence was committed, the employer brought the girl to the office of the Secretary for Chinese Affairs and applied to have her registered. In these circumstances, the magistrate was asked to deal leniently with the case.

(c) There were two cases in which the employer of a registered Mui Tsai died and the person who subsequently employed the girl failed to report the fact. A fine of \$5 was imposed on each defendant.

(d) One employer neglected to report the fact that her Mui Tsai had disappeared, and the circumstances of the case were only discovered by a lady inspector in the course of her visiting. A fine of \$10 was imposed.

(e) All ten prosecutions for failing to report the intended removal of a Mui Tsai from the colony were successful. One defendant was fined \$150; two defendants were each fined \$20; four defendants were each fined £10; and three defendants were each fined \$5. The extremely heavy fine in the first case mentioned was imposed after the defendant had stated in court that the girl had been married outside the colony, but, in reply to questions from the bench, was entirely unable to give the address of the girl or even the name of the husband.

(f) The sixteen prosecutions for failing to report changes of address were all successful. One defendant was fined \$115; one defendant, who was also the subject of the charge dealt with in paragraph 9, was fined \$20 on each of two summonses; five defendants were each fined \$10; seven defendants were each fined \$5; and one defendant was fined \$1. The heavy fine in the first case was the result of a deliberate flouting of the authority of the Secretary for Chinese Affairs by the employer concerned. Some time previously, she had reported to his office that the girl was about to be married. As, however, the girl had only just reached the age of 16, she was told that the marriage would not be permitted, but that the matter would be reconsidered after six months. Shortly afterwards, the girl, with her employer's permission, took up residence in her fiancé's house, where she was found living with him as his wife after a lady inspector had paid a fruitless visit to the employer's residence. The Crown Solicitor

advised that no action under the Women and Girls Protection Ordinance was possible, and the employer was therefore merely summoned for failing to report the girl's change of address. The girl was subsequently married to her fiancé at the office of the Registrar of Marriages, the Inspector of Mui Tsai being one of the witnesses. As the girl had no parents, the Secretary for Chinese Affairs, being legal guardian of the girl by virtue of Section 32 of the Women and Girls Protection Ordinance, gave the written consent necessary for the marriage of a minor.

(g) The two prosecutions for failing to report the intended marriage of a Mui Tsai resulted in fines of \$5 and \$2.

(h) The prosecution for failing to pay wages was successful, the defendant being ordered to pay the arrears. No fine was imposed, as she was at the same time fined for failing to report a change of address.

9. As mentioned in paragraph 6 (c), one employer was prosecuted on a charge of rape. He was the employer of two registered Mui Tsai and had moved from his registered address without making a report. The case came to light as the result of one of the girls running away and subsequently obtaining employment in the household of a European with a knowledge of the Cantonese dialect. This gentleman overheard a conversation among his servants, and communicated the details to the Anti-Mui Tsai Society. The Secretariat for Chinese Affairs was communicated with, and the employer — a tram-conductor — was arrested, the two Mui Tsai being taken to the Po Leung Kuk. The girl told a somewhat inconsistent but circumstantial story, corroborated in some details, of how she had been interfered with by her employer while his wife was away. The preliminary hearing of the case occupied four afternoons before the first police magistrate, who finally refused informations, remarking as he discharged the defendant: "I cannot possibly understand a girl being raped in the midst of a tenement house without raising a shriek. The girl was a consenting party all the way through. It is absurd." The defendant was, however, as mentioned in paragraph 8 (f), fined a total of \$40 for his failure to report the changes of address. Both girls have been removed for good from his custody.

10. In the case of bringing an unregistered Mui Tsai into the colony, and in one case of keeping an unregistered Mui Tsai, the girls concerned were allowed to remain with their former employers as paid domestic servants in accordance with their own requests. In all the other cases of keeping unregistered Mui Tsai, the girls were removed from their employers, and it was possible in seven instances to return them to their relatives immediately after the conclusion of the case. The girl concerned in the case of failing to pay wages was also removed from her employer and returned to her mother. Of the two girls concerned in the cases of failure to report the death of a registered employer, one was restored to her relatives and the other found herself a position in a local factory. The girls concerned in the remaining cases generally asked to remain with their employers, and were allowed to do so.

11. During the period under review, no less than fifty-one Mui Tsai who were attending school have been struck off the register. A further thirteen have, however, been found to be studying, and the present total for this category is now seventy-four, a nett decrease of thirty-eight compared with the total of 112 for May 31st, 1935. One of these fifty-one girls is now in the Italian Convent, one of the "refuges" appointed under the Women and Girls Protection Ordinance, where she is assured of further education. She was handed to the Secretary for Chinese Affairs by the employer on her death-bed, the desire being expressed that she should enter this institution.

12. (a) Acting Inspector O'Connor has deputised for Inspector Fraser during the whole of the period under review, and has discharged his duties most efficiently.

(b) The two lady inspectors paid a total of 1,552 visits to registered Mui Tsai and ex-Mui Tsai who have obtained employment as domestic servants. They have continued to give every satisfaction in their work, combining keenness with tact, and have shown marked ability in their work of tracing girls who have changed their addresses — a task which might be described as detective work.

13. The only feature of the Mui Tsai system which causes anxiety at the present time is the number of girls on the register whose addresses are unknown. Although the figure has been reduced from 716 to 706 during the six months under review, it will be observed that the percentage figure has actually increased from 33.74 to 36.17 because of the reduction in the total number on the register. There is little doubt that many of these 706 girls have long ceased to be Mui Tsai, indirect information to the effect that they have married, or left the colony, or found employment being frequently received from neighbours by the inspectors; but something more definite is required before the girls are written off. The Secretary for Chinese Affairs has given instructions to the inspectorate staff that more attention should be paid to tracing these Mui Tsai, and I trust that it may prove possible to record a large

diminution in the number of Mui Tsai whose addresses are unknown at the end of the next six-monthly period. I might add that no case discovered of a change of address without a report during the period under review has been excused; a prosecution has invariably been instituted whenever the employer has been found.

(Signed) A. CALDECOTT.

TABLE OF AGES OF REGISTERED MUI TSAI RANGING FROM 5 TO 30 YEARS
UP TO NOVEMBER 30TH, 1935.

Age	Number	Age	Number
5	4	19	140
6	9	20	123
7	15	21	54
8	28	22	28
9	48	23	11
10	61	24	10
11	57	26	1
12	129	27	1
13	131	30	1
14	208		
	690		369
15	206	Total	1,952
16	269		
17	212		
18	206		
	893		

Appendix 3.

MUI TSAI REGISTRATION AS ON DECEMBER 31st, 1935.

	Straits Settlements					Federated Malay States					Unfederated Malay States			
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Kedah	Perlis	Total
Number registered on June 30th, 1934	589	492	249 (a)	2	1,332	448	457 (b)	203	64 (c)	1,172	150	97	—	247
Cancelled :														
Returned to parents	11	7	—	—	15	3	3	—	1	7	—	3	—	3
Left settlement or State	24	8	1	—	33	9	12	7	—	28	4	6	—	10
Married	68	25	19	—	112	30	35	23	1	89	13	3	—	16
Ceased to be Mui Tsai	32	14	5	—	51	17	19	16	2	54	15	—	—	15
Admitted to Po Leung Kuk	13	4	8	1	26	6	3	—	—	9	1	—	—	1
Miscellaneous	6	4	7	—	17	2	5	1	1	9	3	—	—	3
Total cancelled	154	59	40	1	254	67	77	47	5	196	36	12	—	48
Added to register on transfer from another settlement or State	4	15	3	—	22	11	5	—	2	18	7	—	—	7
Total on register on December 31st, 1935	439	448	212	1	1,100	392	385	156	61	994	121	85	19 (d)	225

(a) Figure in last return, 246, was incorrect.
 (b) Figure in last return, 463, was incorrect.
 (c) Figure in last return, 63, was incorrect.
 (d) Period of registration closed September 3rd, 1935.

Note. — There are no Mui Tsai registered in the States of Kelantan, Trengganu and Brunei.

Appendix 4.

MEMORANDUM, DATED JANUARY 9TH, 1936, GIVING PARTICULARS
OF INSPECTIONS OF MUI TSAI THROUGHOUT MALAYA.

STRAITS SETTLEMENTS.

Singapore. — A lady inspector of Mui Tsai was appointed on June 1st, 1933. The Mui Tsai in the settlement are inspected regularly once every ten weeks ; in certain cases, where ill-treatment is suspected, the inspection is monthly. At the end of 1935, there were 439 Mui Tsai on the register, as against 709 at the beginning of registration. Sixty-seven are noted as untraced ; the remainder have either ceased to be Mui Tsai or have left the settlement.

During the period of inspection, nineteen cases of ill-treatment have been discovered. In thirteen of these cases, the Mui Tsai have been removed to the Po Leung Kuk and the remaining six are being visited monthly.

Other unsatisfactory cases are : (a) dirty, 9 ; (b) underfed and neglected, 9.

Subsequent visits show steady improvement in health and general treatment in all but one of these cases ; the remaining case is a Mui Tsai who is deaf, dumb and mentally deficient.

Penang. — A lady inspector of Mui Tsai was appointed on August 1st, 1933. Inspections were at first made quarterly, but are now made twice a quarter ; suspected cases are visited monthly. Nineteen Mui Tsai are noted as untraced.

The lady inspector reports no case of ill-treatment. Eighteen cases are noted as dirty and two as underfed and neglected. Four Mui Tsai have been removed to the Po Leung Kuk.

Malacca. — Mui Tsai are inspected twice a year by the lady inspector, Singapore. She had noted eight cases of ill-treatment, three dirty and three underfed and neglected.

Nine Mui Tsai have been removed to the Po Leung Kuk, and other suspected cases are for more frequent revisits by the Protector.

FEDERATED MALAY STATES.

Inspections are made by the three Protectors and the two Assistant Protectors of Chinese.

Perak. — During 1935, 371 Mui Tsai have been seen in their homes, of whom 311 are reported as being well treated. The remaining sixty are noted as " below average " and will be inspected at more regular intervals. Since the close of registration, seven Mui Tsai have been admitted to the Po Leung Kuk.

Selangor. — The Kuala Lumpur Mui Tsai have been inspected. Of 241 seen, ten are noted as appearing unwell or underfed, overworked or unhappy. The inspection of the outstation Mui Tsai has not been completed ; of the 112 seen, a few are noted as pale or dirty and are to be revisited at an early date. Three Mui Tsai have been admitted to the Po Leung Kuk.

Negri Sembilan. — The Protector has visited 162 Mui Tsai. He notes six cases as bad and four as very bad. A number of others were sent to infant welfare centres for treatment. The Protector writes :

" The majority of Mui Tsai are well treated and have quite a high status in the house. . . . My figures for ill-health and neglect, etc., are somewhat high, being swelled by malaria cases from Broga and Johol. In outstations, many of the children have skin diseases on their legs and feet, but, in spite of this, are in a fair condition. Their employers have been warned that proper medical attention must be given in future or the children will be removed."

One Mui Tsai has been admitted to the Po Leung Kuk.

Pahang. — No inspection has taken place yet.

UNFEDERATED MALAY STATES.

Johore. — Two inspections have been made by the Protector and his assistant during 1935. Of the 121 Mui Tsai now registered in the State, only one was missing. Only one case of ill-treatment was found. The girl was removed to the Po Leung Kuk. The Protector notes three cases of Mui Tsai whose treatment appears to be below the average. He adds :

“ The general standard of treatment is surprisingly high ; the cases quoted as being below the average do not imply harsh treatment. More frequent inspection will be made in these latter instances.”

Kedah. — Arrangements were made for the lady inspector of Mui Tsai, Penang, to inspect the Mui Tsai in the State. The inspection was made in September. Of the ninety Mui Tsai on the register, seventy-one were visited in their homes, fourteen were absent on visits and will be inspected later by the Protector, and five appear to be untraceable. There were no signs of ill-treatment.

Perlis. — The nineteen Mui Tsai in the State were inspected during December by the lady inspector, Penang.

Kelantan, Trengganu, Brunei. — There are no Mui Tsai in these three States.

(Signed) John BLACK,
Secretary for Chinese Affairs, Malaya.

C.C.E.E.92.

ANNEX 8.

NOTE ON CERTAIN ENQUIRIES MADE BY THE ADVISORY
COMMITTEE OF EXPERTS ON SLAVERY RELATIVE TO CERTAIN
STATES IN THE PERSIAN GULF, TRANSMITTED ON MARCH 7TH, 1936,
BY THE UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS.

The Advisory Committee of Experts on Slavery, in paragraph 34 of its report of April 1935,¹ asked for information about the steps taken by the rulers of certain Arab States, which have treaties with the United Kingdom Government for the prevention of the slave trade, to give effect to these treaties. In paragraph 39 of the report, the Committee asked for information about the conditions of slavery in the plantations, pearl fisheries and families, in these States.

This note deals with the States on the eastern and south-eastern coasts of Arabia — namely, Koweit, Bahrein, Trucial Oman, Qatar and Muscat.

I. SLAVE TRADE.

The slave trade as such in the Persian Gulf practically no longer exists.

There is no information of specific laws or proclamations in the States in question, nor of any formal prosecutions under them. The success which has attended efforts to suppress the slave trade has been due to the influence and executive action of the rulers concerned, to the influence of His Majesty's Government's representatives, and above all to the work of His Majesty's Navy in the Persian Gulf.

Koweit. — Although there is no treaty between this State and His Majesty's Government in regard to the suppression of the slave trade, His Majesty's Government's representative in Koweit states that the Sheikh has within the last few years entirely stamped out the sale of new slaves, however secretly imported, and has for long been a real protector of slaves born in slavery (see note on “ Conditions of Slavery ” below).

Bahrein. — Slavery is not recognised in Bahrein by the courts and the slave trade is extinct.

Trucial Oman and Qatar. — Although the British naval sloops in the Persian Gulf regularly detain and search dhows in these waters, there has been no case in recent years of slaves being discovered on board. This in itself shows that the traffic by sea must be negligible. His Majesty's Government take any opportunity of impressing on the sheikhs the necessity of their doing their utmost to suppress the traffic.

Muscat. — The Sultan's Government is well-disposed to the suppression of the traffic. The British vessels in the Persian Gulf pay special attention to this coast with a view to intercepting slaves, and no recent case has occurred of a vessel being found with a slave or slaves on board.

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI.

II. CONDITIONS OF SLAVERY IN PLANTATIONS, PEARL FISHERIES AND FAMILIES.

Slaves in these States fall into two categories : (a) Household, (b) " Industrial ".

The first category covers individuals employed as bodyguards to sheikhs, coffee-makers and domestic servants. The lot of slaves in this category often compares favourably with that of the free tribesman. The slave is assured of his livelihood in a region where nature makes this difficult to obtain and is frequently attached by sentiment to the family in which he serves.

The second category includes the date gardener and the pearl fisher. The latter class is far the more numerous, since the whole of the Arabian coast, to a large extent, lives on the pearl trade, while considerable date groves, except in Muscat, are few in number. The condition of the industrial slave is less satisfactory than that of the household slave, but this is largely due to the general economic depression at present obtaining in the territories concerned (caused by the collapse of the pearl market) which affects freemen, as well as slaves, employed in industry. Moreover, while the free pearl fisher, who enjoys the fruits of his labours, has to support himself between pearling seasons (*i.e.*, for about two thirds of the year), the slave, whose earnings (save in Koweit) go to his master, is supported by the latter between seasons in comparative idleness.

Taking the territories *seriatim* :

Koweit. — The condition of the remaining slaves in this State is good, largely owing to the enlightened rule of the Sheikh. There have been no new slaves at all for some time, and very many slaves have been freed in recent years. In 1930, the number of slaves was estimated at 2,000, but must now be much smaller. Those that remain are slaves born in captivity, and the large majority are employed in the household. Any of these who has a grievance can at any time go for justice to the Sheikh, who frequently buys the freedom of a slave if he is unable to compose the master's and slave's differences. It is estimated that only about 100 slaves are engaged in pearl fishing, which is the principal industry of the State. Even these, however, are not sent in the capacity of slaves, but go independently and keep any money they make from the sale of pearls on the same terms as other divers.

Bahrein. — Slavery has long ceased to be recognised in Bahrein, and is for practical purposes extinct. (The manumission statistics for Bahrein relate to slaves from the mainland.) It has often been erroneously stated that Bahrein pearl divers are slaves. The reason for this is that they were at one time employed under a system which placed them in debt to the boat-captains and their debts were passed on to their children, who similarly fell into the power of the captains. These abuses, however, have been reformed in recent years, and a system of rules laid down to ensure the independence of the diver.

Trucial Sheikhdoms and Qatar. — Slavery is still not uncommon in this region, and is largely " industrial ", since this desolate coast depends almost entirely on the pearl trade. There is no longer anything in the nature of a slave market (as in the days before the treaties referred to in paragraph 34 of the Committee's report) and no extensive buying or selling of slaves, though slaves occasionally change hands. The number of slaves employed in pearl diving is not known, but is estimated at several thousands. This region is still relatively untouched by European influences, but there is an Arab Agent of His Majesty's Government stationed at Shargah, on this coast, through whom any slave may apply for manumission to the Political Agent, Bahrein. The number so manumitted is small, and has decreased in recent years. This may well be due to the decline of the pearl trade and the difficulty experienced by the freed man in obtaining a livelihood, compared with the more secure position of the slave.

Muscat. — It is understood that in this Arab State, household and industrial slavery is still found. No estimate can be given of the number of slaves generally, but it is estimated that about 500 are employed in pearl diving. This compares with an estimate of 1,000 made about five years ago.

Facilities for Manumission.

The following important consideration should be borne in mind. No one, broadly speaking, need remain a slave on the Arab coast against his will. There are no gangs or overseers. The slaves are sent off to work by their masters and opportunities for escape are frequent. It is not difficult for a slave to reach one of the British authorities who has the right of manumission — *viz.*, the Agents at Muscat, Bahrein and Shargah — or one of the ports visited frequently by British sloops. This state of affairs is said to be perfectly understood both by masters and slaves. The result is that the slave is, in general, well treated, and the number of manumissions (of which statistics are attached) is relatively small. Thus

it will be appreciated that, not only has the virtual suppression of the slave trade been primarily due to the activities of the British Navy, but the presence of the representatives of the British Government, with their power of manumission, has also resulted in an amelioration of the slave's material condition in those Arab States where slavery still continues.

* * *

PERSIAN GULF MANUMISSION STATISTICS.

Slaves manumitted:

	1929	1930	1931	1932	1933	1934
Bahrein Agency.	27	18	19	20	17	19
Muscat Agency	28	20	22	24	21	31
Shargah Agency.	22	12	16	6	4	1
Totals	77	50	57	50	42	51

C.C.E.E.107.

ANNEX 9.

COMMUNICATION, DATED MARCH 26TH, 1936, FROM THE UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by Mr. Secretary Eden to refer to Foreign Office letter W.2067/154/98, of March 7th, enclosing a memorandum prepared on behalf of His Majesty's Government in the United Kingdom on various questions dealt with in the last report of the Committee of Experts on Slavery.¹

2. I am now to transmit to you herewith, for communication to the Committee of Experts, a note containing additional information in regard to the matters referred to in paragraphs 20 and 21 of the above-mentioned memorandum.

(Signed) H. J. SEYMOUR.

NOTE.

Three additional assistant lady inspectors have been selected for work in the Federated Malay States from among Chinese staff nurses in the Medical Department, who will assume duty on April 1st. In the Unfederated Malay States, Kedah and Perlis are already visited by lady inspectors from Penang, and the Government of Johore is being asked to allow visits by lady inspectors from Singapore.

2. A Commission of three persons has been appointed by the Secretary of State for the Colonies to investigate Mui Tsai and kindred questions in Malaya and Hong-Kong under the Chairmanship of Sir Wilfred Woods, K.C.M.G., late Financial Secretary to the Government of Ceylon. The terms of reference of this Commission are as follows:

"To investigate the whole question of Mui Tsai in Hong-Kong and Malaya, and of any surviving practices in those territories of transferring women and children for valuable consideration, whether on marriage or adoption, or in any other circumstances, and to report to the Secretary of State on any legislative or other action which they may consider practicable and desirable in relation to these matters."

C.C.E.E.117.

ANNEX 10.

COMMUNICATION, DATED APRIL 4TH, 1936, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to paragraph 15 of the memorandum enclosed in Foreign Office letter No. W.2067/154/52 of March 7th,² I am directed by Mr. Secretary Eden to transmit to you

¹ Note by the Secretariat of the League of Nations. — See page 58.
² Note by the Secretariat of the League of Nations. — See page 60.

herewith, for communication to the Advisory Committee of Experts on Slavery, a translation of a proclamation concerning the slave trade issued by His Majesty the Sultan of Lahej on March 7th, 1935.

(Signed) J. C. STERNDALÉ BENNETT.

* * *

PROCLAMATION BY HIS HIGHNESS THE SULTAN OF LAHEJ.

Be it known to all inhabitants of Lahej and every comer to it from outside that the importation of slaves from the sea and their sale and purchase is prohibited.

2. Whoever disobeys this will render himself liable to punishment. The slaves imported will be confiscated, and he will be held responsible for their repatriation expenses.

2nd Al Hijja 1353 (March 7th, 1935).

C.C.E.E.106.

ANNEX 11.

COMMUNICATION, DATED MARCH 25TH, 1936, FROM THE CHINESE GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

With reference to your Circular Letter 154.1935.VI, dated October 5th, 1935, I have the honour, acting on my Government's instructions, to bring the following to your notice :

As you have already been informed by the letters from the Permanent Office of the Chinese delegation dated May 6th, 1933,¹ and July 13th, 1934,² slavery does not exist in China. The Chinese Constitution provides that " all citizens of the Chinese Republic are equal before the law, irrespective of their sex, race, religion or social rank ". The relevant provisions of the previous Penal Code have also been strengthened by the new Chinese Penal Code, which came into force on July 1st, 1935, and Article 296 of which provides that :

" Any person reducing another to slavery, or to a state similar to slavery, shall be punished by imprisonment for a term of not less than one year or more than seven years.

" Attempts to commit the offence referred to in the first paragraph shall also be punishable."

As regards the Mui Tsai system, it was emphasised in the above-mentioned two letters from the Permanent Office that this is not slavery, and information was furnished on the matter. The letters also gave an account of the measures taken by the Chinese Government to abolish this system, and mentioned the satisfactory results already obtained.

The Chinese Government has continued its efforts to put an end to this system, and, on January 22nd, 1936, promulgated regulations, a translation of which is attached, providing for the registration and immediate liberation of the Mui Tsai. These regulations, which are even more radical than the rules of September 1932,³ which they abrogate, will, in the Chinese Government's opinion, enable the Mui Tsai system to be completely abolished in cases where it is still practised, and make it possible to collect statistical data which that Government will duly communicate to the League of Nations.

(Signed) Hoo Chi-Tsai,
Director of the Permanent Office
of the Chinese Delegation accredited to
the League of Nations.

Appendix 1.

REGULATIONS PROHIBITING THE KEEPING OF MUI TSAI.⁴
(Promulgated on January 22nd, 1936.)

Article I.

The keeping of Mui Tsai under the guise of charity or adoption shall be prohibited under the present rules.

Notes by the Secretariat of the League of Nations:

¹ See document A.16.1933.VI, or *Official Journal of the League of Nations*, June 1933, page 738.

² See document C.159.M.113.1935.VI, page 92.

³ These rules are reproduced in document A.16.1933.VI.

⁴ The term " Mui Tsai " is not the translation of the Chinese term used in the regulations, but has been adopted here because it is commonly resorted to in the League documents (note by the Chinese Government).

Article II.

The authorities responsible for the enforcement of the present regulations shall be as follows :

In the capital : the Metropolitan Police Department ;
In the provinces : the respective public safety bureaux and district Governments ;
In the municipalities : the respective municipal public safety bureaux.

Article III.

All the responsible authorities shall, upon the receipt of the present regulations, make public the time-limit for investigation, and shall instruct their staff to ascertain the number of Mui Tsai with a view to registering them. The registration form¹ shall be provided for separately.

The duration of the above-stated time-limit of investigation shall be four months. In case of necessity, a prolongation of two months may be allowed. Only one prolongation is permitted.

Article IV.

Within the time-limit of investigation, all keepers of Mui Tsai shall report to the competent authorities for registration ; such registration may also be made by the Mui Tsai themselves, or they can register through the intermediary of another person.

Article V.

After registration, all Mui Tsai shall immediately and unconditionally recover their liberty. All minors who have no family or whose families cannot afford to receive and maintain them shall be sent to the local relief homes or other charity organisations.

Article VI.

Marriage of a liberated Mui Tsai who has no family to go to and who has attained the age of 16 may be arranged with her consent by the local responsible authorities.

Article VII.

Liberated Mui Tsai who have attained civil majority may be employed by their former keepers, provided it is agreeable to the two parties concerned. The responsible authorities shall fix her salary, taking into consideration the local standard of living.

The responsible authorities shall choose and designate the head of a local relief home or of any other charity organisation as guardian for a liberated Mui Tsai who is still under age and who has no family or whose family's whereabouts are unknown.

Article VIII.

Keepers of Mui Tsai who fail to register within the time-limit of investigation prescribed in Article III shall be compelled to register in addition to the payment of a fine not exceeding ten dollars.

The fine mentioned in the preceding paragraph shall be assigned to the fund of the local relief homes or other charity organisations.

Article IX.

Keepers of Mui Tsai who refuse to liberate them after registration shall be turned over to the judicial authorities for punishment, according to law.

Article X.

Every month, all municipal public safety bureaux and all provincial public safety bureaux and district Governments shall submit to the Ministry of the Interior for examination, through the municipal and provincial Governments respectively, a list of the registered Mui Tsai, the Metropolitan Police Department reporting the same to the Ministry of the Interior directly.

Article XI.

After the promulgation of the present regulations, the former " Rules prohibiting the Keeping of Mui Tsai " shall be deemed null and void.

Article XII.

The present regulations shall be effective from the date of their promulgation.

¹ Appendix 2.

Appendix 2.
MUI TSAI REGISTRATION FORM.

Submitted by { Municipality } District of { province } on the { } day
 { Bureau of }
 of the { } month of the { } year of the Republic of China.

Name of Mui Tsai	Age	Village	District and Province			or Municipality			
Name of Keeper	Age	Present address	Village	District and Province	or Municipality		Occupation		
Name of Mui Tsai's Relative	Age	Present address	Village	District and Province	or Municipality	Relations		Able to support	
						by blood	by marriage	Yes	No
Conditions under which the Mui Tsai is kept				Summary of contract which binds the Mui Tsai to her keeper					
by adoption		by charity							
How liberation was effected and what measures were taken for her relief?									
Name of guardian	Age	Village	District and Province		or Municipality		Occupation		
Legal			Qualification of guardian :			or authorised by the local responsible authorities			
Remarks :									

- Notes.* — 1. In filling, all details must be stated clearly and accurately.
 2. When answering the questionnaire in the present form, leave the right answer as it is, and cross out the other answer that is not necessary — *e.g.*, in the column “able to support”, if after investigation it is found that no support can be given, cross out the “Yes”.
 3. The length of this form is 0.4 metre and the width 0.3 metre. All provincial and municipal Governments shall print their own forms according to the size mentioned above and issue them to all responsible authorities under their jurisdiction for making reports.

ANNEX 12.

COMMUNICATION, DATED FEBRUARY 28TH, 1936, FROM THE FRENCH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation.*]

On October 5th, 1935, under No. 154, you informed my predecessor that the Chairman of the Advisory Committee of Experts on Slavery had fixed April 15th, 1936, as the date for the opening of the next session of that Committee. You requested him to forward to you in good time and not later than March 4th, 1936, any information relating to slavery that the French Government might wish to communicate to the Committee in application of the Council's resolution of May 22nd, 1935, and of the Assembly's resolution of September 27th, 1935.

I have the honour to inform you that, from the enquiries addressed to the Governors of the colonies concerned, it appears that no new slavery regulations have been issued since the report which the French Government submitted to the Advisory Committee of Experts in 1935.¹

The information supplied by the different colonies may be summarised as follows :

French West Africa.

No new texts have been issued on the subject other than those mentioned in the 1932 report.²

Offences are becoming more and more rare and are always severely punished. It is not so much a matter of suppressing cases of slave trading as of guiding the evolution of certain customs towards a truer conception of individual liberty ; this can only be the work of time and of judiciously calculated measures.

Two questions formed the subject of very exhaustive enquiry in 1935 : native marriage and the pledging of individuals as security for debt. The local Government carried out an investigation in an attempt to establish a formula reconciling native tendencies and canon law, as observed by Christians, in the matter of consent to marriage. The object was to accord the woman greater liberty without releasing her entirely from her parents' authority, since to do so would seriously upset the family institutions of the natives.

The pledging of individuals as security for debt raises a less delicate problem. This has been the subject of lengthy examination, but the results are not yet available. It seems, however, that this custom, which the economic depression revived in certain regions, will disappear of itself with a return to normal economic conditions.

All measures have been taken to track down the last slave traders who may still be found in the territory of the Federation.

French Equatorial Africa.

Apart from the cases brought before the courts, no fresh act has been reported in regard to slavery.

Domestic slavery (household captives) is making slow progress. Notwithstanding the measures taken with a view to the liberation of these captives (exemption from taxation for a year, gratuity paid by the former owner, etc.), the majority never think of demanding their liberty ; they would refuse it if it were imposed on them, being satisfied with their lot.

Close watch is kept on the main routes followed by bandits or slave traders, in conjunction with the British authorities in Nigeria and the Sudan and the authorities in French West Africa and the Cameroons.

Somaliland.

No fresh facts have been reported since 1935.

At the same time, an ex-slave, liberated by his owner in the Yemen, recently presented himself before the French Public Prosecutor with the object of denouncing a certain Ali Guedi of Tajura, who, he alleged, had formerly carried him off into slavery in Arabia.

Although this act — if true — is not justiciable, being barred by limitation, the Public Prosecutor ordered an unofficial investigation in case slave trading might still be going on.

Madagascar.

The Governor-General points out that no disguised form of slavery exists in Madagascar. As noted in the report for 1935, the judicial authorities have not had to take action in the matter of the slave trade since 1930.

¹ See document C.159.M.113.1935.VI, pages 95-98.

² See document C.E.E.1, page 6.

Cameroons and Togoland.

The Commissioners of the French Republic in these territories have nothing to report concerning the slave trade or slavery.

I will communicate information relating to Indo-China in due course as soon as it reaches me.

(Signed) LAGARDE.

C.C.E.E.124(2).

ANNEX 13.

COMMUNICATION, DATED MARCH 10TH, 1936, FROM THE FRENCH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation.*]

Following my letter No. 18 of February 28th, 1936,¹ I have the honour to send you herewith statistics of the sentences passed since 1930 for slave-trading offences in the territories of French West Africa, French Equatorial Africa, the Somali Coast and the Cameroons. No sentence for slave-trading has been passed in Togoland during the last five years.

I would add that the report of the Governor-General of Indo-China mentions no regulations and no new facts concerning slave-trading or slavery.

(Signed) LAGARDE.

The statistics furnished by the local Governments contain the following information :

In French West Africa, for the year 1935, only one case was tried in Mauritania by the French court, six cases were tried by the native courts, involving a total of 16 years and 2 months' imprisonment and fines amounting to 2,500 francs.

In French Equatorial Africa, for the year 1935, three cases were tried by the French court, involving a total of 24 years and 3 months' imprisonment.

In the Cameroons, for the year 1934, eighteen cases were tried by the French courts, involving twenty-eight sentences totalling 260 years' imprisonment and fines of 5,500 francs.

C.C.E.E.108.

ANNEX 14.

COMMUNICATION, DATED MARCH 26TH, 1936, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Secretary of State for India in Council to refer to your Circular Letter 73.1935.VI, of June 6th, communicating a resolution relating to slavery adopted by the Council of the League on May 22nd.

In accordance with that resolution, I am to forward, for the information of the Advisory Committee of Experts on Slavery, a memorandum on the matters relating to the Indian States raised in paragraph 9 of the report of the Committee, dated April 10th, 1935 (document C.159.M.113.1935.VI).

I am to express regret that it was not found possible to forward the memorandum at an earlier date, and to say that it is hoped to communicate with you before the next meeting of the Advisory Committee in regard to the matters relating to Burma also raised in paragraph 9 of the Committee's report.

(Signed) E. TURNER.

* * *

¹ See page 78.

MEMORANDUM.

Careful consideration has been given by the Government of India to the suggestions relating to the Indian States contained in paragraph 9 of the report of the Advisory Committee of Experts on Slavery, dated April 10th, 1935.

The Committee recommended that the Indian States under the suzerainty of His Majesty in which slavery might still exist should be asked to declare their intention of taking action as soon as possible for its suppression in their territories. Further, the Committee attached value to the making of a declaration on the part of Indian States which had already taken measures in that direction as regards the nature of those measures.

The Government of India have not, for constitutional and other reasons, found it possible to call upon individual Indian States to make specific declarations on the lines suggested by the Committee. It has already been reported that, after the conclusion of the Slavery Convention, 1926, steps were taken by the Government of India to bring its provisions to the notice of all Indian States with a view to their working steadily towards the position as accepted for British India. Active steps have since been taken to ensure that Indian States which have not already done so shall enact legislation for the suppression of slavery on the same lines as the legislation in force in British India. The States concerned have been advised to adopt the legislation in force in British India because the States generally are familiar with British-Indian legislation as a model for their own enactments. The Government of India are confident that the advice which they have given to the Indian States will be complied with. They consider that, if the States were advised to adopt more elaborate machinery, this would only lead to delay and prove to be less effective than the measures which have already been taken.

With regard to the second form of declaration suggested by the Committee, the following action by the Government of His Exalted Highness the Nizam of Hyderabad is placed on record. Attention was drawn in an official Hyderabad State report (Economic Investigations in the Hyderabad State, 1929-30, Volume III, pages 13-14) to the maintenance by the big landholders in the northern portion of the Nizam's Dominions of persons known as "bhagelas" in the status of serfs — that is to say, in employment under traditional conditions which excluded a fair wage and freedom of contract — the position having usually originated on account of debts outstanding from the individuals to their masters. The Government of His Exalted Highness have enacted the Regulation reproduced below with a view to the suppression of the practices described in the report. The Regulation was brought into force with effect from February 10th, 1936. An officer, whose services have been borrowed from the Bombay Presidency, has been specially charged to investigate the working of the Bhagela Agreements Regulation and to supervise the enforcement of its provisions.

Appendix.

THE HYDERABAD BHAGELA AGREEMENTS REGULATION OF 1345 FASLI.

Received His Exalted Highness's Consent on 18th Isfandar 1345 F. (January 11th, 1936).

Whereas an emergency has arisen rendering it desirable to limit the period and regulate the terms of and otherwise to make provision regarding agreements for the performance of certain kinds of labour in the Dominions, H.E.H. the Nizam has been pleased to command as follows :

1. (1) This Regulation may be called the Hyderabad Bhagela Agreements Regulation, 1345 F. It shall come into force from the date of its publication in *Jareeda* and shall remain in force until such time as a suitable legislative enactment is passed to take its place.

(2) It shall extend to the whole of H.E.H. the Nizam's Dominions.

2. In this Regulation, unless there is something repugnant in the subject or context :

(1) "Advance" means an advance of money or in kind or partly of money and partly in kind, and includes any transaction which is, in the opinion of the court, substantially an advance.

(2) "Executant" means the party to Bhagela Agreement who undertakes that he or some other person under his guardianship shall perform labour.

(3) "Bhagela" means a person who, under the terms of a Bhagela Agreement, is to perform labour.

(4) "Bhagela Agreement" (a) means an agreement, written or oral, or partly written and partly oral, wherein the consideration for the performance of labour by any person is or includes one or more of the following — namely, an advance made or to be made to any person, the interest on such advance; and (b) includes any transaction which, in the opinion of the court, is substantially such an agreement; but (c) does not include :

- (i) An agreement to work entered into by a skilled workman ;
- (ii) An agreement to work outside the area to which this Regulation extends ; or
- (iii) An agreement to supply a cart and cartman.

(5) " Labour " means agricultural labour, and includes domestic service or labour, whether indoor or outdoor.

3. In respect of every Bhagela Agreement subsisting at the commencement of this Regulation, each of the following shall, if it has not previously occurred, be deemed on the expiry of one year from such commencement to have occurred :

- (a) All the stipulated labour to have been duly performed, and every obligation to perform labour or to provide a Bhagela to have been discharged ;
- (b) The advance, or principal and interest, to have been repaid ;
- (c) The debt and interest thereon to have been discharged.

4. (1) A Bhagela Agreement entered into after the commencement of this Regulation shall be wholly void :

(i) Unless the full terms of the agreement between the parties are expressed in an instrument duly stamped according to the law for the time being in force ;

(ii) Unless the person making the advance or to whom the debt is due delivers to the executant a counterpart of the said instrument at the time of the execution of the instrument ;

(iii) If the period expressed or implied during which the labour is to be performed exceeds, or might in any possible event exceed, one year ;

(iv) Unless it provides that, on the expiry of the period during which the labour is to be performed, all liability shall be extinguished in respect of any advance, debt or interest which is the consideration or part of the consideration of the agreement ;

(v) Unless it provides for a fair and equitable rate of remuneration for the labour and reasonable hours of service.

(2) No Bhagela Agreement which is void under clauses (i) to (v) of the Sub-section (1) of this section shall be admitted to *registration*.

5. The rate of interest recoverable under a Bhagela Agreement shall not exceed 6% per annum.

6. A Bhagela Agreement shall become void on the death either of the Bhagela or of the executant, or, if such Bhagela or executant is dead at the commencement of this Regulation, at such commencement ; and, notwithstanding anything to the contrary in the Bhagela Agreement or in any law, no liability to perform labour or in respect of the non-performance thereof shall survive against the estate or against any heir of the deceased, nor shall any suit be brought to enforce such liability.

7. Notwithstanding anything contained in the Hyderabad Contract Act VI of 1316 Fasli, when a Bhagela Agreement is void under Section 4 or otherwise, or becomes void under Section 6, no suit shall lie for restoration of or compensation for any advantage received by the executant, or, in particular, for the recovery of any advance, or debt, or interest which is the consideration or part of the consideration of the agreement.

8. (1) Except as provided in this section, no suit shall lie against the executant of a Bhagela Agreement or any other person in respect of non-performance of labour, or in respect of any advance, debt or interest which is the consideration or part of the consideration of the Agreement.

(2) If, during the period of a valid Bhagela Agreement, the Bhagela without just cause withholds the stipulated labour or does not perform it with reasonable assiduity, then, subject to the provisions of Section 5, and notwithstanding the provisions of Section 3 (a), a suit shall, if brought within three months after the termination of the period, lie against the executant for recovery of the net value of the labour so withheld or not performed ; but no decree shall be passed in such suit for a sum exceeding the principle of the advance, together with interest at a rate not exceeding 6% per annum.

9. In order to provide a cheap and expeditious procedure to ensure that the provisions of Sections 4 and 6 of this Regulation are observed, any Bhagela may apply to the Second Taluqdar of the Division for redress. The Second Taluqdar, after hearing the parties, if he is satisfied that the agreement is void under Section 4 or Section 6, may pass an order to this effect, and such order shall be a valid termination of the agreement, unless and until it is amended by a drecree passed under Section 8.

10. Government may make rules to carry out the provisions of this Regulation.

ANNEX 15.

COMMUNICATION, DATED MARCH 31st, 1936, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Secretary of State for India to refer to paragraph 9 of the report of the second session of the League of Nations Advisory Committee of Experts on Slavery,¹ in which the Committee offered certain observations regarding the reservation of certain areas in Burma from the operation of Articles 2 (b), 6 and 7 of the Slavery Convention of 1926.² I am also to refer to your letter No. C.L.154.1935.VI, of October 5th, 1935, regarding the communication by Governments of the information requested on behalf of the Advisory Committee by the Council in its resolution adopted on May 22nd, 1935.

2. In reply, I am to inform you that there has been no change as regards slavery in Burma since the despatch of the letter from this Office No. E & O.7761/34, of January 9th, 1935.³ As was reported in that letter, the tracts known as the Hukawng Valley and the North and South Triangle have been brought under the direct administration of the Government of Burma. For this reason, and since slavery in these areas has ceased, the anti-slavery expeditions which formed the subject of the reports submitted to you annually from 1927 to 1933 have been discontinued. As the Advisory Committee is no doubt aware, no reservation was made regarding these areas when the Slavery Convention was signed on behalf of India.

3. It will be recalled that the reservation relating to Burma in the Slavery Convention is in respect of the Naga tracts, and that this reservation was made because administration had not been extended to these areas, and the Government of Burma was therefore unable to take effectual measures for the abolition of slavery. From 1926 to 1931, annual expeditions were undertaken with the object of freeing slaves, and in villages which were visited during these years slavery ceased for the time being. The reports of the expeditions went to show that the number of slaves remaining in the Naga Hills is very small. Unfortunately, these annual expeditions were costly, and in 1932, when the Government of India were forced to adopt a policy of retrenchment, these expeditions were suspended.

4. On receipt of the report of the second session of the Advisory Committee of Experts on Slavery, the question of withdrawing for Burma the reservation already referred to was taken up with the Government of India and the Government of Burma, and it was hoped to be able to report definite decisions in time for the next meeting of the Committee. The Secretary of State is, however, still in active correspondence with those Governments on the subject and he much regrets that there must be some further delay before definite conclusions can be reached. He will not fail to report further for the information of the Advisory Committee as soon as he is in a position to do so.

(Signed) E. TURNER.

C.C.E.E.65.

ANNEX 16.

COMMUNICATION, DATED NOVEMBER 21st, 1935, FROM THE GOVERNMENT OF IRAQ TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Baghdad, November 21st, 1935.

With reference to your Circular Letter 218.1934.VI, regarding the communication of information concerning slavery, I have the honour to supply you with the following information:

In the past the enforcement of international agreements under Ottoman laws dealing with slavery and traffic in slaves was imperative, since Iraq was a part of the Ottoman Empire. Consequently, slave traffic had long ceased and been entirely prohibited by the Proclamation of a Royal Decree in 1857, followed by the Law of December 4th, 1889, by which traffic in slaves was prohibited.

Notes by the Secretariat of the League of Nations:

¹ See document C.159.M.113.1935.VI.

² See document C.210.M.83.1927.VI.

³ See document C.159.M.113.1935.VI, Annex 10, page 98.

By an agreement concluded between the Ottoman and the British Empires both parties agreed to employ their respective navies to suppress slave traffic in Ottoman waters and punish slave traffickers.

The Ottoman Empire took part also in the West Africa Conference, held in Berlin in 1884, in which the basis for the Convention prohibiting Trade in Slaves was laid, and signed the General Act for the Brussels Conference on July 3rd, 1890.

There does not exist to-day in Iraq any slavery or any form of slave traffic. Some persons of negro blood, descended from slaves, are at present to be found in certain aristocratic families; they are simply domestic servants who are entirely free agents who have remained in the service of these families of their own free will.

Notwithstanding the fact that Iraq acceded to the Slavery Convention of 1926, it has no special legislation to prevent traffic in slaves as provided for in Article 6 of the said Convention. The slavery legislation, however, of the Ottoman Empire is still in force in Iraq. The Constitutional Law, moreover, under Article 7, guarantees the personal liberty of all Iraqis, But the Government, realising the paramount importance of a separate and modern legislation. has prepared a draft law, which is still under consideration.

For the Minister for Foreign Affairs :

(Signed) Masrat FARISI.

C.C.E.E.88.

ANNEX 17.

COMMUNICATION, DATED MARCH 2ND, 1936, FROM THE ITALIAN GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation from the Italian.*]

I have the honour to refer to the communication addressed to you on March 1st, 1935.¹

At the close of that communication it was stated that " the Italian Government can justly assert that, in the matter of slavery, its civilising influence has been not merely forcible and wholly efficient, but also . . . very rapid ".

Now that another year has elapsed, that conclusion is confirmed.

In Libya, there is no longer any slavery anywhere in the territory, from the coast to the furthest limits of the Libyan desert.

The same may be said of the territories of Eritrea and Somaliland. The only new features consist in the action that the Italian authorities have been called upon to take for the emancipation of numerous destitute slaves coming from Ethiopia who have applied to the Italian authorities for liberation and assistance. The slaves in question have fled from their masters in order to escape torture or maltreatment. Mention may be made of some of the cases that have been reported.

The District Commissioner for the Western Plain reported that about the middle of March 1935 two runaway slaves arrived at Barentu. The Residency there declared them to be free, assisted them, and found them paid employment so that they could earn a living.

About the end of the same month (March 1935), the Resident in the Western Plain also had to report the arrival of two more Ethiopian subjects: Ghebriet Ghebrekidane and the woman Woalate Mariam, who said that they were slaves of Mengesha Gebre Joannes and that they had run away on account of the maltreatment they had suffered from their master and had taken refuge in Italian territory in the hope of being able to live in freedom. These two slaves also were declared by the Resident to be free, and were settled in the village of Ducambia (see communication from the Italian Government dated March 1st, Section (d), Eritrea), where they remained until they had found paid employment.

* * *

The Italian Government thinks it desirable to make a brief reference to the discoveries that have been made in the matter of slavery in the Ethiopian territories occupied in consequence of the Italian military action due to the aggressive attitude of Ethiopia and also to the first measures taken.

In a general way, it should be observed that, in the occupied territories, confirmation has been found of the existence, in the matter of slavery, of the conditions which the Italian Government has already had occasion to report to the League of Nations in its memorandum on the situation in Ethiopia, submitted to the Council of the League on September 4th, 1935.² Reference is made in particular to Chapter IV, Section A, of Part II of the memorandum.

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, page 98.

² Note by the Secretariat of the League of Nations. — See document C.340.M.171.1935.VII, " Memorandum by the Italian Government on the Situation in Ethiopia ", forming part of the dossier of the dispute between Ethiopia and Italy before the Council of the League.

Although the documentation supplied by the Italian Government in the memorandum is sufficient to demonstrate most fully — if any demonstration were needed — to what extent slavery is bound up with the economic and social life of Ethiopia, it may be worth while to mention the following typical fact, which confirms the impression that, notwithstanding numerous and repeated imperial edicts, the chiefs and officials regarded the institution of slavery as altogether legitimate and normal even quite recently. His Majesty's Consul at Adowa telegraphed on July 3rd last that a certain Lij Legese Fitaurari Mengesha, commanding the gendarmerie at the frontier post of Rama, presented himself at the Consulate and asked the Consul, in the most natural manner in the world, to use his influence with His Majesty's Government to secure the capture and restoration of a male slave aged 18 who had escaped to Adi Quala, in Eritrea.

According to reports received by the High Commissioner at Asmara, the number of slaves in the Tigre territories occupied by our troops may be put at roughly one-twelfth of the population. The forms of slavery involved bear all the essential aspects of the legal status of slavery — that is to say, the absence of legal personality, with the master's consequent right to sell, beat, or even kill the slave. The prevalent form is domestic slavery, the slaves being mainly employed in agricultural work on their masters' lands.

A few cases of barbarous treatment of slaves have been discovered; the corpse of one slave was found in a hut with shackles on the feet, and he had presumably been left to die of hunger, as there were no signs of a violent death. I enclose a photograph of the corpse in the state in which it was found.¹

Instruments for punishing slaves, such as fetters, whips and implements of torture, have also been found in Ethiopian houses; photographs are attached.²

A photograph is also annexed hereto showing a female slave found with her feet shackled.³

A Decree of the High Commissioner for East Africa, dated October 14th, 1935, No. 7373 (the text of which is appended), formally proclaims the abolition of slavery in all the territories of Tigre occupied by the Italian troops. This Decree grants freedom to some 20,000 former slaves.

The same Decree, however, merely forms the legal basis for the later application of a series of measures that are being put into effect as circumstances allow, for the purpose of organising the existence of these freed slaves without causing too great a perturbation in the economic life of the occupied territories.

It is too early yet to describe the effects of these measures. The civilising mission in the matter of slavery which Italy has rapidly accomplished in slavery-infested zones, as soon as she has been able to assert her control, is a sufficient earnest that the evil of slavery will soon be a thing of the past in all the Ethiopian territories controlled by Italy. This work will be facilitated by the rapid economic transformation towards which those territories are already heading.

With regard to the Ethiopian territories adjacent to Somaliland that have recently been occupied by the Italian troops, His Excellency the Governor of Somaliland has issued a Bando similar to the Decree promulgated by the High Commissioner at Asmara for Tigre. Further measures are being taken with a view to the gradual elimination of slavery in these territories.

In the territories of Ogaden and Galla Borana, the number of slaves encountered among the non-Amharic populations is relatively small. The slaves are found, not among the Somali and kindred tribes, but chiefly in the retinues of the Amharic chiefs who used to govern various localities in this region. On the other hand, it has been noted that slaves were very numerous among the Ethiopian troops. A few of these slaves have been taken prisoners — some ten in the fighting at Danyerei, Gorahai and Gabredarre; sixty — including twelve women — in the fighting which terminated at Negelli. From the statements of the prisoners themselves, however, it would seem that there were attached to Ras Desta's army alone, when it was setting out from Irgalem, about 10,000 slaves — men, women, and children — who had to do the heaviest work of transporting provisions and supplies. The fate of these slaves after the dispersion of Ras Desta's army is unknown. His Excellency the Governor of Somaliland has reported that the slaves taken prisoner are in a state of complete moral degradation as a result of prolonged servitude. He has already made arrangements for a special staff to undertake the social re-education of these slaves (now free, as a result of the above-mentioned Bando), particularly the young men.

It will thus be seen that, in the Ethiopian regions adjacent to Somaliland which have now been occupied by the Italian troops, the work of civilisation destined to stamp out barbaric customs which have been tolerated too long in the only African territory not subject to the control of European civilisation is also making rapid progress.

(Signed) SUVICH,
Under-Secretary of State.

Appendices:

1. One copy of a decree.
2. Six photographs.

¹ See photograph No. 1 in Appendix 2.

² See photographs Nos. 2 to 5 in Appendix 2.

³ See photograph No. 6 in Appendix 2.

Appendix 1.

EAST AFRICAN DECREE, OCTOBER 14TH, 1935, No. 7373.

Abolition of Slavery in the Newly Organised Regions of Tigre.

[*Translation from the Italian.*]

We, General Emilio de Bono, Knight of the Grand Cross, Minister of State, Army Commander, Senator of the Realm, High Commissioner and Commander-in-Chief in the Colonies of East Africa ;

Whereas from information received from the commanding and other officers in the territory beyond the Mareb it appears that in Tigre some thousands of natives live in a state of slavery :

Decree :

Article 1.

In the newly organised regions of Tigre, slavery is abolished.

Article 2.

The legal status of slave is not recognised for any purpose.

Article 3.

All persons hitherto in a condition of slavery are henceforth free, and will receive full and final liberation from every kind of servitude.

Article 4.

Persons guilty in any way of acts directed against personal freedom shall receive the punishment provided for such offences in the Penal Code.

Article 5.

The present Decree shall come into force on to-day's date.

Asmara, October 14th, 1935.XIII.

(Signed) E. DE BONO.

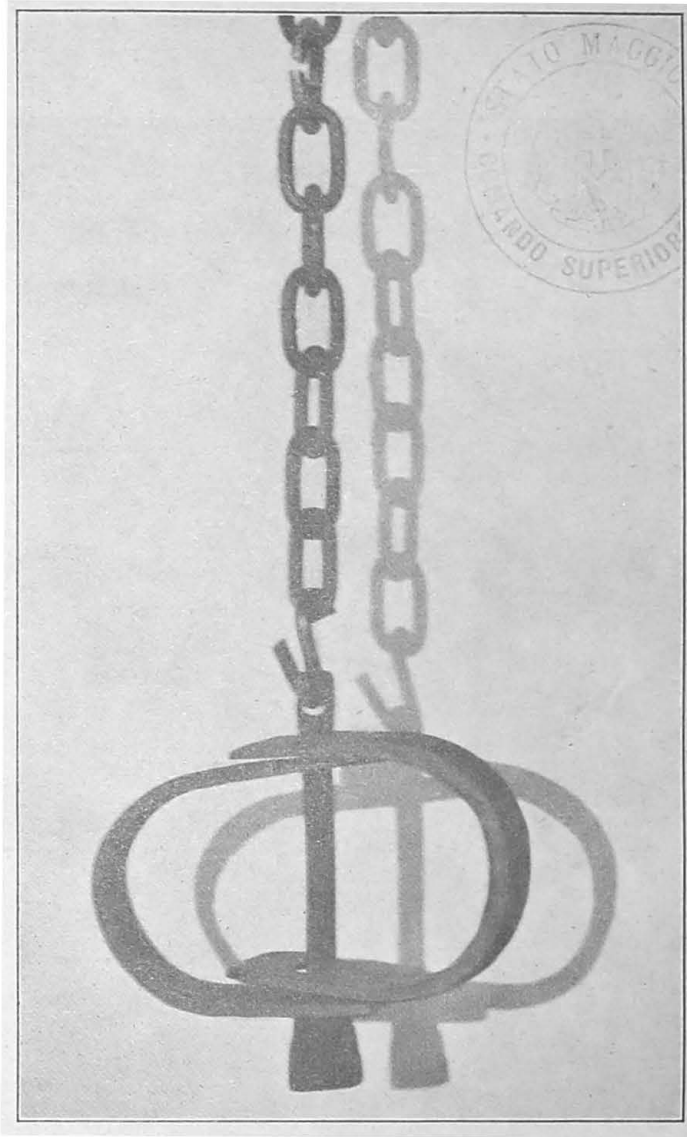
Appendix 2.

PHOTOGRAPHS.

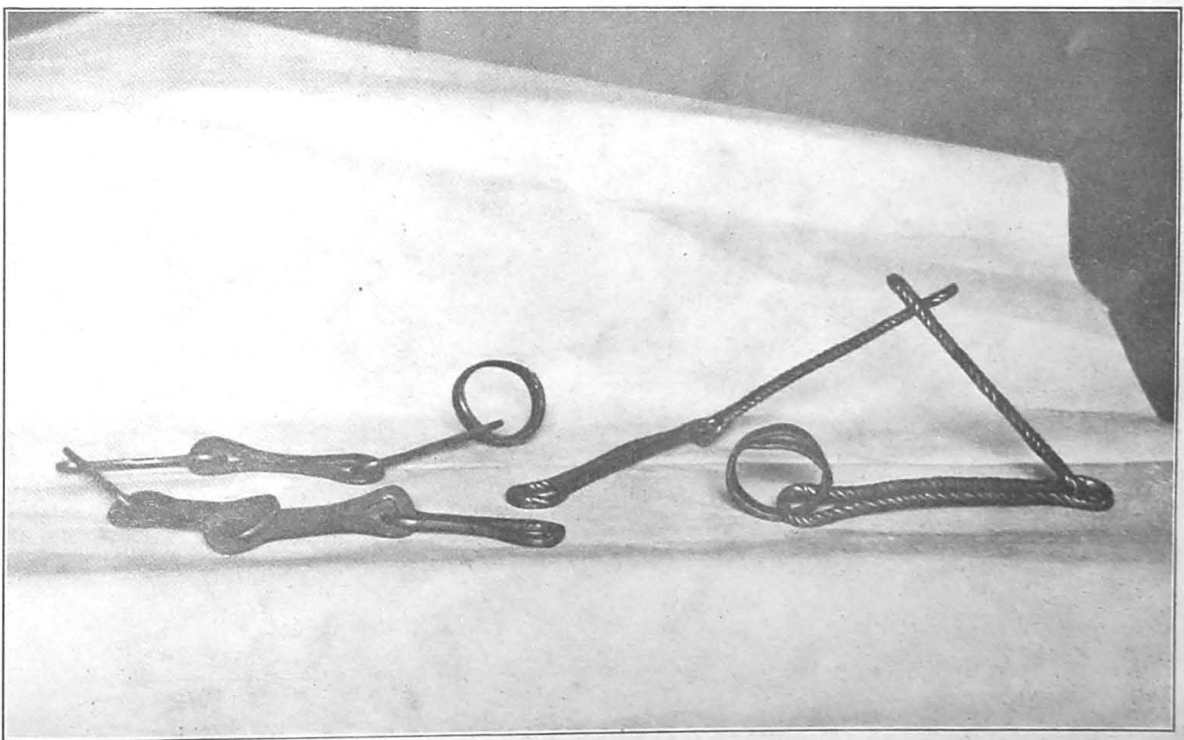
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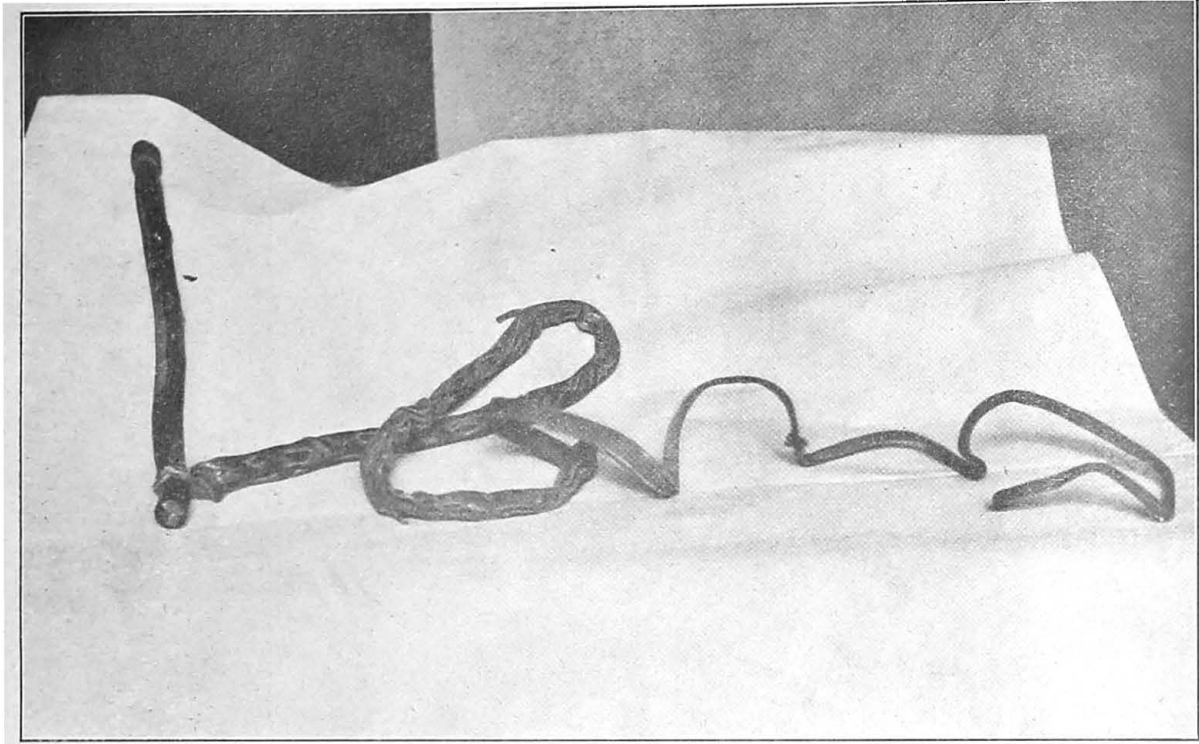
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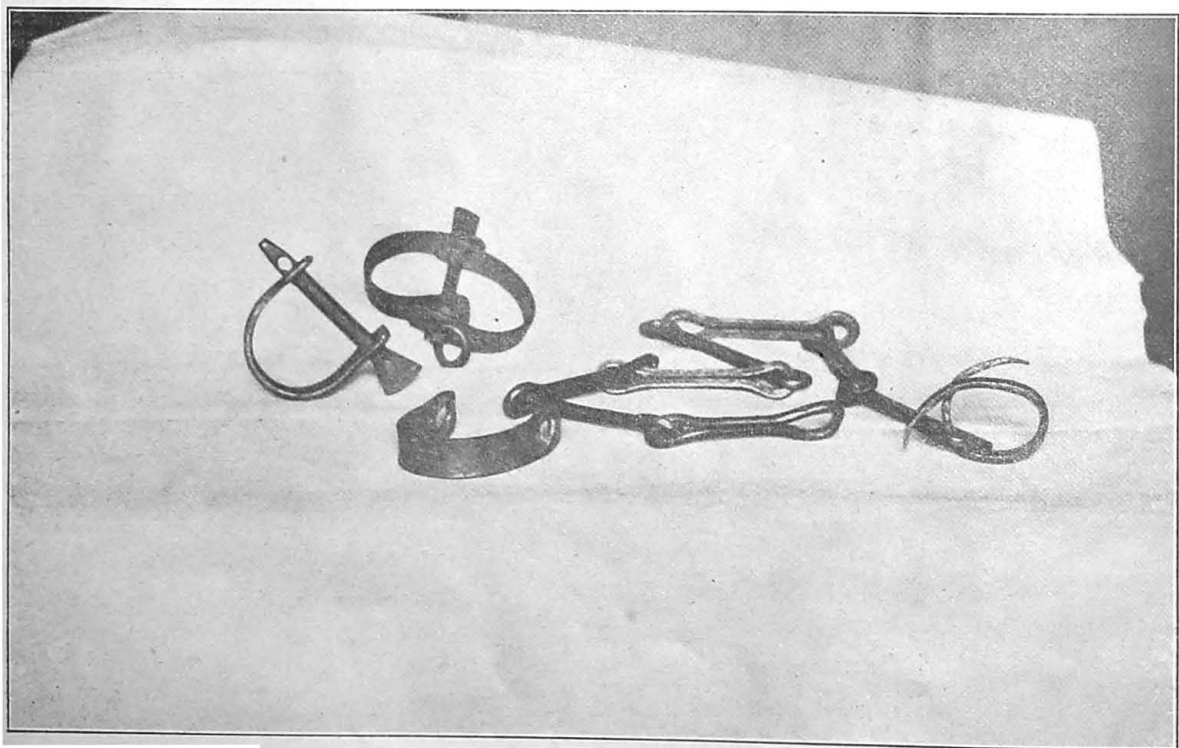
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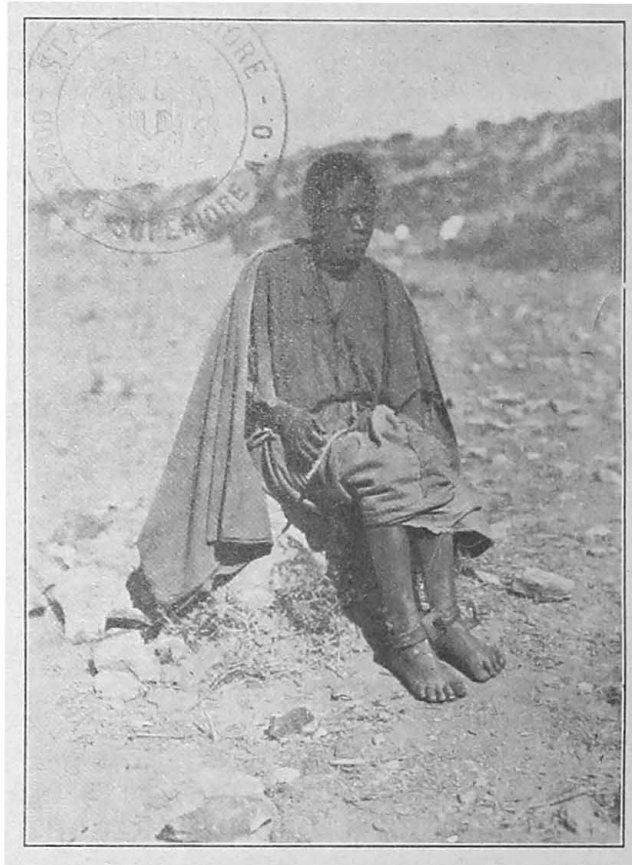
No. 4.



No. 5.



No. 6.



C.C.E.E.121.
(C.160.M.98.1936.VII.)

ANNEX 18.

COMMUNICATION, DATED APRIL 14TH, 1936, FROM THE ITALIAN GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation from the Italian.*]

In a letter dated March 2nd last,¹ the Italian Government already had occasion to inform the League of Nations of Decree No. 7373, issued by the High Commissioner for East Africa on October 14th, 1935, formally proclaiming the abolition of slavery in the territories of Tigre which, in circumstances that are well known, Italy has found it necessary to occupy. The same letter also gave notice of an edict to the same effect issued by His Excellency the Governor of Somaliland for the Ethiopian territories adjacent to Italian Somaliland and occupied in the same circumstances by Italy. In this connection, and further to the said communication, I have the honour to inform you that, on April 12th, His Excellency Marshal Badoglio promulgated at Makalle the following edict :

“ Peoples of the Tigre, Amhara and Godjam, listen : Slavery is a relic of ancient barbarism, and there can be no slavery where the Italian flag flies. Accordingly, in Tigre, Amhara and Godjam, wherever the Italian flag flies, slavery is abolished. I have prohibited the purchase and sale of slaves. The slaves who are in your territories are freed. Let those who need help apply to the Italian authorities : they will receive help and protection. Anyone disobeying the provisions of the present decree will be punished in accordance with law.”

I would ask you to be good enough to communicate the present telegram to all the Members of the League of Nations, the members of the Committee of Thirteen and the members of the Slavery Commission.

(Signed) SUVICH.

C.C.E.E.126(1).

ANNEX 19.

COMMUNICATION, DATED APRIL 18TH, 1936, FROM THE ITALIAN GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation from the Italian.*]

In its note, dated March 2nd, 1936, on slavery sent to the Secretariat of the League of Nations for communication to the Advisory Committee of Experts on Slavery, the Italian Government made an express reference to paragraph A of Chapter IV of Part II of the “ Memorandum on the Situation in Ethiopia ” submitted by it to the Council of the League on September 4th, 1935 (document C.340.M.171.1935.VII).

The Italian Government desires to point out that, in making this reference, it intended that the above chapter in the said memorandum, which dealt with slavery and similar institutions in Ethiopia, should be regarded as forming an integral part of its communication of March 2nd, 1936, in order that it should, simultaneously with the said communication, be submitted for consideration by the Advisory Committee of Experts on Slavery.

(Signed) ALOISI.

Appendix.

PARAGRAPH (A) OF CHAPTER IV OF PART II OF THE MEMORANDUM BY THE ITALIAN GOVERNMENT ON THE SITUATION IN ETHIOPIA, PRESENTED TO THE COUNCIL OF THE LEAGUE OF NATIONS ON SEPTEMBER 4TH, 1935.

[This document has been communicated to the Council and to the Members of the League, and published as document C.340.M.171.1935.VII.]

¹ See page 83.

ANNEX 20.

COMMUNICATION, DATED APRIL 18TH, 1936, FROM THE NETHERLANDS
GOVERNMENT.

[*Translation.*]

In my memorandum of November 16th, 1934,¹ I mentioned that, in certain remote and almost inaccessible regions — in the interior of Borneo and New Guinea, for example — certain forms of servitude apparently continued to exist. It is not easy to say whether these cases are instances of compulsory servitude, or the voluntary continuance of a form of domestic slavery, or a form of service on account of debts contracted. I have already pointed out that the Government officials are endeavouring gradually to abolish these customs. Naturally, the task will be a lengthy one.

I have not received any information concerning Borneo which would tend to modify the above information.

With regard to New Guinea, according to information received in 1935, a kind of raid was carried out in the western portion of New Guinea for the purpose of capturing native girls. It is doubtful whether this is really a case of slave-raiding. It is far more probably an instance of inter-tribal warfare and the capturing of prisoners. A telegram dated December 3rd, 1935, informs us that the military police, immediately sent out to track down the warriors, arrested the guilty parties and released their prisoners.

It should be added that New Guinea is now being increasingly opened up. Missions are extending their beneficial influence to various parts of the island. Several large companies have obtained considerable concessions for prospecting for oil and gold. A systematic survey of the country has been begun, by means of aircraft and photography. Explorations are followed by the establishment in the interior of military and civil outposts. There is no doubt that this penetration will be of great assistance in gradually eliminating the last vestiges of ancient forms of domestic slavery, if any subsist.

The information contained in Sir George Maxwell's memorandum of April 2nd, 1935, concerning the Mui Tsai system (see page 108 of document C.159.M.113.1935.VI), together with the facts that this system still exists in countries adjacent to the Netherlands Indies, and that a relatively large number of Chinese have been resident for generations in the Netherlands Indies have prompted the holding of a fresh enquiry to ascertain whether this system is also practised in the latter territories.

According to information recently received, "slave-girls" and "slave-boys" were, previous to 1919, imported from China into the Netherlands Indies with their alleged parents, so that they paid no entrance tax.

Since 1919, more effective control and the increased immigration tax, now fixed at 150 florins for every person entering the country who is not strictly a member of a family, have made it practically impossible to introduce "slave-girls" and "slave-boys" into the country.

The Mui Tsai system is unknown among the Chinese already domiciled in the Indies. Their economic situation is generally such that parents are not forced to sell their children owing to poverty. It is quite easy to obtain native domestic servants at a very modest wage. There is, therefore, no reason for the existence of a Mui Tsai system. Moreover, the regulations and present form of supervision would be sufficient to combat the evil if it ever arose.

(Signed) DE GRAEFF.

C.C.E.E.115(1).

ANNEX 21.

COMMUNICATION, DATED APRIL 1ST, 1936,
FROM THE PORTUGUESE GOVERNMENT TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS.

Acting on the instructions of my Government and with reference to Circular Letter 154.1935.VI, of October 5th, 1935, I have the honour to send you herewith the information transmitted by the Governments of the Colonies of São Thomé and Príncipe, Mozambique, the State of India and Timor.

(Signed) H. VIANNA,
Chargé d'Affaires.

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, page 105.

[Translation from the Portuguese.]

REPORT BY THE GOVERNMENT OF THE COLONY OF SÃO THOMÉ AND PRINCIPE,
DATED FEBRUARY 8TH, 1936.

No form of slave trade exists in the Colony of São Thomé and Príncipe. The workers from other colonies employed on the plantations are subject to the obligations laid down in their contracts, but the rights embodied therein and all the humanitarian principles proclaimed by the League of Nations are fully protected by the Native Labour Code for the Portuguese Colonies in Africa, approved by Decree No. 16199, of September 6th, 1928.

Direct supervision is exercised by the Curator and his agents, who see that these workers are duly protected and report any offence to me and the sentence passed in accordance with the law. The civilising programme of the Portuguese Government has been followed up by the provision of proper treatment, food, housing, medical and hospital assistance, the protection of pregnant women and babies, regulations relating to hours of work, leisure, holidays, respect for native customs, etc., and have been testified to both by nationals and foreigners visiting the plantations. As regards hospital treatment, no other colony in the world can equal São Thomé and Príncipe; although their area is less than 1,000 square kilometres, there are forty hospitals on the plantations alone. It must be perfectly clear to everyone that there is no slavery of any kind in São Thomé and Príncipe. If it existed in the case of native workers from other colonies, or if they were badly treated, there would not be the large number of renewed contracts that there are, nor would so many persons who have returned to the colony be anxious to take up new contracts. As regards the natives of the colony, the very possibility of the existence of any kind of slavery is absurd. They have made so much progress that to-day there are black doctors, advocates, agricultural experts, professors, priests, traders, landowners, officials of every grade, etc. If slavery existed on the plantations, the natives, who are naturally proud and jealous of their prerogatives and their state of assimilation, would certainly not seek to obtain work on the plantations for a daily wage, for the purpose of carrying out some specific job or even under contract. There is thus no trace of slavery of any kind in the Portuguese Colony of São Thomé and Príncipe, just as there are no slave-traders.

REPORT BY THE GENERAL GOVERNMENT OF MOZAMBIQUE, DATED DECEMBER 20TH, 1935.

There is no recent occurrence of any special importance to report, since the native population is free from the risks and uncertainties of slavery, which was abolished many years ago. The social and material circumstances of the natives of this colony have steadily improved year by year as a result of the successive measures taken for their welfare, covering education, relief, the administration of justice and the voluntary labour system.

* * *

We transcribe below the information furnished in 1931 :

There is no trace of slavery of any kind in the colony to-day, nor does any vestige remain of any form of it practised in bygone days. When I first came to the colony, twenty-six years ago, I heard of natives who still regarded themselves as belonging to certain old and influential families, because they were the descendants of former slaves. But to-day all this has disappeared. Not even the native chiefs were allowed to maintain the right accorded them by the old practices and customs to require their subjects to render them certain services. Indignant critics have sometimes, and without the slightest foundation, used the word "slavery" to define the social status of native women, forced labour or even purely voluntary labour carried out under contract, in which the natives are taken to their place of work and subsequently repatriated by special recruiting bodies approved by the Governments and placed under their supervision. The forced labour of individuals, in the form in which it was practised, expressly against the will of the natives, who were not free to choose either their job or their master and were obliged to work for wages and periods of time in the fixing of which they had no say, might to some extent rightly be compared to a temporary state of servitude; but this completely came to an end with the introduction of the Native Labour Code, which is being strictly enforced in the colony. Although the law still permits of the use of forced labour in certain cases for public works, this is no longer employed, the supply of labour having increased considerably, even in cases where a large number of workers are required — *e.g.*, for the construction of the Mozambique Railway. The situation has changed to such an extent that the administrative authorities in the interior find it difficult to provide work for all the natives who apply for it. Emigration to São Thomé or to the Union and Southern Rhodesia is exclusively voluntary; the natives are fully aware of the conditions under which they are going to work, these being laid down in contracts concluded under the supervision of the authorities. In the case of all these emigrants, the conditions as regards labour, food, housing, assistance and payment of wages leave nothing to be desired. They are supervised by the Curator-General of São Thomé and the branch Curator's offices maintained

by this colony at Salisbury and Johannesburg, which are excellently equipped — particularly the latter. This is a large office with a numerous and specially selected staff that keeps in close touch with the natives in the mines and affords them every assistance.

As regards the social status of the native woman, who is regarded by some people as her husband's slave, such an assertion can only be based on a very superficial observation of native practices and customs. It is a tradition among all African races that agricultural work should usually be done by the women. This cannot be regarded as a sign of slavery; it is merely the result of very primitive customs, which are only very slowly being modified by civilisation. In the south of the colony, the agricultural produce obtained by the women's labour — which, however, is on a very small scale — is consumed by the family or sold by the women, who keep the proceeds for themselves or their children. The men's share is to pay the taxes, buy clothes and meet other expenses. They obtain the money to do this by working inside or outside the colony, after they have performed the heaviest agricultural work — *i.e.*, breaking up the land. In the north, where there are fewer opportunities for obtaining money by working for colonists, it is more usual to find the men working side by side with the women on the land; they alone transport the produce, and in many cases carry it to places hundreds of kilometres away in order to sell it.

The well-known practice of "lobolo", which exists only in the southern districts of this colony, has been interpreted in the most varied ways by persons who have studied native questions, principally missionaries or the officials of the native administration; but no one has ever described it as a "purchase", whereby the woman remains dependent on her husband to such an extent as to be like a slave. It is true that, when translating into Portuguese, the natives say in their simple language "they are buying a woman", but they do not mean by this that they are buying a chattel which remains their property like anything else. Moreover, this would be incompatible with native law, which allows divorce. It is a curious fact that the grounds of divorce at the woman's request are very similar to those laid down in our laws. "Lobolo", if it is not a dowry, as some people have regarded it, is at any rate a guarantee of the stability of the native family. Both the man and woman are bound, the former to behave in such a way as not to lose the money paid by him to his wife's family, and the latter as not to make it necessary for her family to give back the money it has received. It is for this reason that all colonial administrations, finding it impossible to replace it by a more civilised practice, have allowed the use of "lobolo" where it exists. They rightly fear that, if they did away with it, serious disturbances would ensue in the native family and society. Thus, it has been observed that native family ties are much stricter in the south than in the north of the colony, where "lobolo" is practically non-existent.

REPORT BY THE GENERAL GOVERNMENT OF THE STATE OF INDIA,
DATED DECEMBER 11TH, 1935.

By the celebrated Law of April 2nd, 1761, the author of which was the eminent statesman, the Marquis de Pombal, Portugal, guided by lofty humanitarian sentiments and taking into account the stage of material and intellectual development reached by the inhabitants of her Asiatic dominions, declared the natives of Portuguese Asia to be equal in every respect before the law to Portuguese nationals born in the Kingdom. She thus completely abandoned the system of subjection in favour of full assimilation; distinctions of race and caste were swept away, and Portuguese nationals born in the mother-country and the natives of our Indian possessions were placed on an equal footing as regards rights and duties. Natives who did not embrace Christianity had their uses and customs, so far as they were not contrary to morals duly codified and guaranteed, while respect for their religious beliefs was also ensured. This fact alone is more than sufficient to enable us to state categorically, without the slightest fear of contradiction, that for nearly two centuries there has been no trace in this colony of the reprehensible institution of slavery in any form whatsoever.

Bearing in mind the noble aim of the report of the Advisory Committee of Experts,¹ which sets out in Chapter V all the facts that may involve or constitute practices restrictive of the liberty of the person, I will now refer to those practices in the order in which they are dealt with in the report.

(a) *Acquisition of Girls by Purchase disguised as Payment of Dowry.*

In this colony, it is not the men who pay a dowry to the women, but the women's parents, whether they are Christians or not, who, by means of a pre-nuptial deed, pay a dowry to their daughters whom they wish to marry, so that they may not be in an inferior position to their husbands, thus also ensuring as far as possible a certain economic stability in the home that is to be set up.

This dowry is in every case proportionate to the amount of property owned by the bride's parents and the number of their daughters; it represents, as it were, an advance on account of the inheritance to which the girl would be entitled on her parents' death. Only among persons belonging to the "Curumbin" caste, who are descendants of the autochthonous Indians, and the majority of whom are Christians, is it the custom for the bridegroom to pay

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, pages 17 and following.

a dowry to the girl, not as a purchase price, but with the praiseworthy desire to assure her well-being and future so far as possible and to guarantee his good conduct as a husband — as was rightly stated by the Belgian and French experts and also our own representative on the Advisory Committee.¹

(b) *Enslavement of Children disguised as Adoption.*

The institution of adoption is duly regulated in the Code of Uses and Customs of the Hindus of Goa, approved by Decree of December 16th, 1880; in the Code of Uses and Customs of the non-Christian inhabitants of Damão, approved by Provincial Order of August 31st, 1854, amended by Provincial Order No. 164, of April 19th, 1912; and in the Code of Uses and Customs of the non-Christian inhabitants of Diu, approved by Provincial Order No. 24, of January 10th, 1894.

The legal provisions embodied therein safeguard the rights of adoptive children, who, after adoption, have nothing more to do with their parents' families, and enjoy in their adoptive families all the rights of the latter's legitimate children, to whom they are completely assimilated for all purposes, civil and religious. Under the Damão Code (Part 2, Article 25), except in the case of persons belonging to the "Banian" caste, adoptive children even take precedence over the natural heirs born after their adoption, according to their age, as the first-born and eldest for all purposes, civil and religious. As the result of adoption, they cease to belong to the family of their own father, with which they have nothing more to do.

Male children may only be adopted if their adoptive family has no son, and, as we have seen, they enjoy the same advantages as legitimate children.

The sole object of these rights and privileges, which Portugal has respected and confirmed, is to perpetuate the family and to ensure to the adoptive child, by reason of his new legal status, a better future and better conditions of life than those he would have had in his previous state.

(c) *Pledging of Third Persons.*

This situation, even if freely consented to by a third person who agrees to work for a certain creditor so as to help to pay off the debt of another person — a practice which is, however, unknown in this colony — whether the creditor exercises the right of constraint or the duration of the work is unspecified and the value to be assigned to it is not clearly indicated, is absolutely illegal, and makes the offender immediately liable to the severe penalties imposed by our criminal law for any restriction of the liberty of the person.

(d) *Pledging of the Debtor himself.*

All the considerations set forth in regard to the question dealt with in the previous paragraph likewise apply to such cases.

Domestic Servitude.

This condition does not exist. Labour in all its various forms is absolutely voluntary and subject to the conditions laid down in the verbal or written employment contracts regulated by the civil law, under which the rights of the contracting parties are fully guaranteed.

I should like to mention, in particular, a certain class of Hindus who serve in the temples of their faith and, for that reason, are known as "servers of the temples". This is not, however, a compulsory obligation, but, on the contrary, a right, vested in some families, to render certain specific services in the temples, with or without remuneration. This right was also preserved and regulated by Legislative Act No. 645, of March 30th, 1933. Legislation, whether of a general or a special nature, conflicting with these provisions, and, in particular, the regulations approved by Provincial Order No. 584, of October 30th, 1886, was abrogated, and the existing regulations relating to the "mazania" of the "devalaia" of the State of India were approved. The provisions of these regulations (Articles 234 to 244 and 432) confirm the various privileges guaranteed to these servers, including the usufruct of the lands or fixed allowances granted by the "mazania" in payment of the modest services rendered by the servers, under the conditions laid down in Article 432.

Predial Servitude.

Although predial servitude also does not exist in this State, I should like, in order to prevent any doubt arising in future, to clear up a matter which can appropriately be dealt with in its general aspects under this heading.

I refer to the uses and customs which have also been retained and which in this State regulate the rights and obligations of agricultural property owners and their "mundkar"; in the absence of any agreement to the contrary, these regulations are governed by the provisions of the existing Decree of August 24th, 1901. The "mundkar" is a person who resides permanently on someone else's farm chiefly for the purpose of cultivating it or watching over and looking after it, whether the house was built for his own account or for account of

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, pages 17 and following.

the owner, and whether or not he receives from the latter any cash payment or provisions (means of subsistence) towards the construction of his dwelling and his establishment. Persons who pay rent to the owner for the houses they live in on his property or for the adjacent land which they are allowed to cultivate and exploit are also included in this category (see the above-mentioned Decree, Article 2, paragraph 1).

Contrary to what might be assumed, the "mundkar" can by no means be compared to the former *predial serf* who had very heavy obligations and whose rights were extremely precarious. It is only necessary to consult the legal provisions governing his status to see that his position is superior to that of the European agricultural labourer, who, with a few exceptions, merely has the right to a scanty daily wage, without any other privileges or compensation. Moreover, the mutual interdependence between the owner (*batkara*) and the "mundkar", created by the need they have of each other, establishes a natural equilibrium in their relations which is rarely upset.

Corporal punishment of any kind is strictly forbidden by law, and offenders are severely punished; and, as regards labour accidents, a system of pensions, compensation and medical assistance has already been established in accordance with Legislative Act No. 591, of August 25th, 1932, the relevant regulations being approved by Order No. 1567, of November 28th of that year.

REPORT BY THE GOVERNMENT OF THE COLONY OF TIMOR, DATED JANUARY 5TH, 1936.

We should like to state categorically that no slavery in the true sense of the term exists in Portuguese Timor, and that, moreover, in this colony it has never assumed the disgraceful aspects which it has taken on in other parts of the world.

The natives of the colony are no longer savages, as they were when our first missionaries came here at the beginning of the sixteenth century; for the most part, however, they are very primitive and hence are strongly attached to their uses and customs. The Portuguese authorities have endeavoured to convert them to Christianity by abolishing those of their uses and customs which are contrary to morals and hygiene and compromising to some extent in regard to all the others, which are not really reprehensible and will disappear in time.

We have already a considerable number of missionaries and schools, and the network of our authorities is steadily being drawn closer and is becoming more effective; the harmonious combination of the efforts of missionaries, teachers and authorities, with the legislative measures and instructions that are constantly being issued, represents the surest means of ensuring the absorption and assimilation of the natives in the near future.

To make it easier to understand what is happening to-day in Portuguese Timor, a slight historical digression is perhaps necessary. The first missionaries came to Solor and Timor at the beginning of the sixteenth century, when Alfonso de Albuquerque was Viceroy of India. The social organisation at that time, the best features of which we are endeavouring to preserve among the natives to-day, consisted of kingdoms, "sucos" and townships; the kingdoms were governed by "leorays", the "sucos" by "datos" and the townships by "tumungões". The kingdoms consisted of several "sucos" and the latter of several townships.

After the King came, in hierarchical order, the Lieutenant-Colonel of the Kingdom, the Camp-Commander, the Major, the Captain of the Township, the Major of the Guard, the Lieutenant and Second Lieutenant.

The kings were elected by the "datos", "tumungões" and officers, but to-day their nomination must be confirmed by the Government of the colony; they had *ex officio* the honorary title of Lieutenant-Colonel of the Second Line and also the right to sign themselves "Dom".

As can be seen, even at that epoch, the kingdoms were organised to some extent, and, although they had no written laws, they were governed by customs which have been rigidly preserved and handed down. The customs of Timor have approximately the same significance as the "adats" of the Malays.

What has been profoundly changed are the powers of the kings, who were formerly despotic and held absolute sway in the townships in which they resided; in the remaining townships, even in the "sucos" under their jurisdiction, the real rulers were the "datos".

The people of Timor were not divided into castes, as is still the case to-day in India, but there were three quite distinct social classes: the "datos", "tumungões" and officers, the people and the slaves if they can be so called, since the persons reduced to slavery were not the subject of any contract, nor were they bought; they were all prisoners captured in the wars frequently waged between the various kingdoms, which all strove to attain supremacy.

As soon as the Portuguese authorities began to intervene, it was quite possible and easy for slaves to recover their liberty, for which purpose they had only to begin to pay the sovereignty tax to the Government, then known as "finta". Slavery presented a curious aspect in Timor. The slave who recovered his liberty entered the same social class as his master and in some cases even married his daughters (except in the case of families of royal

blood). This is not surprising, because the slave lived with his master as if he were a member of the family.

Servitude.

There was one kind of slavery which merits special attention in view of Belgium's observations regarding the Belgian Congo to be found in the experts' reports.¹ I refer to the state of servitude, which may have some slight resemblance to slavery. Servitude is a better name for it. It existed in Timor under the name of "lutuum", its object being to provide labour for tilling the ground and tending the flocks of the kings. The serfs were simply servants attached to the land, who could not be sold by the kings benefiting by their labour. The land belonged to the kingdom and not to the king, who merely enjoyed the usufruct. This custom of the peoples of Timor has continued down to the present day, though in a very much attenuated and modified form.

To-day, since it is not possible for the native chiefs to attend to their lands, owing to the large number of functions they have to perform in the exercise of their authority, their subjects take it in turn to cultivate these lands. Indeed, there is something fundamentally just in this system: the chief who exercises the authority is at the same time the representative of his people, the interpreter of its desires and needs to the Portuguese authority. Are not his subjects under a moral obligation to assist their chief, who, because he is dealing with the affairs of all, is unable to look after his own interests? Moreover, this labour, which is performed freely and willingly, cannot be called slavery. The food of the helpers is always supplied by the chiefs. Nevertheless, although this situation may be regarded as just and defensible, the Government of the colony proposes to modify it.

It is at present studying the codification of native uses and customs, and as soon as this work has been completed it will be published. It will be divided into two main chapters: uses and customs common to all the peoples of Timor and uses and customs of each kingdom. Native legislation will be revised on the basis of this study and new laws will be promulgated in accordance with the provisions laid down in Article 36, No. 5, of the Organic Charter of the Portuguese Colonial Empire, which we are required to carry into effect: "To propose to the Minister of the Colonies changes in the political, civil and criminal statutes of the natives and in the other general laws relating to them".

Marriages and "Barlaks".

There are two forms of marriage contracts in Timor — marriages under Portuguese law and native marriages or "barlaks". A man who marries in accordance with the native law sometimes has to pay a large sum, known as the "barlak", to the bride's family. He thus gives proof of his resources and guarantees that he will ensure the material well-being of his future wife. Once he is married, he becomes part of the family, and the expenses he incurred before marriage are thus reimbursed.

A similar practice is mentioned in the experts' report,² which reproduces the communication from the United Kingdom to the Secretary-General of the League. We may endorse its conclusions — namely, that, generally speaking, the payment of a dowry (purchase of the bride, "barlak" in Timor) constitutes a guarantee of the proper treatment of the woman.

Slave-raids.

The former wars between the potentates of Timor might more properly be termed slave-raids. As a result of the general disarmament of the natives and the prohibition of trading in arms, all this has now come to an end.

C.C.E.E.60.

ANNEX 22.

COMMUNICATION, DATED APRIL 15TH, 1935, FROM THE GOVERNMENT OF THE SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Governor-General of the Sudan to furnish the following information, further to that contained in Khartoum despatch No. M.19 of April 16th, 1934,³ to which your letter No. 6.B/3863/1568 of May 25th, 1934, refers.

2. (a) There was only one incursion on the Abyssinian border during 1934: a frontier brigand kidnapped eight persons in Sudan territory. They all escaped from him to their

Notes by the Secretariat of the League of Nations:

¹ See document C.159.M.113.1935.VI, page 19.

² See document C.159.M.113.1935.VI, page 17.

³ See document C.159.M.113.1935.VI, page 107.

homes within a month of being captured and, as the result of representations made to the Ethiopian Government, the brigand himself was shortly afterwards arrested by an Ethiopian officer.

(b) Again a number of refugees arrived from Abyssinia, the total of those who reported to the Sudan Government authorities being 189. As was pointed out in paragraph 7 (a) of this Government's report No. M.50 of May 29th, 1928,¹ it has hitherto been the practice to settle such persons not less than sixty miles from the Ethiopian frontier. In view of safer conditions on the frontier, it has recently proved feasible to modify this practice in order, where desirable, to allow the settlement of refugees among people of their own stock.

(c) One instance came to light of an attempt to return to Abyssinia an ex-slave who had escaped and crossed into Sudan territory; the offenders were apprehended and suitably punished.

3. The "freedom paper" system continues to receive a full measure of publicity. Some ninety papers were given to refugees from Abyssinia and approximately another 290 were issued to applicants formerly employed as domestic serfs in this country who desired to possess formal proof of their emancipation.

4. The class of domestic serfs of the old "family retainer" type who are content to live with their former masters and have no wish to change their status is gradually dying out; simultaneously, employers who previously relied on serf labour are beginning to realise that hired labour is, in the end, less expensive.

5. The continuation of investigation and preventive work has resulted in the discovery of a few cases of kidnapping, mainly among the nomad tribes of the Western Sudan. The persons involved in these cases have been punished under the Penal Code. In some instances, it was found that the actual abduction had taken place outside Sudan territory. In these cases, also, prosecutions were directed against any native of the Sudan who had failed to help in the pursuit and apprehension of known kidnappers, or who was suspected of concealing knowledge of the whereabouts of kidnapped persons.

The co-operation of tribal authorities was again enlisted for the suppression of this type of case.

For Civil Secretary :
(Signed) R. C. MAYALL.

C.C.E.E.105.

ANNEX 23.

COMMUNICATION, DATED MARCH 7TH, 1936, FROM THE GOVERNMENT OF THE SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Governor-General of the Sudan to furnish the following information further to that contained in my letter No. 60/A/1 of April 15th, 1935,² and in previous reports made by this Government, and thereby also to comply with the request made in the letter dated September 24th, 1935, from the Director of the Mandates Section.

2. The information is presented under the heads adopted by the Advisory Committee of Experts on Slavery in reporting on their second session to the Council of the League on April 10th, 1935, in conformity with the hope expressed in paragraph 10 of that report.³

STATUS AND LEGAL STATUS OF SLAVES.

3. Paragraphs 21 and 22 of the Committee's report well describe the position in this country, which remains unchanged. "Freedom papers", the nature and use of which has been fully described in the reports dated April 12th, 1927,⁴ and May 29th, 1928,⁵ continue to fulfil the purpose for which they are intended, and an approximate total of 245 papers were issued to applicants during the year 1935.

Notes by the Secretariat of the League of Nations:

- ¹ See document A.24.1928.VI, or *Official Journal*, League of Nations, August 1928, page 1223.
- ² See page 96.
- ³ See document C.159.M.113.1935.VI.
- ⁴ See document A.37.1927.VI, or *Official Journal*, League of Nations, June 1927, page 712.
- ⁵ See document A.24.1928.VI, or *Official Journal*, League of Nations, August 1928, page 1223.

SLAVE-RAIDING AND SIMILAR ACTS.

(a) *Raids.*

4. A report received from His Britannic Majesty's Consul at Maji in South-Western Ethiopia in May 1935 revealed that an Ethiopian poaching party, which had been operating in Sudan territory during the summer months of the previous year, kidnapped five boys of the Beir tribe from the Boma Plateau within Sudan territory. Diplomatic representations at Addis Ababa resulted in the boys being eventually returned to their homes by the leader of the poaching party, Ababa Tibtibu, on instructions from Dejazmach Regate, the Ethiopian Deputy Governor of Maji. The Consul was able to confirm their return by a visit to the Boma Plateau at the end of 1935. Though the names of the persons concerned in the poaching expedition were ascertained by His Britannic Majesty's Consul and communicated to the Ethiopian authorities, it is understood that no punishment has yet been awarded.

No other incursions occurred.

(b) *The Capture of Individuals.*

5. The number of refugees from Ethiopia whose arrival has come to the knowledge of the Government during 1935 is 226; of these, only a minority have taken advantage of the relaxation (to which paragraph 2 (b) of the preceding report refers) of the rule forbidding their settlement within sixty miles of the frontier.

6. Suitable sentences were imposed upon an Abyssinian for an attempt to remove a minor from Sudan and upon a "Watwati" who took an adult male servant to Ethiopia without permission.

(The origin and present activities of the debased Arab chieftains known as "Watawit" were fully described in the reports furnished by this Government on May 29th, 1928,¹ April 15th, 1929,² and March 13th, 1931.³)

7. Investigation of internal kidnapping, of which sporadic cases still occur principally among the nomad tribes of the Western Sudan, and the vigorous application of preventive measures, continue to be actively pursued, as the policy of Government dictates. Sixteen such cases were brought to light during 1935, and in all but four of these the guilty parties were arrested and convicted, heavy sentences under the Penal Code being inflicted upon them.

8. The practical success of the measures taken may be gauged by the revelation, made in the course of one of the trials referred to, that a tribesman had refused to buy a kidnapped girl on the ground that the ensuing punishment would be too heavy; though, on the other hand, the exceptional profits made towards the end of the year by the camel-owning tribes, owing to the demand for camels existing in Eritrea, gave rise to anxiety regarding the additional temptation which the ability to pay high prices for kidnapped children presents.

9. The help of tribal authorities in the suppression of these activities — of which paragraph 31 of the Committee's report records an outstanding example — continued to be sought and given, though in one instance a severe reminder of the policy of Government became necessary and proved effective.

SLAVE TRADE.

10. The report of the Committee records considerable anxiety regarding the conditions obtaining in the Red Sea, and it is reassuring to be able to report, so far as this Government is concerned, that the arrangements for the disposal of slaves repatriated to the Sudan by His Britannic Majesty's Minister at Jedda after the exercise of his right of manumission on their behalf continue to work satisfactorily. An interesting case occurred in October 1935, in which a Sudanese youth, enslaved years ago, managed to escape to His Britannic Majesty's Legation in Jedda after hearing that his mother had for some years regularly made the pilgrimage from this country with the object of finding him. The youth was repatriated and is now living with his mother in Kassala Province.

11. As regards the possibility of detention of Sudanese and other subjects as slaves in Arabia after their arrival to perform the pilgrimage there, the measures to obviate this, which were described in full in the report dated April 10th, 1935, continue completely to safeguard all pilgrims who travel by way of Suakin.

SLAVE-DEALING : PRACTICES RESTRICTIVE OF THE LIBERTY OF THE PERSON.

12. There is nothing to add under these heads to the information supplied in previous reports on this subject.

Notes by the Secretariat of the League of Nations :

¹ See document A.24.1928.VI, or *Official Journal*, League of Nations, August 1928, page 1223.

² See document A.17.1929.VI, or *Official Journal*, League of Nations, May 1929, page 833.

³ See document A.13.1931.VI, or *Official Journal*, League of Nations, May 1931, page 786.

DOMESTIC OR PREDIAL SERVITUDE.

13. The gradual disappearance of that form of domestic (not predial) servitude, to the existence of which in the Sudan attention was drawn by previous reports, continues uninterrupted.

Economic causes and the working of the Islamic law of inheritance have previously been shown to be militating against its survival; and, in pursuance of the declared intention of the Government that "no justifiable measure will be neglected which is likely to bring nearer the day" on which domestic servitude will entirely disappear, an instruction has recently been issued to the Mohammedan religious courts which prevents the official recognition of any alleged marriage between a female serf to her former master, or to any member of his household, unless the woman herself is present and consents to the marriage. Recovery by a pretence of marriage of female serfs who have left their masters is thereby rendered impossible.

14. The Committee, in paragraph 53 of their report, refer to an enquiry into this problem undertaken by the Royal Belgian Colonial Institute in the Congo, and record the view that similar enquiries, if undertaken in other territories, would be most useful. It is felt, however, that this Government cannot expound the problem as it affects the Sudan more clearly than has already been done in the memorandum sent with Sir Geoffrey Archer's despatch of July 18th, 1925 (which was published in League document A.69.1925.VI, and in a White Paper (Sudan No. 1, 1926, Cmd. 2650) by His Britannic Majesty's Government), and in previous reports in this series.

(Signed) J. A. GILLAN,
Civil Secretary.

C.C.E.E.83 (1).

ANNEX 24.

SUMMARY, DATED APRIL 15TH, 1936, OF THE INFORMATION RECEIVED FROM CERTAIN GOVERNMENTS IN REPLY TO THE CIRCULAR LETTERS OF THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

1. The Government of *Egypt* stated that it had no information to give, since the slave-trade was absolutely prohibited in that country.
 2. The Government of *Honduras* stated that slavery did not exist in that country, and that consequently there was no need for it to take any measures in the matter.
 3. The Governments of *Estonia*, *Finland* and *Venezuela* stated that they had no information to give in the matter of slavery.
 4. The Minister of State of *Monaco* stated that the Principality, while fully concurring in the measures approved and the resolutions adopted to put an end to slavery in every form, could not give any effective assistance in the abolition of such practices.
 5. The Government of *Poland* stated that it had no observations to make before the extraordinary session of the Advisory Committee.
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Genève, le 24 septembre 1936.

A. Texte français.

SOCIÉTÉ DES NATIONS

COMMISSION PERMANENTE DES MANDATS

PROCES-VERBAL DE LA VINGT-NEUVIÈME SESSION

tenue à Genève du 27 mai au 12 juin 1936

1. Page 194, lignes 3 et 4, au lieu de: "Dans son rapport annuel, la Puissance mandataire déclare que, pendant l'année 1935, 30.000 Juifs allemands ont pu entrer dans le territoire", lire:
"Dans son rapport annuel (pp. 14 et 215), la Puissance mandataire déclare que, jusqu'à la fin de l'année 1935 (1919-1935), environ 30.000 Juifs allemands étaient entrés dans le territoire."
2. Page 204, sous ANNEXE 24, au lieu de "Syrie et Liban", lire: "TANGANYKA".
3. RAPPORT DE LA COMMISSION AU CONSEIL:
Page 207, 4^{me} ligne d'en bas, au lieu de "... de ne pas avoir différé de quelque douze mois-", lire:
"... de ne pas voir différer de quelque douze mois-".

B. English text.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTY-NINTH SESSION

held at Geneva from May 27th to June 12th, 1936.

Page 194, 3rd and 4th lines, instead of: "In its annual report, the mandatory Power states that, during 1935, 30,000 German Jews were admitted to the Territory." read:
"In its annual report (pp. 14 and 215), the mandatory Power states that, by the end of 1935 (1919-1935), about 30,000 German Jews had entered Palestine."

Geneva, December 18th, 1936.

LEAGUE OF NATIONS

SLAVERY

ADVISORY COMMITTEE OF EXPERTS

RULES OF PROCEDURE

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1. REPORT OF THE COMMITTEE TO THE COUNCIL.

Geneva, January 10th, 1934.

In pursuance of the Council's resolution of October 12th, 1933, the Advisory Committee of Experts on Slavery met at Geneva from January 8th to 10th, 1934, and drew up its Rules of Procedure, the text of which it has the honour to submit herewith to the Council for approval.

All the members of the Committee took part in this first session. M. Gohr and M. Neijtzell de Wilde were elected Chairman and Vice-Chairman respectively.

The Rules were drawn up in strict conformity with the definite indications contained in the resolution by which the Assembly instituted the Committee on October 12th, 1932.³

Only Articles 2 and 16 of the Rules of Procedure would appear to call for any comment.

As regards Article 2, the object of these Rules being to lay down the duties of the Committee, the latter considered that it would be useful to provide that its members would be under an obligation to meet in extraordinary session if the Council deemed this necessary.

The Committee ventures, moreover, to suggest to the Council that it be authorised, in case of need, to take the initiative of proposing to the Council the summoning of an extraordinary session.

Furthermore, as regards Article 16, the Committee draws attention to the advantage, from the practical point of view, of the Council's determining in each case, with due regard to any special circumstances, the time to be allowed to the Government concerned to submit any observations it may wish to make on the communications forwarded in virtue of paragraph 2 of the said article.

2. RULES OF PROCEDURE.⁴*Article 1.*

The Committee is strictly advisory and has no powers of supervision.

The matters covered by Article 5 of the Convention of September 25th, 1926 (forced or compulsory labour), are outside the Committee's province.

Note by the Secretary-General:

¹ The Council took note of this report of the Committee on January 19th, 1934.

² The Rules of Procedure originally adopted by the Council on January 19th, 1934 (see *Official Journal*, February 1934, pages 150-151 and 222-225), were amended by decision of the Council dated May 13th, 1936 (see *Official Journal*, June 1936, pages 557-560 and 731). See also the Council's decision of September 26th, 1936 (see *Official Journal*, November 1936, page 1174), regarding Article 10, first paragraph, of the Rules of Procedure.

³ The text is reproduced hereunder.

⁴ The amendments to this text are printed in italics.

Series of League of Nations Publications

VI.B. SLAVERY
1937. VI.B. 1.

Subject to the provisions contained in Article 3 of the present Rules, the Committee may not receive depositions or consult international or national organisations, whether public or private, or private persons. These may only send their complaints or observations to the Committee through the intermediary of their respective Governments.

Article 2.

The Committee shall assemble in ordinary session once every two years, if necessary, without prejudice to such extraordinary sessions as the Council of the League of Nations may decide to convene.

The sessions shall be held at the seat of the League of Nations unless the Council fixes some other place.

The date of the sessions shall be decided by the Chairman of the Committee and communicated to the members of the Committee through the Secretariat of the League of Nations.

Article 3.

The Committee consists of seven members appointed in pursuance of the Assembly resolution of October 12th, 1932, *interpreted by the Council's decision of May 13th, 1936.*

The Committee shall avail itself of the technical assistance of the Secretariat of the League of Nations; it may also, in particular cases, consult native labour experts of the International Labour Organisation.

Article 4.

At the beginning of each ordinary session, the Committee shall elect from among its members, by secret ballot, a Chairman and a Vice-Chairman. They shall hold office from the opening of one ordinary session to the opening of the next ordinary session.

Article 5.

A majority of the members of the Committee shall constitute a quorum.

The Committee shall take its decisions by a majority of the members present at the meeting. In case of equality of votes, the Chairman shall have a casting vote.

Article 6.

The Chairman shall direct the work at the meetings, ensure that the provisions of the Rules of Procedure are observed, and announce the results of ballots. He shall represent the Committee in its relations with the organs of the League.

The Vice-Chairman shall take the place of the Chairman in the latter's absence.

Article 7.

The secretariat of the Committee shall be provided by the Secretariat of the League of Nations. It shall be responsible, *inter alia*, for :

(a) Receiving the documents sent to the League of Nations in virtue of Article 7 of the Slavery Convention of September 25th, 1926, and all other documents which the Governments may transmit on subjects concerning slavery, and circulating such documents to the members of the Committee;

(b) Collecting, for the use of the members of the Committee, information and surveys published concerning slavery, and keeping the members of the Committee constantly acquainted with the particulars thus collected;

(c) Making a methodical classification of all documents and information;

(d) Drawing up the Minutes of the Committee's meetings and arranging for their safe keeping.

Article 8.

The draft agenda for each session shall be prepared by the secretariat, submitted for approval to the Chairman of the Committee and communicated to the members, together with the notice convening the Committee, not less than six weeks before the date fixed for the session.

The final agenda shall be adopted by a majority vote of the Committee at its first meeting.

The Committee may decide, during the course of a session, by a two-thirds majority of the members present, to add a question to its agenda or to modify the latter after its adoption.

Article 9.

During the discussion of any question, any member may move the previous question or the adjournment. Any such motion shall have priority and shall be voted on without discussion.

Article 10.

Notwithstanding Article 8 of the General Regulations, the Committee's proceedings shall be confidential. Only the personal assistants of the members of the Committee, officials of the latter's secretariat *and the experts invited by the Committee* may be present at meetings.

French and English shall be the official languages of the Committee ; the rules and usages in force in this connection for the various organs of the League shall be observed in so far as they are compatible with the performance of the Committee's task.

Article 11.

Each member of the Committee shall communicate to the secretariat, for circulation to the Committee, the observations which a study of all the documents received may have suggested to him.

Article 12.

The Committee may at the close of each session appoint Rapporteurs on some of the aspects of its work.

The studies submitted by the Rapporteurs shall be circulated by the secretariat to the members of the Committee.

Article 13.

During each ordinary session, the Committee :

(a) Will study and examine the documents supplied or transmitted by the Governments since its last session ;

(b) Will study, on the basis of such documents and of the special knowledge of its members, the facts and institutions mentioned in Article 1 of the Convention of 1926 and their rôle in the social system ;

(c) Will study the means of gradually abolishing these institutions or customs or of causing them to develop in such a way as to deprive them of any objectionable features.

If a country where slavery exists asks for financial assistance from the League of Nations in settling questions relating to the abolition of slavery, the Committee shall, at the request of the Council, examine the objects for which this financial assistance is requested, the minimum amount necessary and the guarantees offered.

Article 14.

At the termination of its proceedings, the Committee shall submit a report to the Council. If this report does not represent in whole or in part the unanimous opinion of the members of the Committee, the dissenting members shall be entitled to deliver a separate opinion.

Article 15.

The reports and Minutes of the Committee shall be confidential.

Notwithstanding Article 3 of the General Regulations, the question of the full or partial publication of the Committee's report is a matter for the decision of the Council of the League of Nations. The same applies as regards the publication of the documents examined by the Committee.

Article 16.

The Committee may forward to the Council, with a view to transmission to the Government of the country concerned, suggestions for obtaining such further light as it may deem desirable on points arising in the documents supplied by that Government.

If a communication relating to slavery and concerning any country is submitted by the Government of another State, the Committee shall forward it to the Council with a view to its transmission to the Government of the country concerned, so that the latter may be enabled to submit its observations.

Between the Committee's sessions, the Chairman may send the communications referred to in the first two paragraphs of the present article after having obtained by correspondence the approval of the majority of the members of the Committee.

Article 17.

Any proposal for amending the present Rules of Procedure may only be submitted to the Council when it has been approved by at least four members of the Committee. The amendments shall enter into force as soon as they have been approved by the Council.

3. RESOLUTION OF THE ASSEMBLY OF OCTOBER 12TH, 1932, INTERPRETED BY THE COUNCIL'S DECISION OF MAY 13TH, 1936.

The Assembly :

Notes the report of the Committee of Experts on Slavery which was transmitted to it by the Council's resolution of September 23rd, 1932 ;

Expresses its appreciation of the excellent work done by the Committee of Experts ;

Draws the attention of the Governments of the Members of the League and of the States parties to the 1926 Convention to the opinions and suggestions contained in the report of the Committee of Experts and hopes that the organs of the League will be kept informed of the measures which the Governments continue to take for the total abolition of the slave trade and of slavery in its different forms ;

Decides that an advisory Committee of Experts shall be constituted, whose composition, competence and functions are described in the annex to the present resolution ;

Requests the Secretary-General to include in his draft budget for 1934 the necessary credit for this Committee ; and

Requests the Council to take, in the interval, all measures not requiring budgetary credit and which will conduce to the carrying-out of the proposals which have been made.

ANNEX.

A. The Committee shall consist of seven members chosen solely for their special knowledge of slavery questions, all the members being of different nationalities. They shall be appointed for an undefined term, the Council retaining the right to renew the composition of the Committee every six years.¹ The duties of the Committee, which will meet once every two years, if necessary, will be strictly advisory and it will have no powers of supervision ; its task will be :

(1) To study and examine the documents supplied or transmitted by Governments to the Secretariat ;

(2) To study, on the basis of such documents and of the special knowledge of its members, the facts and institutions mentioned in Article 1 of the 1926 Slavery Convention and to examine their rôle in the social system ;

(3) To study the means of gradually abolishing these institutions or customs, or of causing them to develop in such a way as to deprive them of any objectionable features ;

(4) If a country where slavery exists asks for financial assistance from the League of Nations in settling questions relating to the abolition of slavery, the Committee will, at the request of the Council, examine the objects for which this financial assistance is requested, the minimum amount necessary and the guarantees offered ;

(5) The Committee shall not deal with questions relating to Article 5 of the 1926 Slavery Convention.

The Committee's proceedings will be confidential.

At the termination of each session, the Committee will submit a report to the Council ; and the Council shall decide whether the whole or part of this report should be published.

The Committee will draw up its own rules to regulate its proceedings and these shall be submitted for the approval of the Council.

In carrying out its duties, the Committee is to observe the following rules :

(1) The consultation of organisations or persons on facts concerning slavery is not permitted. These organisations or persons will have to send their complaints or observations through the intermediary of their respective Governments.

(2) If a communication concerning a country is addressed to the Committee by the Government of another State, the Committee shall transmit it, through the intermediary of the Council, to the Government of the country concerned for its observations.

(3) The Committee shall not be competent to hear depositions.

It is understood that, in agreeing to the setting-up of this Committee, the Governments parties to the Slavery Convention of 1926 do not assume any obligation of such a nature as to modify those they have entered into in virtue of that Convention.

B. The Secretariat of the Committee will be provided by the Secretariat of the League of Nations. Its task will be :

(1) To receive the documents sent to the League of Nations in virtue of Article 7 of the Slavery Convention and all other documents which the Governments may transmit on subjects concerning slavery ;

(2) To collect, for the use of the members of the Committee, information and surveys published concerning slavery ;

(3) To make a methodical classification of all documents and information.

¹ The Council considered on May 13th, 1936, that the rule laid down in Section 10 of the General Regulations, according to which the term of office shall be not more than three years but shall be renewable, is not inconsistent with this provision.

Geneva, April 10th, 1937.

LEAGUE OF NATIONS

SLAVERY

4

REPORT OF THE ADVISORY COMMITTEE OF EXPERTS

FOURTH SESSION OF THE COMMITTEE

Held in Geneva, April 5th to 10th, 1937.

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¹ These documents are kept in the archives of the Secretariat of the League of Nations.

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¹ This document is kept in the archives of the Secretariat of the League of Nations.

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A. REPORT TO THE COUNCIL.

INTRODUCTION.

1. The Advisory Committee of Experts on Slavery met in Geneva from April 5th to 10th, 1937, for its fourth ordinary session.

The following members were present : M. MARCHAND, Sir George MAXWELL, M. LOUWERS, M. NEIJTZELL DE WILDE, Mme. DE PALENCIA.

M. MARCHAND and Sir George MAXWELL were elected Chairman and Vice-Chairman respectively.

2. The Governments of the United Kingdom and France, in conformity with Article 7 of the Convention of 1926, supplied the Committee with the texts of laws and regulations relative to slavery which had been put into effect since the last session of the Committee.¹

3. The Committee examined, in accordance with its rules of procedure,² documents communicated by the Governments of the United Kingdom, France, India, Spain, and the Sudan, as well as reports submitted by the municipal councils of Kulangsu and Shanghai.³ These documents are reproduced as annexes to the present report.

4. The Committee also took note of the replies⁴ from the Governments of Afghanistan, Belgium, Estonia, Finland, Hungary, Iraq, Mexico, Monaco, the Netherlands, Turkey, and the United States of America to the Secretary-General's letter of July 13th, 1936, transmitting the observations and suggestions of the Committee.

5. The Committee also received an index to its report of 1936, compiled by Sir George Maxwell.

6. In accordance with the rules of procedure, based on the Assembly resolution of October 12th, 1932, the documentation examined by the Committee consisted exclusively of information officially supplied by the Governments.

In this connection, the Committee unanimously decided not to pursue the study of the scope of its mandate, which it had broached at its last session at the suggestion of one of its members.⁵

7. Under Article 2, paragraph 1, of its rules of procedure, the Committee meets in ordinary session once every two years, if necessary, without prejudice to such extraordinary sessions as the Council of the League of Nations may decide to convene. In its report to the Council submitted on January 10th, 1934,² the Committee suggested that it should be authorised, in case of need, to take the initiative of proposing the summoning of an extraordinary session. The Committee ventures to suggest that the Council should authorise it to hold an extraordinary session in 1938.

The interesting and valuable Governmental communications which were published last year could not have been made public but for the Committee's extraordinary session of that year. This year, communications of at least equal value have been supplied by Governments ; and in many cases they are in response to considerations formulated by the Committee in the report on the extraordinary session. The report which the Committee now has the honour to submit to the Council contains suggestions with a view to obtaining further light on certain points. The next ordinary session of the Committee is not due to be held until two years hence. The Committee is persuaded that the information which will be forthcoming from the Governments will amply justify an extraordinary session in 1938.

8. The Committee once more expresses the hope that the documents which it is called upon to examine will be sent to the Secretary-General by all Governments as early as possible after the date of their preparation.

CHAPTER I. — SLAVERY CONVENTION OF 1926.

A. POSITION IN REGARD TO RATIFICATIONS AND ACCESSIONS TO THE CONVENTION.

9. The Convention was *signed*⁶ by the following thirty-six States : Albania, Austria, Belgium, British Empire (with reservation), Canada, Australia, Union of South Africa, New Zealand, India (with reservation), Bulgaria, China, Colombia, Cuba, Czechoslovakia, Denmark, Estonia, Ethiopia, Finland, France, Germany, Greece, Iran (with reservation), Italy, Latvia, Liberia, Lithuania, Netherlands, Norway, Panama, Poland, Portugal, Roumania, Spain (with the exception of the Spanish Protectorate of Morocco), Sweden, Uruguay, Yugoslavia.

¹ See pages 25, 33, 34, 44, 54.

² See document C.C.E.E.138, or *Official Journal*, March-April 1937, page 273.

³ See footnote, page 15.

⁴ See page 78.

⁵ See 1936 report, document C.189(1).M.145.1936.VI, page 8, or *Official Journal*, July 1936, Part II, page 792.

⁶ *Article 11, paragraph 1, of the Convention :*

"The present Convention . . . will remain open for signature by the States Members of the League of Nations until April 1st, 1927."

The Convention has been *ratified* by the following twenty-eight¹ signatory States : Austria, Belgium, Great Britain and Northern Ireland, Canada, Australia, Union of South Africa (including South West Africa), New Zealand, India, Bulgaria, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Liberia, Netherlands (including Netherlands Indies, Surinam and Curaçao), Norway, Poland, Portugal, Roumania, Spain, Sweden, Yugoslavia.

The following eight signatory States have thus *not* yet ratified the Convention : Albania, China¹, Colombia, Ethiopia, Iran, Lithuania, Panama, Uruguay.

10. The following fifteen States, non-signatories,² have *acceded* definitely to the Convention : Afghanistan, Ecuador, Egypt, Haiti, Hungary, Iraq, Irish Free State, Mexico, Monaco, Nicaragua, Sudan, Switzerland, Syria and Lebanon, Turkey, United States of America (with reservation).

The Dominican Republic has *acceded subject to ratification*.

11. The following twenty-two States *may accede* to the Convention : Sa'udi Arabia, Argentine, Bolivia, Brazil, Chile, Costa Rica, Free City of Danzig, Guatemala, Honduras, Iceland, Japan, Liechtenstein, Luxemburg, Nepal, Paraguay, Peru, Salvador, San Marino, Siam, Union of Soviet Socialist Republics, Venezuela, Yemen.

12. The total number of States bound by the Convention is thus forty-three,¹ namely : Twenty-seven *States Members* of the League which have *ratified* the Convention : Austria, Belgium, Great Britain and Northern Ireland, Canada, Australia, Union of South Africa, New Zealand, India, Bulgaria, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Greece, Italy, Liberia, Lithuania, Netherlands, Norway, Poland, Portugal, Roumania, Spain, Sweden, Yugoslavia ; and one *non-member State* which has ratified : Germany.

Fifteen States which have *acceded* to the Convention—namely, ten *Members* of the League (Afghanistan, Ecuador, Haiti, Hungary, Iraq, Irish Free State, Mexico, Nicaragua, Switzerland, Turkey) and five *non-member States* (Egypt, Monaco, Sudan, Syria and Lebanon, United States of America).

B. ACTION TAKEN ON THE ASSEMBLY'S RESOLUTION OF OCTOBER 3RD, 1930.

13. The position set forth in the following paragraphs remains the same as that summarised in the report for 1936.

14. Under No. I of the Assembly's resolution of October 3rd, 1930, the Secretary-General of the League of Nations is required each year to request any Member of the League or non-member State which has signed any general Convention concluded under the auspices of the League of Nations, but has not ratified it before the expiry of one year from the date at which the protocol of signature is closed, to inform him what are its intentions with regard to ratification. Each year since 1931, the Secretary-General has addressed this request to the States concerned.

Five States have replied up to date, as follows :³ *Albania* replied in 1932 that the Royal Government was concluding the necessary formalities for the ratification of the Convention. *Colombia* replied in 1931 that the competent Ministry proposed to ask the National Congress to ratify the Convention at the next ordinary session. *Iran* replied in 1931 that the Convention was being examined. *Panama* replied in 1934 that the Convention had been submitted to the National Assembly in 1930, but had not yet been ratified : the Ministry intended to request the National Assembly, which was to meet in September 1934, to consider and approve the Convention. *Uruguay* replied in 1935 that the Convention had been submitted to Parliament for consideration, that it was then being examined by the competent technical authorities, and that the Government of Uruguay intended to ratify it as soon as the necessary legislative approval had been received. The following States have not yet sent their replies : China¹, Dominican Republic, Ethiopia, Lithuania.

15. Under No. II of the Assembly's resolution of October 3rd, 1930, the Secretary-General is required, at such times as seem suitable in the circumstances, to request any Member of the League of Nations, which has neither signed nor acceded to a Convention concluded under the auspices of the League of Nations within a period of five years from the date on which the Convention became open for signature, to state its views with regard to the Convention — in particular, whether it considers there is any possibility of its accession to the Convention or whether it has objections to the substance of the Convention which prevent it from accepting the latter. The Secretary-General gave effect to this resolution on March 5th, 1935.

¹ *Note by the Secretariat.* — Since the session of the Advisory Committee, the Secretariat has been informed of the ratification of the Convention by China.

² *Article 11, paragraph 2, of the Convention :*

“ The Secretary-General of the League of Nations will subsequently bring the present Convention to the notice of States which have not signed it, including States which are not members of the League of Nations, and invite them to accede thereto.”

In conformity with this provision, the Secretary-General communicated the Convention to Members of the League non-signatories of the Convention and to the following States which at that time were not members of the League : Afghanistan, Costa Rica, Free City of Danzig, Ecuador, Egypt, Hejaz, Iceland, Liechtenstein, Mexico, Monaco, San Marino, Sudan, Turkey, Union of Soviet Socialist Republics, United States of America. The Convention was communicated further, at the mandatory Power's request, to Iraq, which was at that time a mandated territory. The Secretary-General, in conformity with the Council's decision of May 22nd, 1935, also communicated the Convention to the Governments of Nepal and the Yemen.

³ These replies are reproduced in documents A.30.1931.V, A.25.1932.V, A.17.1933.V, A.13.1934.V, A.17.1935.V, and A.22.1936.V.

Three States have replied, as follows: *Afghanistan*¹ acceded to the Convention on November 9th, 1935. The *Union of Soviet Socialist Republics*² replied in 1935 that its position with regard to its accession to the Convention was unaltered, and that accession was not contemplated at that time. *Venezuela*³ replied in 1935 that the considerations which had prevented it from acceding to the Convention were based on the fact that the political Constitution, in enumerating the guarantees which it accorded to citizens, contained the following provision: “. . . (b) slavery is permanently proscribed, and slaves setting foot on the soil of the Republic shall be free”, and on the fact that forced labour did not exist in Venezuela outside the penitentiaries. Further, in view of its geographical position, and of the fact that it was bordered by countries in which slavery was also prohibited, the Republic offered no possibility of slave traffic. The following States have not yet replied: Argentine, Bolivia, Chile, Guatemala, Honduras, Japan, Luxemburg, Paraguay, Peru, Salvador, Siam.

C. RESERVATIONS.

(1) *Reservation by the Government of India in respect of Parts of Burma and Assam.*

16. This reservation—which specifically exempts certain defined areas from the provisions of Articles 2(b), 5, 6, and 7 of the Convention³—was the subject of comment in the Committee's reports of 1935⁴ and 1936.⁵ Originally, the areas which were thus reserved, or exempted, were:

“ In Burma, the Naga tracts lying west and south of the Hukawng Valley, bounded on the north and west by the Assam boundary, on the east by the Nanphuk River, and on the south by the Singaling Hkamti and the Somra tracts;

“ In Assam, the Sadiya and Balipara frontier tracts, the tribal area to the east of the Naga Hills district, up to the Burma boundary, and a small tract in the south of the Lushai Hills district.”

As the result of the decision, dated September 14th, 1936, of the Government of India⁶, the area reserved, or exempted, is now only:

“ In Assam, the unadministered portions of the Sadiya and Balipara frontier tracts.”

The situation is explained by the Government of India in the following paragraph of its letter above mentioned:

“ The Sadiya and Balipara frontier tracts comprise partly administered and partly unadministered territory. The administered portion has now been brought under regular administration and is free from anything that savours of slavery. A very loose control is exercised over the tribes in the parts of the area that adjoin the administered area, mainly with a view to protecting the inhabitants of the latter area from any hostile incursions. There is some slavery in the unadministered area, and to bring about progressively and as soon as possible the complete abolition of slavery in all its forms would necessitate the actual occupation of the country and the establishment of regular administration—a course which would be quite impracticable, as the country is inaccessible for the greater part of the year and is inhabited by an intractable population. Even in this area, however, the local Government contemplates some action by making it possible for a Political Officer to tour and make known the wishes of the Government about the abolition of slavery. He would, in course of time, be in a position to take steps to prevent and punish the buying and selling of slaves, but it is doubtful if the action contemplated, which is the maximum practicable at present, could be expected to eradicate slavery in the foreseeable future.”

17. The Committee notes with the greatest pleasure that the Government of India has thus withdrawn the reservation completely in respect of all areas in Burma, and almost entirely in respect of the areas in Assam. It also notes that the reason for excluding those areas is that they are unadministered. Nevertheless, it would like to point out that, however remote these areas may be, it is possible that in some African colonies of the European Powers there are areas even more remote and less connected with any administration. This has not prevented every European Power (including the United Kingdom) from signing Article 2(b) of the Convention unreservedly in respect of every colony, whether in Africa or elsewhere.

(2) *Reservation by the Government of India in respect of the Indian Native States.*

18. At present, the Indian Native States are not bound by Articles 2(b), 5, 6, and 7 of the Convention.

¹ See letter No. C.L.195.1935.VI.

² See document A.17.1935.V, page 27.

³ See document C.210.M.83.1927.VI.

⁴ See pages 7 and 8 of the 1935 report, document C.159.M.113.1935.VI.

⁵ See pages 9, 10 and 11 of the 1936 report.

⁶ See page 56.

In reply to a question by the Committee,¹ the Government of India has stated² that, except as regards the above-mentioned articles, all the Indian Native States are bound by its signature to the Convention. Thus they are all bound by Article 2(a), relating to the slave trade, but not by Article 2(b), relating to slavery. The Government of India considers the suppression of the slave trade to be an "international undertaking", and the suppression of slavery to be a matter of "internal administration". It has imposed obligations on the Indian Native States in respect of the first, but not of the second.

19. The Committee would be glad to know whether the signature of the Government of India related to international slave trade only.

20. The Government of India has reported in its communication of March 26th, 1936,³ that, after the conclusion of the Convention, steps were taken to bring its provisions to the notice of all Indian States, with a view to their working steadily to the position which had been accepted for British India; and that, later, active steps were taken to ensure that legislation should be enacted by the Indian States for the suppression of slavery.

21. The Committee would greatly appreciate receiving any information regarding the nature and prevalence of the systems in operation at present, and the results of the action taken since 1926.

(3) *Reservation by the Spanish Government in respect of the Spanish Protectorate of Morocco.*

22. The Spanish Protectorate of Morocco is exempt from the Convention both in respect of the slave trade and of slavery. The Committee, in its report of last year,⁴ assumed that slavery had a legal status in the protectorate in virtue of Mohammedan law. The Committee would welcome any communication upon slave trade and slavery, if any, in this territory, and upon any changes in the position since the conclusion of the Convention.

CHAPTER II. — SLAVE-RAIDS, SLAVE TRADE, AND CAPTURED SLAVES.

23. In its report of 1936,⁵ the Committee expressed the opinion that, if at the present time a raid ever takes place, it is generally in the nature of a frontier foray between hostile tribes or an act of brigandage by a few desperate men.

There are still parts of the world — in Asia as well as Africa — occupied by primitive and savage people, so remote as to be seldom visited by other people, and occasional acts of violence amongst them must be expected. The organised "slave-raids", however, with their equipment of collecting-stations, travelling-stations, places of embarkation, and armed troops, are now a thing of the past. For some years to come, it is reasonable to expect that there will be isolated cases of kidnapping persons, generally children, for the purpose of selling them as slaves in some other district or country.

24. The Committee repeats the declaration made in its report of last year,⁵ to the effect that the Governments of the European Powers take every precaution against these crimes and punish them most severely.

* * *

25. As regards Nigeria, there is interesting information in paragraph 3 of the communication from the United Kingdom Government,⁶ concerning the campaign undertaken in the South-Eastern Provinces against "child-stealing and slave-dealing". In 1934, fifteen persons were prosecuted and thirteen convicted; and in 1935, eighty-one were prosecuted and fifty-one convicted. The officer deputed for special duty in this connection has now been withdrawn, but there is no relaxation of the action to suppress the evil.

26. As regards the Cameroons under British mandate, it appears from the annual report for 1935 from the mandatory Power,⁷ that in the Adamawa district, where in former years slave-dealing had been rife, there were no cases. In the Dikwa district, there were three cases of daring abductions by Arab gangs; in the first case the abductor was killed by the villagers, and in the other cases arrests were made. No cases were reported from the other districts.

27. In the Cameroons under French mandate, a marked decrease in cases of slave-trading is reported. There were only five convictions in 1936 (nine months only), as against thirty-nine in 1935. The measures of supervision have been strengthened, and there is closer co-operation with the authorities of adjoining territories.⁸

¹ See § (c), 3, page 10 of the 1936 report.

² See page 56.

³ See page 80 of the 1936 report.

⁴ See page 14 of the 1936 report.

⁵ See page 11, paragraph 1, of the 1936 report.

⁶ See page 35.

⁷ See pages 64 to 66 of the report of the mandatory Power.

⁸ See page 54.

28. In French West Africa,¹ there were, in 1935, eight cases of slave-dealing, seven of which resulted in convictions involving fifteen persons.

29. It appears from a statement made to the Committee by its Belgian member that in the Belgian Congo there were, in 1931, six convictions under Article 12 of the Penal Code, which relates to the slave trade; four in 1932; three in 1933; and none in 1934 and 1935. The returns for 1936 are not yet available. For the years preceding 1931-1936, no convictions are recorded under this heading in the judicial returns.

* * *

30. In its report of 1936,² the Committee referred to the co-operation between local Governments in police measures along their frontiers against slave-dealers and other criminals. It exists throughout the Cameroons under French and British mandate, Nigeria, French West Africa, French Equatorial Africa, Libya, and the Sudan.

31. The Committee is glad to see that special mention is made of the satisfactory results of these measures in the reports³ of both the British and the French mandatories for the Cameroons.

32. The Committee expressed the hope, in its last report,² that this excellent example might be followed in the control of occasional slavery offences in the Sahara, on the frontier between French West Africa and the Rio de Oro area. It is therefore with the greatest pleasure that the Committee observes, in the communication from the French Government,⁴ a reference to its hope, and an intimation that the arrangements are entirely satisfactory, that the authorities have adopted the principle of close collaboration, and that negotiations will be entered into as soon as circumstances are favourable.

33. Co-operation between the European Powers in connection with surveillance in the Red Sea was suggested in the Committee's report of last year,⁵ and reference was made to hopes expressed by the Committee and its predecessors in earlier reports. The Committee contents itself with inviting attention to the matter.

The Committee expressed a desire⁵ to receive information concerning the efforts made by the Egyptian and Sudanese authorities to prevent clandestine embarkation and transit in the ports of the Red Sea, so far as such incidents may occur. This information has not yet been received; the Committee hopes that it may count on receiving it shortly.

34. The Government of the United Kingdom has informed the Committee⁶ that nothing has occurred to suggest that the general conditions in the Red Sea, as described in paragraph 25 of its memorandum of February 14th, 1935,⁷ have in any way changed. During the period between March 31st and December 31st, 1936, the Red Sea sloops covered 8,177 miles and examined eight dhows, with no results. A certain interference with the normal activities of the Red Sea sloops was rendered necessary by the abnormal political conditions which obtained in the Red Sea during the period under review.

35. As is set forth in its communication of March 1937,⁸ the United Kingdom Government has renounced, as from October 2nd, 1936, the right of manumission hitherto exercised at Jedda by the British representative. It explains that its renunciation of the right of manumission was consequent upon the promulgation by the Government of Sa'udi Arabia, on October 2nd, 1936, of Slavery Regulations, a translation of which has been submitted by the United Kingdom Government for convenience of reference.

Under these very important regulations, it is absolutely prohibited :

- (1) To import slaves from any country by sea;
- (2) To import slaves by any land route, unless the importer proves by a Government document that the slave is recognised as such in the country from which he comes;
- (3) To enslave any free person;
- (4) To buy, or obtain possession of, any slave who has been imported or enslaved in contravention of the regulations.

Direct importations of slaves across the Red Sea thus become illegal. A slave produced at a Yemen and Sa'udi-Arabian frontier-station will only be allowed to enter Sa'udi Arabia if the Government documents show that he is recognised as a slave in the Yemen. It would seem that this provision applies to "born slaves" of Yemen origin, and that a person recently imported into the Yemen across the Red Sea, and thence taken overland to the Sa'udi-Arabian frontier, would not be admitted.

The prohibition against buying, and obtaining possession of, a slave imported or enslaved in contravention of these regulations is specially noteworthy.

¹ See page 55.

² See page 13 of the 1936 report.

³ See page 66, paragraph 184 of the annual report for the Cameroons under British Mandate for 1935, and page 54 of the present report.

⁴ See page 54.

⁵ See page 15, paragraphs 8 and 9, of the 1936 report.

⁶ See page 49.

⁷ See page 25 of the 1935 report.

⁸ See page 47.

The punishment for the offences mentioned above is imprisonment, apparently without the option of a fine, for a period not exceeding one year.

36. In the Aden Protectorate, notable action has been taken to secure the co-operation of the sultans, sheikhs, and chiefs in suppressing the importation of slaves. The Sultan of Lahej and the Sultan of Shihr and Mukalla have solemnly proclaimed, on behalf of themselves, their heirs and successors, their determination to prohibit by every possible means the importation of African slaves by sea into their territories. A number of sultans and coastal chiefs have followed their example; other coastal chiefs are being invited to agree, and their replies are awaited. It is now proposed to invite the inland chiefs to take similar action for the suppression of the importation of slaves by land. Similar efforts are being made to secure, by agreement with the local rulers, the ultimate abolition of the sale of slaves and of the institution of slavery within the protectorate.¹

37. In the Persian Gulf area, the number of manumissions in 1935 was 49, as compared with 51 in 1934. They were effected at the agencies at Bahrein (17), Muscat (7), and Shargah (25).²

38. The Committee is deeply gratified to learn that, in consequence of its observations in its last report,³ relating to the liberation of captured slaves, the Sultan of Lahej is being asked to alter the second sentence of his Proclamation of March 7th, 1935,⁴ so as to read as follows:

“Whoever disobeys this, or is found knowingly to keep in his possession an imported or captured slave, will render himself liable to severe punishment.”

With equal pleasure, the Committee has noted that the Sultan of Shihr and Mukalla is being invited to issue a similar proclamation, and that it is proposed in due course to ask other protectorate chiefs to follow the example of the two leading sultans.¹

39. The Committee, in its report of 1936,⁵ pointed out that captured slaves are in a special category entirely different from all other categories of slaves, and that the liberation of persons who once were free would not affect the social and economic life of the country, and would be no more than an act of elementary justice which should not be delayed. This aspect of the problem of the abolition of slavery appears to the Committee to be so important that the Committee hopes that it will be considered by all countries in which captured slaves may still be found.

CHAPTER III. — BORN SLAVES.

40. The Committee permits itself to reproduce the paragraph with which it introduced this subject in its report of last year⁵:

“1. By ‘born slaves’ are meant the descendants of captured slaves, who are slaves for the reason that their parents (or forefathers sometimes over many generations or centuries) had been enslaved. Theoretically, they are ‘absolute’ slaves in that they are completely the property, or the chattels, of their owners, who have full rights of ownership over their persons and can sell or dispose of them in any way at their will. In some countries, the owners’ rights are still in full force, on the principle that the offspring and the parents are *ejusdem generis*. In other countries, as the result of more humane ideas, the theoretical rights have diminished to such an extent that the power of sale has completely disappeared and that the curious condition of ‘voluntary slavery’ is all that remains. It is permissible to attach some importance to the fact that these humane ideas have been introduced by external influences and that they were accepted and developed by local opinion. These ‘voluntary slaves’ differ from ‘serfs’ and persons in various forms of predial or agrarian servitude whose relationship to their masters is connected with some system of tenure of land for agriculture or for pasturage. Although it is possible that in some places the distinction is occasionally not very clear because, in the course of many centuries, the descendants of captured slaves have become more or less like ‘serfs’, yet, in the majority of countries where born slaves are still to be found, their status is essentially different from that of the ‘serfs’, which is dealt with below in Chapter IV.”

41. The Committee attaches considerable importance to a fact which is becoming more and more clear every year, as additional information is supplied to it by the Governments — namely, that in many places the word “slave”, in the language of the country, is now only the designation of an ethnical origin, and not of a subservient condition from the labour point of view. A negro descendant of persons who themselves were veritable slaves may be spoken of as a “slave” — and may, indeed, so speak of himself — although he may be free and earning his livelihood as a free person. As an instance of this, reference may be made to a very striking passage in the communication from the United Kingdom concerning the Aden Protectorate,⁶ where there is mention of at least two “slave” governors, “slave” magistrates,

¹ See page 36.

² See page 49.

³ See page 17, paragraph 15, of the 1936 report.

⁴ See page 75 of the 1936 report.

⁵ See page 17, of the 1936 report.

⁶ See page 40.

and "slave" police, all of whom are in authority over a "free" population. Lastly, there is mention of "slave" soldiers, whose remuneration is much better than that of the "free" soldiers.

* * *

42. In respect of the colonies of the European Powers in Africa, the Committee has received detailed information from the United Kingdom Government¹ and the French Government,² and information of a more general character from the Spanish Government.³ The Committee desires to express its gratitude for this information.

43. As regards the Congo, the Belgian member of the Committee stated that the enquiry undertaken by the Royal Belgian Colonial Institute in 1935, to which reference was made in last year's report,⁴ is being continued.

44. The United Kingdom Government states that the list of territories in Africa in which no kind of slavery exists⁵ should be supplemented by adding Gambia, the Gold Coast Colony and Protectorate, Togoland under British mandate, Kenya, Northern Rhodesia, Nyasaland, the Sierra Leone Colony and Protectorate, Somaliland, the mandated territory of Tanganyika, Uganda, and Zanzibar.

45. The passage in the United Kingdom Government's report relating to Nigeria calls for comment. By an Ordinance dated September 24th, 1936, *all* persons in the Northern Provinces are declared to be free, whereas the former law had limited the declaration of freedom to persons born in or brought within the province after March 31st, 1901. It will be seen from that report that the legislation does not give rise to any problem. The situation in the Southern Provinces is being examined, and it is announced that a further communication will be made in due course.⁶

46. The Committee has noted with great interest the reports concerning the Sudan,⁷ Kenya⁸ and Zanzibar.⁹ These reports furnish most valuable information in response to the Committee's appeal¹⁰ for information concerning loans to newly emancipated slaves, and special villages for ex-slaves.

* * *

47. In Sa'udi Arabia, the Regulations of October 2nd, 1936,¹¹ of which a translation has been supplied to the Committee in the circumstances mentioned in paragraph 35 above, confer upon every slave the following rights against his owner or possessor :

"Article 2. — The slave shall have the following rights as against his owner or possessor :

"(1) The right to be fed, clothed, and housed ;

"(2) The right to be well treated and to be employed with kindness and consideration and without harshness ;

"(3) The right to free medical attention ;

"(4) In general, all the rights enjoyed by the members of a man's household or dependants, as laid down in the provisions of the Islamic law."

Any slave who is ill treated can have his case investigated and can obtain relief (Article 3). Any person who has been enslaved since the year A.H. 1344 in a manner contrary to Islamic law can obtain relief (Article 4). The prohibition of the separation of husband and wife and of mother and children is contained in Articles 5 and 6. Any slave can demand from his master a written agreement enabling him to purchase his freedom, and, in case of any dispute, the competent authorities shall decide on the amount to be paid and the dates for the payments (Article 7). Articles 9 to 11 provide for the registration of slaves ; Article 12 provides for official licences to approved agents or brokers. The appointment of an "Inspector of Slave Affairs" (with a travelling assistant, if necessary) is provided for in Article 13. Half-yearly reports are required by Article 14. This regulation constitutes an important step forward in the path of progress.

48. The Committee recalls that, in its report of 1935,¹² it pointed out that the Mohammedan religion encourages in every way the liberation of slaves.

¹ See page 36.

² See page 52.

³ See page 51.

⁴ See page 19 of the 1936 report.

⁵ See page 17, paragraph 2, of the 1936 report.

⁶ See page 40.

⁷ See page 75.

⁸ See page 38.

⁹ See page 42.

¹⁰ See page 24, paragraph 7, of the 1936 report.

¹¹ See page 47.

¹² See page 11, paragraph 25, of the 1935 report.

49. The United Kingdom Government¹ reports that slavery is now extinct in Bahrein, and it hopes to be in a position to furnish some supplementary information on the subject of slavery in the Persian Gulf at a later date.

* * *

50. Outside Africa and Arabia, the Committee is not aware of any system involving the existence of "born slaves". At the end of the last century, there were "born slaves" in many parts of Asia, but the Committee believes that the institution has now disappeared. The action taken to suppress it in Burma has been the subject of a series of communications, extending without interruption from 1923 to 1937, from the Government of India. The Committee is greatly indebted to that Government for supplying a graphic summary of all this action.² It provides a narrative first of the emancipation, then of the practical assistance given to the ex-slave community, and lastly of the response of the ex-slaves and the ex-masters to the new circumstances, and the gradual assimilation of the ex-slaves into the general community.

51. Elsewhere in Asia, the Committee believes that "born slaves" have ceased to exist, either as the result of direct Government legislation and executive action, or as a gradual and necessary result of the growth of new ideas. The civilisation and development of Asia have not, however, as yet been successful in abolishing "debt slavery" and "serfdom", both of which are mentioned in Chapter IV.

* * *

52. The Council resolution of December 11th, 1923, had under consideration the economic and social situation of emancipated slaves. The Committee referred to this aspect of the problem of emancipation in its report of last year.³ It is a matter of prime importance, not only at the moment of liberation, or even in the year that may follow: it may affect the welfare of the liberated people for ten years or even a generation, and it may have repercussions on other sections of the community.

The Committee has been favoured by information concerning Burma, Kenya, the Sudan, and Zanzibar, in response to its appeal.

53. The Committee noted in the course of its work that the economic depression which has prevailed all over the world during the last few years has had an influence on the evolution of slavery.

In certain countries, the depression, by reducing the resources of the inhabitants, appears to have reduced also the possibilities and opportunities open to some of them of purchasing and keeping slaves. For instance, it affects certain countries, the prosperity of which depends notably on pilgrimage.

In other countries, on the contrary, the diminution of the inhabitants' resources has revived certain forms of exploitation of persons which can only be described as slavery.

54. The Committee thinks that these different phenomena should be brought to the notice of the Governments concerned. It is desirable that those Governments should examine them thoroughly and systematically and furnish the results of their studies in their next reports.

CHAPTER IV. — OTHER INSTITUTIONS.

(a) DEBT SLAVERY, PAWNING, AND PEONAGE.

55. It is very difficult to give a correct and adequate account of "debt slavery". On the one side, there is some danger in the use of generic terms intended to cover a number of very varied systems, which, in many different countries, have their common basis in indebtedness; and, on the other side, some general expression is desirable in the title of a chapter such as this. Although the local system in some parts of Africa or Asia (for instance) can best be specified by using the particular expression in the language of the country, yet it is more often mentioned under some general term, such as "debt slavery", "debt bondage", "pledging", or "pawning", in English, or "mise en gage" in French. Further difficulties are added by the distinction (in English) between "pawning" (which is the official expression in Liberia) and "pledging" (which has generally been used in earlier reports) not being clear, and by the possibility that "pawning" and "pledging" do not convey the same meaning as "mise en gage".⁴

¹ See page 49.

² See page 65.

³ See page 24, paragraphs 6 and 7, of the 1936 report.

⁴ Paragraphs 65 to 67 of the 1925 report of the Temporary Slavery Commission (document A.19.1925.VI) contained some general observations on the subject of "pledging of third persons" (English version); and paragraphs 68 to 70 mentioned (in the English version) the "pledging of the debtor himself", including the system known as "peonage". In the French version, the expressions "mise en gage d'une tierce personne" and "mise en gage du débiteur lui-même" were used. Paragraphs 71 to 76 contained some suggestions on the whole subject.

In paragraphs 53 and 54 of the 1932 report of the Committee of Experts on Slavery (document A.34.1932.VI), there were some observations (in the English version) on the pledging (a) of third persons and (b) of the debtor himself, including "peonage". The expressions "mise en gage d'une tierce personne" and "mise en gage du débiteur lui-même" were used in the French version. Some suggestions were submitted in paragraphs 57 and 58.

The Committee's report of 1935 referred (in the English version) to "pledging of third persons" and "pledging of the debtor himself" in paragraphs 50 to 52. The French version used the expressions "mise en gage d'une tierce personne" and "mise en gage du débiteur lui-même".

56. The Committee's report of last year used in a sub-title of Chapter IV the expression "debt slavery, pawning, and peonage" in the English version, and the expression "esclavage pour dettes, mise en gage et péonage" in the French version. The Committee expressed the opinion that, in theory, at least, debt slavery is only a temporary form of slavery, for the assumption is that the slavery ends as soon as the debt is repaid; that in practice, however, repayment is often impossible, and the debtor is therefore a slave for life; and that in some systems the debt is "hereditary" and is transmitted to the debtor's descendants after his death. Mention was made of (a) household and domestic debt slaves and (b) agricultural debt slaves; and the Committee observed that the liberation of the first class is comparatively easy, whereas the problem of the second class is exceptionally difficult whenever it is connected with any system of land tenure.

57. An example of the first class was given in the memorandum on the abolition of debt bondage in certain Malay States which Sir George Maxwell submitted to the Committee in 1933, and which is reproduced as an annex to the present report.¹

58. Examples of the second class may be found in some of the systems mentioned and explained in a communication from the Government of India.² The Committee is greatly indebted to that Government for this most interesting communication.

It includes :

- (1) A memorandum on the various forms of debt bondage prevalent in the Madras Presidency;
- (2) A report from the Government of Orissa on the system of debt slavery;
- (3) A memorandum on hereditary domestic service in Rajputana.

59. The Rajputana system is mentioned in paragraph 87 below, in the chapter entitled "Serfdom". The various systems of debt bondage in Madras and Orissa are described in some detail. The systems vary in the degree of their severity: some are more or less mild, but the system in Tanjore is described by the Government as "vicious".

60. The Committee observes that these reports, which are so rich in facts, contain no indication of the remedial measures in contemplation. Nevertheless, the Committee does not doubt that this aspect of the problem has not escaped the attention of the Government of India, and it is convinced that that Government, in its next report, will furnish some information on the point.

61. Another example will be found in the two communications from the Government of India concerning the "Bhagela" system in the State of Hyderabad. In its report of last year, the Committee published the first communication from the Government of India, together with the Regulations of February 10th, 1936, for abolishing this practice, and the announcement of the appointment of a special officer to enforce the new law.³ The Committee invites attention to the detailed information in this year's communication⁴ as to the excellent results obtained by energetic action. An interesting feature in the system which is now being abolished was that a lifetime's load of debt was generally incurred for the purpose of an extravagant marriage ceremony, in which most of the money was spent on intoxicating liquors. Under the new system, it will be impossible to borrow much for this purpose; men will, in consequence, be free to work anywhere; and wages will inevitably increase as the result of a free labour market. The Committee trusts that the report of the Government of India will be an encouragement to every other country in which forms of agricultural debt slavery still prevail.

62. The Committee has to thank the French Government for most interesting information on different aspects of the same subject.⁵

63. In Cochin-China, it sometimes happens, both amongst Annamites and Mois, that debtors offer themselves, or their children, in settlement of interest and capital. Inasmuch, however, as the debtor can obtain his freedom at any time and become an ordinary debtor, subject to payment of interest, the Committee agrees with the Government that this practice cannot correctly be described as "l'esclavage pour dettes" (in the French version) or (in the English version) as "debt slavery".

64. In Cambodia, "mise en gage pour dettes" (in the French version) or "pledging for debt" (in the English version) is governed by three principles:

- (1) There is no interest so long as the debtor is under pledge;
- (2) The master has no more than the rights of a creditor;
- (3) The pledged person must be paid the usual rate of wages.

A Royal Ordinance of August 19th, 1936,⁶ prescribes a minimum rate of wages. Inasmuch as the master has only the rights of a creditor, it is quite clear that this system is not slavery in any form whatsoever.

¹ See page 82.

² See page 59.

³ See pages 25, 80 and 81 of the 1936 report.

⁴ See page 57.

⁵ See page 52.

⁶ See page 54.

65. In parts of French West Africa, the economic crisis encouraged the revival of old customs relating to the "mise en gage" of individuals as security for debt. This was mentioned in the communication from the French Government published in the Committee's report of last year.¹ The further communication from the French Government contains most interesting information regarding an enquiry into the subject.² The Government took the view that, even with various safeguards, there was some danger, and decided to oppose the practices energetically. At the opening of the session of the Council of Government, the Governor-General declared that this custom would disappear, and that, in any case, it would by 1938 be classified as an act of slave-trading and be punished as such.

* * *

66. In Liberia, "pawning" was formerly recognised by the law. The Committee of Experts observed in its report of 1935³ that this was made clear in the report of the International Commission of Enquiry (generally known as the Christy Commission) dated September 8th, 1930.⁴ At the same time, the Committee reported that by a proclamation of the President of the Republic, dated September 29th, 1930, "pawning" was declared to be illegal, and that by a law dated December 19th, 1930, "pawning" was made subject to the penalties applicable to slave-trading.

In 1932, the Liberian Government reported⁵ that :

"Immediately after the President's Proclamation of 1930, ordering the release of pawns, was published, at least 83 $\frac{1}{3}$ % of the pawns took their freedom; and the remaining 16 $\frac{2}{3}$ % are being freed through the departments having jurisdiction."⁶

In its report of 1935, the Committee asked for further information.³ It referred to this point again in its report of 1936.⁷ Nevertheless, the Committee has no information regarding the situation since 1932, and is therefore unable to offer any observations.

* * *

67. "Peonage" has been mentioned in the 1925, 1932, 1935, and 1936 reports of the Slavery Committee.⁸ The Committee does not know what countries still give the peonage system a legal status. In its report of 1936,⁹ it expressed the opinion that investigations by the International Labour Organisation (1) into the truck system, and (2) into the conditions of life and labour of the indigenous populations of American countries, would be likely to provide information as to the possible existence of the "peonage" system. These investigations will necessarily be prolonged; in the meantime, the Committee has no further observations to offer on the subject.

* * *

68. The various systems mentioned above all have their foundation in indebtedness. It is certain that some of these systems continue to exist in full vigour in countries in which they are not recognised by the law. This may be due to the remoteness of the district, or the ignorance of the indebted class, or local economic factors which compel one section of the community to submit itself to a wealthier section. The idea of a creditor's taking over some person from a debtor as security for a debt is not unnatural in a primitive community where it is impossible for the creditor to recover the money due to him in a court of justice.

In the same way, there is an elementary idea of equity in the debtor's agreeing to work for his creditor until the debt is extinguished, provided that the terms of service are reasonable. As soon as a backward community feels the influence of a more advanced administration, these primitive ideas of security for a debt, or recovery of a debt, tend to disappear. They survive only when the economic factor is too strong. The amazing change in road and railway transport in many countries in recent years has been a disintegrating factor of considerable importance. When it has become comparatively easy for a man to leave his district, the inclination of another man to lend him money on his personal security has diminished. Moreover, people now know the current rates of wages in adjoining districts, and have less difficulty in going there. Nevertheless, the preceding paragraphs show that the system still exists in some places.

¹ See page 78 of the 1936 report.

² See page 53.

³ See page 9, paragraph 17, of the 1935 report.

⁴ See document C.658.M.272.1930.VI.

⁵ See document A.16.1933.VI.

⁶ This statement was reproduced on page 18 of the Committee's report of 1936.

⁷ See page 25 of the 1936 report.

⁸ See documents A.19.1925.VI, page 9, paragraph 69, and page 10, paragraph 75; A.34.1932.VI, page 18, paragraph 54; C.159.M.113.1935.VI, page 19, paragraphs 51 and 52; C.189(1).M.145.1936.VI, pages 24 to 25 and 26, paragraphs 5 to 8. See also footnote 4, page 12.

⁹ See page 26, paragraphs 5 to 8, of the 1936 report.

(b) MUI-TSAI SYSTEM.

1. *In China.*

69. With a communication dated March 25th, 1936, the Chinese Government supplied a translation of regulations, promulgated on January 22nd, 1936, prohibiting the keeping of Mui Tsai, and explained at the same time that the term " Mui Tsai " is not the translation of the Chinese term used in the regulations, but has been adopted here because it is commonly resorted to in League documents.¹

70. " Mui Tsai ", which may be translated as " Little Sister ", is a colloquial, or slang, expression in the Cantonese dialect : as such, it would not find a place in any Government regulations or in an official document issued by the Chinese Government. The Committee understands that the correct official expression in the mandarin dialect is " Nu-Pi " or " Pi-Nu ", and that both expressions are accurately translated as " slave-girl ". It fully appreciates the courtesy of the Chinese Government in using the expression " Mui Tsai " for the reason given above, but would be quite glad to see the expressions " Nu-Pi " or " Pi-Nu " used, if for any reason they are more convenient to the Chinese Government.

71. The Committee is greatly interested to see the important part taken by local relief homes and other charitable organisations (see Articles V and VII of the regulations) in the scheme for rescuing girls; and it would be grateful for information concerning these institutions, particularly in regard to their connection with the various municipalities and the numbers of their inmates.

72. In its communication above mentioned, the Chinese Government expressed the hope that it would be possible to collect statistical data of the liberations effected as the result of the regulations, and very kindly undertook to communicate them to the League of Nations. The Committee awaits this information with the greatest interest.

The Committee draws attention to the important measures taken last year by the Chinese Government, and expresses the hope that the latter will be good enough to furnish information as to the practical results of those measures.

2. *In the International Settlements.*²

(1) *Kulangsu.*

73. It is with satisfaction that the Committee has read the report of the Kulangsu Municipal Council upon the energetic action taken for the control of " Pi-Nu ".³ It observes that the co-operation of all foreign consuls, without exception, has been full and complete; that measures are being taken to ensure a complete registration of all registrable girls; that the appointment of an Inspector of Pi-Nu is proposed; and that it is the policy of the Council to work for the gradual but effective abolition of the system. The Committee hopes that in due course it may receive a report upon the work of this year, in which a most satisfactory commencement has been made.

74. The Committee has noted with great interest the mention of the Hostel of the " Relief of Slave-girls Association ", with its hundred inmates, and the support it receives from grants made by the Municipal Council, the Rotary Club, local Christian churches, and charitable subscriptions.

(2) *Shanghai.*

75. The Committee finds good reason for encouragement in the report of the Municipal Council of Shanghai.⁴ There is mention of the difficulties connected with the issue, or the enforcement, of regulations, but the Committee trusts that they can be overcome. An important step has been taken by the appointment of a lady as " Supervisor of Mui Tsai ". The supervisor is in charge of the Council's Industrial Section, and has under her a staff of competent social workers well acquainted with the problems of child labour. The Committee understands that the Cantonese expression " Mui Tsai " is unknown in Shanghai, and that " Pi-Nu " is the only expression in use. Consequently, it hopes that the Municipal Council will use whichever expression is the more convenient for its purpose. It would appreciate receiving a report on the position at the end of the current year. Any information about any " refuges " or " homes " that may exist in Shanghai for the temporary or permanent reception of rescued children would be of the greatest interest.

¹ The communication, the translation and the note are reproduced on page 75 of the 1936 report.

² The two reports mentioned below have been addressed to the Committee unofficially by the two municipal councils concerned, which explained at the same time that they were being transmitted officially through the regular channel. The official texts had not reached the Committee by the time it had completed its session. The Government of the United Kingdom has, however, suggested that the Committee should take the copies received into consideration, if it desired to do so. The Committee unanimously decided to act on this suggestion.

³ See page 79.

⁴ See page 81.

3. In Hong-Kong and Malaya.

76. The Committee has observed the difference between the reports prepared half-yearly by the Hong-Kong Government on the one side, and the Malayan Governments on the other. In its report of 1935, it reproduced most careful and detailed reports with frank information from the Hong-Kong Government;¹ but from Malaya, the Committee could only show a table of the numbers of the registered Mui Tsai on June 30th, 1934, and a statement concerning their wages.² Again, in 1936, the Committee reproduced three most interesting half-yearly reports from Hong-Kong,³ whilst from Malaya it had only three more tables of figures⁴ and a note on the inspection of Mui Tsai.⁵ This year, again, the Committee has received an admirable report from Hong-Kong for the half-year ending May 31st, 1936,⁶ and two new tables of figures from Malaya⁷ and a list of convictions for offences in Singapore, Penang, and Malacca.⁸ There is no mention of any action in the Federated or Unfederated Malay States to give effect to the law, and no reference to any system of inspection in any part of Malaya. The Committee ventures to hope that the Malayan Governments will in future follow the excellent model of the Hong-Kong half-yearly reports.

77. In its report of 1935, the Committee reproduced legislation relating to Mui Tsai in Hong-Kong⁹ and legislation in the Straits Settlements, the Federated Malay States, Johore, Kedah, and Brunei.¹⁰ Legislation in the States of Kelantan, Perlis, and Trengganu was reproduced in last year's report.¹¹ This year, the Committee reproduces Hong-Kong Ordinance No. 23 of 1936,¹² which amends the Ordinance of 1923 by empowering magistrates to inflict a sentence of imprisonment, without the option of a fine, for offences against the ordinance and the regulations under it.

78. In the communication for 1936 relating to Malaya,⁵ the Committee noticed that, although the legislation had been in operation since January 1st, 1933, inspection of the Mui Tsai in the Malay States had not begun until 1935; that there had not been any inspections of the Mui Tsai in the State of Pahang (Federated Malay States); and that there were still no inspectors of Mui Tsai in any of the Federated or Unfederated Malay States. The subsequent appointment of three assistant lady inspectors was notified in a communication dated March 26th, 1936, from the United Kingdom Government.¹³ The Committee will be glad to learn whether these are whole-time appointments, and what are the salaries, qualifications, powers, and duties of the officers. It would be most grateful for similar information in respect of the inspectors and assistant inspectors of Mui Tsai in Hong-Kong and the Straits Settlements.

79. The above-mentioned communication announced the appointment of a Commission from the United Kingdom to visit Hong-Kong and Malaya to "investigate the whole question of Mui Tsai in Hong-Kong and Malaya, and of any surviving practices in those territories of transferring women and children for valuable consideration, whether on marriage or adoption, or in any other circumstances". At its meeting last year, the Committee decided to defer any comment until the Commission had reported.¹⁴ The work of this Commission was embodied in the "Report of the Commission on Mui Tsai in Hong-Kong and Malaya",¹⁵ which has been communicated to the Committee. This document has only recently been published (March 1st, 1937), and the Committee has not had time to study it in detail. It has noted, nevertheless, that the Commission was unable to agree, and that there is a majority report by two members and a minority report by the third member. The majority report recommends some amendments to the legislation, and some improvements in the administration, both in Hong-Kong and Malaya. The minority report considers the recommendations to be useful as administrative reforms, but does not regard them as adequate in relation to the problem as a whole. The Committee hopes that it will learn in due course what action the Governments of Hong-Kong and Malaya propose to take upon these two reports.

80. The Committee will be very grateful for information concerning the system of "refuges" and "homes" in Hong-Kong and Malaya. By the expression "refuge", the Committee means a place to which a rescued child can be sent immediately for temporary accommodation pending a decision on her case. A "home" is a place in which the child can be permanently boarded and given a suitable education and training. There is mention in the Hong-Kong half-yearly reports, published in the report of 1935,¹⁶ of the Salvation Army

¹ See pages 45 to 58 of the 1935 report.

² See page 58 of the 1935 report.

³ See pages 40 to 46 and 67 to 70 of the 1936 report.

⁴ See pages 47 and 70 of the 1936 report.

⁵ See page 71 of the 1936 report.

⁶ See page 21.

⁷ See page 45 and 50.

⁸ See page 25.

⁹ See pages 59 to 65 of the 1935 report.

¹⁰ See pages 65 to 79 of the 1935 report.

¹¹ See pages 48 to 57 of the 1936 report.

¹² See page 25, footnote 1.

¹³ See page 74 of the 1936 report.

¹⁴ See pages 26 and 27, paragraphs 15 and 16, of the 1936 report.

¹⁵ Colonial No. 125.

¹⁶ See pages 47 *et seq.* of the 1935 report.

Women's Industrial Home, the Victoria Home, and the Po Leung Kuk institution, with frequent expressions of the Government's appreciation of the services rendered by them. Concerning Malaya, the Committee has no information on this point. It will be grateful for information both from Hong-Kong and Malaya on the subject, with particular reference to the part which these institutions take in any system of rescue work, the financial assistance which they receive from the Government, their present accommodation and scope, and the general policy relating to any possible future developments.

4. In Other Countries.

81. The Committee has no information from Government sources of the existence of the Mui Tsai system in the Chinese communities in other countries.

82. As was reported by the Netherlands Government last year,¹ it formerly existed in the Netherlands East Indies. As the result of the measures taken by the Government, it has now completely disappeared.

(c) SERFDOM.

83. In its last report,² the Committee offered some observations on the difference between "serfdom" and "slavery".

84. The relationship, in the Bechuanaland Protectorate, between the dominant tribe of the *Bamangwato* and the subservient tribe of the *Masarwa* was the subject of an enquiry by Mr. E. S. B. Tagart, C.B.E., in 1931. His report was reproduced by the Committee in 1935.³ The communication from the United Kingdom Government on the subject was published at the same time.⁴ In its 1936 report, the Committee referred to this relationship as an instance of tribal serfdom.⁵ This year, the Committee has received from the United Kingdom Government a further detailed report⁶ showing the action taken to give effect to the recommendations of the Tagart Commission. The policy which has been publicly proclaimed is that "the Government will not allow any tribe to demand compulsory service from another, and wants to encourage the Masarwa to support themselves. Any Masarwa who wish to leave their masters and live independently of them should understand that they are at liberty to do so, and that, if the Mongwato attempt to retain them against their will, the Government will not allow it." The declaration proceeds to make an appeal for the co-operation of chiefs and missionaries.

85. A special officer was seconded for service in September 1935 for work among the Masarwa. Moving from settlement to settlement, and interviewing Masarwa and others, he has had opportunities, of which he has made the most, of assisting the Masarwa generally. Comprehensive and detailed plans for furthering their interests and putting in their way opportunities for employment await the completion of the census report. A census of all the Masarwa is being made; and, so far, 9,505 men, women, and children have been enumerated. This probably represents 80 to 85% of the total, as, at first, many Masarwa were suspicious and hid; in due course, their names will be added when places are revisited.

86. A proclamation by the High Commissioner dated March 11th, 1936, declared and enacted that slavery in any form whatsoever is unlawful in the Bechuanaland Protectorate, and that the legal status of slavery does not exist.⁷

* * *

87. The Committee has been greatly interested in a "Memorandum on Hereditary Domestic Service in Rajputana",⁸ which has been communicated by the Government of India. The existence of an hereditary domestic service system in Rajputana is admitted, but the States concerned protest against any attempt to include this system in the definition of "slavery". These domestic servants are variously known as "Daroghas", "Hazuris", "Chakars", etc. The Committee notes with pleasure the assurance in the memorandum that the service of a Darogha, etc., to his master is not enforceable by law and does not amount to slavery. The Committee would be obliged if it might be informed whether the words "Darogha", "Hazuri", and "Chakar" refer to particular tribes or castes, and, if so, whether all the members (men and women) of those tribes or castes are in hereditary domestic service.

¹ See page 91 of the 1936 report.
² See page 27, paragraph 22, of the 1936 report.
³ See page 30 of the 1935 report.
⁴ See page 23 of the 1935 report.
⁵ See page 27 of the 1936 report.
⁶ See page 29.
⁷ See page 33.
⁸ See page 64.

CHAPTER V. — CONCLUSIONS.

The Committee :

(a) Reiterates the hope (1) that the Slavery Convention of September 25th, 1926, may be ratified without further delay by those States which, having signed or acceded to it, subject to ratification, have not yet ratified ; and (2) that such States as have been invited to accede to the Convention and are not yet parties thereto will consider the possibility of acceding thereto ;

(b) Expresses the hope that the Governments will continue to supply information as full and as accurate as possible, in accordance with Article 7 of the 1926 Convention and the various resolutions of the Assembly ;

(c) Calls the Council's attention more particularly to the suggestions formulated in the present report on the basis of Article 16, paragraph 1, of the Committee's Rules of Procedure for obtaining such further light as it deems desirable on points arising in connection with the examination of the documents supplied by the Governments ;

(d) Suggests that the Council should bring to the notice of the Governments concerned, for any action they may think fit to take, the wishes and recommendations, both general and specific, which it has been thought expedient to formulate in the present report.

A. ANNEXES.

I. COMMUNICATIONS RECEIVED FROM GOVERNMENTS.

ANNEX 1.

SUMMARY OF COMMUNICATIONS FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, DATED RESPECTIVELY :

- I. *May 25th, 1936 (document C.C.E.E.130),*
- II. *July 7th, 1936 (document C.C.E.E.132),*
- III. *July 17th, 1936 (document C.C.E.E.133),*
- IV. *August 31st, 1936 (document C.C.E.E.134),*
- V. *October 3rd, 1936 (document C.C.E.E.135),*

each transmitting a Note on Slaves who took Refuge in the British Legation at Jedda during the Period indicated below, with Special Reference to the Manner and Dates of their Enslavement and to the Agency or Routes by which those not born in Sa'udi Arabia are believed to have reached the Country.

The following notes summarise the main facts elicited by questioning these persons, but it must be remembered that in almost all cases the recollection of such persons regarding dates is very uncertain.

I. PERIOD FROM JANUARY 1ST TO APRIL 30TH, 1936.¹

Three persons claiming to be slaves took refuge during the period under review. Of these, one had apparently been born in slavery in this country.

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1. Rihan Faraj, Sudan.	Hadda, Arabia, born in slavery about 1916.	Son of a Sudanese slave kidnapped from the Sudan and sold at Hadda.
2. Nasra (?), Sudan.	Kidnapped from Dar Wadai, Sudan, about 1916.	Taken overland to Suakin and then by dhow to Jedda.
3. Zahra (?), Abyssinia.	Kidnapped from Mojjo, near Addis Ababa, about 1912, when 8 years old.	Taken to Tajura and then to Medi by dhow and finally to Jedda.

II. PERIOD FROM MAY 1ST TO 31ST, 1936.

One person claiming to be a slave took refuge during the period under review.

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
Aman ibn Musa, 15 years old, Yemen.	Sabia, Yemen, 1930.	Born at Harf, Yemen, and kidnapped when about 9 years old by Beduins and brought to Mecca by camel, where he was sold.

III. PERIOD FROM JUNE 1ST TO 30TH, 1936.

Two persons claiming to be slaves took refuge during the period under review.

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
Jubran ibn Hasan, Yemen	He was sold by the heads of his tribe at Sabia to a certain Shargi named Abdul Aziz bin Isa about 1926.	He was brought by camel to Mecca and later resold to a woman at Wadi Fatima, where he remained for 8 years, before taking refuge in the Legation.

¹ In the months of November and December 1935, no slave took refuge at His Majesty's Legation at Jedda.

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
Jabir ibn Abdulla, Gabrmariam, Abyssinia.	Kidnapped at Addis Ababa when a small boy.	Brought to the Hejaz by dhow and sold to his master, with whom he remained up to the time he took refuge in this Legation.

IV. PERIOD FROM JULY 1ST TO 31ST, 1936.

Six persons claiming to be slaves took refuge during the period under review. Of these, three had apparently been born in slavery in this country.

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
Salim Abdulla, Sudan.	Mecca, 1909.	He was brought on pilgrimage by parents who died here. He was then sold by a West African.
Khadija, Nigeria.	Nigeria, 1903.	Captured in West Africa after parents had been killed in inter-tribal fighting.
Fatma, Mariam, Abdulla (children of Khadija).	Born in slavery.	Brought across Red Sea in dhow.
Bakr Uzzeyn, Sudan.	El Fasher, Sudan, 1911.	On death of her parents, she was acquired by a man who claimed to adopt her but sold her to another who brought her to the Hejaz by dhow.

V. PERIOD FROM AUGUST 1ST TO 31ST, 1936.

One person claiming to be a slave took refuge during the period under review. He had apparently been born in slavery in this country.

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
Saad ibn Salim.	Wadi Fatma, near Jedda. At birth.	—

ANNEX 2.

C.C.E.E.137.

COMMUNICATION, DATED OCTOBER 13TH, 1936, FROM THE UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH TWO APPENDICES).

With reference to your Circular Letter 126.1936.VI, of July 13th, 1936, I am directed by Mr. Secretary Eden to transmit to you herewith, for the information of the members of the Advisory Committee of Experts on Slavery, two copies of each of the following documents :

(a) Report by the Governor of Hong-Kong on the *Mui Tsai* system for the half-year ended May 31st, 1936 ;

(b) Report by the officer administering the Government of the Straits Settlements on the *Mui Tsai* system for the year 1935, and on the action taken in individual

cases under the *Mui Tsai* Ordinance, 1932, the Women and Girls' Protection Ordinance, 1930, and the Children Ordinance, 1927:

(Signed) C. W. ORDE.

Appendix I.

REPORT BY THE GOVERNOR OF HONG-KONG ON THE MUI-TSAI SYSTEM FOR THE HALF-YEAR ENDED MAY 31ST, 1936, WITH TWO ANNEXES.¹

The number of Mui Tsai remaining on the register on May 31st, 1936, was 1,723, being a decrease of 229 on the figure for November 30th, 1935.

2. This decrease is made up as follows :

(i)	Died	3
(ii)	Restored to parents or relatives	42
(iii)	Absconded	5
(iv)	Left colony permanently	55
(v)	Married	82
(vi)	Earning their own living	28
(vii)	Taken into the custody of the Secretary for Chinese Affairs	10
(viii)	Convicted of larceny before a magistrate	1
(ix)	Removed from the register	3
		229

3. (a) The three deaths were due to natural causes.

(b) One girl was removed from the register after having been convicted before a magistrate. She ran away from her employer taking away with her jewellery to the value of 45 dollars belonging to the latter. She pawned the articles for 7 dollars and, when she had spent the money, returned to her mistress. She admitted her guilt when charged in the juvenile court with "larceny by servant", and was ordered to be detained for four months in the Salvation Army Home, the institution appointed under Section 19, Ordinance No. 1, of 1932, as a place of detention for juvenile offenders.

(c) Of the three girls described as "removed from the register", one contracted leprosy and was placed in the infectious diseases hospital, where it is probable that she will recover. The employer of the second girl died, and she was allowed to remain with this woman's daughter. She had been adopted and given the family name some years previously and had been at school for four years. The third girl applied personally to have her name removed from the register, claiming that she was a niece of her registered employer and that she wished no longer to have the opprobrious epithet of "Mui Tsai" applied to her.

4. The usual detailed table classifying the girls by their ages is appended² and may be summarised as follows :

Under 15	456
Between 15 and 18	791
Over 18	476
Total	1,723

5. (a) It has become necessary to break the continuity of these reports with the discovery that the figure given in my report for the half-year ended November 30th, 1935, as the total of "Mui Tsai on the register whose addresses are unknown" was erroneous. This figure,³ which was given in paragraph 5 (d) of that report as 706, should have been 737.

(b) As pointed out in previous reports, there are Mui Tsai living on boats of various kinds and also in the new territories who are not regularly visited by the inspectors. The figures for missing girls hitherto supplied in these reports have taken no account of these Mui Tsai. During the period under review, however, the results of a lengthy investigation of the situation with regard to these two categories have come to hand. The number of girls in the new territory still remaining on the register is 140, the addresses of 25 of whom are unknown. The

¹ The Annexes are reproduced in footnote 2 below, and footnote 1, on page 25.

² Table of Ages of Registered Mui Tsai ranging from 6 to 31 Years up to May 31st, 1936 :

Ages of registered Mui Tsai																					Total		
6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	27	28	31	
4	8	15	26	48	57	56	123	119	190	182	243	175	169	116	106	45	25	6	7	1	1	1	
456									791				476								1,723		

³ See page 67 of the 1936 report.

number living on boats is 94, of whom 54 cannot be found. In the latter case, the investigation was carried out with the help of the Harbour Department officials, and the somewhat large percentage of untraced girls is due to the fact that many of the boats concerned have changed hands or are no longer licensed, having been wrecked or having left the waters of the colony.

(c) The Mui Tsai in respect of whom figures given in previous reports apply may conveniently be described as "Mui Tsai visited regularly by the inspectors". The total of these girls remaining on the register on May 31st, 1936, was 1,489, of whom the addresses of 732 were unknown. This last figure shows a net decrease of five on the corrected figure (737) for November 30th, 1935, seven girls having been traced during the period under review, while a further two were missing :

(d) The present position may therefore be summarised as follows :

	Total on register	Missing
Mui Tsai visited regularly by the inspectors	1,489	732
Mui Tsai living on boats	94	54
Mui Tsai in the new territories	140	25
	1,723	811

(e) I indicated in paragraph 13 of my report for the half-year ended November 30th, 1935,¹ that an extra effort was to be made to reduce the number of missing Mui Tsai. Since then, the inspectors have curtailed their regular visiting somewhat in their endeavours to track down these girls, and, at the commencement of the period under review, two detectives from the District Watch Force were detailed for special duty on the same task. Both inspectors and detectives went even to the length of visiting every house in a street if there was the faintest hope that a Mui Tsai was to be found there. Results were, however, negligible, and it would appear probable that the majority of these girls have either ceased to be Mui Tsai on marriage or restoration to relations, or have left the colony. While, therefore, the inspectors continue to pay every attention to this side of the work, the detectives were withdrawn at the end of the period under review. It is not now anticipated that any large number of these missing girls will be again found.

6. (a) During the period under review, there were 51 prosecutions against 39 individuals for offences against Ordinance No. 1, of 1923.² The number of girls involved was 39.

(b) These prosecutions may be classified as follows :

(i) Ill-treatment of a Mui Tsai	4
(ii) Keeping an unregistered Mui Tsai	25
(iii) Bringing an unregistered Mui Tsai into the colony	4
(iv) Failing to report having become the employer of a Mui Tsai	2
(v) Failing to report the disappearance of a Mui Tsai	1
(vi) Failing to report the intended removal from the colony of a Mui Tsai	3
(vii) Failing to report change of address	8
(viii) Failing to report the intended marriage of a Mui Tsai	3
(ix) Failing to pay wages	1
	51

(c) There were two further prosecutions, not under Ordinance No. 1, of 1923. One was for common assault and the other was for "conspiracy".

7. (a) The prosecutions for ill-treatment were all in respect of unregistered Mui Tsai and the defendants were also charged with having unregistered Mui Tsai in their employment, custody or control.

(b) The first case of ill-treatment occurred in March and was in respect of a girl of 14. She was employed by a young married couple, who had brought her into the colony less than a month before, the husband being one of the workless who come to this colony to seek their fortunes. The girl had been purchased by the wife who had not actively ill-treated her. Her injuries, which consisted of bruises all over the body and a cut on the face, the result of having been struck with a wooden clog, were, according to the girl, all inflicted by the husband. The doctor certified not only ill-treatment but also neglect and lack of nourishment, the girl when found being in a filthy condition. Both husband and wife were taken into custody and charged with having a Mui Tsai in their employment, custody or control, the man being further charged with ill-treatment. Both pleaded guilty to the charges, stating that they were ignorant of the local law. The magistrate, finding that there had been "gross cruelty", sentenced the male defendant to six months' hard labour on the ill-treatment charge and

¹ See page 69 of the 1936 report.

² See page 62 of the 1935 report and page 46 of the 1936 report.

also fined him 150 dollars, with the alternative of a further two months' hard labour, for "keeping" an unregistered Mui Tsai. The female defendant was fined 150 dollars.

(c) The second case occurred in April and concerned a girl of 11 years who was found crying in the street by a police constable. She proved to be an unregistered Mui-Tsai in the employ of a married woman whose husband resided in Chinese territory. The girl had been neglected for some time but had not been actively ill-treated until the day she was found, when she had been assaulted by her employer because she had failed to perform some of her household duties in a satisfactory manner. According to her story, which was confirmed by the medical report, her mistress had beaten her with a piece of firewood and with a pair of tongs, had kicked, punched and pinched her, and had bitten her on the arm. The mistress was taken into custody and charged on the two counts of having an unregistered Mui Tsai in her employment, custody or control and of ill-treating a Mui Tsai. She pleaded guilty and the magistrate held that the ill-treatment amounted to "gross cruelty". She was given three months' hard labour on the second charge and was, in addition, fined 250 dollars, with the alternative of a further three months' hard labour, on the charge of "keeping" an unregistered Mui Tsai.

(d) The third case of ill-treatment was in respect of a girl of 14 years who called at the Central Police Station on May 3rd and reported that she was a Mui Tsai and had been ill-treated. Investigation showed that she was employed by a widow of 58 years in poor circumstances, who had treated the girl well but had given her a caning on the day of the complaint because she had been fighting with another girl in the street. As the medical certificate indicated that the caning was excessive, the woman was charged on the usual two counts of "keeping" and ill-treating. She pleaded not guilty, being defended by a solicitor, and claimed that the girl was an adopted daughter. She also pleaded that the caning was justified and was not excessive. Ultimately, she was convicted on both counts. She was fined 150 dollars on the charge of "keeping" an unregistered Mui Tsai and was bound over on the ill-treatment charge, the magistrate remarking that he did not consider the caning to be unduly excessive.

(e) The fourth case, which, though commenced in the period under review, was not concluded until June 5th, is included in this report as a matter of convenience. It was in respect of a girl of 13 years, who stated that she was a Mui Tsai in the employ of a married woman of 42 years, and further stated that two days before she was found she had been beaten and bitten by her mistress. The woman was arrested and charged with "keeping" an unregistered Mui Tsai and with ill-treating her. She pleaded not guilty and was defended by a solicitor. The girl's allegations of having been bitten by the defendant were countered by the evidence of the latter's young son, aged 11, who testified that he had been responsible for the marks of biting in the course of a fight. It was also urged that the girl was an adopted daughter and not a Mui Tsai. The magistrate ultimately ruled that the girl's status was in fact that of an adopted daughter and discharged defendant on both counts. In exercise of his powers under Section 20, he, however, convicted defendant of a common assault on the girl and fined her 75 dollars. Miss E. Picton-Turbervill, a member of the Mui-Tsai Commission then present in the colony, was in court for the hearing of this case.

(f) Of the twenty-five prosecutions for "keeping" unregistered Mui Tsai, five have already been dealt with as incidental to the ill-treatment prosecutions. Of the remaining twenty cases, eighteen were successful. Two defendants were each fined 250 dollars; one defendant was fined 200 dollars and another 200 dollars on each of two summonses; two defendants were each fined 100 dollars; two defendants were each fined 75 dollars; two defendants were each fined 50 dollars; one defendant was fined 25 dollars and another was fined 25 dollars on each of two summonses; one defendant was fined 20 dollars; one defendant was fined 15 dollars; and two defendants were each fined 10 dollars. The two ten-dollar fines were in respect of girls who were brought voluntarily to the office of the Secretary for Chinese Affairs with the request that they be registered as Mui Tsai, a charge of "bringing a Mui Tsai into the colony" being also preferred in respect of each girl. Two cases were unsuccessful. One of the failures was due to the fact that the alleged Mui Tsai in the witness-box told a story which was completely at variance with that which she gave before the proceedings. In the other case, the only evidence for the prosecution was that of the girl, who stated that she was a Mui Tsai. As the defendant denied this, claiming her as a relation, and no further evidence was forthcoming, the magistrate suggested that the summons be withdrawn. The Crown solicitor agreed with this and the case was accordingly dropped.

(g) All four prosecutions for bringing a Mui Tsai into the colony were successful. One defendant was fined 50 dollars; one defendant was fined 10 dollars, a fine of 10 dollars, as mentioned in the last paragraph, being also imposed on another defendant for having the same girl in her employment, custody or control; one defendant was convicted without any penalty being imposed, being at the same time fined 100 dollars for having the girl in her employment, custody or control; and one defendant was also convicted without any penalty

being imposed, being, as mentioned in the last paragraph, fined 10 dollars at the same time for having the girl in her employment.

(h) There were two prosecutions against individuals for failing to report that they had become the employers of Mui Tsai. One defendant, who had become the employer of a registered Mui Tsai when the registered employer left the colony without the girl, was fined 25 dollars. The other case was withdrawn, as it was shown that the registered Mui Tsai, whose employer had died, was not employed by the defendant, but was merely staying with her temporarily.

(i) One employer was fined 10 dollars for failing to report that her Mui Tsai had run away. She was at the same time fined a further 10 dollars for failing to report a change of address.

(j) Of the three cases of failure to report the intended removal of a Mui Tsai from the colony, each resulted in a fine of 10 dollars.

(k) All the prosecutions for failure to report change of address were successful. One defendant was fined 15 dollars; four defendants were each fined 10 dollars, one of these being at the same time fined a further 10 dollars as mentioned above at (i); two defendants were each fined 5 dollars; and one defendant was fined 1 dollar, being at the same time convicted of failure to pay wages to her Mui Tsai.

(l) The three prosecutions for failure to report the intended marriage of a Mui Tsai were all successful. One defendant was fined 10 dollars and the remaining two were each fined 5 dollars.

(m) There was one case of failing to pay wages. The defendant was convicted and ordered to pay 2 dollars amends to the girl and was at the same time fined 1 dollar for failing to report a change of address. It was given in evidence that the defendant, a widow, was entirely dependent on her son, who earned but a small salary.

8. As mentioned in paragraph 6 (c), there was one prosecution for a common assault on a registered Mui Tsai. The defendant in this case was the son of the girl's employer, who had taken it upon himself to give the girl a caning because she failed satisfactorily to perform her household duties. He was fined 25 dollars and was also bound over for one year.

9. The prosecution for conspiracy referred to in paragraph 6 (c) was in respect of a Mui Tsai who was removed from the register in March 1935. At that time, the employer appeared at the office of the Secretary for Chinese Affairs with the girl and with a woman supposed to be the girl's aunt and signed a report that this "aunt" was about to take the girl away from the colony permanently to restore her to her parents in Chinese territory. The girl corroborated this story. In April during the period under review, the girl was found in the street by one of the lady inspectors. She then admitted that the report made was false, that the "aunt" was a complete stranger to her, and that she had not since left the colony. She added that on leaving the office after the report she was handed over to a concubine of her employer's husband living at a different address, and had since had to work for her as a Mui Tsai. She said that she acknowledged the unknown woman as her aunt because she was afraid of her employer, who had coached her beforehand. The girl's father was brought down from Chinese territory and stated that the woman who had posed as an "aunt", whoever she was, was unknown to him. The Attorney-General was thereupon consulted and advised that the employer be charged with conspiracy "to secure the cancellation of the status of a Mui Tsai by a false representation". The magistrate held that the charge was bad and altered it to one of conspiracy "to enable one" (the concubine referred to above) "to keep an unregistered Mui Tsai". After a lengthy hearing, the case was dismissed, the magistrate refusing to allow the defendant to be cross-examined on a statement which she had made to the Secretary for Chinese Affairs after being cautioned.

10. In all but two of the cases concerning unregistered Mui Tsai, the girls were removed from their employers. All but nine of these girls had been restored to their relatives at the end of the period under review. The two girls allowed to remain as domestic servants were those who were the subjects of the prosecutions which resulted in the 10-dollar fines. In each case, the employer has provided satisfactory security in the sum of 500 dollars for the girl's periodical production before the Secretary for Chinese Affairs. Generally speaking, the Mui Tsai concerned in the remaining cases other than those of failure to report an intended marriage remained with their employers. The girl concerned in the prosecution dealt with in paragraph 9 was restored to her father.

11. During the period under review, nine of the Mui Tsai recorded as attending school have been removed from the registers and twenty girls who were studying during the period

ending November 30th, 1935, have been reported as no longer doing so. In addition, one of the girls formerly studying has removed to an unknown address. A further seven Mui Tsai have, however, been found to be at school, so that the total on May 31st, 1936, of girls actually known to be studying is therefore fifty-one, being a net decrease of twenty-three (9 + 20 + 1 — 7) on the former figure of seventy-four.

12. (a) Acting-Inspector O'Connor continued to deputise for Inspector Fraser until February 19th, when the latter resumed duty on his return from long leave.

(b) The two lady inspectors paid a total of 1,338 visits to registered and ex-registered Mui Tsai. The slight diminution on the total for the previous six-month period is due partly to their having devoted a greater part of their time to tracing the missing girls and partly to their attendance being required by the members of the Mui-Tsai Commission which recently visited the colony.

13. An Amendment to Ordinance No. 1, of 1923, was passed during the period under review and was published in the *Gazette* of May 29th, 1936, as Ordinance No. 23, of 1936. The purpose of this ordinance, a copy of which is enclosed,¹ is to provide the penalty of imprisonment for any offence concerning a Mui Tsai. Previously, imprisonment could only be imposed for cruelty or ill-treatment.

(Signed) A. CALDECOTT.

Appendix II.

REPORT BY THE OFFICER ADMINISTERING THE GOVERNMENT OF THE STRAITS SETTLEMENTS ON THE MUI-TSAI SYSTEM FOR 1935, AND ON THE ACTION IN INDIVIDUAL CASES UNDER THE MUI-TSAI ORDINANCE, 1932,² THE WOMEN AND GIRLS' PROTECTION ORDINANCE, 1930, AND THE CHILDREN ORDINANCE, 1927.

Singapore.

There were seven convictions under the Mui-Tsai Ordinance, 1932 :

1. A, a girl 15 years of age, was found wandering on the road and brought into the Chinese Protectorate by the police. She alleged that she was being ill-treated by a woman B. Evidence showed that she was an unregistered Mui Tsai and had been ill-treated by B. B was charged under Sections 5 and 7 (1) of the Ordinance. She was convicted and fined 15 dollars on the first charge of having the custody of an unregistered Mui Tsai; and fined 50 dollars plus 250 dollars compensation on the second charge of ill-treating the girl. Fines and compensation were paid. The girl was committed to the Po Leung Kuk under Section 15 (1) (d) of the Women and Girls' Protection Ordinance.

2. C, a man, was charged with having the custody of D, an unregistered Mui Tsai, aged 16. He was convicted under Section 5 of the Ordinance and fined 10 dollars. Later, the girl was released to him on bond under Section 15 (3) of the Women and Girls' Protection Ordinance not to be employed as a Mui Tsai.

3. E, a woman, was charged with having the custody of an unregistered Mui Tsai, aged 10 years. She was convicted under Section 5 of the Ordinance and fined 15 dollars. The girl was committed to the Po Leung Kuk under Section 15 (1) (d) of the Women and Girls' Protection Ordinance.

4. F, a man, was charged with having the custody of G, an unregistered Mui Tsai aged 14 years. He pleaded guilty and was convicted under Section 5 of the Ordinance and fined 15 dollars. Later, the girl was released to him on a bond under Section 15 (3) of the Women and Girls' Protection Ordinance not to be employed as a Mui Tsai.

¹ *Hong-Kong: Ordinance No. 23, of 1936.*

Be it enacted by the Governor of Hong-Kong, with the advice and consent of the Legislative Council thereof, as follows :

1. This ordinance may be cited as the Female Domestic Service Amendment Ordinance, 1936.

2. Sub-section (3) of Section 18 of the Female Domestic Service Ordinance, 1923, as enacted by Section 7 of the Female Domestic Service Amendment Ordinance, 1929, is amended by the insertion of the words " and to imprisonment for any term not exceeding six months " after the words " two hundred and fifty dollars " at the end thereof.

Passed the Legislative Council of Hong-Kong, this 27th day of May, 1936.

(Signed) D. M. MACDOUGALL,
Deputy Clerk of Councils.

² See page 65 of the 1935 report.

5. H, a woman, was charged with having the custody of I, an unregistered Mui Tsai aged 15 years. She pleaded guilty and was convicted and fined 75 dollars under Section 5 of the Ordinance.

The girl refused to return to her employer and was committed to the Po Leung Kuk under Section 15 (1) (d) of the Women and Girls' Protection Ordinance.

6. J, a woman, was charged under Section 7 (2) of the Ordinance for non-payment of wages to her registered Mui Tsai. Arrears due to the girl were estimated at 62 dollars. The employer pleaded guilty, was convicted and fined 5 dollars plus payment of arrears of 62 dollars.

7. K, a woman, was charged under Section 7 (2) of the Ordinance for non-payment of wages to her registered Mui Tsai. It was estimated that the arrears due to the girl were 40 dollars. The employer admitted she only gave one or two cents a day to the girl. She was convicted, fined 10 dollars, and also ordered to pay arrears of 40 dollars to the Mui Tsai.

In addition, bonds were required in the following five cases :

1. L, 14 years, was suspected of being an unregistered Mui Tsai. Owing to lack of sufficient evidence to prosecute, she was later released to her employer, a woman, upon bond not to be employed as a Mui Tsai.

2. M and N, ages 8 and 13 years, were suspected of being unregistered Mui Tsai. There was not sufficient evidence to prosecute the employer, a woman, O. The girls were later released to O upon bond not to be employed as a Mui Tsai.

3. P, 12 years, was suspected of being an unregistered Mui Tsai. Owing to insufficient evidence to prosecute, she was later released to her former employer upon bond not to be employed as a Mui Tsai.

4. Q, 13 years, was suspected of being an unregistered Mui Tsai. As there was insufficient evidence to take a prosecution in court, the girl was later released to her uncle upon bond not to be employed as a Mui Tsai.

5. R, a woman, was suspected of having in her custody an unregistered Mui Tsai S, aged 9 years. There was insufficient evidence to take a prosecution in court. Later, the girl was released to R upon bond to be sent to school and not to be employed as a Mui Tsai.

There were eleven convictions under the Children Ordinance, 1927.

1. T, a woman, was charged under Section 3 of the Ordinance with ill-treatment of a boy, U (aged 7 years). She was convicted and fined 50 dollars, or one month's rigorous imprisonment. The boy was later returned to his father on a bond.

2. V, a girl, aged 13 years, went to the Protectorate and complained that she had been ill-treated by her mother-in-law, W. An investigation and medical evidence proved that she had been ill-treated. W was charged under Section 3 of the Ordinance and convicted and fined 10 dollars, or fourteen days' rigorous imprisonment. She was also ordered to pay compensation of 80 dollars to the girl.

3. X, a woman, was charged under Section 3 of the Ordinance with ill-treating a girl, Y, aged 13 years, by burning her with a lighted cigarette. She was convicted and sentenced to one month's simple imprisonment, plus compensation of 100 dollars to the girl, or three months' rigorous imprisonment. The girl was committed to the Po Leung Kuk under Section 15 (1) (c) of the Women and Girls' Protection Ordinance.

4. Z, a man, was charged with ill-treating a boy, AA, aged 11 years. He was convicted and sentenced to fourteen weeks' rigorous imprisonment.

5. BB, a girl, aged 5 years, was found by the lady inspector to be ill-treated. The child was found kneeling on the floor by a bed, with her hands and feet tied. She bore multiple cane marks on her body. Her adopted mother, CC, was charged under Section 3 of the Ordinance, convicted and sentenced to two months' rigorous imprisonment. An order for 50 dollars compensation awarded to the girl was paid.

6 and 7. DD, a woman, was charged with ill-treating (1) her 5-year-old son, (2) her 6-year-old daughter. Both children had multiple bruises on their bodies. She was convicted and sentenced on the first charge to six weeks' rigorous imprisonment, plus 200 dollars compensation, and, on the second charge, to one month's rigorous imprisonment, plus 200 dollars compensation. On appeal, sentences were reduced to one month on each charge (concurrently). Compensation remained unaltered. Compensations were paid.

8. EE, a woman, was charged with ill-treating her adopted 15-months-old son. He bore multiple bruises on his body. She was convicted and fined 50 dollars, or two months' rigorous imprisonment, plus compensation of 200 dollars.

9 and 10. There were two convictions under Sections 11 and 12 of the Ordinance for permitting non-licensed children to act in a theatre.

11. FF, a woman, was charged (1) with ill-treatment of a child under Section 3 of the Ordinance and (2) with having in her custody an unregistered Mui Tsai under Section 5 of the Mui-Tsai Ordinance. She was convicted on the first charge and fined 50 dollars, or six weeks' rigorous imprisonment, plus 150 dollars compensation, or a further three months' rigorous imprisonment. The second charge was not proceeded with, as the child, through terror, made a poor witness. The medical evidence showed systematic ill-treatment over a period. The child was committed to the Po Leung Kuk under Section 15 (1) (c) of the Women and Girls' Protection Ordinance.

Penang.

There were three convictions under the Mui-Tsai Ordinance, 1932, and the rules thereunder.

1. A, a girl aged 11 years, Hokkien, living at No. 210, Transfer Road, was reported to be an unregistered Mui Tsai. B, a Hokkien woman, her mistress, who was charged under Section 5 of the Ordinance, was convicted and fined 40 dollars, or four weeks' imprisonment, for having an unregistered Mui Tsai. The girl has been released to her mistress and is regularly visited.

2. C, a Hokkien girl, aged 16, was reported to have been ill-treated by her employer D, Hokkien. The girl had a cut on her left hand and was six and a half months' pregnant. The accused, who was charged with having an unregistered Mui Tsai, was convicted and fined 20 dollars. The conviction was quashed on appeal. The girl has been released to her employer.

3. E, a Cantonese pawnbroker, has three Mui Tsai. On October 16th, 1933, the lady inspector of Mui Tsai visited the registered abode and could not find E or his Mui Tsai. On July 20th, 1935, as a result of enquiries, he was discovered. He was summoned to the Protectorate and gave the present address of the Mui Tsai. He was charged under Rule 4(c) of the Rules made under the Ordinance. He was convicted and fined 25 dollars.

There were three convictions under the Children Ordinance, 1927.

1. F, a girl aged 11 years, Hokkien, living at Telaga Ayer, Province Wellesley, was reported to have been ill-treated by her prospective mother-in-law. The girl had bruises all over her body and also a discoloured eye. She was committed to the Po Leung Kuk under Section 15 (1) (c) of the Women and Girls' Protection Ordinance. The woman was charged under Section 3 (1) of the Children Ordinance. She was convicted and fined 10 dollars. The girl has been released to her father.

2. G, a Cantonese girl, aged 12 years, was reported to have been ill-treated by her prospective mother-in-law and her future husband. The girl had some cane and pinch marks on her body. She was committed to the Po Leung Kuk under Section 15 (1) (c) of the Women and Girls' Protection Ordinance. The woman was charged under Section 3 (1) of the Children Ordinance. She was convicted and fined 60 dollars, or three months' imprisonment, whilst her son was convicted and sentenced to eight strokes with a cane for ill-treating his future wife. The girl remains in the Po Leung Kuk.

3. H, a Cantonese girl, aged 8 years, was reported to have been ill-treated by her father, a Sz Yap Cantonese. The girl had marks all over her body. She was committed to the Po Leung Kuk under Section 15 (1) (c) of the Women and Girls' Protection Ordinance. The accused was charged under Section 3 (1) of the Children Ordinance. He was convicted and sentenced to six months' rigorous imprisonment. The girl remains in the Po Leung Kuk.

Malacca.

There were twenty-nine convictions under the Mui-Tsai Ordinance, 1932, and the rules thereunder.

1. A registered Mui Tsai, A, aged 11 years, was discovered to have been ill-treated. She had marks of a severe beating with a cane on her back, arms and thighs. Action was taken against B, the registered employer (female) in court under Section 7 (1) of the Ordinance. The accused pleaded guilty, was convicted and fined 50 dollars and costs and ordered to pay 50 dollars compensation under Section 432 (1) (b), Criminal Procedure Code. Fine and compensation were paid. The girl was committed to the Po Leung Kuk under Section 15 (1) (c) of the Women and Girls' Protection Ordinance.

2. A woman, C, the registered employer of a Mui Tsai, D, aged 13 years, was charged under Section 7 (1) of the Ordinance with ill-treating her Mui Tsai. The accused pleaded

guilty, was convicted and fined 75 dollars and costs, or two months' rigorous imprisonment, and also ordered to pay 100 dollars compensation to D under Section 432 (1) (b), Criminal Procedure Code, or, in default, a further four months' rigorous imprisonment. Fine and compensation were not paid, and accused is now in gaol. D was committed to the Po Leung Kuk under Section 15 (1) (c) of the Women and Girls' Protection Ordinance.

3 and 4. E, a well-known member of the Hokkien community in Malacca was prosecuted on four charges, under Sections 3 and 9 (2), in respect of a girl F, aged 9, a Mui Tsai, registered as employed by G, now deceased, wife of H, and under Section 3 and 5 in respect of another girl, I, aged 12, an unregistered Mui Tsai. He pleaded guilty on all four charges. He was convicted and fined on these charges 5 dollars and costs, 10 dollars, 5 dollars and costs and 10 dollars respectively.

H was prosecuted under Section 107 of the Penal Code for abetment of the first charge under Section 3 of the Ordinance, he having sold F to the accused. He pleaded guilty, was convicted and fined 3 dollars and costs.

F was returned to her real father on bond under Section 21 (1) of the Ordinance and I was committed to the Po Leung Kuk under Section 15 (1) (d) of the Women and Girls' Protection Ordinance, and sent to Singapore.

5. J was prosecuted under Section 5 of the Ordinance for being in possession of an unregistered Mui-Tsai, K, aged 13 years. He was convicted and fined 20 dollars and costs. The girl was committed to the Po Leung Kuk under Section 15 (1) (d) of the Women and Girls' Protection Ordinance.

6. A woman, L, was prosecuted under Section 5 of the Ordinance for being in possession of an unregistered Mui Tsai, M, aged 17 years. She pleaded guilty, was convicted and fined 3 dollars and costs. As the case was not considered serious and the girl was very well treated, she was released to her employer upon bond under Section 21 (1) of the Ordinance.

7 to 17. Eleven employers were prosecuted for failing to report change of address as provided in Rule 4 (d) made under Section 13 (1) (d) of the Ordinance. Four of them who had changed their addresses twice without reporting were fined 12 dollars and costs, or fourteen days each. Six were each fined 10 dollars and costs, or fourteen days. One was fined 5 dollars. All fines were paid.

One case is still pending. Several postponements have already been granted on the ground of the illness of the accused.

18 to 24. Seven employers were prosecuted in court for not reporting change in the actual employer of a Mui Tsai as provided under Rule 4 (f) made under Section 13 (1) (d) of the Ordinance. All pleaded guilty, were convicted and each fined 10 dollars and costs. All fines were paid.

25 and 26. Two employers were prosecuted under Rule 4 (a) made under Section 13 (1) (d) of the Ordinance for failing to report the death of their Mui Tsai. They both pleaded guilty, were convicted and fined each 10 dollars and costs. Fines were paid.

27 to 29. Three employers were prosecuted under Section 20 (3) of the Ordinance for giving false information in reply to questions. They pleaded guilty and were convicted. One was fined 25 dollars and costs and the other 20 dollars and costs and the third 5 dollars and costs.

In addition, a bond was required in the following case :

N, aged 12 years, was suspected of being an unregistered Mui Tsai in the custody of O. Insufficient evidence prevented a prosecution in court. The girl was later released to her mother P upon bond under Section 21 (1) of the Ordinance.

There were two convictions under the Children Ordinance, 1927.

1. A registered Mui Tsai, Q, aged 14 years, was found to have been ill-treated by R, the wife of the registered employer, S. As ill-treatment was not caused by the registered employer, R was prosecuted under Section 3 (1) of the Children Ordinance. Accused pleaded guilty, was convicted and fined 20 dollars and costs. Compensation of 100 dollars was awarded under Section 432 (1) (b) of the Criminal Procedure Code. Arrears of wages of 25 dollars were also obtained. All these amounts were paid. The girl was committed to the Po Leung Kuk under Section 15 (1) (c) of the Women and Girls' Protection Ordinance.

2. A registered Mui Tsai, T, aged 10 years, was discovered to have been ill-treated by U, the wife of the registered employer V. The girl had multiple cane marks on inner thigh, over sacrum, chest and right arm. U, not being the registered employer, was prosecuted under Section 3 (1) of the Children Ordinance, pleaded guilty, was convicted and fined 10 dollars

and costs. Compensation of 70 dollars was awarded to T under Section 432 (1) (b), Criminal Procedure Code, and 11 dollars arrears of wages were recovered. Fine and compensation were paid. T was committed to the Po Leung Kuk under Section 15 (1) (c) of the Women and Girls' Protection Ordinance.

ANNEX 3.

C.C.E.E.140.

COMMUNICATION, DATED JANUARY 11TH, 1937, FROM THE UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

I am directed by Mr. Secretary Eden, with further reference to your letter No. C.L.126. 1936.VI, of July 13th, 1936, to inform you that copies of the report of the Advisory Committee of Experts on Slavery on the work of its third (extraordinary) session have been communicated to the Government of Southern Rhodesia and to the High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland.

2. As regards Southern Rhodesia and the territories of Basutoland and Swaziland, I am to state, for the information of the members of the Advisory Committee on Slavery, that no form of slavery including domestic (or voluntary) servitude exists therein. I should add that as regards Southern Rhodesia this information has already been communicated to you under cover of Foreign Office letter W 1330/154/52 of February 20th, 1936.¹

3. As regards the Bechuanaland Protectorate, the High Commissioner has furnished an interim report on the steps taken by the Administration of that territory towards carrying out the recommendations of Mr. E. S. B. Tagart with respect to the Masarwa. A copy of this report is enclosed herein for the information of the members of the Advisory Committee on Slavery.

(Signed) Walter ROBERTS.

Appendix.

REPORT : ACTION TAKEN TO GIVE EFFECT TO RECOMMENDATIONS OF TAGART COMMISSION.

INTRODUCTION.

The Masarwa question has occupied the attention of the Administration for many years. District Officers have long been instructed to pay special attention to the condition of Masarwa and other subservient people in their districts and to report at intervals on their position. In 1926, the widespread announcement of official policy in respect of this customary serfdom of Masarwa and others was made by Lord Athlone in the Serowe kgotla, where he declared that the Government would not allow any tribe to demand compulsory service from another and would encourage the gradual emancipation of Masarwa. This pronouncement was read in other kgotlas at the same time. Following on this, proposals were made for legislation designed to give effect to this policy, but nothing final was achieved before 1930. In that year, Chief Tshekedi, then on a visit to England, in the course of an interview with the then Secretary of State, Lord Passfield, asked that, before any legislation was passed, an official commission be appointed to enquire into the position. At the end of that year, matters were brought to a head by three cases of brutal ill-treatment of Masarwa; the Resident Commissioner then again stressed the urgent need for action, and proposed the appointment of an independent commission of enquiry.

In May 1931, Mr. E. S. B. Tagart, C.B.E., late Secretary for Native Affairs, Northern Rhodesia, was appointed to hold an enquiry. His terms of reference were :

“ To enquire into the conditions under which Masarwa are employed by the Bamangwato tribe; the nature, extent and system of their remuneration, if any; the

¹ See page 58 of the 1936 report.

extent to which they are free to engage in any occupation or transfer their services from one employer to another, or move from one place to another, and able to exercise such freedom; their general conditions of life including their status in regard to rights of person and property; and the circumstances which have led to the present subject position of these people; and to make recommendations.”

The enquiry lasted some two months. During this time, Mr. Tagart interviewed and questioned natives (including Acting Chief Tshekedi), Government officials, missionaries and traders, examined the relevant reports and correspondence, toured through part of the cattle post area of the Bamangwato Reserve, and saw at first hand the conditions under which many Masarwa lived. The report was completed some months later and published in March 1933, together with a memorandum by the Bechuanaland Protectorate Government.¹

The enquiry was limited to the Bamangwato Reserve partly because the majority of Masarwa in the Bechuanaland Protectorate are to be found there (it is by far the largest reserve), partly because their employment by masters is more highly organised there than elsewhere, and partly because the need for action seemed more urgent there than elsewhere.

The report (page 10) pointed out that the Masarwa were not slaves, but rather could be described as serfs, and that their general conditions of life are primitive, easy, carefree and unprogressive. The position though not desperate, was nevertheless serious enough to call for “further investigation and action with a view to improvement”, to which end the following recommendations were made:

“ 1. A definite instruction should be given to the administrative officers and to the native authorities in the Reserve that the policy is not, as has been the case in the past, to remain a dead letter, but is to be carried into effect.

“ 2. Beginning with the town of Serowe, a census should be made of all Masarwa in the Reserve, and the names of their Mongwato masters, if any, recorded.

“ 3. A European officer should be seconded to supervise the census and to devote himself to the task of furthering the interests of the Masarwa generally, and in particular of putting opportunities for employment in their way.

“ 4. The practice of assuming that Masarwa are exempt from payment of hut tax should cease, and power be taken under the Hut Tax Proclamation to exempt from payment of the whole or a portion of tax any person or group of persons who may be shown to the satisfaction of the proper authority to be indigent and unable, through no fault of their own, to pay the tax or a portion thereof.

“ 5. The chief should be asked to allot sufficient and suitable land for occupation by Masarwa, and, if the chief is unwilling to do this, then the Government should set apart an area of crown land for such occupation.

“ 6. Consideration should be given to the possibility of appointing native demonstrators in agriculture to encourage and assist in the cultivation of crops any Masarwa who may elect to settle in village communities.

“ 7. Legislation should be passed, if such does not already exist, making it an offence to employ or take to be employed any person save in accordance with the Master and Servant Proclamation.

“ 8. A short proclamation should be issued affirming that slavery in any form whatsoever is unlawful, and abolishing the legal status of slavery.”

These recommendations were accepted *in toto* by the Administration (page 23).

In December 1933, effect was given to the first recommendation by the reading of Lord Athlone's declaration in all chiefs' kgotlas. Further action, however, was postponed on account of the work involved in dealing with two serious outbreaks of foot-and-mouth disease in 1933 and 1934, and with the promulgation of the Native Administration and Native Tribunals proclamations. However as soon as the state of the country had become more normal, and the proclamations had been issued (January 1935), the Administration's attention returned to the Masarwa question. Two interviews were held with Acting Chief Tshekedi in February and March 1935 to discuss procedure, and the work proceeded.

IMPLEMENTATION OF TAGART RECOMMENDATIONS.

1. *Recommendation 1.* — Lord Athlone's declaration read in all chiefs' kgotlas, December 1933 (reading postponed in Serowe by Tshekedi's request until January 1934).

¹ See page 30 of the 1935 report.

District officers made it clear that action would be taken on the lines indicated and that the declared policy would not be allowed to remain a dead letter.

The declaration is as follows :

“ The Government will not allow any tribe to demand compulsory service from another, and wants to encourage the Masarwa to support themselves. Any Masarwa who wish to leave their masters and live independently of them should understand that they are at liberty to do so, and that, if the Mongwato attempt to retain them against their will, the Government will not allow it.

“ It is the duty of chiefs and headmen to help these people to stand on their own feet and I expect the missionaries, and the chief and his councillors to join the Government in preventing anything in the way of compulsory service in Bechuanaland.”

2. *Appointment of Masarwa Officer: Recommendation 3.* — Provision was made for Masarwa work in the 1935/36 estimates. In September 1935, an officer was seconded to conduct a census of all Masarwa in the Bamangwato Reserve, enquire into and report on their position and to make recommendations with a view to giving effect to the Administration's policy as outlined in the Athlone declaration. The officer has now travelled over the whole of the Bamangwato Reserve and investigated at first hand the position of Masarwa in that area. Interim reports have been submitted at regular intervals, and a full account of his findings will be issued after he has revisited certain areas. The considered recommendations of the Administration based on the final report should be ready by the end of the present year.

During the course of his work, which involves moving from settlement to settlement and consists of interviewing Masarwa (and others), recording their names and observing their position, the officer has had opportunities, of which he has made the most, of assisting the Masarwa generally. Comprehensive and detailed plans, however, for furthering their interests and putting in their way opportunities for employment, as suggested by the Tagart Commission, await the completion of the census report, and the examination of the census officer's recommendations.

3. *Census: Recommendation 2.* — A census of all Masarwa is being made by the Masarwa officer. Owing to certain technical difficulties, this was not started in Serowe as suggested by the Commission, but was begun in outlying areas where the Masarwa were more easily discovered.

The Acting Chief Tshekedi appointed a representative to accompany the Masarwa officer and to act as interpreter. This man was paid by the Administration.

Generally speaking the conduct of the census has met with comparatively little opposition from the Bamangwato, apart from the inevitable spreading of a few alarmist rumours and occasional passive resistance of remote cattlepost owners.

Several thousand Masarwa have been interviewed and the names of 3,092 men recorded — in addition, particulars of 2,247 women, 1,943 boys and 2,223 girls have been taken, bringing the total of the census to 9,505.

This figure probably represents only 80 to 85 % of the total number of Masarwa in the Reserve, as, at first, many Masarwa were suspicious of the officer and avoided him by hiding in the bush. The number of omissions will, however, eventually be reduced to negligible proportions, as many places are being revisited and the recorded names and genealogies rigorously cross-checked.

4. *Anti-Slavery Proclamation: Recommendation 8.* — A short proclamation, known as the Affirmation of the Abolition of Slavery Proclamation, was issued on March 11th, 1936. It declared that slavery in any form was unlawful and that the legal status of slavery did not exist. The reasons for its promulgation was the need for a definite legal negation of the right to invoke in any court any native custom that might smack of slavery in any form whatsoever.

The proclamation, a copy of which is attached, was read and explained in all chiefs' kgotlas in March and April 1936 (see Sub-Annex A).

5. *Labour Proclamation: Recommendation 7.* — A proclamation in this connection was first drafted in December 1933, but had temporarily to be shelved until the Native Administration and Native Tribunals proclamations had been issued. Once they had been disposed of, a further draft was discussed with Tshekedi in July 1935, and finally issued as the Bechuanaland Protectorate Native Labourers (Protection) Proclamation on March 11th, 1936. It is not in force yet and will not take effect until notice is given in the *Gazette*. A copy of the proclamation is attached (see Sub-Annex B).

The two principles of the proclamation are :

(1) That Masarwa should be free to dispose of their services as they wished, and as a corollary that they should also be free to terminate their employment in a recognised and controlled manner, and

(2) That wages, definitely recognised as such, should be paid to all employees.

This second point has been left vague intentionally. The custom of paying definite wages to labour must first be established as a principle, then, when so established, it can be forced in practice. There are difficulties in the way of this and progress will be gradual. An "adequate" rate of remuneration will have to be defined and enforced, which will lead, on the one hand, to the tightening-up of the present system, resulting in the possible eviction of Masarwa and will require, on the other, an analysis of existing types of remuneration and their correlation to types of work and to the ages and sex of workers. As it stands at present, therefore, section 6, only enunciates this principle; and that, at the moment, is as far as the Administration can go. In the meantime, the people now know what the Administration's policy is and how it is to be realised. The Masarwa officer has been instructed to pay particular attention to this problem with a view to its solution, and the Administration is prepared for the possible eviction of superfluous Masarwa. As soon as the officer's recommendations have been considered, the proclamation will be enforced.

6. *Allocation of Land: Recommendation 5.* — So far, there has been no need for the special allocation of land for Masarwa settlement. Tshekedi, however, has expressed his willingness to set aside sufficient land for them, and additional land is available in crown areas. Native agricultural demonstrators are available and will be detailed to assist the Masarwa when the settlements come into being. Provision has also been made for water development in these areas and for the purchase of agricultural implements, etc.

When the policy of the Administration has become more widely known, some Masarwa may wish to leave their masters and others may be evicted. This has been prophesied by many people, but, until it happens, it is impossible for the Administration to say how much land will be needed or where it will be needed. Consequently, it has had to wait before fully carrying out this particular recommendation and it will not be able to do anything until the Masarwa officer's report is issued and the Labourers' Protection Proclamation is in force. Should land have eventually to be allocated for Masarwa use, the Administration will aim at securing it, with Tshekedi's co-operation, in the Bamangwato Reserve, as near as possible to their old habitations: failing this, land will be found in Crown areas.

Opportunity may here be taken of removing certain misconceptions of the Administration's policy. The London Missionary Society¹ Committee were apparently under the impression:

(a) That the Masarwa were to be freed from ordinary tribal control (Recommendation 1, pages 26-28), and,

(b) That they are to be released from the authority of their Bamangwato masters and then (possibly) abandoned (Recommendations 8 and 9, pages 31-32).

This impression is however erroneous. With regard to the first point, the aim of the Government is the complete incorporation of Masarwa into body politic of the Bamangwato. They are not to be freed from the *traditional obligations* of tribesmen — on the contrary they are to fulfil them just as ordinary tribesmen do. But they are to be freed from *abnormal and exceptional obligations* such as characterise their position at present, and be allowed to enjoy the ordinary privileges of tribesmen such as are denied them to-day.

The second point follows on this. The Administration has never intended and does not intend to undertake widespread "releasings" of Masarwa — although sporadic releasings may occur in cases of definite hardship or when the Masarwa desire to be freed from their masters.

In some cases, it may become necessary to make special provision for the unattached Masarwa, and the Administration is fully prepared to do so. As a case in point, we may cite the very case mentioned by the London Missionary Society report. This occurred in the Ngamiland Reserve. The Masarwa referred to were a group of eleven destitute people collected together by the local officer and given the means of rehabilitating themselves. They were given land to cultivate, provided with seed grain, cowpeas, kaffir beans, etc., and guided by a demonstration held for their benefit. The experiment undertaken by force of circumstances and not as the deliberate policy of the Government has proved completely successful, and eventually the Masarwa were satisfactorily established as settled agriculturists. In addition to these, several other Masarwa were released because anxious to be free and were successfully established on their own account.

7. *Appointment of Native Agricultural Demonstrators: Recommendation 6.* — Hitherto, no demonstrators have been appointed for the reason given above — namely, that no new village communities of Masarwa have as yet been formed on a large scale. There are nevertheless a number of demonstrators available who will be appointed to advise them whenever the Masarwa need their assistance.

In this connection, it should be noted that some witnesses, who gave evidence to the Tagart Commission, were doubtful whether the establishment of Masarwa in permanent agricultural settlements could be successfully achieved. This question is receiving close consideration. The statement made by the acting chief that there are many small villages

¹ The report published by the London Missionary Society, March 1935, is referred to on page 7, paragraph 5, of the 1936 report.

containing only Masarwa inhabitants with permanent huts and cultivated fields is, however, confirmed by the researches of the Masarwa officer. Wherever, owing to the proximity of the European labour market, the Masarwa have been able to improve their economic position, they have established themselves in small settlements and begun to support themselves on their own agricultural produce rather than on the milk of their masters' cattle, supplemented with roots and berries. They show a fair aptitude for agriculture and the prospect of establishing other Masarwa villages on similar lines should it become necessary to do so, is not considered hopeless.

8. *Taxation of Masarwa: Recommendation 4.* — Pending the final report of the Masarwa officer, no action will be taken in this respect. The officer, however, is paying particular attention to this question and has already made certain recommendations. He has found that, in several areas, young Masarwa, especially those who have obtained employment on the mines or at some other European centre, are already paying tax. In other areas, Masarwa, though not yet paying tax to the Government, have been found to be advanced enough to be able to do so. Nothing precipitate will be done and every precaution will be taken to ensure that taxation among the Masarwa will be introduced gradually and in such a way that it will not result in their being driven into the bush.

MISCELLANEOUS.

A point that was stressed by the London Missionary Society¹ report and implicitly contained in the Tagart report, is the need for educational and evangelistic work among the Masarwa. The latter does not come within the immediate scope of the Administration, though the Administration is naturally anxious to further any work beneficial to the natives that it can. Little progress has however been made in this respect by those concerned. A native evangelist has been appointed by the Society. A report of his activities is published in the September issue of the *Chronicle*, a London Missionary Society magazine. A Seventh Day Adventist Missionary has recently established himself among Masarwa on Crown Lands.

In education, a step was recently taken by the Administration in the establishment of a cattle-post school (January 1st, 1936). The project has been under consideration since 1933, but, owing to financial difficulties, the scheme could not be started before. Provision has been made in next year's estimates for a school for Masarwa at Lotlhakane and it is hoped greatly to extend this work in the course of the next few years.

CONCLUSION.

Of the eight recommendations made by the Tagart Commission, four have already been carried out (*i.e.*, Nos. 1, 3, 7 and 8) while another (No. 2) is being carried out, and will be completed in the course of the next few weeks. The remaining three recommendations (Nos. 4, 5 and 6) are being closely examined in the light of the information collected during the census and the considered views of the Administration as to how best they can be implemented will be submitted shortly.

(Signed) C. F. REY.

* * *

Sub-Annexes :

PROCLAMATIONS BY THE HIGH COMMISSIONER FOR BASUTOLAND, THE BECHUANALAND PROTECTORATE AND SWAZILAND, DATED MARCH 11TH, 1936.²

Sub-Annex A.

[No. 15 of 1936.]

Whereas it is expedient to affirm and declare in the Bechuanaland Protectorate that the legal status of slavery does not exist :

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows :

1. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

2. This proclamation may be cited as the Affirmation of the Abolition of Slavery Proclamation, 1936.

¹ See footnote on page 32.

² Extract from the *Official Gazette* of the High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland, dated March 20th, 1936, No. 1819.

Sub-Annex B.

[No. 14 of 1936.]

Whereas it is deemed desirable to make further provision for the protection of native labourers employed within the Bechuanaland Protectorate (hereinafter referred to as the territory) :

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows :

1. The provisions of this proclamation shall apply only to the employment of native labourers, male or female, by natives of the territory.

2. For the purposes of this proclamation :

(a) " Native " shall mean any aboriginal native belonging to any tribe of Africa and shall include persons of mixed race living as members of any native community, tribe, kraal or location in the territory ;

(b) " Native labourer " shall not include the wife, or the child by a valid marriage, of his or her employer or any blood relation of such employer of whom such employer is the natural or lawful guardian ;

(c) " Employment " shall not be deemed to include such services or labour as a chief or sub-chief may lawfully under the provisions of section *twenty-two* of the Bechuanaland Protectorate Native Administration Proclamation 1934 call upon natives to perform without payment or remuneration in cash or in kind.

3. Every native labourer shall be at liberty to dispose of his or her services to whom and where he or she desires and subject to the provisions of section *six* hereof upon such terms of remuneration as he or she may voluntarily agree to.

4. No employment of a native labourer shall give the employer a right to the services of the wife of such labourer without the consent of both husband and wife, nor shall the employment of a native labourer give the employer the right to the services of any child of such labourer without the consent of (a) the father or other lawful guardian in the case of a child under the age of 16 years or (b) the child himself or herself if of the age of 16 years and upwards ; nor shall the employment of a native labourer give the employer the right to the services of a blood relation of such labourer without the consent of such blood relation if of the age of 16 years and upwards, or of his or her lawful guardian if such blood relation be below that age.

5. No native shall employ or take to be employed any native labourer otherwise than in accordance with the provisions of this proclamation.

6. Every native labourer shall receive for his or her services payment in cash or in kind.

7. The employment or engagement of a native labourer may be terminated by one month's notice on either side.

8. Any native contravening or failing to comply with any of the provisions of this proclamation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or in default to imprisonment with or without hard labour for a period not exceeding six months.

9. The laws of the Colony of the Cape of Good Hope governing the relationship of master and servant or employer and employee, so far as they are in force in the territory, shall not apply to any contract of service entered into between a native employer and a native employee under this proclamation.

10. This proclamation may be cited as the Bechuanaland Protectorate Native Labourers (Protection) Proclamation 1936, and shall have force and take effect from a date to be fixed by the High Commissioner by notice in the *Gazette*.

ANNEX 4.

C.C.E.E.146.

COMMUNICATION, DATED FEBRUARY 22ND, 1937, FROM THE GOVERNMENT
OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF
THE LEAGUE OF NATIONS (WITH APPENDICES).

With reference to your letter No. C.L. 126.1936.VI, of July 13th, 1936, I am directed by Mr. Secretary Eden to forward to you herewith, for transmission to the Advisory Committee of Experts on Slavery, copies of a memorandum dealing with questions concerning certain colonial dependencies raised in the report¹ of the Advisory Committee on the work of its third (extraordinary) session held in April last.

2. Information on certain other points arising out of the Advisory Committee's report was forwarded to you in the letter from this department No. W 18099/154/52 of January 11th last.² It is hoped to send to you shortly, for transmission to the Advisory Committee, a supplementary memorandum on the subject of manumissions at His Majesty's Legation at Jeddah and on certain points relating to slavery in the Persian Gulf, raised in the Committee's report.

3. It will be observed that Appendix 4 to the enclosed memorandum (the report of the Commission of Enquiry appointed early in 1936 to proceed to Hong-Kong and Malaya to study the Mui Tsai system) is not transmitted herewith. This report is now being printed, and it is hoped that copies³ will be ready in time for transmission to the Advisory Committee by the end of February.

(Signed) Walter ROBERTS

MEMORANDUM FROM HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM
ON VARIOUS QUESTIONS DEALT WITH IN THE REPORT OF THE LEAGUE OF NATIONS
ADVISORY COMMITTEE OF EXPERTS ON SLAVERY (1936).

1. The report of the Advisory Committee has been read with interest. Copies were circulated to the Governments of all the territories administered under the authority of His Majesty's Government in the United Kingdom and not only those specifically mentioned in the report. The object of this was to keep all colonial Governments informed of the work of the Advisory Committee and to give them an opportunity of supplying any information which might be of interest to the Committee. The Governments were accordingly invited to make a careful study of the report, particularly of Chapters III and IV, and to furnish their observations on any matters with which they were concerned and also any information which they considered might usefully be communicated to the Advisory Committee.

2. The large majority of the Governments have reported that they have no comments to offer and have reiterated that slavery in any form whatsoever does not exist in the territories administered by them. The observations of the remaining Governments are summarised below. The information is presented under the headings adopted by the Advisory Committee in their report.

CHAPTER II. — SLAVE RAIDS, SLAVE TRADE, AND CAPTURED SLAVES.

3. In paragraph 18 of the memorandum⁴ dated January 1936, dealing with the situation in Nigeria (Appendix 1 to His Majesty's Government's memorandum of 1936), reference was made to the campaign which was being undertaken in the south-eastern provinces against child stealing and slave dealing. The Assistant Commissioner of Police who was specially detailed for this work in 1933 has now been withdrawn, as the colonial Government came to the conclusion that a special mission conducted by an Assistant Commissioner was unwarranted

¹ See the 1936 report, page 58.

² See page 29.

³ See page 46.

⁴ See page 65 of the 1936 report.

and that at least equally good results could be obtained by ordinary police methods with the co-operation of the administrative officers. The special investigation, however, has yielded much information which will be of value to the administrative officers who will carry on the campaign. Moreover, the people have been made unmistakably aware that the Administration will not tolerate the traffic of slave dealing and child stealing and they will be the more ready to bring forward their complaints. As the result of the campaign, fifteen persons were prosecuted in 1934, of whom thirteen were convicted and two discharged. In 1935, eighty-one persons were prosecuted, of whom fifty-one were convicted and thirty discharged. There is little doubt that the traffic is carried on by individuals and not, as was at first suspected, by organised gangs. The Governor of Nigeria has caused instructions to be issued that the efforts to suppress the traffic must not be relaxed.

4. It was stated in paragraph 17 of His Majesty's Government's memorandum¹ of 1936 that the Resident at Aden was being invited to take an early opportunity to negotiate further agreements with the chiefs of the Aden Protectorate to secure their co-operation in the prevention of the introduction of further slaves. The Sultan of Lahej and the Sultan of Shihr and Mukalla have now subscribed to an agreement by which they solemnly proclaim on behalf of themselves, their heirs and successors their determination to prohibit by every possible means the import of African slaves by sea into their territories. The example of the two leading chiefs has been followed by the Fadhli and the Kathiri sultans, by the Sultan of Bālihāf, and by the two sheikhs of the Ahl Subeiha, whose territories lie along the coast between Aden and Perim — namely, the 'Ātifi and the Barhimi. The other coastal chiefs who are in treaty relations with His Majesty's Government have been invited to sign the agreement and their replies are awaited. It is now proposed to invite the inland chiefs to sign an agreement on similar lines to suppress the importation of slaves by land.

5. Similar efforts are being made to secure by agreement with the local rulers the ultimate abolition of the sale of slaves and of the institution of slavery within the protectorate. The Sultan of Shihr and Mukalla and the Kathiri sultan have agreed to the abolition of the sale of slaves at fairs and the granting of freedom to any slave on his demanding it. The Sultan of Lahej has stated that the sale of slaves at markets in his territory has never been the custom and he has given an assurance that such transactions will never take place. It is hoped that the example of the leading sultans will be followed by the other chiefs.

6. In consequence of the Advisory Committee's observations in regard to the liberation of captured slaves recorded in paragraph 15 on page 17 of their report,² the Sultan of Lahej is being invited to alter the second sentence of his Proclamation of March 7th, 1935 (Annex 10, on page 75 of the Advisory Committee's report),² so as to read as follows :

“ Whoever disobeys this, or is found knowingly to keep in his possession an imported or captured slave, will render himself liable to severe punishment.”

7. The Sultan of Shihr and Mukalla is being invited to issue a similar proclamation, and it is proposed in due course to ask other protectorate chiefs to follow the example in this matter of the two leading sultans.

8. In considering the measures taken for the suppression of slavery in the Aden Protectorate, it should be borne in mind that the territory is not under direct British administration and that measures of social reform desired by His Majesty's Government can be effected only through the willing co-operation of the chiefs. To secure this it is necessary to proceed gradually and not to antagonise them by submitting them to too strong a pressure on a subject regarding which the interference of His Majesty's Government might easily be resented. It will be appreciated that slow progress is likely to be the surest in the conditions that prevail in the protectorate; but the advance already made must be regarded as considerable.

CHAPTER III. — BORN SLAVES.

9. In paragraph 2 of this chapter in the Advisory Committee's report,³ there appears a list of countries and territories in Africa in which no kind of slavery now exists. To that list should be added the following colonies, protectorates and territories under British mandate in Africa, in which there are no persons in any status or condition resembling slavery, including domestic or voluntary slavery : Gambia, Gold Coast Colony and Protectorate, Togoland under British mandate, Kenya, Northern Rhodesia, Nyasaland, Sierra Leone Colony and Protectorate, Somaliland, Tanganyika Territory, Uganda and Zanzibar.

¹ See page 61 of the 1936 report.

² See the 1936 report.

³ See page 17 of the 1936 report.

10. In view, however, of the Advisory Committee's remarks on pages 20 to 22 of their report, it is thought that the following additional information regarding the position in certain of the territories mentioned should be placed in the possession of the Committee. Particulars of any assistance which has been given in the past to newly emancipated slaves, either by way of loans or settlement in special villages, or otherwise, will be included in this information as desired by the Advisory Committee (*vide* paragraph 7 on page 24 of their report).

Gambia.

The word "slave" is still used to describe a large class of persons in the protectorate, but it has long ceased to have any but a social significance. It implies descent from servile ancestors, but carries with it no disadvantages beyond a disinclination on the part of the free-born to marry into a slave family. Such disinclination is purely a personal matter, and has no recognition in the laws enforced by the native tribunals.

The emancipation of slaves has been brought about in two ways. First, the great bulk of slaves took advantage of the Slave Trade Abolition Ordinance, 1906 (Cap. 4), to leave their masters' compounds, and to set up as independent farmers, either in the same village, or in a new village formed entirely of ex-slaves. Secondly, a few slaves have purchased their freedom in the traditional manner by the payment to their masters of about £12, or have been granted freedom as a reward for faithful service. In this case, the social status of slavery is in theory removed, though the presence of slave-born relations remains a handicap when marriage with a free-born family is contemplated. In neither case is servile origin an obstacle to the attainment of positions of eminence. Many of the village heads and native tribunal members are slave born.

There remains a very small minority of slave-born persons who have continued to live in the compounds in which they or their ancestors worked. These, as well as farming their own plots of land, receive board and lodging in return for helping the head of the household in his house or farm, and are economically in the same position as hired labour, or the younger members of the family. Such persons are fully aware of their right to leave their former masters' compounds and to set up independent households elsewhere should they so desire; and, further, it is well known throughout the protectorate that no man may keep a slave. Under Section 239 of the Gambia Criminal Code, which is in force in the protectorate, it is a punishable offence for any person to detain another person against his will as a slave.

It is impossible to estimate accurately the number of slave-born persons in the Gambia, but very approximately it may be said to be between 20,000 and 40,000. These are principally found in the protectorate. Among the descendants of West Indians in the colony, no social distinctions are recognised between persons of free and servile origin.

It is considered that governmental action would not serve any useful purpose. In other countries recognition of equality has failed to dissipate prejudices of birth, and it is not considered that any action of the Government would be more effective. The disadvantages of servile origin are purely social and of inconsiderable importance. Their gradual disappearance in the face of economic and legal equality may be taken as inevitable.

Gold Coast and Togoland.

In the 1935 memorandum¹ supplied by His Majesty's Government in the United Kingdom, it was explained that the term "domestic slavery" as applied to the Gold Coast was a misnomer. It was also pointed out that it is very difficult to draw any precise distinction in the matter of rights and privileges between "domestic" slaves and free born; and that the only handicap which the former suffer is that their origin is known. The only so-called "voluntary" slaves in the Gold Coast to-day are the descendants of former slaves, but they live under conditions which by no stretch of imagination can be described as slavery. More appropriately should such condition be termed adoption. It is impossible to give an estimate of their number (for the simple reason that neither they nor the families with whom they reside will admit that they are other than free), but it must be small and decreasing annually, owing to normal wastage by death and the acceptance of their progeny as free born. They are slaves in name only and not in fact, the circumstances in which they live are not akin to slavery, and they are perfectly contented with their lot and have no desire to change it. Under Section 449 of the Gold Coast Criminal Code, which is also in force in Togoland under British mandate, it is a punishable offence to keep a person as a slave against his will. It may therefore be asserted that there are no persons in the Gold Coast in any status or condition resembling slavery. The same applies to Togoland under British mandate.

¹ See page 28 of the 1935 report.

It has not been necessary in the Gold Coast at any time to afford assistance to newly liberated slaves by means of Government loans or by the establishment of special villages or settlements.

Kenya.

In paragraph 9 of the report from the Governor of Kenya dated June 2nd, 1924, which formed one of the annexures to His Majesty's Government's communication to the League of Nations of September 2nd, 1924 (League of Nations document A.25(a).1924.VI), it was stated that freed slaves had been established in settlements where they cultivated sufficient food for their needs, and that an annual sum was provided by the Government as poor relief for the aged and infirm, the numbers of whom were fast diminishing. Since this was written, these old people have steadily decreased in number and it was only necessary to provide £122 for their maintenance during 1936.

A description of one of the ex-slave settlements which was instituted in the Giriama district may be of interest. In 1911, an area of 2,000 acres of good agricultural land was set aside at Tezo, between Kilifi and Malindi, for the purpose; this land was in close proximity to the villages where the ex-slaves were living, each of whom was allowed to cultivate an area of approximately two acres, at a nominal rent of one rupee per annum, on which he built himself a house. By 1915, the ex-slaves were settled contentedly, but even then the agriculturist ex-slaves were rapidly dying out and the younger members of the community were taking up other work as fishermen, water-carriers, or the less desirable occupation of "tembo" tappers, but were rarely tillers of the soil. Those who remained continued to plant their crops, and in 1919, the District Commissioner reported that the ex-slaves in the Tezo settlement were mostly old men, the numbers of whom were dwindling each year.

This process has continued, and more recently large numbers of Nyika natives have drifted into the settlement, and are living there as if it were part of their own Native Reserve. No objection has been raised to this incursion by such descendants of the ex-slaves who remain, since, presumably, they do not desire a perpetual reminder of their origin or wish to be surrounded exclusively by their own class.

The history of other ex-slave settlements has been similar to that described above, and as regards the future it seems certain that the descendants of ex-slaves will, to an increasing extent, mingle and inter-marry with the more virile free-born native, until their existence as a separate class ceases. No better fate than this could befall them, and it is probable that the increased economic prosperity, and general improvement in the standard of living which is beginning to be apparent, will accelerate the process.

At Lamu, eleven ex-slaves are accommodated in a settlement on Government-owned land. These persons are paid a monthly allowance of 8 to 50 shillings, and some clothes are provided as occasion demands. They are all aged and unable to perform manual or other labour, so the necessity for providing land for them to cultivate does not arise.

Many ex-slaves did not, of course, enter the settlements, and continue to live on the estates of their late masters, but although a sense of protection, on the one hand, and obligation, on the other, still subsists to some extent, the Governor of Kenya has no hesitation in saying that there are at the present time in the colony no persons in any status or condition resembling slavery.

Sierra Leone.

On the life of the majority of former slaves in Sierra Leone, the passing of the Legal Status of Slavery (Abolition) Ordinance, 1927 (No. 24 of 1927), had little practical effect. Those who did not continue to work voluntarily for their former masters either settled in neighbouring chiefdoms or obtained employment elsewhere. No case came to light of any former slave experiencing difficulty in obtaining a livelihood as a result of his emancipation; consequently no assistance was offered by the Government either by way of loans or by settlement in special villages.

Somaliland.

Subsequent to the release of the slaves owned by the late "Mad Mullah" Mohamed Abdulla Hassan, there have been no slaves of any sort or description in Somaliland, and the toleration of slavery by the tribes is not even a remote possibility.

Tanganyika Territory.

In the summary of the position in this territory on page 22 of the Advisory Committee's report,¹ comment is made on the fact that, whereas in the memorandum furnished by His Majesty's Government in 1935 it was stated that compulsory slavery in the territory had ceased to exist, the 1936 report employed the expression "slavery in the accepted sense of the term" in reference to the Bugufi area of the Biharamulo district. In order to clear up any misunderstandings which may have arisen from the use of these expressions, it should be

¹ See the 1936 report.

explained that the reference to the Bugufi area in paragraph 11 of the memorandum of 1936 was intended to indicate that the feudal system of land tenure which is, or rather was, prevalent there (since it is rapidly becoming obsolete) was in no way connected with slavery. Some form of tribute and service was known to exist in Bugufi but its source was the tenure of land, and the personal freedom of the inhabitants was in no way affected. Hence the use of the words "slavery in the accepted sense of the term".

The expression "compulsory slavery" appearing in the earlier reports was used through inadvertence; the word "compulsory" was superfluous and misleading. It may now be asserted that there are no persons in any status or condition resembling slavery, including domestic slavery, in Tanganyika Territory. As a result, it has not been necessary for the Government of the territory to afford assistance to newly liberated slaves, either by way of loans or by the establishment of special villages or settlements.

Since August 1935, no prosecutions have been undertaken under the Involuntary Servitude (Abolition) Ordinance (Chapter 26 of the Laws), but five prosecutions (including one retrial) have been instituted under Section 235 of Chapter XXV of the Penal Code for kidnapping. In one case, a sentence of twelve months' hard labour was quashed by the High Court, and a new trial ordered. The accused was finally found guilty and sentenced to the same term of imprisonment. In two cases, proceedings were instituted in the subordinate courts by the police, but on investigation it was found that they merely concerned the custody of children whose parents had obtained a divorce after their birth. The cases were accordingly transferred to the competent native court, before which an amicable settlement was effected. In the remaining case, the accused was discharged.

Zanzibar.

A memorandum by the Curator of the Zanzibar Museum describing the various forms of assistance rendered in the past to newly emancipated slaves by the Government of the protectorate and the missionary institutions is appended (Appendix 1).

Nigeria and the Cameroons.

In the northern provinces, the position prior to September 1936 was that all persons born after March 31st, 1901, were free, while "slaves" born on or before that date could always acquire their freedom either from the courts or direct from their masters. Of the second class, those who had not up to September 24th, 1936, obtained their freedom were by Ordinance No. 19 of 1936, of which a copy is appended (Appendix 2), declared to be free. In this connection it is of interest to record that the proposal to pass this ordinance was supported by the Sultan of Sokoto and other chiefs of high standing.

In order to illustrate the position a statement is set out below giving an estimate of the number of persons in the northern provinces who, prior to the enactment of Ordinance No. 19 of 1936, did not take advantage of the existing facilities for freeing themselves and of persons who, although free, continued to live with their former masters or their parents' masters.

1. Approximate number of "slaves" who did not take advantage of the law prior to the introduction of Ordinance No. 19 of 1936	71,880
2. Approximate number of "slaves" who took advantage of the law (or who have been ransomed) but have continued in their previous mode of living	15,570
3. Approximate number of children of "slaves", who, though born after 1901 and therefore free, have continued to live with their parents' masters, as the latter's dependants	30,490
4. Approximate number of ex-"slaves" in the Cameroons under British mandate (who became free on the enactment of Ordinance No. 1 of 1925), who have continued their previous mode of living.	1,090
Total	119,030

It may be regarded as strange that so many as 71,880 failed to avail themselves of the chance of freeing themselves under the law as it stood prior to the passing of Ordinance No. 19 of 1936 and that approximately 46,000 persons who were either free by birth after 1901 or freed themselves continued in their previous mode of life or lived with their parents' masters as the latter's dependants. The explanation lies in the fact that slavery did not really exist. With the exception of a small proportion of the total number, all these persons were engaged on their own account in either farming or trade or held some salaried post under the native administration. As they owned or cultivated their own farms or traded on their own account, there was nothing to differentiate their position from that of their "free" neighbours, except a certain social stigma which, in a few places, was attached to slave origin. A very small proportion of those shown in the above statement had remained with their masters or former

masters and did no agriculture or trade on their own account. They have been mainly confined to retainers in the households of the wealthier classes. The reasons which led to their so remaining were varied. In many cases it is the fact that bonds of life-long affection held master and servant and it was unthinkable to either of them that they should part. In many cases, elderly persons preferred to continue their previous mode of life rather than, at an advanced age, seek a new mode which appeared to them less sheltered. In many cases, the persons concerned preferred their old life, which gave them a social status and mode of life superior to that of many of the free-born peasantry. It is worth recording in this connection that the Resident, Kano, reports that the most powerful henchman of the Emir in 1925, who was always known as the "Bawan Sarki" or "Emir's slave", was found on enquiry to have been free born and to have taken the title of "Bawan Sarki" because it carried more weight. Slavery has, in fact, been dead for many years and is now dead also in name.

The question of the fee referred to in Appendix 1(a) to the 1935 report furnished by His Majesty's Government (page 28 of the Slavery Committee's report of its second session (1935)) no longer arises, as all persons are now automatically free. The average figure of the fee was 4s.; it was paid sometimes by the master, sometimes by the "slave" and sometimes shared between them, and it accrued to the native treasury. It was not of course in the nature of a ransom, but merely a fee for registration by the native court and for the preparation of a certificate of freedom.

The legislation recently enacted does not give rise to any problem. In recent years it has been unnecessary to take any action regarding ex-slaves, but a freed slaves' home was formerly maintained by the Sudan Interior Mission at Wukari, in the Benue Province. In the early days of the protectorate, a freed slaves' home was also started in Bornu; this was superseded in 1905 by a freed slaves' village, which is now an ordinary native village. There is no record of the Government having given assistance to these or any other measures. The only assistance which has been given in the past by native administrations has been by way of grants of land for farming to ex-"slaves" or "slaves" on application. Such persons can, of course, also obtain loans from their native administrations for the purpose of starting mixed farming in the same way as any other person. It is not considered that any other form of assistance is necessary or desirable.

The foregoing observations are confined to the northern provinces. The situation in the southern provinces is at present being examined and the Advisory Committee will be informed of the results of the enquiry in due course. Some delay is unavoidable, in view of the necessity for close enquiry.

Aden.

11. The lack of accurate statistics in a country which is not directly administered by His Majesty's Government and with many parts of which direct contact is still slight makes it hard to submit reliable figures regarding the number of slaves held in the Aden Protectorate, and this difficulty is enhanced by the fact that the term "slave" is sometimes used with reference to persons of slave origin who are, in fact, free. There is reason to believe that the figure of 4,000 to 5,000, which was given as the number of slaves in the protectorate in paragraph 5 of His Majesty's Government's memorandum of 1936 and on page 23 of the Advisory Committee's report, may, for this and other reasons, be an over-statement. Serfdom in any form distinct from domestic slavery does not exist in the Aden Protectorate.

12. The problem of the social and economic situation of emancipated slaves referred to in paragraph 7 on page 24 of the Advisory Committee's report does not arise directly in the Aden Protectorate, as emancipated slaves in the sultanates and tribal territories are able to adapt themselves to circumstances without the intervention of the Aden Government. In this connection, the following extracts from a recent report (published as Colonial No. 123) by Mr. W. H. Ingrams, O.B.E., First Political Officer, Aden Protectorate, on his tour of the Hadhramaut in 1934/35 and on his subsequent visits to Mukalla are of interest :

"The Qu'aiti and Kathiri Governments are the biggest slave-holders in the country, and I should imagine that there is comparatively little private ownership. Apart from the fact that the slaves are slaves, there is very little to distinguish them, except their African countenances, from other classes of the country, and I never heard a suggestion from masters or slaves that they were anything but exceedingly well treated. They include principally the *Nizam*, the most trusted part of the forces of the Qu'aiti and Kathiri, and receive very exceptional treatment compared with other servants of the State. They can rise to the highest positions, and the present Governor of the Shibam province is a slave. I also met a slave Governor of the town of Hajarein in the Du'an province, and I believe there are others. The town magistrate of Mukalla is also a slave. The young slaves belonging to the Mukalla Government are given especial care and training, and are formed into companies of cadets. They gave us a very creditable drill display in Mukalla (the seat of the Government of the Qu'aiti State)." (Pages 43 and 44.).

“The uniformed police (at Mukalla) are under the command of a Shaush, and the slave police are under a slave who is also the police magistrate.” (Page 91.)

“The total strength of the uniformed police is 60; that of the plain clothes slave police is 33 The peculiar function of the slave police is to deal with armed offenders. Otherwise both bodies of police have the usual functions.” (Page 97.)

“The strength of the regular army (of the Qu'aiti State) is 350 to 400 Yafa'is, and 250 slaves. . . . The Yafa'is receive nine dollars a month, and the slaves one to three dollars as pocket-money, but they are much better off than the Yafa'is, for they receive regular rations for themselves and every member of their families. They are provided with wives, and given milk, which is scarce, for their wives and children.” (Page 96.)

“The Governor of the Shibam province is Ferai Sa'id, a slave who has held high positions and who has previously served at Shibam. He has also been Governor of 'Einat. He was appointed in October 1934, in succession to Sultan 'Ali bin Salah al Qu'aiti.” (Page 118.)

CHAPTER IV. — OTHER INSTITUTIONS.

(b) *Mui-Tsai System.*

13. Copies of the following reports¹ regarding the Mui Tsai in Hong-Kong and Malaya were communicated to the Advisory Committee in October 1936 : (a) A report by the Governor of Hong-Kong for the half year ended May 31st, 1936 ; and (b) a report by the Officer administering the Government of the Straits Settlements on the Mui-Tsai system for the year 1935, and of the action taken in individual cases under the Mui-Tsai Ordinance, 1932, the Women and Girls' Protection Ordinance, 1930, and the Children Ordinance, 1927. A copy of a statement showing the number of Mui Tsai remaining on the registers throughout Malaya on June 30th, 1936, is appended (Appendix 3).

14. An important amendment to the Female Domestic Service Ordinance of Hong-Kong was passed during 1936, under which magistrates are given power to inflict a sentence of imprisonment without the option of a fine for offences against the provisions of the ordinance and regulations. A copy of the amending Ordinance, No. 23 of 1936,² was communicated to the Advisory Committee in October last. A further place of refuge in Hong-Kong was officially recognised on January 23rd, 1936. This is the Salvation Army Home, where ex-Mui Tsai who are wards of the Secretary for Chinese Affairs in the Colony may also be sent to undergo a useful training for later life.

15. In paragraphs 15 and 16 on pages 26 and 27 of the Advisory Committee's report,³ reference is made to the Commission of Enquiry appointed by the Secretary of State for the Colonies early in 1936 to proceed to Hong-Kong and Malaya to study the Mui-Tsai system. The report of the Commission has been completed for publication on March 1st.

(c) *Quasi Adoption of Children.*

16. The preparation of legislation to give effect to the report of the Sub-Committee set up to consider the question of the adoption of children in Ceylon, to which reference is made in paragraphs 20 and 21 on page 27 of the Advisory Committee's report,³ is receiving the close attention of the Ceylon Government and it is expected that the necessary legislation will be introduced into the State Council in 1937.

(d) *Serfdom.*

17. In paragraphs 23 and 24 on page 27 of the Advisory Committee's report,³ reference is made to the position of the Masarwa in the Bechuanaland Protectorate. As stated therein, a European officer has, in accordance with the recommendation in the report by Mr. E. S. B. Tagart, C.B.E., been specially detailed to take charge of the interests of the Masarwa, and an interim report⁴ on the work so far accomplished by this officer and on the action taken to implement the other recommendations in the Tagart report was furnished to the Committee in January of this year. The census of the Masarwa is now nearly complete, and when the officer has completed his investigations and furnished a full account of his findings, the considered recommendations of the Administration for furthering the interests of the Masarwa and putting in their way opportunities for employment will be drawn up.

¹ See page 20.

² See page 25.

³ See the 1936 report.

⁴ See page 29.

Appendix 1.

MEMORANDUM BY THE CURATOR OF THE ZANZIBAR MUSEUM DESCRIBING THE VARIOUS FORMS OF ASSISTANCE RENDERED IN THE PAST TO NEWLY EMANCIPATED SLAVES BY THE GOVERNMENT OF ZANZIBAR AND MISSIONARY INSTITUTIONS.

Liberated slaves were provided for and absorbed into the community as responsible people by the following methods in Zanzibar and Pemba during the latter half of the nineteenth century.

1. PAID LABOURERS.

In many cases, an arrangement was made between the freed slaves and their former owners to remain on the plantation as free labourers contracting wages. They received a hut and garden plot in which they grew produce for their own consumption. A freed slave who wished to remain on his master's estate had to work for him for three days instead of paying rent for house and garden. Under General Rigby (1858-1861), some 8,000 slaves were freed. He was keenly aware of the necessity for the after-care of emancipated slaves and placed them with their former owners to work four days a week in return for a house and cultivating rights. In the case of children who were the slaves of a rich Hindu, Rigby made over to them for twelve years a good plantation of their former owner, and placed men in charge of it to teach the children to cultivate it and so earn their own living. Some of the large contingents of slaves captured from dhows, he sent to the Seychelles. In Pemba, instead of paying rent, they worked four days a week for six hours a day on the owner's land; all work outside that period was paid in coin or kind by the master. This contract was arranged usually in writing for a period of two years and was later registered in the courts. The slaves had no difficulty in finding a patron; the owners of the plantations were ready to accept them on Government terms and conditions and thus avoid a serious dislocation in the supply of labour. A slave had to bring the person on whose land he had permission to settle, or a letter, as proof that he possessed a regular domicile and means of subsistence; the name of the person was registered as responsible for the well-being of that particular slave. This measure was necessary to check vagrancy.

Under this heading should be mentioned Captain Fraser's estate at Mkokotoni, which already at the time of Sir Bartle Frere's mission (1873) was run by paid native labour which was engaged, not only in "field-making and road-making, but all the masonry, carpenter's and smith's and cooper's work . . . with only one exception all had been slaves". Captain Fraser's success had an important bearing on Sir Bartle Frere's mission, as his plantation could be held up as an example.

2. SETTLEMENT ON GOVERNMENT PLANTATIONS.

Freed slaves were employed on certain plantations, the chief of which was at Dunga, in Zanzibar. At Tundaus, in Pemba, the Government built a school and houses for native teachers, a scheme in which Sir John Key amalgamated his small native mission. Technical training was made the most prominent part of the system; children were taught agriculture, the making of copra, coir-rope mats and palm-leaf roofing. The more intelligent were sent to the Director of Agriculture at Dunga for a practical training in planting and agriculture, especially in the planting of economic plants, with a view to producing capable overseers. Fitzgerald says of Dunga: "This was the first banana cultivation that I had seen surrounding a small village of freed slaves (Wahadinu (Wahadimu), the original inhabitants of the island) . . . The custom is to give each slave when freed a small plot of land attached to his house, in which he grows native produce for domestic consumption. The *Anti-Slavery Reporter* records a typical settlement of rescued slaves, of thirteen — eight were employed on a Government estate and five were repatriated. In this connection, the following passage from the *Anti-Slavery Reporter* of 1901 may be quoted:

"In allotting freed slaves, the court has lately adopted the sound principle of distributing them where their labour is most needed, and where it can most profitably be employed, from the economic point of view. With that object, preference is invariably given to owners of clove *shambas*. The applicant has to satisfy the court upon two points: first, as to the number of bearing trees upon his property, and, second, as to the total number of slaves which he possesses. The court endeavours, in so far as the

available supply of freed slaves permits, to allot to any given applicant as many freed slaves as will suffice, either in conjunction with the slaves owned by the applicant or by themselves, if he has no slaves to work his *shamba* The *shambas* owned by the Government and by His Highness the Sultan personally, upon which large numbers of freed slaves were placed during the early days of the working of the decree, when some difficulty was experienced in disposing of the crowds of applicants for manumission, will henceforth be regarded as depots, from which the freed slaves will be drafted during clove harvest times to those parts of the island where the crop is heaviest and labour most needed."

3. SETTLEMENT IN SPECIAL VILLAGES.

Slavery and the Christian missions were closely connected. The principal work of most of the missions was to receive and train liberated slaves. Sir Bartle Frere insisted on making industrial work part of their training, so as to enable them to earn a living. Bishop Tozer undertook the care of children, if food and clothes were provided for them by the Government. On behalf of the U.M.C.A., he bought land at Mbweni, where a village for freed slaves was established. In 1874, there were 7 adult men and 15 women living in huts; in two years' time, further captures of slaves from dhows increased the number to 140. In 1884, there were 250 adult freed slaves living in their own huts and cultivating food crops by their own methods, which were encouraged; they were also occupied in burning coral into lime which they sold and in growing sugar on a small scale from which they produced syrup for sale. The mission gave clothes and pocket-money which amounted to about £2.5 each per annum. In addition to the adult settlement, there was a boarding-school for girls run by Miss Thackery. In 1876, they numbered 62. The school was essentially practical and the girls were taught household and needlework; they also made mats and did washing for neighbours. Boys were received at Kiungani, another U.M.C.A. school. Of the settlement in Pemba, Miss Voules, a veteran missionary, writes :

"The clove-shamba with which the Universities' Mission tried in the past to help the Christian freed slaves was bought with a sum of money from a private individual, given with the idea of assisting the ex-slaves to become small-holders, and so to be self-supporting and to have a stake in the land They were allowed to buy the land and the clove-trees on very easy terms on two conditions : (a) they were always to be ready to help pick the mission cloves ; (b) they were not free to sell their land in the open market, or to bequeath it to outsiders, but only to buyers or heirs approved by the Pemba Mission authorities for the time being, which, in practice, meant African Christians In order to prevent their selling to Indians or Arabs and so defeating the original intention of the generous donor the plan worked fairly well, although breaches of contract were not unknown. A would-be purchaser was expected to pay about half the sum agreed upon before he was allowed to pick his cloves. He could then complete his payments by annual instalments which were met by his clove-sales, so that he practically became the owner of the land after paying half, or, in some cases, very much less than half, the price. There were certain safeguards on the mission's side The Bishop has now decided to sell off all that remains of the original shamba to the highest bidder, at the same time removing from African owners all the restrictions originally imposed, so that the future of the land is henceforth in their own hands."

At Banani, in Pemba, an estate was bought in 1897 by the Society of Friends and an Industrial Mission for freed slaves established. All the initial building was carried out by the former slaves. Here, especially, they received training in carpentry and handicrafts, in habits of thrift and industry and general education. Mr. Heath, of the Friends Mission, writes :

"Boys who were slaves or children of slaves were taken into our boys' house, where they were clothed, fed, taught the three R's and spent a good deal of each day in growing food-crops and doing other work."

The French mission also played its part in receiving rescued children.

4. MISCELLANEOUS EMPLOYMENT

Freed slaves educated by the missions were taken into offices, others were employed by the Public Works Department and children were taken into domestic service by English families.

There was always a great demand for labour, not only on the plantations but in the service of American, German and French commercial houses. Many found employment in the cowrie trade, others in sifting and washing gum-copal or husking coconuts.

5. LOANS.

The U.M.C.A. had in Pemba a loan fund, from which money was given to buy land ; the borrower had to find half the amount. Miss Voules writes :

“We still have a small clove-loan fund, from which we advance a few shillings (say 4s. to 10s. or 12s., according to the size of the shamba) at the beginning of each harvest to pay for drying-mats and pickers' wages. These loans must be repaid within three months ; anyone who fails to pay up is not allowed to borrow again, and we have practically no difficulty as to repayments — this fund has been in existence some fifty years.”

Appendix 2.

PROTECTORATE OF NIGERIA : A SLAVERY AMENDMENT ORDINANCE No. 19, DATED SEPTEMBER 24TH, 1936.

Be it enacted by the Governor of the Protectorate of Nigeria as follows :

1. This ordinance may be cited as the Slavery (Amendment) Ordinance, 1936.
 2. Section 3 of the Slavery Ordinance is hereby amended by deleting the words “ born in or brought within the northern provinces after March 31st, 1901 ”, and substituting therefor the words heretofore or hereafter born in or brought within the northern provinces’.
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Appendix 3.

MALAYA : MUI-TSAI REGISTRATION AS ON JUNE 30TH, 1936.

	Straits Settlements					Federated Malay States					Unfederated Malay States						
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Perlis	Kedah	Kelantan	Trengganu	Brunei	Total
Number registered on December 31st, 1935	439	448	212	1	1,100	392	385	156	61	994	121	19	85	—	—	—	225
Cancelled :																	
Returned to parents	4	3	—	—	7	1	1	—	—	2	—	1	2	—	—	—	3
Left Settlement or State	2	2	6	1	11	10	3	1	2	16	—	1	2	—	—	—	3
Married	14	11	5	—	30	11	17	7	4	39	2	—	2	—	—	—	4
Ceased to be Mui Tsai	38	2	3	—	43	19	2	—	7	28	2	—	—	—	—	—	2
Admitted to Po Leung Kuk	4	—	2	—	6	5	3	—	1	9	1	—	—	—	—	—	1
Miscellaneous	11 ¹	—	5	—	16	2	—	4 ²	—	6	2	—	—	—	—	—	2
Total cancelled	73	18	21	1	113	48	26	12	14	100	7	2	6	—	—	—	15
Added to Register on transfer from another Settlement or State	1	6	1	—	8	1	4	2	—	7	3	—	—	—	—	—	3
Total on register on June 30th, 1936	367	436	192	—	995	345	363	146	47	901	117	17	79	—	—	—	213

¹ 1 died and 1 absconded.
² 4 died.

ANNEX 5.

C.C.E.E.148.

COMMUNICATION, DATED MARCH 1st, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to the letter¹ from this department of February 22nd, I am directed by Mr. Secretary Eden to forward to you herewith, for transmission to the Advisory Committee of Experts on Slavery, twelve copies of the Report² of the Commission on Mui Tsai in Hong-Kong and Malaya, together with two copies³ of the Volumes of Evidence.

(Signed) George MOUNSEY.

ANNEX 6.

C.C.E.E.159(1).

COMMUNICATION, DATED MARCH 8th, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH TWO APPENDICES).

With reference to paragraph 2 of the letter¹ from this department of February 22nd, enclosing a memorandum upon certain questions concerning slavery and the slave trade in colonies and territories under the administration of His Majesty's Government in the United Kingdom, I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, a supplementary memorandum⁴ on the subject of the manumissions of slaves by His Majesty's Legation at Jedda.

2. A further supplementary memorandum regarding slavery in certain territories bordering on the Persian Gulf will be sent to you shortly for transmission to the Advisory Committee.⁵

(Signed) Lacy BAGGALLAY.

* * *

THE ABANDONMENT BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF THE RIGHT TO MANUMIT SLAVES PRESENTING THEMSELVES AT HIS MAJESTY'S LEGATION AT JEDDA.

The right of manumitting slaves presenting themselves with a request for liberation and repatriation to their country of origin, which had long been practised by His Majesty's Consular Officers in the Hejaz and Nejd, was affirmed in an exchange of notes between His Majesty the King of the Hejaz and of Nejd and its Dependencies and Sir Gilbert Clayton, His Majesty's Commissioner and Minister Plenipotentiary at Jedda, at the time of the conclusion of the Treaty of Jedda of May 20th, 1927.⁶

2. In his note to His Majesty King Abdul Aziz, dated May 19th, 1927, Sir Gilbert Clayton stated :

" . . . I have the honour to inform Your Majesty that His Britannic Majesty's Government feel it their duty to abstain at present from renouncing the right of manumitting slaves. . . .

" I would add that His Britannic Majesty's Government will be prepared to consider the abolition of the right of manumission as soon as it becomes clear to both parties that the co-operation stipulated in Article 7⁷ of the Treaty of Jedda has resulted in the enforcement of such practical measures as to render the exercise of the right of manumission no longer necessary."

¹ See page 35.

² Copy of this report (Colonial No. 125) is kept in the archives of the Secretariat of the League of Nations.

³ These copies are kept in the archives of the Secretariat of the League of Nations.

⁴ For previous communications, see page 36 of the 1936 report, and page 19 of the present report.

⁵ See page 49.

⁶ This Treaty is contained in the *League of Nations Treaty Series*, Volume LXXI, pages 153-158.

⁷ Article 7 of the Treaty of Jedda reads :

" His Majesty the King of the Hejaz and of Nejd and its Dependencies undertakes to co-operate by all the means at his disposal with His Britannic Majesty in the suppression of the slave trade."

3. In his reply dated May 21st, 1927, His Majesty King Abdul Aziz stated :

“ . . . I am confident that the British Agent at Jedda will always act in accordance with the spirit in which our agreement was arrived at, and that he will not permit any confusion, as this might have undesirable effects on the administrative and economic aspects of this question.”

4. Recently the Sa'udi Arabian Government drew up Slavery Regulations (a translation of which is attached hereto for convenience of reference, Appendix A) prohibiting absolutely the importation of slaves by sea, and prohibiting the importation of slaves by land routes “ unless the importer produces a Government document confirming that the person imported was recognised as a slave in the country from which he is imported ”. These and other provisions of the Slavery Regulations satisfied His Majesty's Government in the United Kingdom that the moment foreseen in the notes exchanged in 1927 had arrived, and that the exercise of the right of manumission by His Majesty's representatives at Jedda should be terminated.

5. Accordingly, in notes exchanged at Jedda on October 3rd, 1936, between His Majesty's Minister and the Sa'udi Arabian Minister for Foreign Affairs, His Majesty's Government in the United Kingdom, *inter alia*, renounced, as from the date of promulgation of the Slavery Regulations (October 2nd, 1936), the right of manumission hitherto exercised by His Majesty's representatives in Sa'udi Arabia. (A copy of the notes exchanged is attached for convenience of reference,¹ Appendix B).]

6. At the time of the exchange of the notes referred to above, an understanding was reached between His Majesty's Legation at Jedda and the Sa'udi Arabian authorities ensuring the liberation of those slaves (comprising a woman and her three children) who were present in His Majesty's Legation at the time of the exchange of the notes.

Appendix A.

INSTRUCTIONS CONCERNING TRAFFIC IN SLAVES.

(Promulgated on October 2nd, 1936.)

Part I.

[Translation].

Article 1. — Whereas the provisions of the Islamic law require that the subjects of treaty States shall not be enslaved or sold, it is absolutely prohibited :

- (1) To import slaves into the Kingdom of Sa'udi Arabia from any country by sea ;
- (2) To import slaves into the Kingdom of Sa'udi Arabia by land routes unless the importer produces a Government document confirming that the person imported was recognised as a slave in the country from which he is imported at the time of the publication of this regulation ;
- (3) To enslave free persons in the Kingdom of Sa'udi Arabia ;
- (4) To buy or obtain possession of any slave who has been imported or enslaved in any manner contravening the foregoing paragraphs after the promulgation of this regulation.

In the event of any contravention of the provisions of the foregoing paragraphs, the person committing such contravention shall be liable to the following penalty :

- (1) The slave concerned shall be considered free and set at liberty ;
- (2) The Customs regulations against smugglers shall be enforced ;
- (3) Rigorous imprisonment shall be imposed for a period not exceeding one year.

Part II.

Article 2. — The slave shall have the following rights as against his owner or possessor :

- (1) The right to be fed, clothed and housed ;
- (2) The right to be well treated and to be employed with kindness and consideration and without harshness ;
- (3) The right to free medical attention ;
- (4) In general, all the rights enjoyed by the members of a man's household or dependents as laid down in the provisions of the Islamic law.

¹ See Cmd. 5380. — This document is kept in the Archives of the Secretariat of the League of Nations.

Article 3. — In the event of a slave complaining of bad treatment on the part of his owner or possessor, the competent authority shall summon both the complainant and the person against whom the complaint is lodged and, if it is satisfied that the complaint is well founded, it shall caution the owner or possessor in the first instance and shall grant him respite for a period not exceeding two months in order to examine again the condition of the complainant, and, if it is satisfied in the second instance that the grounds for complaint still exist, it shall compel the owner or possessor to divest himself of the ownership or possession of the complainant either by sale or otherwise. If the owner or possessor fails to bring the complainant before the competent authority within the period fixed by it, he shall be punished, in the first instance, by a fine not exceeding £1 and, if the contravention is repeated, a fine double that amount shall be imposed and he may be sentenced to imprisonment for a period not exceeding one week.

Article 4. — Any slave who can prove that he was born free and that he was enslaved in a manner contrary to Islamic law during the period which has elapsed since the establishment of the Government of His Majesty the King in the year 1344 shall have the right to petition for his release from slavery, and it is the duty of the competent authority to consent to examine the case and to give an equitable decision concerning it.

Article 5. — Subject to any rights which the owner or possessor may have reserved in a form recognised by Islamic law and recorded in writing at the time of the marriage, it shall not be lawful for the owner or possessor to separate two slaves who have contracted matrimony in accordance with Islamic law except under an order issued in accordance with that law.

Article 6. — The owner or possessor shall not separate children from their mother so long as they are minors.

Article 7. — The slave shall have the right to apply to his owner or possessor for *Mukâtaba* (i.e., an agreement enabling the slave to purchase his freedom), and it shall be the duty of the owner or possessor to accede to this demand and, in the event of any dispute arising between owner or possessor and slave as to the amount of the sum to be paid, that sum shall be assessed by the competent authorities and they shall appoint dates for its discharge. The existence of the *Mukâtaba* shall not be held to set aside the application of the provisions of Article 3 above.

Article 8. — Any slave who was born outside the Kingdom of Sa'udi Arabia shall have the right to choose the place where he shall reside when he has been freed in accordance with the provisions of this regulation or in accordance with any other form recognised by Islamic law.

Article 9. — All slaves must be enrolled in a special register to be kept by the competent authorities, and every slave shall be given a certificate of identity containing his description and, in the case of males, his photograph. Certificates of identity shall be in triplicate, one to be kept by the competent authorities, one by the owner or possessor and one by the slave. There shall be entered on the certificate of identity all the formalities relating to the slave, and the owners or possessors of the slave shall be required to complete the formalities of the registration within one year from the date of the promulgation of this regulation.

Article 10. — Any slave who has not been registered by his owner in the manner set forth in the preceding article shall have the right to present himself before the competent authority and to demand to be given a certificate of freedom.

Article 11. — When slaves are transferred from the possession of one person to that of another, they must be produced before one of the doctors of the Department of Public Health, in order to obtain a certificate that they are in good health.

Part III.

Article 12. — It is not permitted to engage in the traffic in slaves as an agent or broker except in accordance with an official licence issued by the competent authority.

Article 13. — A special official, entitled Inspector of Slave Affairs, shall be appointed to deal with matters relating to slaves and he shall have, in case of necessity, a travelling assistant.

Article 14. — The competent local authorities shall present a six-monthly report on the working of this regulation, containing a summary of the formalities which have been concluded, and the six-monthly reports shall be forwarded, together with the observations of the Inspector of Slave Affairs, to the Minister of the Interior within two months from the expiry of the six-monthly period covered by the report.

Article 15. — The competent authorities referred to in this regulation are the Ministry of the Interior in the capital and the Amirates in the provinces, and, when cases are under consideration in accordance with the provisions of this regulation, the competent authority shall form a committee to examine and give judgment concerning the matter, this committee to be composed of a representative of the said authority, a representative of the Police Department and a representative of the Administrative Council.

Article 16. — This regulation shall have effect from the date of its promulgation.

ANNEX 7.

C.C.E.E.160.

COMMUNICATION, DATED MARCH 11TH, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to the letter from this department of February 22nd¹ transmitting observations on the report of the Advisory Committee of Experts on Slavery on its meeting in April 1936, I am directed by Mr. Secretary Eden to forward to you herewith, for transmission to the Advisory Committee, a note giving certain information on the subject of slavery in the Persian Gulf.

(Signed) Lacy BAGGALLAY.

* * *

SLAVERY IN THE PERSIAN GULF.

The information required falls under the following headings :

(a) Any laws and regulations enacted during 1936 with a view to the application of the provisions of Article 7 of the Slavery Convention, 1926 :

No such legislation has been enacted during 1936 in Kuwait, Bahrein, the Trucial Coast or Muscat.

(b) Any information supplementary to Annex 8 to the Advisory Committee's report, page 72.²

His Majesty's Government have not at present anything to add to the information supplied last year, except with reference to the statement (see page 73 of the report) that slavery in Bahrein is " for practical purposes extinct ".

Further enquiry has been made into this matter, and it can now be definitely stated that slavery is extinct in Bahrein.

His Majesty's Government hoped to be in a position to furnish some supplementary information on the subject of slavery in the Persian Gulf at a later date.

The number of slaves manumitted during the year was :

Bahrein agency	17
Muscat agency	7
Shargah agency	25
	<hr/>
Total	49

ANNEX 8.

C.C.E.E.162.

COMMUNICATION, DATED APRIL 3RD, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to my letter of February 22nd, 1937,¹ I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, a statement on the work performed by the Red Sea sloops during the period March 31st to December 31st, 1936.

(Signed) R. C. SKRINE STEVENSON.

* * *

Nothing has occurred to suggest that the general conditions as described in paragraph 25 of the memorandum sent to the League of Nations (Foreign Office letter of February 14th, 1935)² have in any way changed. During the period between March 31st and December 31st, 1936, the Red Sea sloops covered 8,177 miles and examined eight dhows, with no results.

The Committee will realise that a certain interference with the normal activities of the Red Sea sloops was rendered necessary by the abnormal political conditions which obtained in the Red Sea during the period under review.

¹ See page 35.
² See 1936 report.
• See page 25 of the 1935 report.

COMMUNICATION, DATED APRIL 8TH, 1937, FROM THE
GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

With reference to the letter from this department of February 22nd, 1937,¹ I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, copies of a statement showing the number of Mui Tsai remaining on the registers throughout Malaya on December 31st, 1936.

(Signed) D. F. HOWARD.

¹ See page 35.

Appendix.

MALAYA : MUI-TSAI REGISTRATION AS ON DECEMBER 31ST, 1936.

	Straits Settlements					Federated Malay States					Unfederated Malay States						
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Perlis	Kedah	Kelantan	Trengganu	Brunei	Total
Number registered on June 30th, 1936	367	436	192	—	995	345	363	146	47	901	117	17	79	—	—	—	213
Cancelled :																	
Returned to parents . .	—	1	—	—	1	1	—	—	—	1	—	—	—	—	—	—	—
Left Settlement or State	4	5	2	—	11	5	3	5	2	15	—	—	1	—	—	—	1
Married	19	6	5	—	30	19	14	12	4	49	9	—	—	—	—	—	9
Ceased to be Mui Tsai . .	3	10	3	—	16	3	7	1	2	13	1	—	—	—	—	—	1
Admitted to Po Leung Kuk	2	3	—	—	5	—	6	—	—	6	—	—	—	—	—	—	—
Miscellaneous	3	13	—	—	16	3	1 ¹	—	—	4	3	—	—	—	—	—	—
Total cancelled	31	38	10	—	79	31	31	18	8	88	13	—	1	—	—	—	14
Added to Register on transfer from another Settlement or State	2	2	—	—	4	3	3	1	—	7	2	—	1	—	—	—	3
Total on Register on December 31st, 1936	338	400	182	—	920	317	335	129	39	820	106	17	79	—	—	—	202

¹ Died as the result of an accident.

ANNEX 10.

C.C.E.E.141.

COMMUNICATION, DATED NOVEMBER 3RD, 1936, FROM THE SPANISH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation from the Spanish.*]

Madrid, November 3rd, 1936.

In reply to your communication of July 13th, 1936 (C.L.126.1936.VI), I have the honour to communicate hereunder the information requested concerning slavery in our African possessions, as provided by the Convention of September 25th, 1926.

In view of the small area of the Spanish possessions in Africa, and of the fact that continental Guinea is bordered on the south and east by the large French colony of Gaboon, on the north by the Cameroons under French mandate — these being the only countries through which the slave trade could be carried on, although actually it is out of the question, owing to the strict supervision exercised by both countries — and on the west by the sea, intercolonial maritime communications are assured by Spanish vessels, over which a specially close watch is kept. For those reasons, slavery is non-existent in these colonies.

In the Spanish Sahara, what is known as "domestic slavery" still exists, although the Spanish authorities are doing their utmost to suppress it. This form of slavery, which is also found in other parts of Africa, is difficult to get rid of, because the serf, who is treated by his master as a member of the family, does not want his freedom, although he knows he would obtain it immediately if he simply appealed to the authorities. Such persons have, of course, been serfs for many years, for the sale of slaves has now been completely abolished in those regions.

No slavery in any of the forms mentioned by the Committee of Experts exists in the territories on the Gulf of Guinea, the Committee having decided that the so-called sale of women, the usual form of contracting marriage, does not constitute slavery.

Although it has only a remote connection with this concrete point, I would inform you that, with reference to the system of labour, the Spanish Government has promulgated various measures affecting native labour legislation and providing a guarantee that the natives shall be free to hire out their services voluntarily, by means of the institution of the Curatorship, which exercises supervision and prevents any abuses. Special mention should be made of the following measures :

(a) The Decree of September 27th, 1934 (*Official Bulletin* of October 1st, 1934), whereby, as from January 1st, in confirmation of previous measures, the recruiting of labour was prohibited. To replace this system, labour exchanges were set up at the branch offices of the Government and at the military stations. These exchanges register the names of natives who come to them of their own accord and wish to hire their services out by contract. The recruiting of labour is strictly prohibited on pain of a fine varying from 100 to 5,000 pesetas. In fixing the penalty, the fact that the offender is an official is regarded as an aggravating circumstance. Provision is made for labour contracts lasting for one year, which may be extended, with the consent of the native, for not more than another year. Special shorter contracts may be concluded for a period of three months at harvest-time, while women may sign a contract for seven days.

(b) The Ordinance of June 28th, 1936, confirming that the infliction of any form of corporal punishment is prohibited, and that the offender will be punished — thus challenging any defamatory assertions that may have been made in regard to some isolated cases. Offenders are punished with a fine varying from 1,000 to 2,500 pesetas for the first offence, from 2,500 to 10,000 for the second offence, and with expulsion from the territory on the third occasion. The corresponding penal sentences may also be imposed.

(Signed) R. DE UREÑA.

ANNEX 11.

C.C.E.E.144.

COMMUNICATION, DATED FEBRUARY 19TH, 1937, FROM THE FRENCH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation.*]

With reference to paragraph (c) of the resolution on slavery adopted by the Council of the League of Nations on July 4th last, I have the honour to communicate herewith a report on slavery and slave-trading in the territories of Indo-China, Madagascar, French Somaliland, French West Africa, Togoland and the Cameroons during the year 1936.

I will not fail to communicate the report relating to Equatorial Africa as soon as it reaches me.

(Signed) MASSIGLI.

* * *

[*Translation.*]

REPORT TO THE ADVISORY COMMITTEE OF EXPERTS ON SLAVERY.

(Resolution of the Council of the League of Nations dated July 4th, 1936.)

The French Government, generally speaking, has nothing to add to the report¹ concerning slavery and slave-trading in the territories subject to its authority which it submitted to the Advisory Committee of Experts on Slavery in 1936.

Slavery properly so called must be regarded as having completely disappeared. For this reason, the Government and the local administrations have concentrated their efforts on suppressing certain practices which some observers describe as "disguised forms of slavery" or at least as vestiges of slavery, whereas in reality they are only very distantly related to it.

Such practices are the pledging of individuals as security for debt — a custom which the economic crisis has revived in Cambodia and certain districts of French West Africa — and the circumstances of native marriage in certain colonies of that Federation. The question is examined below.

There is a marked decline of slave-trading in Central Africa, and no case has been reported from our East African colony.

The reports supplied by the colonies concerned may be briefly summarised as follows :

Indo-China.

Customs which might perhaps be held to amount to disguised forms of slavery are found to survive only in Cochin-China, where they are steadily dwindling, and in Cambodia.

Cochin-China. — It sometimes happens, both among Annamites and Mois, that debtors offer themselves or their children in settlement of interest and capital. This is the practice incorrectly described as debt-slavery.

The debtor can recover his freedom at any time, and in such a case remains indebted only to the extent of any unpaid balance, while interest again begins to run.

The new Civil Code, specially adapted to Cochin-China and now in course of preparation, is to include provisions prohibiting any person from pledging his services otherwise than on a time basis and limiting the hiring of labour for repayment of debt to periods of short duration.

Cambodia. — Pledging for debt is governed by the following clearly defined principles :

- (1) The capital cannot yield interest while the debtor is under pledge ;
- (2) The rights of the master cannot be greater than those of a creditor ;
- (3) The pledged individual must be paid the usual rate of wages for his work.

A Royal Ordinance of August 19th, 1936, reproduced herewith as Appendix I, lays down the minimum rate of remuneration of pledged individuals.

Lastly, the Decree of December 30th, 1936, relating to native labour in Indo-China, which forbids the hiring-out of services for a long period or for unspecified purposes, together with the campaign now being waged against usury, will contribute to remove the few social servitudes which still survive in an attenuated form in certain parts of Indo-China.

¹ See page 78 of the 1936 report.

Madagascar; Somaliland.

There is no custom resembling even very modified forms of slavery in these colonies. No instance of slave-trading has been reported in French Somaliland. The enquiry undertaken as a consequence of the incident mentioned in the 1936 report (document C.C.E.E. 82 or C.189(1).M.113.1936.VI, page 78) does not appear to have produced any results.

French West Africa.

As the French Government informed the Committee of Experts in 1936,¹ the economic crisis has, in certain parts of French West Africa, encouraged the revival of old customs permitting the pledging of individuals as security for debt.

An enquiry undertaken in 1935 by order of the Governor-General shows that, in its strictest form, the contract includes the following features : the debtor hands over a member of his family to his creditor as guarantee until the debt is fully repaid. The pledged individual is fed, lodged, maintained and cared for by the creditor, but works entirely for the benefit of the latter and without pay ; his work is deemed to represent a form of interest on the debt, and its value is not deducted from the capital sum as it is in Cochin-China and Cambodia. Pledging ceases when repayment has been completed, or by agreement with the creditor.

In this form, pledging amounts to a clear violation of personal freedom. Even though the custom had never entirely disappeared, it had at any rate evolved to such an extent as only vaguely to recall the original custom, which latter is, moreover, strictly prohibited under the penal provisions of the Decree of December 12th, 1905.

The economic crisis, which has gravely affected French West Africa, has led to a revival of these ancient practices in certain colonies belonging to this group.

The Governor-General accordingly ordered an enquiry to ascertain whether it was desirable to regulate, not, of course, contracts on the matter — which clearly could not be countenanced — but pledging in the form in which it is still generally practised.

A draft circular was submitted for approval to the Minister for the Colonies, laying down a number of rules and guiding principles designed to reduce this custom to a simple labour contract. This contract would only have been authorised in the form of a written agreement, as provided for in the Decree of May 2nd, 1906. It could not have been concluded unless not only those answerable for the pledged person, but the person himself, whether under legal disability or not, expressly gave their consent in the presence of an official of the Administration. The daily wage was to be compulsorily set off against both principal and interest, etc.

The Government held, however, that, even with these safeguards, the contract nevertheless constituted a violation of the right to the free disposal of his person which every one must retain. It feared, moreover, that, under cover of this legal form, and in spite of all administrative supervision, a state of affairs much closer to the ancient custom than to the newly instituted contract would in effect be perpetuated.

The Government accordingly took the view that it would be better to oppose these practices energetically than to seek compromises which might serve to screen abuses.

M. de Coppet, the Governor-General, announced in his speech at the opening of the session of the Council of Government that " this barbarous custom will disappear, or at any rate it will, by 1938, be classified as an act of slave-trading and punished as such."

The second point, relating to native marriage, is admittedly more delicate.

The French Government has already put the main elements of the problem before the Advisory Committee of Experts : women, whilst not being fully freed from paternal authority, must be given greater liberty, and native customs must be reconciled with the canon law as observed by Christians in the matter of consent to marriage. The question is rendered particularly difficult by the heterogeneous character of the populations of French West Africa (which are so numerous that administrative boundaries cannot coincide with racial divisions), by the diversity of their customs, and, above all by the very different rates of their development.

Certainly, it is yet too early to impose upon the natives laws based upon our principles of civilisation. To attempt an over-rapid moral reform of family customs would involve the risk of undermining the foundations of native social life without replacing them by new institutions.

The immediate promulgation of unduly strict regulations therefore appears to be undesirable. But that does not mean that the local Administration has resigned itself to a policy of waiting and inaction. The Governor-General holds that the problem is one of primary importance and has informed the Council of Government that certain backward and reprehensible marriage customs are to be altered.

The Ministry for the Colonies will not fail to study the proposals which are shortly to be submitted by the local Administration with all the attention they deserve and with the necessary caution.

* * *

¹ See page 78 of the 1936 report.

The year 1936 has confirmed the satisfactory evolution of native morals in French West Africa. The attached table (Appendix II) shows that there have been very few cases of slave-trading.

Three cases were disposed of in the courts in Dahomey, and one in Niger. In French Guinea, the court of the Labé district passed four sentences for the selling of children.

An enquiry undertaken by the administrative authorities of this same district revealed the survival of customs which, without as yet being clearly definable, seem to approximate to a disguised form of slavery. It appears that, in order to raise funds, a Diallonke chief ordered several villages in his area to supply a number of marriageable girls, whom he collected in a caravanserai where were gathered heads of Fullah families provided with money, cattle and cloth. Here it is alleged that these girls were given in marriage to the young chiefs (or handed over, or pawned) in the presence of the parents.

An exhaustive enquiry has been set on foot, and the Governor-General has stated that all necessary legal and administrative measures have been taken.

* * *

One of the clearest proofs of the disappearance of servile labour from French West Africa is the fact that the nomads in the Saharan and pre-Saharan regions are tending more and more to engage in domestic and agricultural work, which used to be performed only by persons in servitude. This tendency has become specially noticeable in the Eastern districts of the Niger colony, where, in addition, seventeen captives have been freed since October 1935. Additional information has been asked for concerning the origin of these captives and the exact circumstances of their release, and this will be forwarded to the Advisory Committee of Experts in due course.

* * *

In connection with the hope expressed by the Committee of Experts at its third session, that co-operation between France and Spain should be established in the Saharan area,¹ it should be noted that reports from Mauritania confirm the existence of an entirely satisfactory state of affairs in that territory. Both the local Administration and the Government have adopted the principle of close collaboration with the Rio de Oro authorities in the matter, and negotiations to that end will be entered into as soon as circumstances are favourable.

Togoland.

No cases of slavery or slave-trading having been reported for several years, the territory has forwarded no information which could be laid before the Committee.

Cameroons.

The attached table (Appendix III) shows the marked decrease that has occurred in cases of slave-trading.

Whereas in 1934 there were eighteen cases under this head, the number in 1935 was sixteen, and, during the first quarter of 1936, seven. (It has not been possible to obtain figures for the whole year, in view of the distance of the North Cameroon districts, where the cases of slave-trading occur.)

Convictions fell from thirty-nine in 1935 to five in 1936.

These satisfactory results are due to the strengthening of measures of supervision, and to closer co-operation with the authorities in Nigeria and in French Equatorial Africa.

Appendix I.

CAMBODIAN ROYAL ORDINANCE No. 134, OF AUGUST 19TH, 1936.

By Royal Ordinance No. 134, of August 19th, 1936, put into force on the 20th of the same month,

Articles 2 and 6 of the Royal Ordinance of December 20th, 1897, are amended and replaced by the following :

“ *Article 2.* — Any insolvent debtor who voluntarily places his services at the disposal of his creditor shall in future be entitled to wages of three piastres per month for men aged 18 to 60 years inclusive, and two piastres per month for women aged 18 to 60 inclusive. In both cases they shall be fed and clothed by the creditor. Youths and women under 18 years of age shall, in addition to food and clothing, be entitled to wages, fixed for youths from 14 to 16 years at one piastre per month, and from 16 to 18 years at two piastres, and for women from 14 to 18 years at one piastre. Persons of either sex above the age of 60 years shall, in addition to food and clothing, be entitled to fixed wages of two piastres per month.

“ The taking into service, by a creditor, of minors of both sexes under 14 years of age, even with the consent of the debtor relatives (ascendants, descendants or collateral), is strictly prohibited.”

“ *Article 6.* — In the case of persons pledged for debt, who are minors or aged persons in the sense of Article 2 of the present Ordinance and who are entitled to the wages specified in the said article, the debt shall not carry interest.”

The rest of the Ordinance without change.

¹ See page 13 of the 1936 report.

Appendix II.

STATISTICS OF CASES OF SLAVE-TRADING DECIDED IN THE COURTS OF FRENCH WEST AFRICA DURING 1936.

Colony	Number of cases	Judgments and convictions	Number of persons convicted	Sentence		Remarks
				Fine	Imprisonment	
Dahomey	3	2	3 + 1	French francs 500	(1) { 1 year 1 month 3 months (2) 2 years	One acquittal. Five years' expulsion.
French Guinea	4	4	10	(1) 50 (2) 10 (3) 50 (4) 50 75 300	(1) 2 years (2) 2 years 2 years 3 years	Three persons convicted (same sentences). Two persons convicted. One person convicted (sequel to the earlier two cases). One acquittal. One conviction by default.
Niger . .	1	1	1	500	2 years	

Appendix III.

CAMEROONS : SLAVERY AND SLAVE-TRADING.

District	Number of cases			Number of convictions			Total years of imprisonment			Total fines		
	1934	1935	First nine months 1936	1934	1935	First nine months 1936	1934	1935	First nine months 1936	1934	1935	First nine months 1936
Haut-Nyong. .		1			3			1		French francs	French francs	French francs
M'Bam											100	
Lom and Kadei												
Wouri.												
Noun.												
N'Ten.	1			1			3					
Sanaga-Maritime . .												
Chari												
Bénoué		5	2		6	1		76	1		10,500	100
Kribi												
Logone		1	5		5	4		76	77*		16,100	21,600**
Mandara	17	9		27	25		257	217		5,500	1,000	
Adamaoua. . . .												
Mungo												
N'Kam												
Nyong and Sanaga												
Boumba-Ngoko												

* Of which 40 by default.
** Of which 20,000 by default.

ANNEX 12.

C.C.E.E.136.

COMMUNICATION, DATED SEPTEMBER 14TH, 1936, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Secretary of State for India to refer to the letter from this Office of March 31st, 1936,¹ regarding the recommendation made in the report of the second session of the Advisory Committee of Experts on Slavery concerning the reservation of certain areas in Burma from the operation of Articles 2(b), 6 and 7 of the Slavery Convention of 1926.

I am to inform you that the Secretary of State, having consulted the Government of India, has decided that measures shall again be undertaken for the abolition of slavery in the Naga tracts to which the above-mentioned reservation applies. It will be appreciated that the areas in question are remote, inaccessible and trackless, and that they are inhabited by a number of mutually hostile tribes differing in race, language and customs. Expeditions despatched to these areas involve very heavy expenditure, and would probably have to be continued for several years before the country was ready for administration such as was recently extended to the Triangle and the Hukawng Valley areas of Burma. Moreover, the Secretary of State is satisfied, from the experience of the past, that this heavy expenditure is disproportionate to any effects that can be achieved by this method employed as a primary means of penetration. In such country, the effects of an expedition are both limited in extent and transitory. He considers that the only practicable means for the eventual abolition of slavery in this territory lies in the adoption, in the first instance, of a policy of peaceful penetration by establishing contact with the nearest tribes and gradually extending the influence of Government. At the same time, he feels it necessary to point out that, while, as stated in my letter quoted above, the number of slaves remaining in these areas is very small, the complete abolition of slavery in them will of necessity be a slow process.

I am further to say that, in addition to considering the position in Burma, the Secretary of State, in consultation with the Government of India, has been giving his close attention to the similar problem in Assam. The territories in Assam which are reserved from the operation of certain articles of the Slavery Convention are " the Sadiya and Balipara frontier tracts ; the tribal area to the east of the Naga Hills district, up to the Burma boundary ; and a small tract in the south of the Lushai Hills district " .

The tract in the Lushai Hills district is now under regular administration and no slavery exists there.

As regards the tribal area to the east of the Naga Hills district, up to the Burma boundary, it is reported that no trade in slaves exists in the area, that reported cases of slavery are extremely rare, and that slavery proper is confined to one small circumscribed area. It is proposed to extend the sphere of control to this comparatively small area, and it is hoped by this means and by subsequent occasional visits to the area by a small force to bring the system of slavery to an end within a reasonably short time.

The Sadiya and Balipara frontier tracts comprise partly administered and partly unadministered territory. The administered portion has now been brought under regular administration and is free from anything that savours of slavery. A very loose control is exercised over the tribes in the parts of the area that adjoin the administered area, mainly with a view to protecting the inhabitants of the latter area from any hostile incursions. There is some slavery in the unadministered area, and to bring about progressively and as soon as possible the complete abolition of slavery in all its forms would necessitate the actual occupation of the country and the establishment of regular administration — a course which would be quite impracticable, as the country is inaccessible for the greater part of the year and is inhabited by an intractable population. Even in this area, however, the local Government contemplate some action by making it possible for a Political Officer to tour and make known the wishes of Government about the abolition of slavery. He would in course of time be in a position to take steps to prevent and punish the buying and selling of slaves, but it is doubtful if the action contemplated, which is the maximum practicable at present, could be expected to eradicate slavery in the foreseeable future.

In view of the action already taken or contemplated in Burma and Assam in this matter, the Secretary of State considers that the modification of the reservation which is appended to India's signature of the Slavery Convention would be justified in respect of those areas in which slavery has already been abolished or in which active steps are contemplated for abolition. The areas in question are the Naga tracts in Burma and Assam, the administered portions of the Sadiya and Balipara frontier tracts, and the small tract in the south of the Lushai Hills district.

I am accordingly to request that the wording of the reservation may be amended by the omission of the words " in Burma . . . Lushai Hills district " and the substitution for them of the words " in Assam, the unadministered portions of the Sadiya and Balipara frontier tracts " .

(Signed) E. J. TURNER.

¹ See page 82 of the 1936 report.

ANNEX 13.

C.C.E.E.147.

COMMUNICATION, DATED FEBRUARY 27TH, 1937, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

I am directed by the Secretary of State for India in Council to refer to your Circular Letter 126.1936.VI, of July 13th, 1936, communicating a resolution relating to slavery adopted by the Council of the League on July 4th.

2. In accordance with that resolution, I am to forward, for the information of the Advisory Committee of Experts on Slavery, a copy of a report dated December 10th, 1936, on the working of the Bhagela Regulation in the State of Hyderabad, which contains information such as was requested by the Advisory Committee in Chapter IV of its report.¹ dated May 15th, 1936.

3. In paragraph (c) (3) of Chapter I of the same report, the Committee asks whether India's signature of the Slavery Convention "implies the accession of all the native Indian States, except as regards the articles in respect of which special reservations have been made". In reply, I am to state that, except as regards the reserved articles, India's signature applies to all the Indian States. The Government of India is unable, by adherence to an international undertaking, to impose upon the States obligations which affect solely their internal administration; hence it was necessary to make a reservation in respect of those articles of the Convention which would have imposed such obligations on the States. In the sphere of international relations, on the other hand, the Government of India can and does accept obligations on behalf of the States, and ensures their fulfilment. The articles in respect of which no reservation was made deal with matters of international concern.

I am to request that the foregoing may be brought to the notice of the Advisory Committee.

(Signed) E. J. TURNER.

Appendix.

COPY OF REPORT, DATED DECEMBER 10TH, 1936, FROM THE ADDITIONAL REVENUE SECRETARY ON THE WORKING OF THE BHAGELA REGULATION.

The Bhagela Regulation² was notified and brought into force on Forwardi 7, 1345 Fasli, corresponding to February 8th, 1936. During the last eight or nine months, I have personally brought the provision of the Bhagela Regulation to the notice of the classes concerned during my tours in nearly seventy-five villages. I have also impressed on all Taluqdars and their touring subordinates the necessity of explaining the following important provisions of the Regulation to Bhagelas and their employers — viz. :

(a) That on Forwardi 6, 1346 Fasli, corresponding to February 7th, 1937, all stipulated labour under old agreements should be considered to have been duly performed and all old debts duly discharged with interest if any; and

(b) That fresh agreements shall be void unless stamped agreements with counterparts are executed, providing that the period for the performance of labour shall not exceed one year, that all liability in respect of any advance, debt or interest in future shall be extinguished on expiry of the period and that fair rates of remuneration and reasonable hours of service should be mentioned in the agreements.

2. As old agreements were to endure for one year from introduction of the Regulation (*vide* Section 3 of the Regulation), it may be said that the real effect of the Regulation will be from February next. Meanwhile, every endeavour is being made to bring the provisions of this Regulation to the notice both of the employers and the employed. The reaction of both classes is on the whole satisfactory, the Bhagelas being naturally the more pleased owing to the steps which the Government have taken to ameliorate their condition. It is reported from one or two districts that Zamindars are a bit agitated, as their old outstandings are going to be wiped out. But as I found personally, and as reported from other districts, the employers mostly agree that the Regulation is to their advantage also, because when and if during the period of the agreement (*i.e.*, within the year), a Bhagela does not perform the stipulated labour, a suit can be brought by the employer for recovering the amount advanced, with interest up to 6%.

¹ See page 25 of the 1936 report.

² See page 80 of the 1936 report.

3. There is one difficulty that can be adjusted only by time. During my tours, I gathered that the employers of such labour were afraid that they will not in future get the cheap labour they were accustomed to till now, and the Bhagelas were afraid that they would not get in future the same liberal advances for their marriages as before. These difficulties are bound to be experienced for some time. The Bhagela generally borrows a sum (up to Rs. 100) for his marriage, etc., and does not receive an allowance of more than three or four rupees a month, plus a daily meal. As the debt has to be wiped off in future within the year, the employer will naturally not advance more than half or one-third the previous amount, while the Bhagela, knowing that a day-labourer gets seven to ten rupees a month, will not be satisfied with half the monthly wage as heretofore — the meal being considered as a *quid pro quo* for the guarding of his employer's cattle at night. The marriage advance will probably become half of what it used to be (which will be a good thing in itself, as the money is spent mostly in drink), and the monthly wage is bound to go up, as the Bhagela will be free to serve elsewhere.

4. Circulars have been printed locally in the Telugu, Kanarese and Marathi languages and distributed in most of the districts by Tahsildars, who are also explaining the important features of the Bhagela Regulation in those villages where the Bhagela system prevails. It will be seen from the reports of twelve districts that the Bhagela system is not in vogue in the Marathwara districts, where yearly and monthly wage-earners serve as agricultural labourers, and that, in the Karantia districts and in Osmanabad district, service agreements are made only for one or two years. The only districts where the Bhagela system prevails are the Telingana districts of Warangal, Nalgonda, Karimnagar, Mahboobnagar, Nizamabad and Medak. The result of the intensive propaganda during the last few months is that the making of annual agreements is now contemplated in the Telingana also, where the only question agitating the people is the scale of wages and the amount of the advance. Some agriculturists are hoping to circumvent the intention underlying the Regulation by incorporating the old debt in the new agreement as if it was a fresh cash loan. I have warned district officers to be on their guard in this respect. Strict supervision will be necessary for some years to see that arrears of the debt are not incorporated every year in the fresh annual agreements. For this purpose, the annual agreements should be checked in villages by touring gazetted officers, like land revenue receipts, as otherwise the Bhagela will not be made free to serve where he likes.

5. I have seen a few thousands of Bhagelas and was satisfied with their physical condition. I did not see deterioration in the health of this class as compared to the general physical condition of the people. This was to be expected, because Bhagelas have to do hard work in fields, and, unless they are properly fed by their masters, they would be of little use for agricultural work. In fact, it is to the interest of the masters to keep their Bhagelas fit for work. They are poorly clad and have very little intelligence, but, even so, it was noticed that some of them disputed the amount of arrears of debt said by their masters to be due from them, till they were told that the Bhagela Regulation had wiped out all previous outstandings.

6. We have improved on the Bihar and Orissa Act. There was no provision there for any procedure by which the employed could obtain redress against the employer. As Bhagelas could not be expected to go to civil courts against their employers, a summary procedure has been prescribed by us under which the divisional officer may, after enquiry, pass an order declaring the agreement to be void. The Hyderabad Bhagela Regulation is not yet on the Statute Book as an Act. It will be placed before the Legislative Council after making necessary modifications and adopting additional measures in the light of a couple of years' experience.

(Signed) S. U. BHARUCHA,

Additional Revenue Secretary.

ANNEX 14.

C.C.E.E.150.

COMMUNICATION, DATED MARCH 3RD, 1937, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH APPENDICES).

With reference to your letter No. C.L.126.1936.VI, of July 13th, 1936, communicating a resolution relating to slavery adopted by the Council of the League of Nations on July 4th, 1936, I am directed by the Secretary of State for India to forward herewith a copy of memoranda by the Governments of Madras and Orissa on the various forms of debt bondage prevalent in those provinces, and a copy of a memorandum by the Government of India on hereditary domestic service in Rajputana.

I am to request that this letter and the enclosed documents may be placed before the Advisory Committee of Experts on Slavery.

(Signed) E. J. TURNER.

Appendix I.

MEMORANDUM ON THE VARIOUS FORMS OF DEBT BONDAGE PREVALENT IN THE
MADRAS PRESIDENCY.

Vizagapatam. — The “Kambari” system prevails in all parts of the district. Under this system, the farm servant undertakes to work in the fields for a period of one year during the agricultural season. The contract expires at the end of the year and the labourer becomes free.

In the Srungavrapukota and Gudem Agencies, the “Kambari” and “Goti” systems prevail. Under the former system, hill people borrow a sum of money (Rs. 50 to Rs. 100) from the landowner and serve under him till the debt is cleared off. The advance bears no interest and is liquidated at the rate of Rs. 5 to Rs. 10 a year. During the period of service, the labourer is given food and clothing and the creditor is at liberty, in case of default to render service or for mistakes that the labourer may commit, to add certain stipulated sums to the amount advanced. The “Goti” system is more serious in character. Under this system, the hill tribes contract debts and agree to serve the landlord who advances the money and bonds are executed. The service rendered either by the debtor, or by his sons or dependants, goes to liquidate the interest only, the principal remaining undischarged. Where the labourer dies without liquidating the principal, his sons also are held responsible to work in his place.

East Godavari. — The “Goti” system is prevalent to some extent in a slightly modified form in the Yellavaram (Agency) taluk of this district. According to this system, a hill man who gets a loan from his master will engage himself as a farm servant till he repays his debt. It is not possible to discharge his loan, as he gets nothing in the form of wages. He gets some allowance in kind but this is hardly enough for his subsistence. Consequently, he will be the slave of his master for life. In some cases, the sons have to pay for the loans taken by their fathers.

West Godavari. — The “Kambari”, the “Goti” and similar systems are not prevalent in the district. There are, however, cases of labourers entering into an agreement with their creditors to work as farm servants for money or grain borrowed by them in advance or after entering service, but in these cases there is no life-long serfdom. They are not strictly speaking cases of debt bondage, as they are terminable at the will of either party. If any amounts are outstanding by the time the debtors leave the service, the balance of the debt will be paid either in cash borrowed from others or by executing promissory notes therefor. These cases are limited and are gradually decreasing.

Kistna. — Debt bondage as a form of domestic or agricultural slavery does not exist in the district. The system of employment of farm servants known as the “Paleru” system prevails, but this does not, in theory or in practice, generally entail any curtailment of the personal liberty of the servants to leave when they like.

Guntur. — Debt bondage is not prevalent in the district. The agriculturists generally employ farm servants on a fixed annual wage with or without food in addition. The master and the servant are at liberty to cancel the engagement at any time during the year.

Kurnool. — In some parts of the districts, a form of debt bondage known as the “ Bhagela ” system is prevalent. Under this system a man, in consideration of a loan taken by him, undertakes to serve the moneylender as a household or agricultural servant for a specified period which extends up to five years, according to the amount borrowed by him. The debtors are at liberty to clear off the debt and quit service at any moment. The system is not considered to be a hardship to the labourer. Generally, youngsters are engaged under this system.

Bellary. — The low caste people — viz., Adi Andhras and landless Boyas — engage themselves to serve their masters from three to five years in return for the money which is lent to them. The amount ranges from Rs. 50 to Rs. 300. The transaction is usually kept secret. During the period of service, the borrower is fed and clothed annually (two pairs of cloths, one kambli and a pair of sandals). In very few cases, hereditary debt bondage occurs.

Anantapur. — The only system of debt bondage that prevails is the system of engaging farm servants by landlords for agricultural work. Money is lent to the labourer on the condition that he renders agricultural or other service for a stipulated period towards the discharge of the debt. The contracts are in most cases oral and are not strictly enforced. There has been no complaint that the system is causing any real hardship to the labourers.

North Arcot. — The “ Kambari ” and “ Goti ” systems of debt bondage are not prevalent. Three other varieties, however, occasionally prevail in some places in the district. Farm servants who are adi-dravidas borrow small sums of money (Rs. 50 to Rs. 100) for household expenses or for purchase of cattle on condition of working under their masters for periods ranging from one to three years. They work only during the cultivation season. In other cases, the borrowers serve as farm servants, getting a share of the produce. Loans ranging from Rs. 25 to Rs. 50 are advanced. There is no binding agreement that the borrowers should work compulsorily and for any fixed period. They are said to work of their own free will under the moral obligation to repay the amount. A pro-note or mortgage deed is executed ordinarily for the loan advanced, but at times the transactions take place orally without any document.

Chittoor. — Debt bondage is prevalent in a mild form throughout the district. There is no question of life-long slavery as in the “ Goti ” system. The debtor has to work only until he redeems his debt or clears off the wages received by him in advance. Another system is prevalent in Vayalpad taluk. Landlords permit poor people to build huts on vacant land and in lieu of payment of rent for the occupation the tenants render service at the time of agricultural operations. If service is not rendered, they are threatened with ejection.

Chingleput. — The “ Kambari ”, “ Goti ”, “ Kamia ” and “ Bhagela ” systems of debt bondage are unknown in this district.

The system of debt bondage for domestic service is also not found. The only form of debt bondage prevalent is known as “ Padiyal ” or “ Adumayal ”. Small sums ranging from Rs. 10 to Rs. 100, which carry no interest, are advances on agreements or pro-notes by landlords to labourers who render service in return as farm servants. It is open to the labourers to repay the debt at any time and take up service under a new master. During their tenure of service, the labourers get some fixed wages with or without some meals, but they are generally not able to redeem their debts from the wages they get either in kind or in cash. In very few cases, action is taken against “ Padiyals ” or “ Adumayals ” for breach of contract or for non-payment of the advance. In most cases, the amount becomes irrecoverable and is written off. The condition of these labourers is better than that of the daily labourer, as it is in the interest of the masters to keep them contented and they are also certain of continuous employment.

South Arcot. — There is no system of debt bondage resembling the “ Goti ” system. Farm labourers known as “ Pannaiyals ” or “ Padiyals ” promise to work for the money advanced to them by their master without entering into the service of other landlords till the debt is cleared. They are paid wages which are sometimes monthly and sometimes annual, according to the rate prevalent in the locality. They can repay the amount by borrowing the money from another landowner and work under him. If they choose and if the amount is not repaid and they quit service, their master can only sue them in a court of law to recover the amount.

Tanjore. — No debt bondage is prevalent in respect of domestic service. In respect of agricultural service, debt bondage is prevalent mainly in the deltaic part of the district.

The service is known as "Pannai" or "Suvanhai", under which an agricultural labourer, invariably of the adi-dravida community, engages himself for perpetual service under a landowner, who advances a loan, generally of Rs. 25 to Rs. 50, for the labourer's marriage and for his settlement in life. The terms of the contract are generally recorded in what are known as debt bonds and sometimes these are registered. Formerly, these bonds were actually termed slavery bonds; but these have now been replaced by debt bonds or the ordinary promissory notes in vogue in the district. Sample forms of the obsolete slavery bonds are not now available. The general stipulation connected with such debt bondage is that the man, his wife and his children, yet to be born, are all to serve as agricultural labourers of the landlord, who allots a site to the labourer for residential purposes and a piece of land for use as a backyard for cultivation purposes. The remuneration for the service rendered is generally half of the wages of an ordinary independent labourer and, as a result, an indebted labourer of this type is said to be unable to repay the debt. This system of bondage which is encouraged by the "Mirasidars" of Tanjore enables them to have a large number of labourers and a ready supply of cheap labour. The labourers are, however, allowed to earn something by working elsewhere when their landlord does not want them. Being unable to pay the debts incurred, they have to remain in the same condition of slavery with no hope of freedom, unless they are prepared to abscond from the place altogether against the terms of the bond. But it is reported that there has been no instance of a debtor serving out his debt or of a landlord enforcing his claim for realisation in court of law. In some cases of families rendering hereditary service, regular bonds are not insisted upon, but a sort of ledger account is maintained.

The system is a vicious one, the indebted families having no chance of competing in the labour market and earning decent wages and discharging their loans. They live in huts not their own, propagating generations destined to live in the same condition with no hope of emancipation.

Trichinopoly. — No form of debt bondage exists, but a system of employment known as the "Pannai" system is prevalent. Loans are advanced free of interest, ranging from Rs. 10 to Rs. 100, and the labourers work under their master till the debt is cleared. The system is not worked in an inhuman way. These labourers have the advantage of steady employment, but their wages are lower than those current in the locality.

Ramnad. — The only form of debt bondage is the "Adimai" system. Under this system, poor people, especially of the depressed classes, engage themselves to work for money borrowed from their landlords until they are able to repay the amount. They are at liberty to transfer service to another after clearing off the debt.

Madura. — Only one particular form of debt bondage is prevalent in the district. When a debtor belonging to the labouring classes (usually he is a member of the depressed classes) is unable to pay a debt, he agrees to discharge it by working as a "Pannai" servant (farm servant). The debtor is at liberty to leave his master as soon as the debt is discharged. The tenure of bondage does not generally exceed two or three years, the amount advanced being generally between Rs. 50 and Rs. 60. The annual remuneration of each servant is from Rs. 25 to Rs. 30, in addition to free meals. The status of such a debtor does not vary from that of an ordinary "Pannai" servant. Where the debtor dies before discharging the debt, the "Pannai" work is continued by his son or heir until it is discharged.

The objectionable nature of this debt bondage is mitigated by the comparatively short period for which the bondage usually lasts. There are, however, a few cases where a "Pannai" servant spends a life-time in working off the debt and then transmits it to his heirs. However objectionable the system may be in theory, it has mitigations in practice.

Salem. — There are no forms of debt bondage similar to those described. Nor is life bondage prevalent. However, the following systems are prevalent :

1. A labourer engages himself to serve a landlord at a fixed rate of pay and obtains an advance of pay for six months or one year and executes a bond under the usual terms of a bond for the amount so obtained. The labourer has to work for his creditor till the money is repaid or get himself released by repaying the loan in full.

2. Poor men of the labouring classes borrow money without interest from their landlords for marriage expenses or for liquidating previous debts and let out their young sons and daughters to work under the landlord without further remuneration except free food and occasional clothing. They are tied down to the master's farm, but are at liberty to repay the debt at any time. These debts are such that they can be paid off by service in five or six years.

Coimbatore. — A system of debt bondage known as “Jeetha”, meaning “service on bond”, is prevalent in Kollegal taluk. Under this, a bond is executed by the labourer for a loan of Rs. 20 to Rs. 200. Loans over Rs. 50 are secured on mortgage of immoveable property and amounts up to Rs. 50 are advanced on simple bonds bearing interest of from 20 % to 30 %. The borrower binds himself, his son, brother or other relative to employment under his creditor for a fixed period, which depends on the money advanced. If the borrower quits service before the expiry of the stipulated period, the whole of the amount, together with interest — which is not usually levied during the period of service — will be recovered, without taking into consideration the service rendered by the labourer to date. If the labourer wants to change his master, the new master clears his debt and takes him under his control. After clearing the debt by service, the servant executes a fresh bond for another fixed period on the same terms, and in this way the bondage continues from generation to generation. The Puliyaans, Pallans and Chuchliyaans of Udumalpet and the hill tribes of the Anamalais in Pollachi taluk bind themselves to their landlords by taking debts from them and work as farm servants in return. As their wages are nominal, they are never able to repay the debts, and the only way of escape is by a change of masters and the negotiation of a fresh loan to pay off the first.

The Nilgiris. — In the Gudalur taluk of the district, Chettie and Badagas, who are the principal agriculturists, employ as farm servants the Paniyas, the Naichens and Corali Kurmbas, who are very primitive people. A loan of Rs. 20 to Rs. 30 is advanced to the labourer. No interest is charged, but the labourer is expected to serve his master for life and he cannot leave the service unless he repays the debt. Another master, who wants to secure his services, clears off the debts due to the former creditor and takes him as a servant. Thus the labourer is in perpetual bondage to one ryot or another. The labourer gets remuneration in kind during the period of service. His wife and children also serve the same master. The marriage and other expenses are met by the masters. If the debt is not discharged by a borrower, it devolves by custom on his descendants, who are expected to serve under the same conditions. There is no question of any loan being liquidated by service in any definite period. The system is gradually disappearing as the farm servants get work on the coffee and tea estates, where they get regular wages.

In the other two taluks of the district — viz., Coonoor and Ootacamund — no form of debt bondage is prevalent.

Malabar. — No form of debt bondage exists in Malabar at present. But a large number of agricultural labourers are attached to their landlords in a way that is fairly closely akin to serfdom. They are given house sites, a little land and occasional presents, but low wages; they are assured of steady employment throughout their life, so much so that the material benefit of their present position is likely to make the average labourer, so engaged, reluctant to abandon his present position. They are also at liberty to separate themselves from the “Jenmi”, and a good many have done so, with doubtful benefit so far to themselves.

South Kanara. — The only form of debt bondage prevalent in the district is a remnant of the old practice of retaining “Mulada Holeyas”, as described on pages 198 and 210 to 213 of the “South Kanara District Manual”. The worst features of this practice, called “Barabaddi”, which was originally actual slavery, have now disappeared. This system is now prevalent only in a few villages in each taluk and is sought to be maintained by influential families of Bunts, Jains, Nairs and other large landowners who attend directly to the cultivation of their own land. According to this system, a certain sum of money is advanced to a family of the “Mulada Holeyas” by the landowner. This amount is not repayable, but the “Mulada Holeyas” have to render service to their masters. This service in some cases is continued till the death of the “Holeya” who borrowed the money; in other cases, it continues during the life-time of the family and even of their successors. The contract, though oral, grows into a custom and has a binding effect. The “Mulada Holeyas” are paid low wages — about half to three-quarters of the usual wages. There have been instances, though rare, of the landowners earning money by temporarily lending the “Mulada Holeyas” to other people for work. In some parts of the district, they are permitted to leave their masters' estates to work in the plantations above the Ghats on payment of a penalty of Rs. 4 per head.

Owing to the increased demand for plantation labour in Mysore and Coorg, combined with the increasing interest taken by the Government and the public in the uplift of the depressed classes, most of these “Mulada Holeyas” have freed themselves from their debt bondage. The system is bound to disappear completely in course of time.

Appendix II.

COPY OF LETTER No. 538R/TEN-1/37, DATED CUTTACK, FEBRUARY 6TH, 1937, FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF ORISSA, REVENUE DEPARTMENT, TO THE ADDITIONAL DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA IN THE FOREIGN AND POLITICAL DEPARTMENT, NEW DELHI.

System of Debt-slavery in India.

With reference to your letter No. F.66-X/35, dated August 26th, 1936, I am directed to submit the following report on the various forms of debt bondage prevalent in the several districts of this province :

Cuttack, Balasore and Puri. — There is no real form of debt bondage in these three coastal districts of Orissa, such as is contemplated in the letter under reference. The nearest approach is the "Halia" system, the description of which is reproduced from Chapter II of the Final Report on the Revision Settlement of Orissa, 1927-1932 :

"13. 'Halia' System. — The casual day labourer in agricultural parts is known as 'mulia'. A system, however, still prevails by which labourers are retained on undefined contracts from year to year. These are designated as 'Halias' or 'Kothias'. The 'Halia' is engaged yearly on Dol-Purnima day (towards the end of March). The basis of his contract is a loan or advance of pay from his employer, varying in amount from Rs. 5 to Rs. 50, and the 'Halia', although engaged for the year, cannot free himself from the obligation to work for his employer until he has repaid this advance. He gets a cash wage of about Rs. 5 to Rs. 10 for the year and a daily wage of 2 annas to 3 annas cash, or $2\frac{1}{4}$ to 3 seers of paddy, on the days on which he works. He generally gets an area of about a fifth to a quarter of an acre of land, which he is allowed to cultivate with ploughs and seeds provided by his master. He also gets 4 to 8 sheaves of paddy per acre ploughed and one in 8 to 12 sheaves of paddy reaped. He is given one *dholi* and one *gamcha* (cloths) during the year. His total income from all these sources will amount to about Rs. 60 per annum. Interest on the loans taken by the 'Halias' is nominally 25 % to 37½ % for cash advances and 50 % for paddy. But, actually, only half these rates are charged unless the contract of service is broken. The 'Halia' system does not appear to lead to oppression, as the servant can generally free himself from his bond if he really wishes to. Cases of long continued service under one contract are rare."

This account, though brief, is the result of detailed enquiries carried out between 1922 and 1932 in the course of the revision settlements of these districts. The absence of debt bondage in the coastal districts is probably due to the opportunities which Calcutta affords to labour.

Sambalpur. — The systems prevalent in the district for a long time are as below :

(a) "Guti" System. — Prevalent in Sadr and Bargarh sub-divisions. "Gutis" are permanent field servants employed by a man of property. At the time of taking them into service, the employer advances them a sum of money (varying from Rs. 5 up to even Rs. 100, according to the locality and the capability of the "Guti") — which is a pledge on the part of the employer that he will keep him in service for at least one year. On the "Guti's" side, similarly, if he leaves his service within one year, he will have to return the advance together with interest up to date, but if he leaves his service after the stipulated period of one year, he will have to return only the amount advanced without any interest. Also a "Guti" cannot leave service at any time unless he returns the amount advanced to him. The "Guti", in addition to his wages at a rate equal to or slightly higher than that paid to day-labourers, is given at the end of the year about twelve maunds of paddy or is allowed to cultivate for himself out of his master's land an area of two or three seers seed capacity (*i.e.*, about 5 lb. of seed). By this means, a careful "Guti" often saves in a year sufficient to release himself if he desires to do so.

(b) "Bahabandhi" System. — Prevalent in Nawapara sub-division. By this system, a labourer is given advance of a sum varying from Rs. 10 to Rs. 30 on condition that he would serve the creditor on wages for one year, at the expiry of which he will be required to repay the loan, failing which he will have to continue serving his creditor for a second year, and so on. In some cases, the labourer gets something more than the usual daily wages; in other cases, he may get a lump payment of about six maunds of paddy in the year.

(c) "Kamia" System. — Prevalent in Nawapara sub-division. Under this system, the labourer takes advance of a sum varying from Rs. 30 to Rs. 60 on condition that he would serve his creditor for the whole year. The sum advanced is equivalent to one year's wages. No further remuneration is paid to him during the course of the year. It often happens that the

labourer, being in want, incurs further debt to the creditor at intervals. At the close of the year, he is required to clear off this loan before he is allowed to serve elsewhere. In this way, the labourer has to continue to serve under the same creditor from year to year.

Ganjam. — There is, in some parts (Balliguda and certain other Agency tracts), a form of voluntary repayment of loan by manual labour, in cases in which the debtor is unable to discharge his debt in money or in kind. If the debtor cannot repay his debts, he agrees to work as the servant of the creditor until the debt is cleared. From the time the debtor becomes a servant of the creditor, repayment of the debt begins at the rate of about Rs. 12 to Rs. 15 a year. The debtor servant gets his supply of food and clothing. No interest is calculated on the debt. The debtor servant leaves his creditor and master when the debt is discharged. In rare cases where the debtor cannot repay the loan otherwise than by becoming a servant of his creditors and does not agree to do service, the matter is referred to a Panchayat and the Panchayat often decides that the debtor should serve as a servant until the debt is thereby discharged.

In certain other parts of the Agency (Surada), money is lent on the promise of personal service by the borrower. In such cases, the rate of monthly wages is fixed. The borrower takes a portion of the wages so fixed and allows the remaining part to be adjusted towards the debt. He works thus under the creditor until the whole debt is liquidated by monthly instalments.

Koraput. — There is a system of debt slavery in the district called the “Gothi” system. The system takes many forms throughout the district. It is based on a contract between master and man. The first stage in the transaction is a loan or advance of cash made by a rich raiyat. In many cases, the terms on which this loan is to be repaid are actually written in a bond called a “Gothinama” or “Kojja”. Repayment is invariably in labour, not in cash. The borrower has to undertake to do not only agricultural service but any task to which his master may call him, and there are frequently penal clauses specifying that, if the “Gothi” absents himself from his work, an amount will be added to his debt. In some cases, the father binds his sons to repay the debts. On the master’s side, there is generally a provision that the loan will be paid off by so many years’ labour — liquidation being at the rate of Rs. 5 on an average per year. The master also gives the “Gothi” a certain quantity of rice per year, on which he is supposed to feed himself and his family. Agreements vary greatly in detail; very often a cloth is given per year or some grain at harvest time or even a few annas monthly for tobacco. Failure of crops, marriage expenses, intoxicating habits also sometimes lead people to take service as a “Gothi”.

Appendix III.

MEMORANDUM ON HEREDITARY DOMESTIC SERVICE IN RAJPUTANA.

With regard to Sir George Maxwell’s reference to the existence of slavery in the Rajput States, the result of enquiries which have been instituted goes to show that, while the existence of a hereditary domestic service system has been admitted to exist in Rajputana, the States concerned protest against including this system in the definition of “slavery”. These domestic servants are known variously as “Daroghas”, “Hazuris”, “Chakars”, etc. But the service of a “Darogha”, etc., to his master is not enforceable by law and does not amount to slavery.

Rajputana is one of the last strongholds in India of old customs and manners of life. Hereditary domestic service (the “Darogha” system) exists in Rajputana only amongst the more important aristocratic families, and these “Daroghas” are generally reported to perform their duties happily and willingly, with a feeling of loyalty to the family which their ancestors have served, and in consideration of the comparative ease and comfort in which they live. Their position involves no ignominy and they are in fact regarded as lesser members of the household. They form an integral part of the social structure and are content with their lot. Generally speaking, no restrictions are placed on the “Darogha’s” personal liberty and he is free to go where and when he likes; nor can he be transferred from one family to another by coercion, and in no case is a transfer enforceable in law.

With the advance of time, this class is gradually disintegrating, and the spread of progressive ideas and changes in economic conditions will accelerate its disappearance. This class of society, however, will not willingly give up an existence where all their expenses are borne by their masters — namely, maintenance, education, marriages and births, funeral rites, etc. — in addition, normally, to a small monthly cash allowance.

ANNEX 15.

C.C.E.E.158.

COMMUNICATION, DATED MARCH 9TH, 1937, FROM THE GOVERNMENT OF INDIA
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to paragraph 7 on page 24 of the report of the Advisory Committee of Experts on Slavery on the work of their third (extraordinary) session (document C.189(1). M.145.1936.VI) and to your letter No. C.L.126.1936.VI, of July 13th, 1936, communicating a resolution adopted by the Council of the League of Nations on July 4th, 1936, I am directed by the Secretary of State for India to forward herewith a copy of a Report on the Suppression of Slavery in the Frontier Areas in Burma. The report is based on a study of the records in the possession of the Government of Burma and on the present opinions of a few experienced frontier officials still in service.

I am to request that this letter and the enclosed report may be placed before the Advisory Committee of Experts on Slavery.

(Signed) E. J. TURNER.

* * *

REPORT ON THE SUPPRESSION OF SLAVERY IN THE FRONTIER
AREAS OF BURMA.

Myitkyina District.

I. INTRODUCTORY.

Before release operations were undertaken, slavery was found to exist in the unadministered or partly administered territories of the Myitkyina District under conditions varying with the manner in which the slave was obtained. The vast majority of slaves were born in bondage. Further supplies were obtained either by purchase from slave dealers or as dowries or in payment of debts or by way of expiating punishment for a crime. There were cases, too, of voluntary servitude, where a man became a slave to obtain protection from an enemy, or in return for food, or, especially in the case of women and children left without husbands or fathers, to escape ill-treatment by relatives. The majority of the slaves were Kachins, but there were also Shans, Nungs, Marus and cognate tribes as well as one or two Indians and even (in Hkamti Long) a Burman. Where purchased, the price varied according to age, personal appearance and physical fitness and was an average of from Rs. 100 to Rs. 150 between the ages of 8 and 50. Most of the slave traders were Kachins. Escape from slavery, except in the southern parts of the Hukawng Valley and where the administered territory was fairly near, was either not possible or not sought for. Inaccessible mountains, many of them snow-clad, encompassed the land on most sides and narrowed down the way of escape to routes which, passing through Kachin country where the natives were either subsidised by the slave dealers or the runaways were seized by inhabitants as their own prey, were naturally not very much favoured. Cases of oppression and ill-treatment, however, were not very numerous, though, of course, they were found here as elsewhere where slavery was practised. Slaves therefore mostly preferred to stay where they were. They were, generally speaking, well fed. If they behaved themselves, they could obtain minor privileges such as permission to build a hut near the master's house or to own a buffalo and a piece of land on payment of a tithe of the produce. Their property value lessened the chances of ill-treatment. Their condition, in fact, was nothing like the unfortunate lot of the slaves in South America, where a cotton market afforded slave-owners an incentive to hard and driving work and to oppressive measures rendered easy by the continual demand for, and the constant and easy supply of, able-bodied slaves. In the slave areas of Myitkyina District, there were no trade markets or centres worth mentioning. Consequently, slaves belonged to the house and were used mainly to till the master's lands sufficiently for his own needs and to perform the usual menial services of the house. This portrayal of their condition of life, however, is not intended to convey the impression that slavery was welcomed as an easy-going method of existence. The slaves may have been well treated, but they bore the stigma of slavery with its entire loss of rights as a villager. They were their masters' chattel and more often than not were taken for ever from their homes or saw their relatives taken from them. Their women became their masters' concubines or were forced to marry men whom they did not like. Girls were

separated from their parents and given or sold as handmaidens to the master's daughter when she married. Slaves and their wives and children were always liable to be sold and their savings and cattle taken from them without any redress. They could be disowned and, in fact, numbers of ownerless slaves were found when release operations began. Their bondage was complete and, until the British Government intervened, redemption was impossible.

II. POLICY.

Broadly speaking, there were three main spheres of action each dealt with separately — namely, the area known as Hkamti Long in the Putao sub-division, the Hukawng Valley and the Triangle. In addition, cases of slavery were dealt with in the Naga Hills contemporaneously with the Hukawng Valley and in the Sumprabum sub-division contemporaneously with the Triangle.

In Hkamti Long and areas where the Government had already extended its sphere of influence and had introduced the first elements of administration, the general policy adopted until the administration was ready to deal effectively with complete abolition was :

(1) That, except as noted below, there should be no active interference with slavery :

(a) In cases where the slavery was due to contract — *e.g.*, people selling themselves for debt ;

(b) In cases of old standing of slaves bought and bred up in the house or born in slavery ;

(2) That it should be impressed on the natives that the whole system of slavery was disapproved and that no ill-treatment of slaves would be allowed. In cases of ill-treatment, the masters would be punished ;

(3) That although slaves should not be encouraged to run away, yet, if any slave did so, the Government would not assist his master to recover him or allow the master to do so by force.

The instructions in item (3) above were a later modification of previous instructions which, being framed primarily in support of the policy of no active interference, were to the effect that, while slaves captured in recent raids who ran away should be given protection if they claimed it, any other slave who ran away should, if claimed, be sent back unless it was clear that he would be killed or ill-treated on return.

The Hukawng Valley and the Triangle were on a slightly different footing, for they remained unadministered territory until after expeditions had been despatched especially to release slaves. Prior to the expeditions and to the announcement of abolition, official visits were in the nature of exploration or preliminary survey and, while encouraging an attitude of disapproval, did not actively interfere with existing practices. The general policy regarding slaves, therefore, had reference more to those slaves who escaped into administered territory than to those who came to the notice of the official visitor. For example, a village near Kamaing in administered territory was established and populated entirely by runaway slaves from the Hukawng Valley and the Triangle long before there was any general release of slaves. These preliminary visits of officers were of value as an indication of the extent and nature of the slavery practised, the condition of the slaves and the power exercised by slave-owners. For example, in the Hukawng Valley it was found that slaves formed about 44% of the population ; that, although they were mostly well treated, they would probably run away if they could ; and that, in fact, in recent years there had been a steady stream of slaves escaping into the accessible and adjacent parts of administered territory. In the Triangle, the influence and the truculent attitude to the Government of some of the more powerful chiefs who were also slave-owners became known and were important factors in the planning of subsequent expeditions.

When the Government was ready to cope with the problem, either by way of expeditions or with the administrative machinery that had already been set up in the territory, the complete abolition of slavery was proclaimed by a specific order of declaration issued as the opportunity occurred and on an occasion which would remain fresh in the memory of the inhabitants. Thus the peace celebrations at the close of the great war were used for a pronouncement in the Hkamti Long, while at durbars held at Myitkyina for the Triangle and at Maingkwan for the Hukawng Valley, His Excellency Sir Harcourt Butler, Governor of Burma, announced with imposing ceremony the firm and unalterable decision of the Government to do away with slavery.

The wisdom of adopting these methods to abolish slavery is shown in the practical advantages that followed. In the first place, by firm and tactful action, by enforcing humane measures wherever possible and by an attitude of discouragement to slavery leading finally to a solemn pronouncement of abolition, not only was the lot of the slaves immensely improved.

but also the minds of their masters became prepared to accept the Government's final decision. Secondly, by the time that decision was made, the Administration was ready to cope with the results that might ensue from the dislocation of the native social and economic system. Thirdly, the native population were given in no uncertain manner a specific date in their calendar. For them it was the dawn of a new era fittingly ushered in under favourable and memorable auspices.

III. HKAMTI LONG.

The introduction of regular administration in 1913/14 was preceded by three expeditions in 1910/11, 1911/12 and 1912/13 which had as their primary object the consolidation of the Government's position and which did not especially concern themselves with slavery. Hkamti Long became merged in the new Putao District and in 1914 the question of slavery was taken up. A census in 1914 showed that there were 1,437 slaves in administered territory, roughly one-fifth of the population of Hkamti Long, excluding the hill-tracts.

After due consideration of these figures, the Government decided on the cautious policy of giving the principles of the general policy outlined above a fair trial before introducing any sudden measure which might have the effect of altering the economic position so adversely as to endanger the agricultural industry of this newly administered area and of making the people hostile. That this was wise was proved by the fact that when in 1919/20 measures towards complete abolition were finally taken, the number of slaves from 9 years old and upwards to be released was found to be only 506. Slaves under 9 years of age totalled 103 and, in addition, there were 2 adults not included in the 1914 census. This is a considerable reduction, not only attributable to death. Many slaves had been able to secure their own emancipation by purchase or through the goodwill of their masters, who were no doubt actuated by the Government's attitude of disapproval and its ultimate intention.

On December 15th, 1919, a public pronouncement, in accordance with the telegraphic orders of the Government, was made during the peace celebrations at Fort Hertz in the presence of the *Sawbwas* or chiefs of all the States comprising Hkamti Long. The terms of the pronouncement were as follows :

" (1) All children born of slave parents since the date of British occupation of the Putao District (November 29th, 1912) will be regarded as free and the owners of the parents will have no claim to compensation for the persons of the children when the children wish to leave their parents' house ;

" (2) All present slaves, excluding children referred to in paragraph (1), will be allowed to purchase their redemption according to a scale to be fixed hereafter. In the case of refusal by the master to allow redemption, the slave may sue his master for redemption before the Civil Officer ;

" (3) In case of ill-treatment of a slave by his master, such slave will either be freed without compensation or a sum proportioned to the degree of ill-treatment will be deducted from the price of his redemption at the discretion of the Civil Officer ;

" (4) The Government will assist slaves to gain their redemption by the payment of advances in cases in which the slave can give sufficient security for the repayment of the advance ;

" (5) The Government will punish with the greatest severity any persons found guilty in future of kidnapping or abducting persons into slavery or of trafficking in slaves."

The immediate effect of this pronouncement was that 103 children and the 2 adults whose names were not disclosed at the 1914 census were declared free without compensation. As regards the others, the amounts fixed for the price of redemption were as follows :

	Rupees
From 9 to 15 years	50
From 16 to 20 years	75
From 21 to 45 years	120
From 46 years and over	60

Advances were to be made to adult slaves of the full amount of the redemption price, provided that the slave produced one-half of the price before the advance was made (to ensure that he had sufficient capital to start life under the new conditions). In the case of women and children, the full redemption price was to be advanced without this condition. In the case of slaves whose labour capacity had been impaired in the opinion of the Civil Officer by age, bodily infirmity or any other cause, the redemption price was to be paid by the Government as a free gift. Advances to meet redemption prices were to be treated as agricultural loans recoverable under the usual rules.

The census taken after the pronouncement showed that there were 506 slaves to be redeemed.

The first report of results was made in April 1921. By that time the total had been reduced by 136 to 373, owing to one or other of the following causes :

- (a) Death ;
- (b) Redemption at own expense ;
- (c) Release by owner *gratis* ;
- (d) Release by marriage with free-born ;
- (e) Release by order of the court without compensation ;
- (f) Redemption by the Government advance or gift.

Only 5 persons were redeemed by the Government assistance under item (f). Of these, 3 were granted advances totalling Rs. 300 and the other 2 were given Rs. 150 altogether. The slow response to the Government's offer to advance money was explained partly by the nervousness of the slaves about borrowing money from the Government to purchase their freedom but chiefly by the conclusion that, not only were most of the slaves quite happy and did not wish to change their present state, but also those who did wish to do so had not the necessary energy to work and, consequently, save towards meeting the advance. It was, however, pointed out that, as a result of the Government's pronouncement, no fresh slaves were coming in, children born of slaves could no longer be classed as slaves and that, therefore, the number of slaves must diminish yearly until within a reasonable time there would be none at all. It was noticed also that between 1919 and 1921 18 slaves were released by their owners for nothing. The progress of release does not appear to have been accelerated by any specific orders, and detailed reports of the number released by Government advances or gifts are not readily available, but it was reported in 1927 that there were no more slaves in the area. In 1927, the Government decided not to recover outstanding loans and interest due, and to refund to released slaves, provided that they remained in the Hkamti Long plain, all instalments and interest paid since His Excellency the Governor's Durbar at Myitkyina in 1927. A sum of 2,640 rupees 12 annas was drawn to meet the expenditure involved in the Government's decision.

The results of the 1919 pronouncement may, therefore, be summed up as follows :

Slaves declared free without compensation.	105
Slaves otherwise released	506
	<hr/>
Total.	611
Amount paid by the Government :	
	Rupees
(a) As loans subsequently written off or refunded, say . . .	2,900
(b) As gifts.	150
	<hr/>
Total.	3,050

The great majority of slaves obtained their release otherwise than by Government financial assistance.

For some years after 1919, results were studied and the condition of the ex-slaves and their former masters reported on. By 1929, officers were able to report that the large majority of ex-slaves had passed the worst stage of their new lives — viz., the establishment of their homes as completely independent of their former masters. Relations with former masters never became strained and no complaint of friction was at any time received from either side by the authorities. Migration was insignificant and any internal movements — *e.g.*, in the direction of setting up new villages — were satisfactorily explained by the natural desire of the ex-slaves to live with each other and with their relatives. No special settlements or villages were created. The Government treated them for the purpose of revenue and village administration on exactly the same footing as their former masters. They became villagers possessed of the ordinary rights and privileges of villagers and amenable as well to local customary law as to the statutory law of the land.

IV. THE HUKAWNG VALLEY.

The result of plans carefully prepared and work organised to the smallest detail was that, with the exception of only one or two cases which were brought to light, in one open season — viz., 1925/26 — every slave in the Hukawng Valley was released with little or no difficulty and with the minimum amount of friction. The Government's decision to abolish slavery was based on a policy to which the slave-owners had previously agreed and was

proclaimed at His Excellency the Governor's Durbar at Maingkwan on January 27th, 1925. The decision was given effect to in orders issued in October 1925 by which the emancipation was to be carried out in the following manner :

(a) Compensation at the following rates was to be paid to the owners of the slaves :

Age	Rupees
1-4	15 each
5-8	35 „
9-15	50 „
16-20	100 „
21-45	120 „
46-60	60 „

(b) Slaves over the age of 60 were to be declared free without the payment of compensation ;

(c) Compensation at the above rates was to be paid to the masters of all the slaves who had run away since His Excellency's visit to the Valley in January 1925 ;

(d) Slaves who were found with no owners were to be released without the payment of compensation, but the headmen of the tracts in which those slaves resided would be paid a solatium of Rs. 15 for each ownerless slave ;

(e) All children born on or after the date of His Excellency the Governor's Durbar at Maingkwan — viz., January 27th, 1925 — and all persons enslaved since that date by purchase dowry or otherwise would be declared free without the payment of compensation ;

(f) Only those slaves whose names had been registered during the Civil Officer's visit in March-April 1925 would ordinarily be considered. Any slaves whose names were concealed or whose existence came to light in the course of the expedition would be liberated without the payment of compensation, unless it was shown that the concealment was not deliberate or was due to oversight, each such case to be decided on its merits ;

(g) The slaves in the Mungyi tract, which was not visited by the Civil Officer, would be visited and the slaves registered therein emancipated in accordance with the procedure laid down above ;

(h) The chiefs and the people throughout the Valley had to be made clearly to understand that no slavery would be recognised or compensation paid for slaves after the date of the completion of the visit of the expedition ;

(i) The compensation paid in the case of slaves who undertook to reside in the Valley after their release would be treated as a free gift not liable to be repaid. No repayment was to be demanded from those impoverished or beyond work by reason of physical or mental infirmities or from single women or orphan children. In all other cases, the amount would be recovered in such easy instalments as fixed by the Civil Officer ;

(j) Advances might be made at the discretion of the Civil Officer to such freed slaves as required them for their subsistence until they were able to cultivate land and earn their own livelihood ;

(k) No interest was to be charged on amounts liable to be recovered, except a penal interest of 10% per annum on instalments not paid on due dates ;

(l) No inducement was to be offered to freed slaves to leave the Valley. The Deputy Commissioner, Myitkyina, was authorised to grant agricultural advances, where necessary, to those slaves who left the Valley to settle in administered territory ;

(m) Each liberated slave was to be given a certificate of release signed by the Civil Officer in the form approved by the local government. In the case of free gifts for the redemption of slaves, a bond in the form approved by the local government was to be executed ;

(n) If a slave for whom compensation was paid as a free gift on the condition of his not leaving the Valley after his release subsequently left the Valley, he was liable to the repayment of the compensation money to the Government in full ;

(o) Areas had to be reserved in the Myitkyina District to settle slaves in who were unwilling to remain in the Valley.

In all, 3,445 slaves were released in 1925/26, of whom 2,294 were redeemed from their owners by payment of compensation, 486 were ownerless and were released by payment of solatium and 665 were released without any payment. Compensation and solatium paid amounted to Rs. 1,96,163, which included Rs. 1,74,858 as free gifts and Rs. 21,305 as recoverable loans issued to slaves who preferred to leave the Valley. In addition, ordinary

agricultural loans were issued amounting to Rs. 2,780, which were ultimately recovered in full, and small sums disbursed free as subsistence allowance to pauper slaves. In 1926/27, 21 more slaves were found and Rs. 1,485 paid for their release.

The majority of the ex-slaves remained in the Valley. This seemed desirable, as a general exodus would have had a serious effect on the economic position. Although in later years many of the redemption loans advanced to those who left the Valley were written off as irrecoverable, the fact that at the time of issue, and for some considerable time afterwards, they were repayable was one of the chief reasons why most of the released slaves elected to remain. Expenditure in the Valley on road and other works was an additional inducement to stay, as the released slaves would naturally do most of the work and would receive full payment. Altogether, 443 ex-slaves left the Valley during the course of, or soon after, the 1925/26 expedition. They settled in the Mogaung and Kamaing sub-divisions. It was found unnecessary to prepare or allocate special areas outside the Valley for them. They settled in villages already occupied or partly occupied by runaway slaves and moved out when they felt like it to other suitable sites. There was plenty of space available. In the Valley itself, villages were selected in some instances for ex-slaves who did not wish to remain where they were, but there was no general scheme of colonisation.

In 1926/27, the Civil Officer, in the course of his tour, noted that the situation between ex-slaves and their late owners was difficult. Owners were deprived of free labour and wished to continue exercising an unsympathetic control over their former slaves, while ex-slaves were inclined to resent interference and to refuse to observe the customary dues from a tribesman to his chief. Where friction was considerable, ex-slaves had either moved elsewhere in the Valley, joining up with their friends or relations, or, if in the majority, remained where they were, relying on their numbers to maintain unfriendly terms. In one tract where the chief of the tract wished to introduce an outsider as headman of a village populated by freed slaves, an *impasse* which might easily have had serious repercussions was avoided by the experiment of appointing as headman one of the ex-slaves themselves. Throughout his tours, the Civil Officer was kept busy explaining to ex-slaves the meaning and manner of application of Kachin customary law and settling complaints between chiefs and freed men strictly according to custom. Much useful work was done towards raising the status and authority of the chief and headmen, especially by making it clear to the ex-slaves that their complaints must first be laid before the chiefs and elders and not before the Civil Officer. Many petty cases were thus decided on the spot, the Civil Officer only interfering to offer advice so as to effect a mutual settlement or to enforce an order which a contesting party refused to obey. In this way and by the tactful guidance of the Civil Officer, the ex-slave learnt gradually to assume rights and privileges and observe the customary dues on an equality with his free-born neighbour and to become an ordinary member of the village community. Differences were settled or forgotten and conditions every year became more favourable to the introduction of regular administration.

The Civil Officer touring the Valley in 1927/28 found that not only were the ex-slave community showing a marked tendency to conform with customary laws but also that the chiefs and ruling class were recognising the ex-slave's claim to the *status* of an ordinary villager, with the result that a better feeling already existed. The experiment of appointing a freed man as headman of a village composed almost exclusively of ex-slaves was found to have been completely successful, the headman being of great assistance to the chief of his tract. So far from there being any desire to leave the Valley, figures showed that some of those who had left had returned. In the 1928/29 tour, it was reported that, in the majority of cases, ex-slaves were found to be cultivating their own fields, and erstwhile owners were only too anxious to encourage them to remain in their old villages. Altogether, seventeen villages had been established by ex-slaves with a population of 800. In 1929/30, ex-slaves were found to be happy and contented and were liberally assisted in the purchase of plough cattle by the grant of agricultural loans. Release certificates without payment of compensation were given to 3 more Hukawng Valley slaves and to 4 Naga slaves who had been discovered.

In 1930/31, 1 more slave was released without compensation. 2,646 ex-slaves were found to be still residing in the Valley and the number of ex-slave villages had increased to 20. A few cases were reported in which the ex-slave still failed to realise that he was not entitled to privileges beyond that of the ordinary villager but they do not appear to have been serious enough to warrant special action.

At a conference held at Maymyo on May 1st, 1928, under the chairmanship of His Excellency the Governor, it was decided that the Kachin Hill Tribes Regulation should be introduced into the Hukawng Valley — in other words, that annual expeditionary tours should be replaced by the ordinary administration applicable to hill-tracts throughout the Myitkyina District. The Regulation was extended by a Notification of the Government of India dated September 10th, 1930.

A summary of results is as follows :

Slaves released	3,474
Compensation and solatium paid or advanced	Rs. 1,97,648

A sum of Rs. 3,248 odd was recovered from those who paid for their redemption with a Government advance. The difficulties of recovery, however, were found to be considerable. Genuine and severe hardship was caused to the ex-slave who had borrowed in order to leave the Valley and settle elsewhere. A similar restriction on exodus was not adopted to the same extent in the case of ex-slaves who wished to leave the Triangle. It was therefore finally decided to remit the outstanding amounts and to close all proceedings dealing with recovery. The total amount paid after deducting recoveries may accordingly be put down at Rs.1,94,700.

V. THE NAGA HILLS.

So far as the Myitkyina District is concerned, the Naga Hills bordering on the west and north of the Hukawng Valley continue to remain unadministered territory. Release of slaves was confined to Naga slaves of Kachins or Kachin slaves of Nagas living in the Valley itself or in areas in the Naga Hills within the sphere of influence of the Kachin chiefs of the Valley. No expeditions were sent to the Naga Hills proper from the Myitkyina side. The Government's main concern in this direction was the suppression of human sacrifice. This was, however, directly connected with the release of slaves, in so far as the victims were almost invariably slaves. With the abolition of slavery, it was anticipated that the source of supply would be largely stopped and the practice eventually discontinued on that account. The Civil Officer in the first expedition in 1925/26 was directed to call in the Naga chiefs and to impress on them the abhorrence with which the Government viewed human sacrifice and its determination to end it once and for all. In that and succeeding years promises were secured from chiefs to give up the practice, and human skulls and bones as well as sacrificial knives were surrendered. Victims reported or discovered to be awaiting sacrifice were released. The abolition of slavery, the introduction of administration into the Hukawng Valley and the evident intention of the Government to put an end to human sacrifice within the territories of Burma were all important factors which played their part in the suppression of this practice.

The only recorded instances of release of slaves in the Naga Hills occurred in 1926/27 and in 1929/30. In 1926/27, 20 slaves of Kachin or cognate race were released at a remote settlement in the Hills and 1 Naga slave elsewhere for a total cost of Rs. 1,485. In 1929/30, 4 Naga slaves were released without compensation. These results and the reports on the condition of the ex-slaves after release and on their relations with their ex-masters have already been included in Part IV of this note.

VI. THE TRIANGLE.

The operations to release slaves in the Triangle were unique in one or two features. In the first place, the country was more or less *terra incognita* and had been previously visited only by a few surveyors and by a recruiting officer who travelled through a small part of the area at the invitation of a chieftain friend. Secondly the Triangle had a bad name for the truculence of the people, their resentment of interference and their hostility to outsiders. Survey work prior to the expeditions, for example, had to be discontinued owing to the hostility of the tribes. Again, the inaccessibility of the country combined with the difficulties of escape induced a feeling of security amongst the slave-owners and chiefs which enabled them to encourage and, in some cases, actively foster resistance to the expeditions by deliberately misleading the people as to the intentions of the Government in granting slaves their liberty. The more influential and important chiefs, however, were so impressed by the intentions of the Government conveyed to them by His Excellency the Governor at a Durbar held prior to the despatch of the first expedition in 1926/27 that they became convinced of the futility of resistance or disobedience. It was only in those tracts in which the chiefs had no authority and influence or where their authority had been undermined that overt hostile action was experienced. This hostility culminated in a treacherous attack upon one of the columns of the first expeditionary force, as a result of which one British officer and two others of the column were killed and three men were wounded. Release work for that season had to be curtailed, owing to the necessity of punitive operations in consequence of these events.

The decision to abolish slavery in the Triangle was proclaimed at the Durbar held by His Excellency the Governor at Myitkyina on January 10th, 1927. The orders giving effect to this decision were similar to those prescribed for the Hukawng Valley, but as they were altered to make them applicable to the Triangle, it is convenient to reproduce them here. They were as follows :

(a) Compensation at the following rates were to be paid to the slave-owners :

Age	Rupees
Below and up to 4	15 each
5- 8	35 "
9-15	50 "
16-20	100 "
21-45	120 "
46-60	60 "

(b) Slaves over the age of 60 were to be declared free without compensation ;

(c) Slaves found with no owners were to be released without payment of compensation, but the headmen of the tracts in which these slaves resided were to be paid a solatium of Rs. 15 for each ownerless slave ;

(d) All children born on or after the date of His Excellency the Governor's Manao-Durbar at Myitkyina — viz., January 10th, 1927 — and all persons enslaved since that date by purchase, dowry or otherwise, were to be declared free without payment of compensation ;

(e) The chiefs and the people throughout the Triangle and other areas of release were to be made clearly to understand that no slavery would be recognised or compensation paid for slaves after the date of the completion of the visit of the expedition ;

(f) The compensation paid in the case of slaves who undertake to reside in the Triangle or other areas of release was to be treated as a free gift not liable to be repaid. No repayment was to be demanded from those impoverished or beyond work by reason of physical or mental infirmities or single women or orphan children. In all other cases, the amount was to be recovered in such easy instalments as fixed by the Civil Officer ;

(g) Advances were to be made at the discretion of the Civil Officer to such freed slaves as required them for their subsistence until they were able to cultivate land and earn their own livelihood ;

(h) No interest was to be charged on amounts liable to be recovered, except a penal interest of 10% *per annum* on overdue instalments ;

(i) No inducement was to be offered to freed slaves to leave the Triangle or other areas of release, but the Deputy Commissioner, Myitkyina, was authorised to grant agricultural advances where necessary to those slaves who settled in administered territory ;

(j) Each liberated slave was to be given a certificate of release signed by the Civil Officer in the same form as used in the Hukawng Valley. In the case of free gifts for the redemption of slaves, the same bond as used in the Hukawng Valley was to be executed ;

(k) If a slave for whom compensation was paid as a free gift on condition of not leaving the Triangle or area of release subsequently did so, he would be liable to the repayment of the compensation money to the Government in full ;

It was not considered necessary to reserve any special areas in the Myitkyina District for the settlement of released slaves.

In the first season 1926/27, 4,006 slaves were released, 3,339 on payment of 2,69,070 rupees 8 annas in compensation, 87 on payment of Rs. 1,305 as solatium and 580 without any payment. The total sum thus disbursed was 2,70,375 rupees 8 annas.

In the following season, 1927/28, the work, except for a few cases subsequently discovered was completed by the release of 1,381 slaves at a cost of Rs. 48,545. Compensation was paid for 560 and solatium for 57 slaves, the remainder, 764, being freed without compensation. As in the case of the Hukawng Valley, pauper slaves were also given subsistence allowances.

Releases in subsequent years were as follows :

How released	1928/29	1929/30	Total
By compensation	—	—	—
By solatium	2	—	2
Without payment	108	1	109
	—	—	—
	110	1	111
Solatium paid Rs.	30	—	Rs. 30

The results may therefore be summed up as follows :

Released by payment of compensation	3,899
Released on payment of solatium	146
Released without compensation	1,453
	—
Total	5,498

Compensation and solatium paid : 3,18,950 rupees 8 annas.

Generally speaking, the condition after release was good and harsh treatment unusual. Many of them, however, not realising that they were free, were slow to take advantage of their freedom. In the North Triangle also, where dwelt the more powerful chiefs, about 57% remained in 1927/28 with their former owners and were found to be well off and less anxious to sever their connections. The percentage in the South Triangle was 21, this small figure being partly attributable to fear of the results of feuds which had arisen years before. Movement towards independence, however, had begun and was slowly but surely spreading. The main check was that if there were rights and privileges to be granted, there were also customary dues to be observed. With most of the slaves possessing nothing more than the clothes they stood in, the danger was that from inability to pay dues to, or obtain privileges from, chiefs and headmen, especially from those who were big slave-owners, the ex-slave would relapse into bondage. This was especially the case where the chief — *e.g.*, in the North Triangle — had built houses for their slaves, in order to keep them in the villages. The solution of this difficulty lay in administering the Triangle from within, and preparations were made to effect this as soon as possible. It is noteworthy that hostility to the Government had ceased, due no doubt largely to the punitive measures undertaken in 1926/27. The danger of a general exodus did not arise. It was soon realised that the Government's interest in the release of slaves and their protection after release was by no means temporary, so that, on the one hand, owners accepted the position, being well compensated for the purpose, and, on the other hand, ex-slaves had their fear of remaining allayed. In 1928/29, only 12% of released slaves had left the Triangle, most of them not through fear but because they wished to join their relatives. The economic conditions of the Triangle were therefore only slightly disturbed. On the other hand, the poverty of the people was more acute than in Hkamti Long and the Hukawng Valley, and distressing cases, especially of women and mothers of illegitimate children, continued to occur and to be commented on in subsequent reports. Yearly expeditions, however, were teaching both owner and ex-slave that former conditions no longer existed and that the Civil Officer was always prepared to give redress or to award punishment as the case may be.

The Kachin Hill Tribes Regulation was applied to the Triangle by a Government of India Notification dated September 10th, 1930. It was found advisable, however, to continue for a few more years with annual expeditions, though from 1930/31 onwards detailed verification of ex-slaves was done away with and only general enquiries were made. No complaints of oppression were received. In 1930/31, a slight increase in migration from the north into administered territory indicated the need for introducing regular administration at an early date. In 1931/32, it was found that in the majority of cases ex-slaves had their own houses and fields and were living independently and on equal and friendly terms with their neighbours. Finally, in 1933, it was decided to administer the Triangle in the ordinary way, and a permanent Civil Officer was appointed. Subsequent reports on the slave question became unnecessary. Slavery has, in fact, completely died out and it were better that the memories that go with it should die as well.

VII. SUMMARY AND CONCLUSIONS.

The total number of recorded releases in this district and the expenditure involved may be summed up as follows :

	Releases	Expenditure Rupees
Hkamti Long	614	3,050
Hukawng Valley	3,474	1,94,700
Triangle	5,498	3,18,950
Total	9,586	5,16,700

The work of abolition was completely successful and is the more remarkable because there was so little opposition from the owners and tribal chiefs and so little need for colonisation or special settlement elsewhere. No settlement schemes were required either for Hkamti Long or for the Triangle. As regards the Hukawng Valley, sufficient land was available for those who availed themselves of redemption loans and left the Valley to settle where they pleased. Those who did not move from the former slave territories were at liberty to shift to villages or to new sites within. The intentions of the Government to abolish slavery and to remain and administer the territory were readily appreciated by the chiefs, who saw it was to their own interests to accept abolition and its consequences in return for the benefits of an orderly

Government. It must be remembered that, apart from settling the slavery question, administration has gone far towards putting an end to age-long and bitterly fought tribal and personal feuds with their accompanying bloodshed and misery and is very much welcomed on that account alone.

As regards the general results of the measures to release slaves, in spite of the upheaval of tribal society which emancipation caused, there were no serious effects on the economic position. Abolition was completed by stages and was facilitated as much by the desire of the ex-slaves to remain as by the eventual willingness of their former masters to allow them to do so. Slave-owners, including tribal chiefs, were liberally compensated and any likelihood of a return to harsh treatment of their ex-slaves was immediately checked. The ex-slave was quick to take advantage of the protection that regular administration gave him, and once he realised that he had to assume the duties if he wished to receive the rights of an ordinary villager, he soon took his place as an ordinary member of the village or tribal community. From an economic standpoint, therefore, there has been no dislocation in the life of the community. Cultivation of crops is carried on as before, with the difference that the ex-slave now cultivates his own land or joins on an equality with his co-villagers in the cultivation of the village communal *taungya*. If he works for his former master, he does so as any hired agricultural labourer. The social results are that the evils of slave-trading have been suppressed, the *status* of the ex-slave has been made equal with that of the villager, and the tribal chiefs, especially those whose influence was at one time overshadowed by the power of the slave-owner, appreciate the support of the Government, which enables them to increase their prestige over a united village community. Taxes have been introduced, and their collection is now carried out without any hindrance or opposition. By the tactful guidance of those responsible for the administration, differences have been smoothed over. One criticism that might perhaps be offered is that the sudden affluence of the slave-owners, many of whom received from Rs. 2,000 to Rs. 4,000 or more as compensation in a lump sum, led to the downfall of several in gambling or drink. Again, it might perhaps have been possible to persuade the Hukawng Valley ex-slaves to remain there without the restraint imposed by transforming a gift into a loan for those who left. The loans had mostly to be written off.

For the Government, the results are that the peaceful and orderly development of the country can be proceeded with. Taxes are paid, but they are repaid in kind by the opening-up of roads and the provision of hospitals and aided schools. Development must be slow, as is natural in a backward tract, and for many years it must continue for the hill tribes on the present lines, but if it is slow, it is sure, and would be impossible were it not for the sound economic and social success of the abolition of slavery.

Naga Hills (Upper Chindwin).

The Naga Hills to the north of the Upper Chindwin District still continue to be unadministered, as are the Naga Hill tracts to the north and west of the Hukawng Valley.

Reports from officers who had visited the area from time to time showed that slavery and the practices of human sacrifice and head-hunting prevailed in the area, but the number of slaves was reported to be comparatively small.

Six expeditions were carried out into this territory — in 1926, 1926/27, 1927/28, 1928/29, 1929/30 and 1930/31 — but only during the last four were slave-releasing operations undertaken. The first expedition was purely punitive. The objects of the second were : (1) that the Civil Officer in charge of the expedition should meet as many Naga chiefs as possible in the area adjoining the State of Singkaling Hkamti in the Upper Chindwin District and obtain from them promises, similar to those obtained from the Naga chiefs to the north and west of the Hukawng Valley, that they would give up the practice of human sacrifice ; (2) the establishment of friendly relations with the peoples of these parts ; and (3) the acquisition of as much information as could be collected regarding the areas from which victims for human sacrifices were procured. Much was achieved in this direction during the course of the expedition. The subsequent expeditions to the Naga Hills revealed that slavery for the purpose of labour did not exist in the Naga Hills on the same widespread scale as in the Triangle and in the Hukawng Valley. There were two kinds of slaves. Firstly, those purchased or captured in inter-tribal fighting, who were kept to work as servants on cultivations, etc., and they seemed to be well treated and allowed to move about freely. Secondly, those who were purchased expressly for sacrificial purposes, who were kept for a few months at the most, were well fed but were treated more or less as prisoners, especially when the victims knew the fate in store for him or her.

During these four expeditions, 104 slaves in all were released without difficulty and without payment of compensation to their owners. In fact, chiefs and others who were known to have indulged in human sacrifice during the intervals between the expeditions were punished, usually with the exaction of a substantial fine. With the exception of a few

who migrated into the area adjoining Singkaling Hkamti, the liberated slaves continued to reside in the villages where they were liberated. During each expedition, an attempt was made to check up on the slaves who had previously been liberated, and it was usually found that there was no marked economic distress among them. During the last expedition, however, it was possible to check 45 only of the 95 slaves liberated in previous years. At the end of the expedition, there were still 23 unreleased slaves known to exist in the area, but it was reported that the practice of human sacrifice was practically non-existent. No expedition has visited this area since 1930/31, and it is therefore not possible to report on the present conditions, but a beginning is being made this year with the renewal of relations with the Naga chiefs in unadministered territory, and it is anticipated that information will be obtained on which a decision can be made as to the policy to be adopted in dealing with this area in future.

(Signed) H. H. CRAW,
Chief Secretary to the Government of Burma,
Home and Political Department.

ANNEX 16.

C.C.E.E.157(1).

COMMUNICATION, DATED DECEMBER 5TH, 1936, FROM THE GOVERNMENT
OF THE SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

The Secretariat, Khartoum.

I. SETTLEMENTS AND LOANS.

1. It is not easy to give any comprehensive account of the slave settlements in the country because, though such as they are they have naturally bulked large in past reports, they are nevertheless few, and created sporadically to meet special circumstances; they do not arise regularly from any constant chain of causes or on any prearranged system.

2. The domestic and ex-domestic slave lives for the most part in his old surroundings. There have been only a few instances in which any numbers of this class have been difficult to reabsorb piecemeal into their surroundings, and these instances have been confined to Kordofan Province.

3. In these cases, the serfs are formed into settlements. Several hundreds were thus settled in Southern Kordofan in 1928, and a number of others in Western Kordofan, while one or two small settlements in Northern Kordofan date from about the same period. They are formed under their own sheikhs but are incorporated within some larger unit of the local native administration. They tend to become a rallying-point for such domestic slaves as wish to leave their masters, but, as there is no great flow of these, they have no general disruptive effect and take their place in the scheme of things and the native administration happily enough.

4. No loans were issued at the inception of these settlements, but the Governor of Kordofan was authorised to spend certain sums on them in food and clothing to help them at the start, and when, in the winter of 1929/30, there was a serious local shortage of food, grain was purchased and issued free to them to tide them over the difficult time.

These settlements live mainly by cultivation, on the lines of peasant proprietorship, acquiring a few animals or occasionally wandering to the nearest hunting-ground of casual labour.

5. The other class of settlement is of refugees from over the frontier or those freed as a result of the investigations and prosecutions in White Nile Province in 1929. A number of freed Berta children, recovered from their Arab masters, about eighty in all, were settled in the Gezira (Blue Nile Province) in 1929. Most of the Berta refugees however were given land to cultivate and on which to build villages in the Fund province. These settlements were first made not less than sixty miles within the frontier, for fear of attempted recovery of slaves, but, with the increasing security of the frontier, it has been possible to relax this

rule during the last two years. The settlers were given loans, details of which it is impossible to obtain after this lapse of time, and which were recoverable after the harvest; but there is no record that repayment was ever actually enforced. Applications for the return of individuals to Abyssinia were from time to time received, usually on the ground of some criminal charge — applications which met with no response.

6. The colonies of freed slaves in the White Nile Province, made in 1929, comprised mainly Berta. They numbered roughly 200 souls in all, divided into five villages, two on the east and three on the west banks of the Nile. They were given small sums of money (not recoverable) and were also provided with numbers of cattle, some bought by the Government and some taken from those impounded in execution of the fines imposed on Arab masters in the course of the prosecutions. They have not proved themselves good animal masters, though they still maintain some of their cattle and have acquired a few goats and sheep; but they are sound cultivators and have cleaned and brought under cultivation sufficient land for them to be entirely self-supporting; and they also tap gum and are by now claiming rights over areas of local gum-gardens. Their main trouble is drink, to which the low-caste Berta are all too prone.

7. They have grown somewhat in numbers, and tend, like the Kordofan settlements, to attract a few nondescripts and ne'er-do-wells from among the servile class, but, in general, give no trouble, each village being organised under its own sheikh and incorporated in the large native administration of the area where they dwell.

II. VOLUNTARY SLAVERY.

1. As regards "voluntary slavery", it must be remembered that the very name "slavery" is a misnomer, whose use is but a *pis aller* for lack of a suitable comprehensive term. The term connotes those born of servile stock who choose for practical reasons to live as their parents lived or as they were brought up, without availing themselves of the full privileges of free citizenship, which they know to be potentially theirs, rather than to take those privileges at the cost of cutting adrift from their moorings.

2. Remarks made in previous reports,¹ even as long ago as 1929, are still valid. There has been no change in policy and no radical change of situation, but the numbers living in this state of serfdom are not large, and are slowly and steadily diminishing as the factors that militate against it bear a cumulative effect.

3. The main factor is the most obvious one — the slow growth of sophistication and familiarity with the Government. The state of serfdom is terminable at will; freedom-papers are issued on demand. This had always been theoretically known to all, but that nervousness of facing the Government which afflicts most primitives may have tended at one time to restrain in practice the beneficial effects of that knowledge. Such a tendency has almost wholly ceased and such restraints are now negligible. Not only all serfs but all Arabs realise the situation. Even over the border, realisation of this position spreads. In 1933, there were 227 freedom-papers issued to refugees from over the Abyssinian border, and, in 1934, 189.

This does not mean a constant increase in freedom-papers. The very ease with which a paper may be obtained, and knowledge of this ease, make it less necessary to take out a paper and reduce the degree of serfdom towards vanishing-point. The proof of emancipation is not needed, because the serf knows him or herself already virtually emancipated. During 1929, in the White Nile Province, when domestic slaves were being deliberately listed and invited to take freedom-papers, out of 13,000 listed, less than 3,000 would accept papers and many thought it an insult to be offered one, as emphasising a slave origin which they were anxious to forget.

4. The next factor lies in the working of the Sharia laws. Orders have been given to the Mohammedan law courts, whereby it is binding on any court to accept the possessor of a freedom-paper as a free person entitled to all the privileges of the Moslem religious laws.

Further orders have been given whereby no marriage between a master and a serf-woman — so often a subterfuge to regain control over the woman — is accepted as valid without the woman's own appearance and confirmation before the court.

¹ Documents A.17.1929.VI; A.13.1930.VI; A.13.1931.VI; A.13.1932.VI; A.16.1933.VI; page 107 of the 1935 report, and page 97 of the 1936 report.

These precautions combine with intermarriage and the normal working of the Moslem laws of inheritance to eliminate, within the course of a generation or so, the name and the implications of slavery alike.

5. A further factor may be mentioned: the uneconomic nature of slave labour. This fact, true since the days of the Athenian empire, now that slave labour has ceased to be looked on as a matter of course, is being brought home to individual masters. The recent remark of one of the leading sheikhs in the country may be quoted, that serfs nowadays demand sugar and tea, will not stay without such cosseting, and altogether are too expensive a luxury to be worth keeping.

6. If, then, the door of freedom is so wide open, it may be asked why the slave should subject himself to this voluntary slavery; why he should remain with his master at all. The prime reason lies in no external circumstance, but in the rooted conservatism and disinclination to desert the familiar for the strange which is common to most of mankind but particularly dominates the uneducated native type. There is also, in most cases, the very practical reason that the familiar is the best. In his master's family he is sure, at least in good times, of food and reasonable comfort, the use of animals and cultivation, with the chance nowadays of their ultimate acquisition. To him, a full belly is more than the name of "freedom", and he sees no reason to leave present content for possible privation. If times become hard and he grows discontented with his lot, he will be free to go when he likes.

7. Turning to the social and economic position of the serf and ex-serf community — whether deliberately emancipated by freedom-paper or in process of natural emancipation by circumstance — it is obvious that any tendency for folk of servile origin to drift in large numbers from the country to town life would be good neither for themselves nor for the community at large. Fortunately, there is no such tendency; the numbers themselves are not big enough to create a problem, and the general rule is for individuals to stay anchored in their tribal or village life.

8. Difficult instances do arise, especially with women, who, drifting into the nearest market town, find a living by selling liquor or selling themselves; but the evil is not on any scale. Men who disassociate themselves from their units tend to wander far afield in search of labour, whether in cotton schemes or elsewhere. As a source of labour, though exiguous, they are always welcome, and, though they seldom become property owners, they have no difficulty in securing an honest living.

9. There have been isolated cases where manumitted serfs have not been locally absorbable, and these cases are solved by the forming of colonies. The flood of manumissions of domestic slaves in Western Kordofan in 1928 (following on the discovery of slave-acquisition in White Nile, referred to in previous reports)¹ created a body of folk difficult for the existing tribal organisation to digest. Their lot, among the tribes of that area, had been less serene than is usual throughout the country, and many were not anxious to return to their masters. These were formed into two settlements and lived as such; but, even so, they remained happily under the local native administration.

The same has happened in Southern Kordofan, and there is the case of some 200 Berta settled in the Fung, though these were refugees and mostly not of Sudanese origin.

10. But secession, whether by individuals or blocks, from the tribal unit of their origin is the exception and not the rule. The majority prefer to stay in that state of life to which it had pleased God to call them, or, having taken freedom-papers, to go back to it, with an increased and slowly increasing consciousness of civic right and personal freedom.

11. It is not easy for the domestic slave to acquire, save rarely by purchase, registered land or date-trees, but then most of such registrable property had been registered before Government policy and action with regard to slavery was fully operative. They do acquire rights in cultivable land, which will lead eventually to prescriptive possession, and they do acquire possession of animals and other movable property, where twenty or even ten years ago they would have had nothing but the usufruct of their masters' property at best. Those who continue to live propertyless in their masters' families do so on rather better terms and a rather higher standard of living than formerly, their safeguard being their knowledge, and their masters' knowledge, of the ease with which the serf can leave the master if discontented. It is no longer the master only who has the whip-hand; witness the instance cited in paragraph 5 above.

* * *

¹ Documents A.37.1927.VI and A.24.1928.VI.

Can a final answer be given, for the Sudan, to the League's question of 1923?¹ I think it can, or that at least it can be forecast. Sporadic and rare cases of slave-acquisition will occur for a few years yet, dwindling to vanishing-point; the old Adam dies hard.

As to the emancipated and the domestic slaves, Government has no fear of the growth of a class of Sudanese, without property, liable to become an economic problem or a menace to public order. Domestic slavery is dying by a euthanasia which, though necessarily gradual, is speedier than might have been guessed two decades ago, and the slave caste is being assimilated into its own surroundings. To the master class, the result economically is slight, though it tends to encourage the small owner of personally-worked property and discourage the owner of broad acres and vast herds tended by serfs: morally, it means that the Arab has got to find a place for the dignity of labour in his philosophy. To the ex-slave, it means, in some cases, a new and independent existence, varying from the precarious to the assured; in most cases, a continued existence on the old lines but under slowly improving conditions, and, in any case, increased present freedom and a future, a decade or so ahead, as full of possibilities as it is to every citizen of the country.

ANNEX 17.

C.C.E.E.154(1).

SUMMARY, DATED APRIL 10TH, 1937, OF THE INFORMATION RECEIVED FROM CERTAIN GOVERNMENTS IN REPLY TO THE SECRETARY-GENERAL'S LETTER TRANSMITTING THE OBSERVATIONS AND SUGGESTIONS OF THE COMMITTEE.

1. The Government of *Afghanistan* stated that slavery did not exist in that country.
2. The *Netherlands* Government stated that, during the years which had elapsed since its communication of August 8th, 1931 (document A.29.1931), conditions in the *Netherlands Indies* had not undergone any considerable changes and that the forms of domestic slavery referred to in this communication could disappear only gradually with the progressive development of the primitive communities in question.
3. The Government of *Turkey* stated that it could not furnish the desired information, since slavery had been abolished in Turkey a long time ago.
4. The Government of *Iraq* stated that it had no additional information to supply at the moment and that the recommendations of the Committee did not require any specific action on its part.
5. The Government of *Mexico* declared that the letter of the Secretary-General had been submitted to the competent service of the Government for study and examination.
6. The Minister of State of *Monaco* stated that the Principality, while fully concurring in the measures approved and the resolutions adopted to put an end to slavery in every form, could not give any effective assistance in the abolition of such practices.
7. The Government of the *United States of America* did not desire to transmit any information.
8. The Governments of *Estonia* and *Finland* confirmed, and the Governments of *Belgium* and *Hungary* stated, that they had no information to give.
9. The Governments of *Albania* and *Venezuela* have simply acknowledged receipt.

¹ See resolution adopted by the Council on December 11th, 1923; *Official Journal*, February 1924, page 331.

ANNEX 18.

INTERNATIONAL SETTLEMENTS OF KULANGSU AND SHANGHAI.

C.C.E.E.155.

- A. COMMUNICATION (UNOFFICIAL), DATED FEBRUARY 4TH, 1937, FROM THE KULANGSU MUNICIPAL COUNCIL, AMOY (CHINA), TO THE CHAIRMAN OF THE ADVISORY COMMITTEE OF EXPERTS ON SLAVERY (WITH ONE APPENDIX).

I have the honour to forward herewith, by air mail, copy of the report of the Kulangsu Municipal Council relative to the control of Mui Tsai or Pi-Nu within the International Settlement of Kulangsu, covering the period October 1935 to February 1937, which has this day been forwarded to the Senior Consul at Amoy for transmission through the official channels to you.

(Signed) H. J. P. ANDERSEN,
Chairman,
Kulangsu Municipal Council.

Appendix.

REPORT TO THE LEAGUE OF NATIONS FROM THE KULANGSU MUNICIPAL COUNCIL FOR THE INTERNATIONAL SETTLEMENT OF KULANGSU (AMOY), DATED FEBRUARY 4TH, 1937, CONCERNING THE CONTROL OF MUI TSAI OR PI-NU IN KULANGSU.

The Council, for several years past, had from time to time considered the possibility of control of Mui Tsai or Pi-Nu on Kulangsu, but thought it wise to await the enactment of necessary legislation by the Republic of China.

However, during October 1935, the Council received the League of Nations Report on Slavery for 1934 (League of Nations document C.159.M.113.1935.VI) together with the memorandum of Sir George Maxwell, 1935.¹

The memorandum had special reference to the International Settlements of Shanghai and Kulangsu and suggested that the authorities concerned might follow the steps taken by the Hong-Kong Government.

After giving this memorandum its full consideration, the Council passed unanimously the following Council Minute under date October 25th, 1935 :

“ The Council decided, in principle, to carry out the recommendations of the League of Nations in the matter of the regulation of all Mui Tsai and the gradual suppression and eventual abolition of the system within the settlement.”

The Council directed its Secretary to request the assistance and advice of the Secretary for Chinese Affairs of Hong-Kong, as it was agreed that the local campaign should be planned and executed on the lines of that undertaken in Hong-Kong, which, as the report of Sir George Maxwell stated, was proving very effective and has worked without undue difficulty.

On December 20th, 1935, the Secretary reported that a full and very comprehensive reply had been received from the Hong-Kong Government and that, with the data thus made available, the Council could proceed with its plan.

It was agreed that the reply and all information should be passed from member to member for perusal and study.

On February 14th, 1936, the Secretary of the Council was directed to circulate a copy, and translation thereof, of a Press notification containing Regulations approved by the Chinese Government and issued by the Board of Home Affairs of the Chinese Republic with instructions that the regulations should be made operative as from January 22nd, 1936.

The official English translation of this Regulation is now available to the Council (*vide* League of Nations document C.189(1).M.145.1936.VI, page 75).

On March 6th, 1936, the Council agreed to make effective these Regulations and the Vice-Chairman and the Secretary called upon the Amoy authorities and informed them of the Council's decision.

Over date of April 27th, 1936, the following Preparative Council Notification was issued :

“ *Registration of Pi-Nu.*”

“ In preparation for the carrying-out of the Regulations prohibiting the keeping of slave-girls issued by the Ministry of the Interior of the Republic of China, the Kulangsu

¹ See page 108 of the 1935 report.

Municipal Council hereby gives notice that the owners of all Pi-Nu on Kulangsu are required to register all such Pi-Nu at the Municipal Headquarters between May 1st, 1936, and June 30th, 1936.

“ The girls, either accompanied or not by their owners, must present themselves for registration, bringing with them two 2-inch photographs of themselves, when a certificate of registration, bearing the photograph of the girl, will thereupon be issued.

“ All females in a household who are not members of a family by birth or marriage and who receive no fixed salary must be registered.

“ Municipal police and detectives are ordered to investigate and ensure that due registration is effected.

“ The owners of any girl who should be registered under the provisions of this Notification who are not in possession of legal certificates of registration will be liable to prosecution after July 1st, 1936.”

This attempt was abortive, as owners did not come forward to register their Pi-Nu, but a census of probable Pi-Nu owners was made by the police.

By instructions of the Kulangsu Municipal Council on November 4th, 1936, the following Additional Notification was issued :

“ In preparation for the carrying-out of the Regulations prohibiting the keeping of Pi-Nu (*i.e.*, all females below the age of 21 years in a household who are not closely related to the family by birth or marriage) issued by the Ministry of the Interior of the Republic of China, the Kulangsu Municipal Council hereby gives notice that the owners of all Pi-Nu on Kulangsu are required to register all such Pi-Nu at the Municipal Headquarters before November 30th, 1936. Registration effected before that date will be free of charge, but after that date the cost of registration will be five dollars (\$5.00) per person.

“ The girls, either accompanied or not by their owners, must present themselves for registration, bringing with them two 2-inch photographs of themselves, when a certificate of registration, bearing the photograph of the girl, will thereupon be issued.

“ Municipal police and detectives are ordered to investigate and ensure that due registration is effected.

“ The owners of any girls liable to registration under the provisions of this Notification who are not in possession of legal certificates of registration will be liable to prosecution after December 31st, 1936.”

Results were immediate, and on December 31st, 1936, over 400 girls had been correctly registered at Municipal Headquarters, in addition to 100 girls who are inmates of the Hostel of the Relief of Slave-girls Association — a Chinese-foreign association supported by grants from the Council, the Rotary Club, local Christian Churches and by charitable subscriptions.

Over date of January 20th, 1937, the following Final Notification was issued :

“ The Council would report that up to the present 450 Pi-Nu have been registered.

“ The Council is aware that there is still a number of unregistered Pi-Nu resident in the settlement ; and, unless these girls are duly registered, there is no option but that the owners will be prosecuted in the courts concerned. The Council again has extended the time to give an opportunity for such registration being effected.

“ But on and after February 1st, 1937, all persons found to have any such girls under their control will be liable to prosecution without further notice.

“ The Council has decided that girls who attend an authorised day-school on Kulangsu need not be registered as Pi-Nu, as the fact that they are being educated in such a school will be accepted as proof that they can be classified as coming under the category of ‘ Adopted children ’.

“ But a statement in writing will be required by the Council that such children are being educated and the name of the school in which such children are enrolled as pupils.”

This Notification has resulted in the registration of over fifty additional girls.

The co-operation of all foreign consuls, without exception, has been full and complete.

A house-to-house examination is now being undertaken by a special officer to ensure that registration is made complete and that the Council's qualification regarding “ adopted children ” is followed in all cases when the status of a girl is in dispute or questioned.

The Council proposes to appoint an Inspector of Pi-Nu, and the Council will work for the gradual but effective abolition of the system within the settlement.

(Signed) H. J. P. ANDERSEN,
Chairman,
Kulangsu Municipal Council,
International Settlement of Kulangsu, Amoy.

C.C.E.E.156.

B. COMMUNICATION, DATED FEBRUARY 18TH, 1937, FROM THE MUNICIPAL COUNCIL OF SHANGHAI TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

At the suggestion of the Senior Consul in Shanghai, I am forwarding direct to you a copy of a letter addressed to the Senior Consul asking him to forward to the League of Nations, through the Senior Ambassador, the Council's observations on the problem of Mui Tsai in the Shanghai International Settlement.

Appendix.

LETTER, DATED FEBRUARY 18TH, 1937, ADDRESSED TO SIR JOHN BRENNAN, BRITISH CONSUL-GENERAL AND SENIOR CONSUL, SHANGHAI.

I have the honour to refer to your letter of December 29th, 1936, with which, at the request of the Senior Ambassador, you forwarded a copy of the report by the Committee of Experts on Slavery presented to the Council of the League of Nations in July 1936. In this letter, you informed me that His Excellency desired that any observations made by the Council on that part of the report relating to the question of Mui Tsai in Shanghai should be transmitted to the League of Nations through the same channel.

The Council has for some time given careful consideration to the problem of Mui Tsai in Shanghai, and has carefully studied the League of Nations' Report on Slavery for 1934 (League of Nations document C.159.M.113.1935.VI), together with the memorandum of Sir George Maxwell, 1935.¹ The Council has also followed with care the developments of this question in Hong-Kong and the International Settlement of Kulangsu.

It will be appreciated that the problem in Shanghai is far more complicated than in either Hong-Kong or Kulangsu. The Council has not the same powers as the Hong-Kong Government to issue regulations which can be enforced in the courts. The Kulangsu International Settlement is very much smaller than the Shanghai International Settlement and has few, if any, of the complicated political problems of Shanghai.

After carefully considering the legal and jurisdictional difficulties that stand in the way either of issuing regulations or of attempting to enforce regulations that have been issued by the Chinese authorities but have not been duly enacted and promulgated, the Council has come to the conclusion that the first step is to entrust to competent persons the task of protecting those girls who need protection. The Council has, therefore, decided to appoint as Supervisor of Mui Tsai Miss E. M. Hinder, who is in charge of the Council's Industrial Section. Miss Hinder has under her competent social workers who are not only familiar with factory problems, but also have studied such questions as the working conditions of apprentices and the problems of child labour. It is considered that Miss Hinder should be able to afford protection to those who need it, and also should be able to collect information and material for the Council in order to enable it to consider and decide what further steps should be taken, either in the direction of registration or in some other direction.

The Council also has it in mind that, where liberty is restricted, action shall be taken under Article 296 of the Chinese Criminal Code.

I have the honour to request you to transmit the Council's observations to the League of Nations through the Senior Ambassador.

(Signed) H. E. ARNHOLD,
Chairman.

¹ See page 108 of the 1935 report.

II. MEMORANDA COMMUNICATED BY THE MEMBERS OF THE COMMITTEE.

C.C.E.E.5(1).

MEMORANDUM BY SIR GEORGE MAXWELL ON THE ABOLITION OF "DEBT-BONDAGE" IN THE MALAY STATES OF KEDAH, PERLIS, KELANTAN AND TRENGGANU.

A system of debt-bondage (sometimes called debt-slavery, debt-servantship or domestic slavery) has prevailed from early times in these four Mohammedan States. When the island of Penang (now part of the Crown Colony of the Straits Settlements) was occupied by the British, the system was well recognised there in early days. Captain James Low, in his "Dissertation on the Soil and Agriculture of Penang", has described the system as it existed there in 1836; and his remarks apply so well to the system as it continued to exist in the Malay States that I quote him :

"Debtor-servants, especially the men, as might be expected, are indolent and improvident, and the worst of labourers. Still the Settlers (that is to say, the European settlers, who made the Straits Settlements) from long custom do not seem yet to be quite sensible of their inefficiency. In a few cases the women, as household servants, may be useful. The debt of a man and his wife sometimes exceeds ten pounds, for repayment of which they give no security but their labour, so that the risk of employing such persons is great. These persons are also inclined to theft, and their idle habits too often lead them into companionship of desperate men, which ends in robbery. As a system of labour, therefore, it is expensive and demoralising : it fosters idleness and represses honest ambition."

This system was in full force in the States of Kedah, Perlis, Kelantan and Trengganu in 1909, when suzerainty over them was transferred from Siam to Great Britain by the Anglo-Siamese Treaty of that year. I was the first British Adviser to the Kedah Government, and studied the subject with care and sympathy, particularly from the sociological and economic aspects.

Salaried household servants were rare in any Malay household. Their place was taken by "debtor-servants", very often married couples with children. The children of deceased debtors were responsible for their parents' debts and continued in debt-bondage indefinitely. All the Malay royalties had numbers of debtor-servants, who, if they were not household servants, were under obligations to cultivate rice-fields or to look after fruit plantations. The great majority were household servants.

Every member of the State Council (except myself) had many "debtor-servants". They all frankly admitted the full force of all the arguments against the system; they entirely agreed with the views expressed in Captain James Low's book; they were fully persuaded that the system was bad both for master and for debtor, and that, as no honest hard work could be expected under it, the system was a clog upon the progress of the country; but, notwithstanding all that, they could not see how the country could ever free itself from a system which affected so vitally the domestic foundations of almost every household.

One member of the Council said to me that, whilst every member was agreed that the system should be brought to an end, yet every one of them was seriously concerned by doubts regarding his wife's ability to manage a household in which there would be only salaried and independent servants with new-fashioned ideas, and no debtor-servants of the old tradition.

After a year's careful study, I prepared a scheme which later passed into law in the Kedah "Debt-Bondage Enactment" of July 18th, 1910. The method employed was that of "gradual suppression" recommended (many years later) on the report of the Temporary Slavery Commission of July 12th, 1924, and approved by the fifth Assembly of the League of Nations on September 22nd, 1924. Many years later, I discovered that similar systems had already been employed with complete success in the Netherlands Indies and in Siam. The enactment provided that all agreements for labour in consideration of a debt should be reduced to writing, and produced for registration at the nearest Land Office before December 1st, 1910. The creditor and debtor had to appear personally before the Land Officer and satisfy him of the correctness of the amount of the debt. Any future undertaking to pay off a debt by labour under the debt-bondage system was absolutely prohibited. Existing provisions (if any) in the agreements for the diminution of the debt were to be disregarded, and thenceforward the following scale was enforced :

For general and menial services, a diminution of 2.50 dollars¹ a month for an individual and 5 dollars a month for a family.

¹ One dollar in Straits Settlements currency equals 2s. 4d.

For services in rice-cultivation, a diminution of 3 dollars a year for every acre brought into cultivation.

For caretakers of fruit plantations (whose duties were nominal), a diminution of 1 dollar a month.

In every case, the cost of the debtors' food and clothing was to be borne by the creditor. Of the essence of the scheme were three things :

First, that time was given to both parties to prepare themselves for a momentous change.

Secondly, that, nevertheless, the inexorable efflux of time brought about a complete release from the debt and the bondage.

Thirdly, that the amount of the debts being different in each case, the releases were "spread" over different periods, and a wholesale and simultaneous dislocation was thus avoided.

It will be seen that, under the Kedah enactment, the only debt-bondmen who could not attain their release by the efflux of time within only two years were :

(1) Menial servants (single men or women) whose debts exceeded 60 dollars on registration ;

(2) Menial servants (families) whose debts exceeded 120 dollars on registration ;

(3) Labourers in the rice-fields who (for one reason or another) had not been able to cultivate a sufficient acreage ;

(4) Caretakers whose debts exceeded 24 dollars on registration.

The enactment operated efficiently and smoothly. By the mere fact of registration of the parties and the communication to them of the system of monthly diminutions of the debt, both parties knew from the beginning that it was only a matter of a fixed number of months (which both of them could calculate) before the contract would come to an end. Then, after a year or so, debt-slaves with small debts began to leave their masters' services. In two years' time, they were beginning to come away rapidly ; and everyone knew that the system was nearing its end. All this time, I was keeping a very careful eye on the operation of the scheme, and I will unashamedly declare that, although I had evolved the scheme to benefit the debtor, yet I had every regard to the creditor's side of the question, for I knew full well how much we depended upon the justice of our case. An account was supplied to me by the registration officers at intervals of the diminishing debt balances of the men and women who still had time to serve ; and one day, when we were going through the annual budget in State Council and had been passing fairly large sums of money on various public works — fifty thousand for this and a hundred thousand for that, and so on — and I suggested to the President, the Sultan's brother, that a vote of money to enable the Government to declare that it would pay off the remaining debts of the bondmen would be considerably less than many of the votes that we had been passing, His Highness was surprised ; and when I mentioned the figure supplied to me from the registration officers, the State Council passed the vote, there and then, with acclamation. The next day, a public proclamation notified that the system was at an end and that all creditors would be paid upon application at the Government offices.

I must admit that I was exceptionally fortunate in one respect. Although the scale of monthly diminution of the debts was in itself a very moderate one — when regard is had to the fact that the debtors received no wages of any kind — the average indebtedness of a man or a family was so small that the releases operated rather more rapidly than might have been altogether desirable in ordinary times. It so happened that the years 1909-1911 marked extraordinary prosperity in Malaya, and the easiness of the economic situation helped the sociological change. In normal years, it might have been better if the change had covered a longer period ; and in times of agricultural depression an even longer time would have been required.

The same system was almost immediately followed in the other three States — Perlis, Kelantan and Trengganu — with equal success. Throughout all these States, the system has been so completely extinguished that to-day, at the mention of it to a Malay, he will give the smile of one who recalls some long-forgotten incident.

In each State, the eradication of the long-established custom depended for its success upon public recognition of the folly of the custom and the detriment to the progress of the country ; of the fairness both to master and debt-bondsman of the principle of gradual suppression on the "diminution" system ; and of the time given to both parties to adjust themselves to the new circumstances which the efflux of time inevitably brought into operation.

(Signed) George MAXWELL.

December 23rd, 1933.

Geneva, April 5th, 1938.

LEAGUE OF NATIONS

SLAVERY

5

REPORT OF THE ADVISORY COMMITTEE OF EXPERTS

FIFTH (EXTRAORDINARY) SESSION OF THE COMMITTEE

Held in Geneva, March 31st to April 5th, 1938.

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¹ This report is kept in the Secretariat of the League of Nations, and only the principal passages thereof are given herewith.

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¹ For the text of this Law, see document A.13(a).1931.VI, page 5, or *Official Journal*, September 1931, page 1793.

A. REPORT TO THE COUNCIL

INTRODUCTION.

1. The Advisory Committee of Experts on Slavery held its fifth session (extraordinary) at Geneva from March 31st to April 5th, 1938, under the chairmanship of M. MARCHAND.

The following members were present : Sir George MAXWELL (Vice-Chairman), M. LOUWERS, M. NEIJTZELL DE WILDE, Mme. DE PALENCIA.

2. M. d'Almada, who was prevented by illness from taking part in the work of the session, communicated to the Committee a historical review of the abolition of the slave trade and of slavery in Portugal and her colonies. This review, of which the Committee took note, is annexed to the present report (see Annex 21).

3. In accordance with the Rules of Procedure, based on the Assembly resolution of October 12th, 1932,¹ the documentation examined by the Committee consisted exclusively of official information supplied by Governments.

4. The Committee examined, in accordance with its Rules of Procedure, documents communicated by the Governments of the United Kingdom, France, India, Liberia and the Sudan, as well as a report submitted by the Municipal Council of Shanghai. These documents are annexed to the present report. The Committee desires to thank the Governments and authorities for supplying it with this documentation, which includes studies of the highest interest, and gives evidence of their great anxiety to put an end to anything in the slightest degree resembling slavery.

5. The Committee also took note of the replies from the Governments of Afghanistan, Australia, Egypt, Estonia, Finland, Hungary, Iraq, Monaco, the Netherlands and the United States of America to the Secretary-General's letter of June 16th, 1937, transmitting the observations and suggestions made by the Committee last year (see Annex 18).

6. In its 1936 report (page 8, paragraph 9), the Committee noted that the various systems based on the giving of "dowry", such as "Lobolo", etc., had no features entitling them to be regarded as forms of slavery within the meaning of the 1926 Convention. The Committee consequently decided to refrain from dealing with the subject in future, as it was clearly outside its powers, unless subsequent documentary material necessitated a reversal of that decision. Since then, the Committee has had no information that would lead it to modify that decision.

7. The Government of the United Kingdom, by letter dated February 2nd, 1938, transmitted to the Committee a memorandum dealing with legislation enacted in its non-self-governing colonies, protectorates and mandated territories on the subject of slavery and conditions analogous thereto (see Annex 20). This document contains the legislative texts applied in those territories prior to and subsequent to the signature of the Slavery Convention of 1926. The Committee was happy to take note of this information, and would be glad to receive similar communications from other Governments interested.

8. The Committee once more expresses the hope that the documents which it is called upon to examine will be sent to the Secretary-General by all Governments as early as possible after the date of their preparation.

CHAPTER I. — SLAVERY CONVENTION OF 1926.

A. POSITION IN REGARD TO RATIFICATIONS OF AND ACCESSIONS TO THE CONVENTION.

9. In paragraphs 9 to 12 of its 1937 report, the Committee indicated the position in regard to ratifications of and accessions to the Slavery Convention of 1926. Since that date, China has ratified the Convention, a fact which the Committee notes with satisfaction.

B. RESERVATIONS.

(1) *Reservations by the Government of India in respect of part of Assam.*

10. In paragraphs 16 and 17 of its 1937 report, the Committee recorded with satisfaction that the Government of India had reduced its original reservation to the Slavery Convention of 1926 in respect of certain areas in Burma and Assam in such a manner that the reservation was wholly withdrawn from the areas in Burma, and that, in Assam, the only area reserved, or exempted, from the Convention was the unadministered parts of the Sadiya and Balipara frontier tracts.

11. This year, the Committee notes with the greatest pleasure a further communication from the Government of India² reporting that, in the light of the observations in paragraph 17

¹ See document C.C.E.E.138, or *Official Journal*, March-April 1937, page 276.

² See page 88.

of the Committee's 1937 report, the Government of India had reviewed the reservation in respect of the unadministered parts of the Sadiya and Balipara frontier tracts, and, in view of the Committee's comments, had decided to withdraw it. The result of this decision is that the reservation is now entirely withdrawn from the area in Assam.

12. It will be observed in paragraph 27 of this report, and in Annex 10 to it, that the Government of Assam immediately followed up the withdrawal of the reservation in this area by despatching an expedition to announce the determination of the Government to suppress the practice of slavery. The successful results of that action are set forth in those parts of this report.

(2) *Reservation by the Government of India in respect of the Indian Native States.*

13. In reply to a question asked in the Committee's 1937 report, the Government of India declared that the obligation under Article 2 (a) of the Convention of 1926 to suppress the slave trade was not confined to international traffic and traffic between an Indian State and other parts of India. It added that the information supplied by the Government of India in 1937 was not intended to suggest that the slave trade existed in Indian States, or that, if it did arise, it could not, on account of the constitutional position of Indian States, be suppressed.¹

The Committee considers that the position is now perfectly clear and it is grateful to the Government of India for this satisfactory statement.

CHAPTER II. — SLAVE-RAIDS, SLAVE TRADE AND CAPTURED SLAVES.

14. In the Cameroons under British mandate, there have been a few isolated crimes, which are mentioned in detail in the communication of the United Kingdom Government.² At one place, a child was stolen, and the offender was sentenced to nine years imprisonment. At another place, a boy was abducted; he managed to escape, and the search for the abductors was unsuccessful. In yet another place, three children were restored to their relatives after they had been rescued from slave-dealers by the French authorities, and a man wanted by the French authorities on a charge of slave-dealing was arrested.

15. A similar case is mentioned in the communication from the French Government.³ In the French Niger Colony, a party of nomads discovered in the bush an eight-year-old girl, a native of British Nigeria, who had been brought into the colony for sale by a British Nigerian. The man succeeded in escaping back to Nigeria. His description was given to the British authorities, and the girl was handed over to them. As the communication very justly remarks, this is a further proof of the police measures taken on both sides of the common frontier by the neighbouring French and British authorities.

16. In the Cameroons under French mandate, six cases relating to slavery or the slave trade were tried in the courts in 1937. In one case, the accused was arrested and convicted of an offence which he had committed seven years before.⁴

17. The reports of the French Government and the United Kingdom Government show that, in 1937, their African colonies have been entirely free from any cases of slave-raiding, enslavement of individuals or thefts of children.

18. From the Sudan Government, the Committee has two reports this year.⁵ The first did not reach the Committee in time for the inclusion in the 1937 report. In 1936, there were two incidents on the borders of South-West Ethiopia, involving Sudan tribes: in March, a section of the Beir tribe in the Sudan was raided by a tribe on the Ethiopian border, forty persons were reported to have been killed and sixty captured; and, in April, there was a counter-raid by the Beir into Ethiopian territory, when thirty men were reported to have been killed and forty captured. A certain number of the persons captured have since been recovered, and no further raids have taken place.

19. In 1936, four persons were convicted of slavery offences: one was a Sudanese who restored a refugee to his master in Ethiopia, and three were Ethiopians who attempted to secure a refugee who had entered the Sudan.

20. Elsewhere in the Sudan, there was only one suspected case of kidnapping in 1936 and four doubtful cases in 1937.

21. The Government considers that the improved state of affairs in the Western Sudan is largely due to the energetic co-operation of the tribal authorities, to which attention has already been drawn in its report for 1935,⁶ and mentions that the nomad Arabs are more friendly with their darker brethren and realise that slave labour is not economic.

¹ See page 87.

² See page 39.

³ See page 82.

⁴ See page 83.

⁵ See pages 90 to 92.

⁶ See page 97 of the Committee's 1936 report.

22. The Sudan Government has no evidence of any illicit trade across the Red Sea. Measures are in force to protect Sudanese and other pilgrims in Arabia, and additional protection is expected from the recent slavery legislation in Sa'udi Arabia.

23. The United Kingdom Government informed the Committee that, in the Red Sea, the sloops of the British navy engaged in anti-slavery duties covered 14,538 miles in the year 1937 and examined thirteen dhows without result.¹

24. The Committee notes with the greatest pleasure the action taken by the Sultan of Lahej in the Aden Protectorate. By a proclamation dated March 7th, 1935, the Sultan prohibited the importation of slaves from the sea, and their sale and purchase (1936 report, page 75). In paragraph 15, page 17, of the 1936 report, the Committee made some general observations applicable to all countries on enslavement, pointing out that the capture and sale of slaves are dependent upon the demand of purchasers, and that the slave trade would disappear as soon as it became a punishable offence to own a captured slave. Last year, the Committee was informed (1937 report, pages 10 and 36) that, in consequence of its observations, the Sultan was being invited to strengthen his proclamation. The Committee learns that the Sultan issued a proclamation on January 28th, 1937, providing severe punishment for anyone who knowingly keeps in his possession an imported or captured slave. Other sultans and sheikhs in the Aden Protectorate and Persian Gulf have bound themselves by treaties to prohibit the importation of captured slaves.² The Committee permits itself to express the earnest hope that the action taken by the Sultan of Lahej will come to their knowledge and that they will be led to follow his example.

25. During the year, an agreement was signed by the Sultan of Qishn and Socotra for co-operation in the prevention of importation of slaves.²

26. The slave trade as such in the Persian Gulf practically no longer exists. These words are quoted from the communication supplied by the United Kingdom Government and published as Annex 8 to the Committee's 1936 report. The statement is borne out by an analysis of the figures of manumission at three British agencies in the Persian Gulf during the six years from 1932 to 1937. Out of a total of 311 slaves manumitted during that period, 300 were born or domestic slaves who desired manumission, and only eleven were captured or imported slaves.³

This is a most encouraging fact, and the Committee thanks the United Kingdom Government for the trouble taken in preparing the analysis.

27. The Government of India has communicated a most interesting report on an action undertaken in a remote tribal area in the Naga Hills in Assam, with the object of making the headman realise that the Government was determined to suppress the practice of slavery.⁴ This action followed immediately on the withdrawal of the reservation mentioned in paragraphs 11 and 12 of the present report concerning the area. The village of Pangsha, with the assistance of other villages, had been raiding and destroying weaker villages, and holding their captives as slaves in defiance of warnings from Government. A force of considerable size was necessary. The difficulties and dangers of the operation are vividly described by Mr. J. P. Mills, Deputy Commissioner, Naga Hills, who was in charge of it. After seven days marching, they reached their advance base, where they received a truculent challenge from Pangsha, and heard that Pangsha had threatened to destroy any village that helped the expedition. After marching for another five days, the column met a large armed party, which it dispersed. The next day, there was severe fighting. Two days later, Pangsha sent a message admitting defeat, promised to stop slave-raiding and to return the slaves in their possession. The three villages concerned swore an oath of friendship, and received presents of salt from the Deputy Commissioner. The captured slaves have been returned, and the report ends with the words : " a reign of terror over a wide area has been ended, at any rate for some time, and possibly permanently ".

28. The Committee offers its congratulations to the Government of India upon the determination it has shown to stamp out slavery in this area, and upon the success of the action taken by it.

* * *

29. It will thus be seen that, apart from the very exceptional incidents in the Sudan and in Assam, which are not likely to recur, there has been no slave-raiding in the sense of an attack on a number of people. Great care has been taken by the Governments to supply the Committee with particulars of the crimes of capture of a man, a woman or a child with a view to enslavement. The present report shows how few they are and with what vigour action is taken against them.

30. The Committee has reason to believe that, in view of the information analysed above, this chapter of its report will, with each succeeding year, become of diminishing importance.

¹ See page 78.
² See page 39.
³ See page 78.
⁴ See page 83.

CHAPTER III. — BORN SLAVES.

31. The Committee thanks the United Kingdom Government for information concerning two sharply-defined sections of the community in one province of Nigeria¹ — namely, the free-born descendants of the original inhabitants and the descendants of slaves by purchase or capture in war. There is no restriction on the personal liberty of the latter : they are free to go to another part of the country if they wish ; or they may establish themselves as free men, acquiring a title to the land they farm, and all a free man's privileges for themselves and their children by paying a fee of twelve shillings to their "master". Some details of the system are set forth in the report, and the Committee agrees with the Government that there does not appear to be any reason to interfere with it.

32. Most interesting information concerning the circumstances of the ex-slaves in the different provinces of Nigeria and the social and economic effects of the abolition of slavery, is given at considerable length in paragraphs 12 to 27 of the same communication.² After an analytical study of the results to the ex-slaves and the ex-masters, the report sums up the situation with the statement that, since the abolition of slavery, the economic development of the country has been more rapid and more evenly balanced, with the ex-slaves working for themselves, than it was when they worked for a master.

33. This report is supplemented by further information in paragraph 10 of the communication³ from the United Kingdom Government, concerning the "house rule" system of the past. The report is of historical interest only, for the system disappeared rapidly as the result of legislation so long ago as January 1st, 1915. The Committee is obliged to the United Kingdom Government for its courtesy in thus adding to the information available regarding past systems.

34. The Belgian expert stated that the enquiry undertaken by the Royal Belgian Colonial Institute was proceeding, and there was reason to hope it would be possible at a relatively early date to draw conclusions therefrom ; the progress of the enquiry might seem slow, but it was being conducted on scientific lines.

35. The Committee is grateful to the French Government for an extremely valuable study of the status and general conditions of the "voluntary servitors" in French West Africa.⁴ The personal liberty of every native, whatever his origin and position, is strictly guaranteed by the local authorities, unconditionally and unreservedly. This liberty is his by right, and its recognition is not subject to any formality or proof of any kind. In this vast area, there is every kind of local condition. Everywhere, the social and economic environment brings its influence to bear on the position as a whole. In each individual case, the personal relationship between the two parties is a factor of great importance. In every case, the Committee is completely assured of two things : the genuineness of the voluntary nature of the system ; and the careful and sympathetic attention which the French authorities are bestowing upon the subject.

36. In the Sudan, 300 "freedom papers" were issued in 1936 and 111 in 1937.⁵ The Government refers to its detailed study of the subject of "voluntary slavery" in 1936⁶ and states that the number of these papers gives little or no indication of the pace at which the system is disappearing.

37. In the Aden Protectorate, the closest attention is being given to measures for the gradual emancipation of born slaves in the Sultanate of Mukalla and the Kathiri Sultanate. The United Kingdom Government hopes that, in due course, some regulations may be framed on the following lines : (1) Buying and selling of slaves is prohibited, and after a specified date a sale will not give a legal title ; (2) registration before a specified date, after which no title will be recognised ; (3) any slave who desires freedom should apply to the nearest Government representative ; (4) runaway slaves will not be restored ; (5) slaves who desire freedom will be given a paper, but may not then return to their masters ; (6) masters who give slaves their freedom should have the papers registered if the slaves wish to remain with them ; (7) self-mortgage as a slave is not recognised ; (8) the children of slaves belong to their parents⁷.

This is a development of the highest importance and the Committee will follow it with the greatest interest.

38. Emancipation of slaves is now further facilitated by the power of manumission recently conferred upon a British official. If the number of manumissions becomes considerable, some organisation will be necessary to find employment. This aspect of the case is discussed in paragraphs 6 to 9 of the communication, in which some very practical observations are made.

¹ See page 24.

² See pages 24 to 26.

³ See page 41.

⁴ See pages 81 to 82.

⁵ See pages 91 and 92.

⁶ See page 76 of the 1937 report of the Committee.

⁷ See pages 40 to 41 and 46 to 47.

39. Concerning the Persian Gulf, the Committee has information from the United Kingdom Government concerning the liberation of slaves under the various systems following the Mohammedan Law and the conditions of slave-labour in the pearl-diving industry.¹ The pearl-diving season lasts only for the four months from May till August : the conditions are necessarily somewhat hard, but no worse for the slaves than for the free men. In Koweit, only a few slaves are thus employed, and they keep all their earnings. In the Trucial Oman, the slaves generally receive at least half their earnings. No slaves are engaged elsewhere in this area in pearl-diving.

40. The Ruler of Bahrein, Hamad bin Isa al Khalifah, issued a Slavery Proclamation on August 11th, which is translated in the following words² :

“The public are reminded that it is forbidden to own slaves in Bahrein. Any person who imports, exports, buys, sells or owns any person as a slave is liable to punishment by imprisonment and fine.”

* * *

41. In Arabia, as the Committee has already stated on several occasions, Islam encourages the liberation of slaves. In the past, the effects of this religious influence have, to a large extent, been checked by economic, social and political factors. New economic phenomena have now arisen tending to eliminate the opposition to the abolition of slavery. In Sa'udi Arabia, the epoch-making anti-slavery regulations of October 2nd, 1936, which were summarised on page 9 of the Committee's 1937 report (the full text is reproduced on pages 47 and 48), will have far-reaching repercussions, and will very probably create in the public mind a new conception of the whole question, taking all these aspects into account. The beneficial effects of these Regulations should be known. In the Protectorate of Aden, regulations of the highest importance are now under consideration, and the Committee feels sure that the effects of any measure adopted in that territory will be followed with the keenest interest by the sultans and sheikhs of the Persian Gulf. Throughout the whole of Arabia, therefore, the situation is very encouraging. There is no evidence to suggest that outside Africa and Arabia there are still any born slaves.

* * *

42. The situation may be summed up as follows : In Africa, the age-long home of most of the slaves of the world, there is no reason for any disquietude concerning any of the colonies of the European Powers. In most of them, slavery in any form has now ceased to exist : in some, it lingers on, without legal status, as a social tie. Even as such, it is dying rapidly and painlessly.

CHAPTER IV. — OTHER INSTITUTIONS.

(a) PAWNING, PEONAGE AND DEBT-SLAVERY.

43. The Committee thanks the United Kingdom Government for two interesting reports on a “pawning” system, known as *Iwofa*, in the southern provinces of Nigeria.³ The first was written when investigations were proceeding, and the second after they had been concluded. Three forms of pawning are distinguished in the later report — namely, (a) adult self-pawning ; (b) child pawning ; and (c) female child pawning.

44. In regard to (a), the system is that a debtor voluntarily assigns himself to his creditor as a labourer until the debt is paid off. He receives some remuneration for his work. The Committee observes in the report that the system is rapidly declining with the increase in other facilities for obtaining money, and that a number of the chiefs are not in favour of the continuance of the practice. Pending a decision (mentioned below) on amending the law so as to make the practice illegal, it is proposed to prohibit any action in the native courts for recovery of debt when the debtor has served or agreed to serve as a pawn, and also to encourage pawns to appear before the courts, without payment of any fee, to have the amount of the debt fixed and payment by reasonable instalments arranged. A special effort is also being made by publicity to discredit the system, and the Government hopes for the early extinction of the practice.

45. In regard to (b), the practice of pawning a male or female child as a labourer still persists to some extent. The children must be not less than 16 years of age, and must give

¹ See page 77.

² See page 78.

³ See pages 23, 42 to 43 and 49 to 50.

their consent. They are always free to return to their parents, and their parents can withdraw them. An intensive campaign against the system is now being conducted, and there is hope of its entire suppression in the near future.

46. In form (c), the pawn is a young girl and the process is disguised as a marriage transaction. The Committee notes that it is most difficult to detect the cases; for the dividing-line between pawning and betrothal or marriage is often so fine that only the parties themselves can detect it.

47. To place or receive any person in servitude as a pledge or security for debt is, under Section 369 (3) of the Nigerian Criminal Code, tantamount to "slave-dealing" and is punishable with imprisonment for fourteen years.

The report explains, however, that it is questionable whether this section covers these three systems of pawning, since it is not possible to prove that "servitude" is involved. The Committee notes that this aspect of the case is being investigated with a view to an amendment to enable the law to prohibit forms of pawning in which "servitude" is not necessarily involved. The Nigerian Government expresses its confidence that, except in a few inaccessible areas, the pawning system will rapidly disappear.

The Committee is convinced that the methods of publicity and education, upon which the Government is already relying, will be useful in explaining to the people that it is the practice of pawning a girl under disguise of marriage or betrothal which is to be prohibited, and not the marriage or betrothal system itself.

48. In the Gold Coast, where no cases of pledging have come to light for several years, one case was reported in 1937. The case, which is mentioned in the communication from the United Kingdom Government,¹ was treated as one of slave-dealing, and the two offenders were sentenced to imprisonment.

49. In the communication from the French Government (Annex 11 to the Committee's 1937 report), mention was made of the pawning, by a Chief in French Guinea, of some marriageable girls, whom he had collected from villages under his control and assembled in a caravanserai, and of the measures taken in consequence. In its 1938 report,² the French Government states that steps have been taken to prevent the recurrence of such outrages, and to return the girls in question to their parents, unless they had freely consented to marriage in conformity with customary law.

50. In the communication from the Government of the Republic of Liberia, dated August 6th, 1937³ — the first received by the Committee since 1932 — it is observed at the outset that slavery does not exist in the territory of the Republic. It is further stated that the Act of December 19th, 1930, relating to the pawning system has had the effect of freeing the pawns among the aboriginal tribes. The Committee hopes to receive further information bearing on this problem in regard to the entire territory of the Republic.

51. Some interesting observations on a mild form of "pledging for debt" (*engagement pour dettes*) in Cochin-China will be found in paragraph 3 of the French Government's report.⁴ There seems to be little objection to this system, provided that there is no compulsion and that there is fair remuneration. On the general subject of the hiring of services for the redemption of a debt, Articles 1150 to 1154 of the preliminary draft Annamite Civil Code of Cochin-China contain strict provisions for the prevention of abuse. It is with pleasure that the Committee notes the statement that the evolution in the condition of the person is less a matter of legislation than of a development in the mentality of the people.

* * *

52. In paragraph 67 of its 1937 report, the Committee mentioned that certain investigations which are being conducted by the International Labour Organisation would be likely to provide information as to the possible existence of the "peonage" system. The Committee has received no further information on this subject.

* * *

53. The Committee has examined with great interest the communication of the Government of India concerning the working of the "Baghela" Regulation in the State of Hyderabad.⁵ As was recorded on page 80 of the Committee's 1936 report, a special officer was appointed to investigate the working of the Regulation and to supervise the enforcement of its provisions. By determined effort, great difficulties have been overcome, and the

¹ See pages 41 to 42.

² See page 81.

³ See page 89.

⁴ See page 79.

⁵ See page 86.

Committee notes that one or two years of further experience is necessary. The report ends with the following words :

“ His Exalted Highness’s Government is satisfied that, with the sustained vigilance which the Regulation is attracting both from officials and non-officials, and after careful rules have been framed to implement the Regulation, this old-time hereditary service will altogether disappear, giving place to the annual wage contracts between the labourer and employer which already prevail over the greater part of the dominions.”

54. The success which has attended the Government’s energetic action is regarded by the Committee as an example to every country in which forms of agricultural debt-slavery still prevail.

* * *

55. In its 1937 report, the Committee published in Annex 14 two reports on various forms of debt bondage prevalent in the Presidencies of Madras and Orissa, and, in paragraph 60 of the same report, it was suggested that the Government of India should furnish some information as to the remedial measures in contemplation. The Committee thanks the Government of India for its courtesy in forwarding this most interesting information.¹ The systems enumerated in the earlier report are many and diverse. The Committee observes that, on re-examination of the position, the Government of Madras is of opinion that it is not as serious as at first sight it appeared to be, and that the Government of Orissa appreciated the necessity of removing the more serious evils connected with the systems. Considerations of space permit two instances only to be mentioned. In one part of a district in the Madras Presidency “ the debt bondage system known as the Gothi system is strongly entrenched ”. The Committee entirely agrees with the opinion that “ so deep-rooted and long-standing an institution cannot be eradicated by a violent change ”. In mitigation of the evils of the system, the Government proposed, in its own words, to assign house sites and cultivable waste lands to the victims, and proposes further to examine the possibility of legislation.

In Orissa, where the Gothi and Kamia systems are recognised as containing the most serious abuse, practical difficulties are connected with the remoteness of the areas and the low mentality of the classes to which the victims belong. The remedies in contemplation are many : they include the spread of education, the improvement of communications and various methods of financial assistance.

The Committee would be glad to be informed of the effects of these measures.

(b) THE MUI TSAI OR PEI-NU SYSTEM.

56. Under this system, young girls are transferred by their parents to other persons for employment in domestic service until they reach an age when they can marry. When they are married, they are under no further obligation to their employers. In almost every case, some money is paid in consideration of the transfer. Occasionally, it happens that a child is transferred as a free gift. Sometimes there is an intermediary or broker, who takes the child from the parents and later transfers her to an employer. In some cases, the child or young girl is definitely sold ; in other cases, the parties to the transaction regard the money payment as a consideration for the transfer of the child’s services in domestic employment.

57. As was stated in paragraph 70 of the Committee’s 1937 report, “ Mui Tsai ”, which may be translated as “ little sister ”, is a colloquial or slang expression in the Cantonese dialect. This term is always used in the communications from the United Kingdom Government concerning the system in Hong-Kong and Malaya. The term “ Pei-nu ”, which is accurately translated as “ slave-girl ”, is used in the communications from the international settlements of Shanghai and Kulangsu. The Committee does not know what term was used in the Regulations issued by the Chinese Government on January 22nd, 1936, and has not at present received a reply to the observations on this point in its 1937 report.

1. In China.

58. It will be convenient to recall briefly the information supplied on this subject by the Chinese Government. At a meeting of the Sixth Committee of the Assembly on September 17th, 1931,² the Chinese delegate said that he wished to correct a statement made by the British delegation that slavery still existed in China. He said that the principles of Confucianism and of family morality in China made it impossible for the institution of slavery to exist. Traffic in children, he said, did not exist in China, and, in fact, could not co-exist with the Chinese traditions of filial piety and the well-known readiness of Chinese mothers to adopt other children in cases of disaster. On May 6th, 1933, the Director of the Permanent Office of the Chinese Delegation to the League of Nations reported³ that slavery had been

¹ See pages 88 and 89.

² *Official Journal*, Special Supplement No. 99, page 18.

³ Document A.16.1933.VI.

strictly prohibited for a long time and that this had been further stressed by Ministerial Orders of June 1928 and March 1931; that Article 313 of the Criminal Code contained provisions for the punishment of imprisonment for seven years for offences; and that in fact slavery in the technical sense of the term had long ceased to exist in any part of China. He stated that the Mui Tsai system, which sometimes, though erroneously, was assimilated to slavery, had been strictly prohibited since the Tsing dynasty, and that this prohibition had been reaffirmed in September 1932 by "Rules Prohibiting the Keeping of Mui Tsai". He supplied an English translation of these Rules.¹

59. At a meeting of the Sixth Committee of the Assembly on October 10th, 1933,² the Chinese delegate said that the Mui Tsai were not slaves; that their status was peculiar, the terms denoting merely a young servant-girl; that she was placed by her own parents, generally in return for payment, in the service of another family, where she remained until old enough to marry; that the master did not possess the absolute right of ownership over her, his relation to her being rather that of a guardian, and that she was looked upon as a member of the family. He said that he was not justifying the existence of such a system, but emphasised that it was incorrect and unfair to assimilate it to slavery. After saying that the system was disappearing with changed conditions, he urged that the problem should be considered in connection with child-welfare rather than with slavery. Reference is made to this interesting suggestion in paragraph 82 of this report.

60. A communication from the Chinese Government, dated July 13th, 1934, was published as Annex 5 to the Committee's 1935 report. It admitted the existence of the Mui Tsai system, but distinguished it from slavery. After mention of the Regulations of September 1932, it declared that efforts were being made to eradicate a system which was recognised as an anomaly.

61. On January 22nd, 1936, the Chinese Government promulgated new Regulations prohibiting the keeping of Mui Tsai, and supplied a copy of a translation with its letter of March 25th, 1936 (1936 report, Annex 11). This letter explained that the term Mui Tsai was not a translation of the Chinese term used in the Regulations, and that it had been adopted because it was commonly resorted to in League documents. In concluding the letter, the Chinese Government expressed the hope that it would be possible to collect statistical data of the liberations effected as the result of these regulations.

62. Thanks are due to the Chinese Government for its action. The Committee realises the difficulties involved by the task that has been undertaken; it would be grateful for any information which would keep it abreast of developments.

2. *In the International Settlements.*

(i) *Kulangsu.*

63. A most interesting communication from the Kulangsu Municipal Council was published as Annex 18 to the Committee's 1937 report. It was therein reported that Regulations for the registration of Pei-nu had been promulgated, that over 500 Pei-nu had been registered; that a house-to-house examination was being undertaken by a special officer to ensure the completeness of the registration; that the Council proposed to appoint an inspector of Pei-nu; and that the aim was a gradual but effective abolition of the system.

64. The Committee noted this encouraging commencement, and expressed the hope that it might receive another communication for its report this year³. At the time of its meeting, no communication had been received, but the Committee trusts that it may receive further information for its report next year.

(ii) *Shanghai.*

65. In its 1937 report, the Committee published, as Annex 18, a valuable communication from the Shanghai Municipal Council. This year it has received a further detailed communication of the greatest interest, and is most grateful to the municipal authorities for the care bestowed upon the preparation of this admirable study at a time when, as mentioned in the report, the outbreak of hostilities had caused an exodus from some areas and overcrowding in others.⁴

66. The Committee observes that Miss E. M. Hinder, Chief of the Industrial Section of the municipality, has been appointed "Supervisor of Mui Tsai" and assumes that, although this Cantonese expression is unknown to the Chinese population of Shanghai, it is more convenient than any other term. Throughout the Municipal Council's report the English expression "girl-slave" is used.

67. In compliance with a request expressed in the Committee's last report, particulars are given of the "homes" or "refuges" for rescued children. Six organisations and one private lady maintain nine institutions, which house approximately 2,100 women and girls. Some of them have been girl-slaves; others have been victims of cruelty, beggars, prostitutes and "unwanted" or lost children. The institutions are insufficient for the needs of Shanghai.

¹ Document A.16.1933.VI.

² See *Official Journal*, Special Supplement No. 120, page 58.

³ See paragraph 73 of the 1937 Report of the Committee.

⁴ See page 93.

Finance is of course a difficulty. The Municipal Council gives a generous subsidy, which, in present circumstances, it cannot afford to increase. In some thoughtful and wise observations on the part played by such institutions in the scheme of training girls, the report points out that they are a help but not a cure. Other means, it says, must be found as well: a plan for safeguarding girls by frequent visits of inspection, a plan for placing girls in families under proper supervision, and a plan for having children adopted in suitable homes.

68. The Committee entirely agrees with the opinion expressed in the Municipal Council's report that girl-slavery is a part of the larger problem of trafficking in girls. The report gives three categories of girls who, as it says, are passed from hand to hand for money and without their volition in many cases. First, there is the girl domestic slave, who becomes the property of the buyer. Secondly, there is the girl who is "mortgaged into a life of prostitution for a period of three years, in return for which either the parents or the trafficker receives a lump sum, often several hundred dollars". The girls' earnings go to their owners, who often ill-treat them if they do not get enough. Thirdly, there is the "pao fan" (guaranteed rice) system of labour under "contract". Cotton-mills in Shanghai employ women who are under contract. A middleman, in return for a payment of money to a girl's parents, is entitled to her full wages for a period of years, usually three. He provides her with a meagre subsistence, and to prevent her escape has her closely supervised as she goes to and from her work of a twelve-hour day or a twelve-hour night. The report endeavours to give a proper perspective of the whole picture of the transferred children of Shanghai. In the opinion of the social workers and police, there are many fewer domestic girl-slaves than there are girls who have been sold into a life of prostitution, and many fewer again than the victims of labour under "contract". The report refrains from any comparison of the misery and degradation of these three categories, and the Committee will follow its example.

69. The Committee notices with some surprise that it is not an offence against the law to keep a girl-slave, and that, in consequence, the only cases that come into court are those which involve cruelty to a girl-slave and those in which there is a charge of trafficking in girl-slaves. The report explains that the reason is that the Chinese Government Regulations of January 22nd, 1936 (mentioned in paragraph 61 above), are a ministerial order and not a legislative act, and are not applicable, therefore, in the Shanghai court.

70. The report is a most valuable contribution to the study of child protection. Miss Hinder proposes to submit a further study to the Municipal Council at the end of the current year. The Committee hopes that it will be supplied with a copy for use in its report to the Council.

3. *In Hong-Kong and Malaya.*

71. The Committee thanks the United Kingdom Government for the following communications concerning the Mui Tsai system in Hong-Kong and Malaya:

(a) Report by the Governor of Hong-Kong on the Mui Tsai system for the half-year ending November 30th, 1936, with three Sub-Appendices (see Annex 1);

(b) Report by the Officer administering the Government of Hong-Kong on the Mui Tsai system for the half-year ending May 31st, 1937, with three annexes (see Annex 3);

(c) Report by the Governor of the Straits Settlements on the action taken in individual cases under the laws relating to children, Mui Tsai and girls' protection in the Straits Settlements, Federated Malay States and Unfederated Malay States during the year 1936 (see Annex 3, Appendix 2).

(d) Return showing the number of Mui Tsai remaining on the registers on June 30th, 1937, throughout the Straits Settlements, Federated Malay States and Unfederated Malay States (see Annex 4);

(e) Report on the Mui Tsai system in Malaya and Hong-Kong (see Annex 5).

72. In paragraph 79 of its 1937 report, the Committee referred to the majority and minority reports of the Commission on Mui Tsai in Hong-Kong and Malaya.¹ The majority report recommended the continuation of the existing Mui Tsai legislation, subject to some minor amendments and some administrative improvements. The minority report (in the words of the communication of the United Kingdom Government²) expressed the opinion that the chief obstacle to the abolition of the Mui Tsai system lay in the difficulty of

¹ Colonial Paper, No. 125. — See also pages 16 and 46 of the Committee's 1937 report.

² See page 45.

disentangling it from the general system of transferences of girl children. It recommended the repeal of the Mui Tsai laws (which apply only to Chinese girl children), the abolition of the legal status of a Mui Tsai and the introduction of new legislation which would apply equally to all nationalities, as a measure of female child protection. This proposal has been accepted by the Straits Settlements Government, and the Governor of the Straits Settlements, who is also High Commissioner for the Malay States, has expressed the hope that the Governments of the Malay States will follow the action of the Straits Settlements. The Hong-Kong Government has not yet made its decision in the matter.

73. The minority report recommended that new legislation should provide that every transfer of a girl under the age of 12 from her parents to the custody of some person other than a near relative should be notified at the time to some duly-constituted authority. Immediate notification is the key-note. If the authority were satisfied that it was a case of genuine adoption, no further action would be necessary. Quasi-adoption would not be recognised. There would be provisions for registration of wards, temporary wards and domestic servants, and their supervision and protection. The Straits Settlements Government proposes to raise the age from 12 to 14 years, and to require that all transfers, except those for a period not exceeding three months, must be notified. The Protector is also to be empowered to take any action to secure the safety of a registered child. This new system of child protection will be brought into effect by re-casting the Children's Ordinance. The draft legislation is now being prepared.

74. The majority report referred, on page 41, to "the clouds of uncertainty in which the question of the unregistered Mui Tsai is enveloped". The Committee notes further that, in Hong-Kong,¹ the addresses of 790 registered Mui Tsai out of a total of only 1,474 were unknown on May 31st, 1937; and the Committee supposes that the number of children who were transferred at a tender age to persons other than near relatives is immeasurably greater than the number of registered Mui Tsai.

75. The following passages may be quoted from paragraph 14 of the minority report :

"The fact that the status of Mui Tsai is difficult to define creates a dangerous situation. That a transferred child stands in peril is abundantly clear. . . . We must abandon the attempt to define and legislate separately for the Mui Tsai and instead apply the machinery of protection — i.e., notification and where necessary inspection — to all transferred girls under 12 years of age. . . . I am convinced that this intricate problem cannot be solved by compartments, and that unless such generalised protection is given, many of the old evils will crop up again and again in different categories under different forms."

76. The United Kingdom Government has suggested in paragraph 23 of its communication of February 10th, 1938,² that the Slavery Committee might wish to examine the reports, which are supplied annually to the Advisory Committee on Social Questions, on the working of the Women's and Girls' Protection legislation in Malaya, for the reason (in the words of the communication) that the work of protection of women and children is intermingled with the problems arising out of the Mui Tsai system.

77. In compliance with this suggestion, the Slavery Committee has examined a despatch, dated August 22nd, 1937, from the High Commissioner for the Malay States, transmitted by the Government of the United Kingdom to the Secretary-General of the League of Nations. It seems to the Committee to bear out fully the view expressed in the above-mentioned communication. The Committee has decided to refrain from any comment upon the cases mentioned, as that communication is under consideration by the Advisory Committee on Social Questions.

4. Other Countries.

78. As was stated in paragraph 82 of the Committee's 1937 report, the Mui Tsai system has completely disappeared from the Netherlands Indies as the result of measures taken by the Government.

79. A similar system, which is described in paragraph 4 of the 1938 communication from the French Government,³ exists in Cochin-China. It is quite distinct from civil adoption, which is carefully regulated by law. It is described in the communication as a type of adoption tolerated by custom which constitutes servitude, a sale more or less disguised, but it is considered to resemble pledging rather than an actual sale.

This is a most valuable addition to the Committee's information on the subject of transfers of young children. The Committee would be glad to learn whether this custom is practised

¹ See page 29.
² See page 44.
³ See page 80.

by the Chinese community as well as by the autochthonous inhabitants of Cochin-China, and also, if possible, whether it prevails in the large towns to such an extent that it may be regarded as a regular system of female domestic service.

80. The Committee has no official information as to the existence of this system in the Chinese communities in other countries.

81. The Committee thanks the Portuguese expert, M. d'Almada, for the following information he has kindly supplied in his personal capacity about the system in question as found in the Portuguese colony of Macao :¹

“ At Macao, the Mui Tsai system is the only restriction upon individual liberty still tolerated by custom. This custom, which has existed for centuries throughout China, is not recognised by Portuguese law. Once the authorities become aware that a Mui Tsai is discontented with her lot, they intervene to restore her to her family, when this is known, or to place her in a convent, in which she is educated until she reaches her majority. If there is any evidence of ill-treatment, the persons responsible are brought before the criminal court. The Mui Tsai of Macao live peacefully with their adopted families and work inside the house. They can recover their liberty as soon as they wish. Only in very few cases have Mui Tsai appealed to the authorities, and on no occasion have they failed to obtain satisfaction. There are no special laws governing the matter.”

5. General Observations.

82. The Committee invites attention to the consensus of opinion that the Mui Tsai system is only one manifestation, out of many, in any system of transferring young children at a tender age from their parents to strangers. First, there is the considered opinion of the Chinese representative that the problem can best be considered as a part of the larger problem of child protection. Secondly, there is the opinion expressed in the report of the Shanghai Municipal Council, that it is necessary to consider the problem of the “ girl-slaves ” of Shanghai in proper perspective with the other two problems of girls transferred for prostitution and girls under “ contract ” transferred for labour in factories. Thirdly, there is the recommendation of the minority report of the Commission on Mui Tsai in Hong-Kong and Malaya, which has been accepted by the Straits Settlements Government. Lastly, the Committee has the opinion of the United Kingdom Government, mentioned in paragraph 76 above, that the work of protection of women and children is intermingled with the problems arising out of the Mui Tsai system.

83. The Committee has no hesitation in expressing its opinion that an overwhelming case has been made out for taking the larger view of the problem.

84. The outstanding merit of the system which has been adopted in principle by the Straits Settlements Government is its simplicity. No longer will there be any question whether the child has been transferred for adoption, or quasi-adoption, whether she is a ward, a servant, a labourer under “ contract ” or whether she is destined to become a prostitute. As soon as the new law comes into operation and is enforced by the necessary staff of inspectors, there will be only two questions, dreadful in their simplicity and directness, to be answered in any suspected case : at what age the girl was transferred from her parents, and whether the transfer was notified at the time to the proper authority. Unless the answers to these two questions are satisfactory, a conviction in the court will follow as a matter of course. It will be seen how this will strike at one of the roots of all transfers of young girls for purposes of being trained to become prostitutes.

85. In considering this larger aspect of the case, the Committee asks itself how the problem stands *vis-à-vis* the Advisory Committee on Social Questions. If the Slavery Committee understands the position correctly, the Social Questions Committee, within the limits of its competence, deals with the problem of the protection of children. On the other hand, it is quite clear that the powers of the Slavery Committee cover only cases of “ slavery ”, whether it be the slavery of a domestic servant, a prostitute or a labourer under “ contract ”. So long as the domestic servant, the prostitute or the labourer is a “ slave ”, she is the special concern of the Slavery Committee.

86. When a girl is only a victim of a transfer, and not necessarily a “ slave ”, she does not come under the Committee's notice. Often she is both a “ slave ” and a victim of a transfer. This is the point which the Committee wishes to establish. It is one of the greatest importance, for it sets in its proper perspective the special problem of the “ girl-slave ” with the far larger problem of the “ transferred child ”. The Committee is not in a position at present to do more than enunciate a proposition, which will require the most careful consideration.

(c) QUASI-ADOPTION OF CHILDREN.

87. The Committee referred to this system, as it exists in Ceylon, on pages 27 and 62 of its 1936 report, and on page 41 of its 1937 report. This year it is able to report² that a draft ordinance to give effect to most of the recommendations of the Sub-Committee mentioned in

¹ See page 130.

² See page 46.

the Committee's earliest reports has been published in the *Ceylon Government Gazette* of December 3rd, 1937, and that a separate Bill to regulate the adoption of children is now in course of preparation.

(d) SERFDOM.

88. In paragraph 22 (page 27) of its 1936 report, the Committee offered the following observations on the difference between "serfdom" and "slavery":

"(d) *Serfdom.*

"22. It is possible to have a fairly clear impression that 'serfdom' is quite different from 'slavery' without having any idea where the difference lies. Broadly speaking, we may say that a 'slave' is a person who is either the victim — or else is the descendant of a victim — of an act of personal violence, resulting in capture and subsequent detention and use as an article of property; and that the services rendered by a 'serf' are connected sometimes with the relationship between one tribe and another, sometimes with the fact that his lot is bound up with that of agricultural land or grazing grounds, occasionally with employment in or around the household of a 'master', and, in some cases quite possibly, are a curious medley of all three. It is true that the treatment of 'born slaves' — as the result partly of the growth of humane ideas in the country, partly of the progress in the social and economic development of the people and partly of an awakening desire for freedom amongst the 'slaves' themselves — has, in many places, become so mild that they are nearly indistinguishable from 'serfs'. It is important, however, to keep the fundamental distinction clearly in mind, and to realise that the status of 'serfdom' is a condition 'analogous to slavery' rather than a condition of actual slavery, and that the question whether it amounts to 'slavery' within the definition of the Slavery Convention must depend upon the facts connected with each of the various systems of 'serfdom'."

89. The relationship between the dominant tribe of the Bamangwato and the subservient tribe of the Masarwa in the Bechuanaland Protectorate may have been an instance of tribal serfdom in the past. In its reports for 1935, 1936 and 1937, the Committee published particulars of this relationship supplied to it by the United Kingdom Government. This year, it has received a communication containing detailed information of the greatest interest concerning the action taken by the Protectorate Government to protect the interests of the Masarwa.¹ The Committee observes that the acting chief of the Bamangwato tribe has agreed to implement the policy of incorporating the Masarwa as ordinary tribesmen into the body politic of the Bamangwato, enjoying the traditional rights and subject to the traditional obligations of tribesmen and free from all abnormal and exceptional obligations.

90. A proclamation entitled the Bechuanaland Protectorate Native Labourers (Protection) Proclamation was also issued on March 11th, 1936.² It is not yet in force, and will not take effect until notice is given in the *Gazette*. The two principles of this proclamation are:

(1) That Masarwa should be free to dispose of their services as they wish, and as a corollary they should also be free to terminate their employment in a recognised and controlled manner, and

(2) That wages, definitely recognised as such, should be paid to all employees.

91. A short proclamation, known as the Affirmation of the Abolition of Slavery Proclamation, was issued on March 11th, 1936.² It declared that slavery in any form was unlawful and that the legal status of slavery did not exist. The reason for its promulgation was the need for a definite legal negation of the right to invoke in any court any native custom that might be suggestive of slavery in any form whatsoever.

92. In these circumstances, it seems possible to say that the status of the Masarwa is not one of slavery.

* * *

93. A system of "hereditary domestic service" in Rajputana was mentioned in paragraph 87 of the Committee's 1937 report. It was communicated by the Government of India, and the Committee recorded a protest by the States concerned against any attempt to include this system in the definition of "slavery". This year, the Government of India has supplied further information.³ The Committee gladly accepts the assurance that the servants in question can leave the employment of their masters, and, in these circumstances, it agrees with the States concerned that the system is not comparable to slavery.

¹ See page 56.

² See page 67.

³ See page 87.

CHAPTER V. — CONCLUSIONS.

94. The Committee :

(a) Reiterates the hope (1) that the Slavery Convention of September 25th, 1926, may be ratified without further delay by those States which, having signed or acceded to it, subject to ratification, have not yet ratified ; and (2) that such States as have been invited to accede to the Convention and are not yet parties thereto will consider the possibility of acceding thereto ;

(b) Expresses the hope that the Governments will continue to supply information as full and as accurate as possible, in accordance with Article 7 of the 1926 Convention and the various resolutions of the Assembly ;

(c) Calls the Council's attention more particularly to the suggestions formulated in the present report on the basis of Article 16, paragraph 1, of the Committee's Rules of Procedure for obtaining such further light as it deems desirable on points arising in connection with the examination of the documents supplied by the Governments ;

(d) Suggests that the Council should bring to the notice of the Governments concerned, for any action they may think fit to take, the wishes and recommendations, both general and specific, which it has been thought expedient to formulate in the present report.

B. ANNEXES.

I. COMMUNICATIONS RECEIVED FROM GOVERNMENTS.

ANNEX 1.

C.C.E.E.172.

COMMUNICATION, DATED MAY 28TH, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

With reference to Foreign Office letter of April 8th, 1937,¹ I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, copies of a report by the Governor of Hong-Kong on the Mui Tsai system for the half-year ending November 30th, 1936.

(Signed) D. F. HOWARD.

Appendix I.

REPORT BY THE GOVERNOR OF HONG-KONG ON THE MUI TSAI SYSTEM FOR THE HALF-YEAR ENDED NOVEMBER 30TH, 1936 (WITH THREE SUB-APPENDICES).

1. The number of Mui Tsai remaining in the register on November 30th, 1936, was 1,599, being a decrease of 124 since June 1st, 1936.

2. This decrease is made up as follows :

(i) Restored to parents or relatives	33
(ii) Married	21
(iii) Earning their own living	16
(iv) Taken into the custody of the Secretary for Chinese Affairs	13
(v) Left colony permanently	31
(vi) Absconded	6
(vii) Removed from the register	4
	124

3. Of the girls removed from the register, one was removed on her conviction before a magistrate of larceny from her employer; she has since been restored to her parents. One was removed at her own request, but remains with her employers pending her marriage. Two were removed on proving to the satisfaction of the Secretary for Chinese Affairs that their status is that of adopted daughters. One of these, a boat-woman, had been twenty-four years with the family; the other has been placed under bond and will continue to be visited regularly.

4. With reference to paragraph 5(d) of my report for the half-year ended May 31st, 1936,² fourteen of these missing girls have been traced since that report was made.

Of these, eight are included in the list in paragraph 2 of the present report and their names have been removed, while six remain on the register. On the other hand, ten girls have been reported as having moved to an unknown address. The present position is therefore as follows :

	Missing	Total registered
Mui Tsai regularly visited by the inspectors	728	1,376
Mui Tsai living on boats	54	92
Mui Tsai in the new territories	25	131
	807	1,599

5. I attach lists showing the ages of Mui Tsai still on the registers, and the ages of the missing girls, as well as a list of prosecutions under Ordinance No. 1 of 1923.³ In all cases of prosecution of an employer of an unregistered Mui Tsai, the girl was taken away and sent to an institution or restored to her relatives. These prosecutions may be summarised as follows :

(a) Ill-treatment of an unregistered Mui Tsai	3
(b) Additional charge of ill-treatment of a child under 16 years.	1

¹ See page 50 of the 1937 report of the Slavery Committee.

² See page 22 of the 1937 report of the Slavery Committee.

³ See page 25, footnote 1 of the 1937 report of the Slavery Committee, and page 65 of its 1935 report.

(c) Keeping an unregistered Mui Tsai	22
(d) Bringing a Mui Tsai into the colony	7
(e) Failing to report the death of the employer of a registered Mui Tsai	2
(f) Failing to report the taking into employment of a registered Mui Tsai	1
(g) Failing to report the intended removal from the colony of a registered Mui Tsai	1
(h) Failing to report change of address of a registered Mui Tsai.	10
(i) Failing to report the intended marriage of a registered Mui Tsai	1
(j) Failing to pay wages to a registered Mui Tsai	2

6. (a) One case of ill-treatment was reported by a member of the Hong-Kong Society for the Protection of Children and concerns a girl 8 years old, who was employed by the woman who had ill-treated her. When seen, the girl was covered with bruises and had been tied to a trunk. The employer was charged with (a) keeping an unregistered Mui Tsai, (b) ill-treating a Mui Tsai; with an additional charge of ill-treatment of a child under 16 years. Defendant was sentenced to one month hard labour on charge (a) and two months hard labour on charge (b), the sentences to run consecutively.

(b) In another case, information was received from a member of the general public concerning two girls who had absconded from their employers owing to ill-treatment. Both girls proved to be unregistered Mui Tsai in the employ of a married woman, and when seen showed cane marks and bruises, though they appeared well nourished and had received sufficient clothing. The doctor certified that, in each case, the marks and bruises were the result of considerable violence. The woman was taken into custody and charged with having in her employment, custody or control, two unregistered Mui Tsai, and was further charged with ill-treating them. Defendant pleaded "guilty" to keeping two unregistered Mui Tsai and ill-treatment of one of these. For keeping and ill-treating the first girl defendant was fined 200 dollars on each of the two charges. She was also fined 200 dollars for keeping the second girl as a Mui Tsai, the charge of ill-treatment in this case being dismissed.

(c) In one case concerning keeping unregistered Mui Tsai, the European Mui Tsai Inspector received information from the police to the effect that a suspected unregistered Mui Tsai had been found crying in the street by a member of the Anti-Mui-Tsai Society. The girl proved to be a Mui Tsai in the employ of a married woman who had threatened her with a piece of firewood. As a result of enquiries, two other Mui Tsai were found in the employment of another woman residing in a neighbouring house, whilst a further six suspected Mui Tsai were discovered in the employ of a woman residing in another part of the house. All the girls appeared to be well fed and clothed. In respect of the charge of keeping an unregistered Mui Tsai, the first defendant was fined 50 dollars, the second defendant was fined 50 dollars on each of the two charges, and the third defendant was fined 50 dollars in respect of each of the six charges. The fines were paid. The defendants had recently arrived in the colony from Canton.

(d) In another case, information was received that an unregistered Mui Tsai in the employ of a married woman had been ill-treated. The girl had been purchased and was expected to do the entire work of the house; when seen, she was in dirty black clothing. Defendant was charged with having a Mui Tsai in her employment, custody or control. Defendant pleaded "guilty" to the charge, stating that she was ignorant of the local law. After hearing the facts, the magistrate remarked that the case was a fair one in which to exercise his powers under the Ordinance recently passed and sentenced defendant to six weeks hard labour without the option of a fine.

7. With reference to paragraph 11¹ of my report for the half-year ended May 31st, 1936, regarding Mui Tsai attending school, three girls have been removed from the register, and one girl formerly studying has removed to an unknown address. Six have ceased attending school for financial reasons, five have resumed attending school and a further ten have been found to be studying, their fees of from 3 dollars to 40 dollars per annum being paid by the employers. The number of girls on record as school pupils on November 30th, 1936, is therefore fifty-six.

8. During the period under review, the two Chinese lady inspectors paid a total of 1,531 visits to registered Mui Tsai and to former Mui Tsai who have obtained employment as domestic servants. They have, in addition, spent much time and trouble in the search for missing Mui Tsai, and, in conjunction with Inspector Fraser, in investigating reports regarding unregistered Mui Tsai.

(Signed) A. CALDECOTT.

¹ See page 24 of the 1937 report of the Slavery Committee.

Sub-Appendix 1.

Table of Ages of Registered Mui Tsai ranging from 6 to 31 Years, up to November 30th, 1936.

6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	27	28	31	Total
3	8	15	25	48	53	53	116	111	171	169	217	170	153	106	99	44	23	6	6	1	1	1	1,599
432									727				440							1,599			

Sub-Appendix 2.

Table of Ages of Registered Mui Tsai whose Whereabouts are unknown, not known at Addresses Registered, etc., ranging from 6 to 31 Years, up to November 30th, 1936.

6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	27	28	31	Total
3	4	8	13	16	17	17	42	40	56	73	111	95	100	68	77	34	21	4	5	1	1	1	807
160									335				312							807			

Sub-Appendix 3.

List of Prosecutions from June 1st to November 30th, 1936.

Serial No.	Name and age of Mui Tsai	Offence	Result	Disposal of Mui Tsai
1.	(a) Li Ki, <i>alias</i> Li Chuen, 16 (b) Lam Ming, <i>alias</i> Tsoi Wong, 9 (c) Cheung Kwai Lan, <i>alias</i> Tsoi Ching, 14	Keeping three unregistered Mui Tsai	(a) 200 dollars (b) 150 dollars (c) 150 dollars, Case Nos. 10964/6.	(a) Restored to sister (b) Restored to mother (c) Restored to sister
2.	Registered Mui Tsai, Luk Foon, 21	Failing to report change of address	10 dollars, Case No. 10933	Remaining with employer
3.	Registered Mui Tsai, Leung Kwai King, 17	<i>id.</i>	20 dollars, Case No. 16150	<i>id.</i>
4.	Lui Mui, <i>alias</i> Chau Yin, 10	Bringing an unregistered Mui Tsai into colony	Discharged	Restored to father
5.	(a) Yim Kwai, <i>alias</i> Tsoi Lin, 11 (b) Leung Ngan, <i>alias</i> Tsoi Kam, 15	Bringing two unregistered Mui Tsai into colony	Adjourned <i>sine die</i>	(a) Restored to guardian (b) Restored to mother
6.	Registered Mui Tsai, Chan Fuk, 17	Failing to report intended marriage of Mui Tsai	5 dollars, Case No. 18737	Married
7.	Registered Mui Tsai, Au Sui Ching, 20	Failing to report change of address	20 dollars, Case No. 18647	<i>id.</i>
8.	Yam Sim, <i>alias</i> Hang Ling, 22	Keeping an unregistered Mui Tsai	100 dollars, Case No. 19273	Restored to father
9.	Registered Mui Tsai, Fung Shing Tsoi, 15	Failing to report death of former employer	3 dollars, Case No. 978 N.T.	Remaining with new employer
10.	Registered Mui Tsai, Chu Mui, 13	Failing to report she had become actual employer	5 dollars, Case No. 977 N.T.	Remaining with employer's daughter under bond of 500 dollars
11.	Registered Mui Tsai, Chu Mui, 13	Failing to report change of address	5 dollars, Case No. 976 N.T.	<i>id.</i>
12.	Registered Mui Tsai, Leung San Hi, 13	<i>id.</i>	25 dollars, Case No. 21452.	Remaining with employer
13.	Registered Mui Tsai,	Failing to pay wages to Mui Tsai	Withdrawn	Absconded
14.	Leung Foon, <i>alias</i> Tai Hi, 10	Keeping an unregistered Mui Tsai	Six weeks hard labour without option of a fine, Case No. 22531	Sent to Po Leung Kuk

Serial No.	Name and age of Mui Tsai	Offence	Result	Disposal of Mui Tsai
15.	Tang Nui, 13	Keeping an unregistered Mui Tsai	75 dollars, Case No. 22697	Sent to Salvation Army Home
16.	Registered Mui Tsai, Lai Kwun Yuk, 15	Failing to report change of address	20 dollars, Case No. 24315	Remaining with employer
17.	Siu Yun Nin, 8	(a) Keeping an unregistered Mui Tsai (b) Ill-treating a Mui Tsai (c) <i>id.</i> (d) Assaulting a child under 16 (e) <i>id.</i>	(a) One month hard labour consecutively (b) Not guilty (c) Two months hard labour consecutively. (d) (e) Withdrawn	Sent to Po Leung Kuk
18.	Registered Mui Tsai, Wong Nin Ho, 17	Failing to report removal from colony of registered Mui Tsai	10 dollars, Case No. 25115	Remaining with employer
19.	Au Nui, <i>alias</i> Chiu Kwai, 13 Mak Kwai Tsan, <i>alias</i> Cheuk Kwai, 13	(a) Keeping an unregistered Mui Tsai (b) Ill-treating a Mui Tsai (c) Same as (a) (d) Same as (b)	(a) 200 dollars (b) 200 dollars (c) Discharged (d) 250 dollars, Case Nos. 24265/8	Restored to father Restored to mother
20.	Registered Mui Tsai, Chan Wong Tsoi, 15	Failing to report change of address	10 dollars, Case No. 26817	Remaining with employer
21.	Chu Yee, <i>alias</i> Tsui Lau, 11	Bringing an unregistered Mui Tsai into colony	50 dollars, Case No. 23728	Sent to Po Leung Kuk
22.	Tong Sai Yuen, <i>alias</i> San Mui, 15	<i>id.</i>	50 dollars, Case No. 23727	<i>id.</i>
23.	Yung Ling Chau, <i>alias</i> Li Hing, 13	<i>id.</i>	50 dollars, Case No. 23729	<i>id.</i>
24.	Registered Mui Tsai, Lam Yuet Ho, 13	Failing to report death of former employer	25 dollars, Case No. 18777	Remaining with employer
25.	Leung Tsoi Food, 16	Bringing an unregistered Mui Tsai into colony	100 dollars, Case No. 26989	Restored to father
26.	Registered Mui Tsai, Ng Yiu Sin, 17	Failing to report change of address	10 dollars, Case No. 30069	Entered domestic service
27.	Lam Kam, 15	Keeping an unregistered Mui Tsai	50 dollars, Case No. 29822	Sent Fong Pin Hospital for parents finding
28.	Shum Chau Lan, 14 Kan Chau Kwai, 15	Keeping two unregistered Mui Tsai	(a) 50 dollars (b) 50 dollars Case Nos. 29819/21	Sent to Po Leung Kuk
29.	Hung Fo Kwu, <i>alias</i> San Kiu, 17 Cheng Sze Mui, <i>alias</i> Ng Mui, 17 Wong Ng Mui, <i>alias</i> Chau Kuk, 15 Yeung Luk Mui, <i>alias</i> Tung Hi, 15 Lau Fund, <i>alias</i> Tung Kwai, 13 Cheung Chat Mui, <i>alias</i> Pat Mui, 12	Keeping six unregistered Mui Tsai	300 dollars, Case Nos. 29813/18	<i>id.</i>
30.	Chu Pit, <i>alias</i> Ah Yau, 17	Keeping an unregistered Mui Tsai	150 dollars, Case No. 21184	<i>id.</i>
31.	Cheung Yan, <i>alias</i> Chau Hei, 14	<i>id.</i>	200 dollars, Case No. 31143	Restored to brother
32.	Hang Lan, <i>alias</i> Chan Choi Lin, 20	<i>id.</i>	20 dollars, Case No. 1698 N. T.	Restored to mother
33.	Lai King Yu, <i>alias</i> Shun Tsoi, 16	<i>id.</i>	100 dollars, Case No. 23031	Restored to father
34.	Registered Mui Tsai, Wong Lai Sim, 18	(a) Failing to pay wages to Mui Tsai (b) Failing to report change of address	(a) Discharged (b) 10 dollars, Case No. 34442/3	Restored to mother
35.	Registered Mui Tsai, Li Ho, 15	Failing to report change of address	10 dollars, Case No. 34662	Remaining with employer

ANNEX 2.

C.C.E.E.174.

COMMUNICATION, DATED JULY 10TH, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

I am directed by Mr. Secretary Eden to invite reference to the letter from this department of February 22nd, 1937, enclosing a memorandum dealing with certain questions raised in the report of the Advisory Committee of Experts on Slavery on the work of its third (extraordinary) session, held in April 1936.

2. In the final sub-paragraph of paragraph 10 of that memorandum,¹ it was stated that the situation in the southern provinces of Nigeria was being examined and that the Advisory Committee would be informed of the results of the enquiry in due course. A report on this matter has now been received from the Governor of Nigeria, and copies of it are transmitted herewith for communication to the Advisory Committee of Experts on Slavery.

(Signed) Walter ROBERTS.

Appendix.

MEMORANDUM CONCERNING THE STATUS OF CERTAIN GROUPS OF PEOPLE IN THE SOUTHERN PROVINCES OF NIGERIA.

Iwofa in the Western Provinces.

1. In the Abeokuta Province there is a custom called "Ofa" whereby a man will lend money to another man free of interest provided that the borrower undertakes to render certain services to the creditor either personally or through one of his children until such time as the debt is paid off. The person who performs these services, whether he is the debtor himself or his child, is known as "Iwofa". These services usually take the form of tilling the creditor's farm, but may also be trading or carrying loads.

2. Although no interest is charged it is customary in some districts for the debtor on repayment to pay a bonus at a fixed rate irrespective of the period of the loan. In Egba country, the bonus is usually 2/- in the £1; at Ilaro, more.

3. The conditions of service vary with the age and sex of the Iwofa. In the case of adult males in Egba country, the Iwofa works so many days (usually between nine and seventeen) for his creditor followed by the same number of days work for himself. At Ado, if the loan is below £8, service is given one day in four, if it exceeds £8, two days in four. The working-day is recognised as being from 6 a.m. to noon.

4. The adult male has to find his own food and clothing, but the adult female (who will only borrow from a woman) lives at the house of her creditor, who feeds her and clothes her. Children also live in the house of the creditor and are treated like children of the house. Should the child leave for any sufficient reason (*e.g.*, ill-treatment, non-provision of food and clothing), native law recognises no right for either party to compel him to return; if, however, there is no adequate cause, interest on the loan may be charged from the time the services of the Iwofa cease. Should the Iwofa die, a period of grace is allowed to the parents before the repayment of the loan is claimed. Sometimes a reduction is made on the loan if the Iwofa has served for over four years. If the child is a female the creditor cannot compel her to marry him or anyone else, and any attempt to do so is regarded by native law as a criminal offence involving the forfeiture of the right to repayment.

5. In 1927, a series of proclamations were made by Government declaring that no boy or girl under 16 years of age should be used as an Iwofa, fixing the rate at which Iwofa labour should be valued and stipulating that this value should be deducted from the amount of the loan.

6. Thus the adult Iwofa enters into the contract of his own accord and, if he breaks it, he cannot be compelled to resume work under it, although it may be that he is not in every case aware of the fact. Children of the debtor, who must be not less than 16 years of age, have to give their consent before they can be employed as Iwofa.

¹ See page 37 of the 1937 report of the Slavery Committee.

7. In the Abeokuta Province, there were forty-two cases of illegal pawning between 1927 and 1934, since when no cases have been brought to the notice of the Government.

8. It will be observed that no distinction is made between the Iwofa who is working off the interest on his own loan and the Iwofa who is deputising for his parents. Clearly, however, the latter practice is much the more objectionable and it is only in this case that Iwofa can properly be translated "pawn".

9. It is impossible to give an estimate of the number of people in the status of Iwofa. Further investigations are being made into this system and the best way to suppress it.

Pawns in the Eastern Provinces.

10. In the Owerri Province, the adult male Iwofa lives with his creditor who treats him as one of the family and provides food and clothes. Usually, however, in this province the pawn is a young girl and the process is disguised as a marriage transaction. The parent in need of ready cash anticipates his daughter's dowry by obtaining an advance from a potential husband and leaving the girl with him as security. If the creditor likes the girl he will marry her when she grows up and complete the dowry; otherwise another husband will be found for her and the loan repaid from her dowry. This question also will be further investigated.

Awbia.

11. In the Udi and Nsukka Divisions of the Onitsha Province there is a sharply defined section of the people known as "Awbia" or strangers, a word which has taken the place of the old word "ohu" or slaves. In this area, the people are either "Amadi" — free-born descendants of the original inhabitants — or "Awbia", descendants of slaves by purchase or capture in war, including the children of an Awbia woman by an Amadi man. An Awbia can be the concubine of an Amadi but never his legal wife. An Awbia is now allotted a portion of his "master's" land on which he and his family can live and farm. The use of the land passes to the Awbia's son and remains with the male heirs in perpetuity. The Awbia cannot alienate the land, and on failure of his male heirs it reverts to the "master", but any money which he may earn from the produce of his farming is his own. Such money is frequently used in purchase of more land, which becomes the personal property of the purchaser. The dowry paid for an Awbia's daughter is paid to the "master" though a portion is usually given to the Awbia himself. As a set-off, the "master" will usually pay the dowry of a young male Awbia who desires to marry. The Awbia makes contributions on a minor scale to any feast given by his "master" and he assists in heavy work, such as the building of a house or clearing a farm. He is debarred from taking part in the more important dances and from performing the more important religious ceremonies and has no voice in the councils of the community at large. On the other hand, no restriction is placed on his personal liberty, he may remove to another part of the country if he so wishes, and he can establish himself as a free man acquiring a title to the land he farms and all a free man's privileges for himself and his children by paying a fee of 12/- to his "master". Minor troubles occur from time to time between Amadi and Awbia, the Amadi being jealous of the increased influence of the liberated Awbia. In the villages of Akegbé and Nara in the Udi Division, arrangements have recently been made whereby certain lands of the Amadi have been assigned to the Awbia, who will thus be able to establish their own settlement and farms in these villages.

There does not appear to be any reason to interfere with this system.

Ex-slaves.

12. In the western provinces and in parts of the Owerri, Warri and Onitsha provinces, and among the forest-dwelling people of the Cameroons Province, ex-slaves and their — descendants are debarred from attaining the highest chieftaincies and entering the highest grades of the clubs and societies and have been in some instances debarred from membership of the councils and courts, but the distinction is gradually disappearing.

13. In some areas in the Onitsha Province, ex-slaves and their descendants who have not purchased their freedom and so become free in the eyes of native society are called upon to pay a nominal rent for their land or perform some minor form of service. In the Onitsha Division itself, the custom has survived in the form of a small courtesy payment made to his overlord by the descendant of an ex-slave from the dowry of his daughter. It is easier to understand the principle of such a payment if it is borne in mind that it was often the custom for the master to provide the slave with a wife at his own expense.

14. An interesting complaint was recently made by a man in the Ogoja Division who told the District Officer that he had expressed an intention of removing to another village, whereupon the family told him that he was a slave and could not if he moved take his property with him. It may be noted that the man had inherited property from his father, was married

and possessed farms and property just like a free man, and in fact had not been aware that he was a slave until he wished to move; and that a complaint was instantly made to the District Officer, on whose intervention the family made no attempt to press their claim.

15. The ex-slaves of Itu are probably the best educated and wealthiest people in the district. In the early days, the old slave masters were suspicious of the European and of the trade and education he brought. They therefore preferred to experiment with slaves and would send them to trade with the Europeans and would even send them to their schools. Trade conditions were such that profits were large and the master was content to take only a fair proportion. In this way, the slave amassed wealth.

16. In the Aro District, the only disqualification from which a slave-born suffers is a prohibition against his making certain sacrifices, which rites must be performed by a free-born. In Calabar, ex-slaves and their descendants can marry free-born persons but they will be denied membership of the more important juju societies. A kind of courtesy obedience also remains in the attitude of the slave-born to the free-born members of the families which have absorbed them, so that an older man of slave descent who might otherwise spurn the request of a younger free-born member would obey him.

17. In the Calabar Province with a population of 900,000, the Resident estimates that there are some 10,000 ex-slaves who have never been formally emancipated or who are persons of slave descent who voluntarily endure certain restrictions. Out of a population of 1,108,000 in the Onitsha Province, the Resident estimates there are some 20,000 persons who are descended from ex-slaves. Among the 708,000 persons in the Ogoja Province the Resident estimates that there are about 700 persons who would not be allowed to marry free-born and about the same number who are ex-slaves or the children of ex-slaves. The Resident, Warri Province, states that some stigma as ex-slaves attaches to perhaps 1% of the 444,000 persons in his province. The Resident, Ondo Province, places the figure of persons who are still identifiable as ex-slaves or their descendants as high as 5% of the total population of 463,000, but in most cases no disability of any kind attaches to their position. All these estimates are very rough and should be accepted with considerable reserve.

18. On occasion, chiefs have made provision for ex-slaves, and an instance may be given in the town of Manu in the Ijebu Province, originally a slave market, which was founded by ex-slaves, the land being granted them by the Awujale. It is now a prosperous commercial centre.

19. Elsewhere, however, various settlements for ex-slaves have been established in the past but they have not been very successful. It is possible that slave villages of this type do more harm than good, since they tend to perpetuate the memory of the former slave status of the inhabitants.

20. There is general agreement among the Residents of the southern provinces that no special measures for dealing with ex-slaves are necessary, desirable or practicable, and that the spread of education and missionary activity alone can remove the vestiges of slave status.

Effects of the Abolition of Slavery.

21. The effect of the abolition of slavery on the persons immediately concerned and on the development of the country generally varied considerably from place to place. The highest degree of social and economic dislocation was probably caused among the Yorubas and all those delta areas of the Warri, Owerri and Calabar provinces where the house system prevailed.

22. Upon the abolition of the slave trade and the manumission of slaves, a large slave-owner was faced with the practical extinction of his family and his position as an important man in the town. His slaves could either proceed to their native towns or remain with their master, but on a very different footing. Whilst numbers of slaves did return to their native towns and families, where they were rapidly absorbed, in many cases, the ex-slaves preferred to remain with their masters who were compelled by circumstance to allot them land and houses. It is said that the free-born son of the master of the house was in a less independent position than the ex-slave. It is a fact that, in many cases, sons of ex-slaves became the head of the house in which one of their parents had been a slave. Upon the appointment of an important chief in Ijebu Ode, it was discovered that his mother who had returned to live with him had been a slave in the compound of which the son was now head. It is a popular superstition in Ijebu that ex-slaves had luck with them, and it is a fact that the more prosperous members of the community to-day are the children of ex-slaves, though they would naturally resent any reference to their descent.

23. Whilst the slave taint did exist amongst ex-slaves to a certain extent, their children, of the father had married a free woman, have always been considered free-born and the whole position is rapidly being forgotten. The question of whether a man's ancestor was a slave

only occasionally arises when claims to headships of families or chieftaincies come before the Administrative Officers, but those entitled in accordance with Native Law and Custom to select pay more attention to character than to any alleged taint in the candidate's ancestry.

24. In the case of large land-owners, the immediate effect of the manumission of slaves was to detract from the value of their estates, but, with the introduction of cocoa-growing and the opening-up of large new areas for economic crops, these land-owners have rapidly attained their previous position. It is the growing custom now for land-owners to surround themselves by paying tenants who, instead of the old annual customary gift of oil and yams, now pay an annual tenant fee in cash. Such tenants however are free to change their landlords and in fact do so. There is a feeling against the masterless man and this type of tenant farmer acknowledging his overlord is very common. There is of course no parallel between the American slave plantations and the small holdings tilled by slaves of the large households, and the Yoruba landowner has certainly suffered little permanent loss from the manumission of slaves.

25. The effects of the abolition of slavery on the Jekri masters was to destroy at a blow the accumulated capital of centuries. The Jekris were mainly fishermen and slave-owners. The slaves traded and farmed for their masters and the whole tribe battered on their labours. Since the abolition of slavery, the wealth of the clan has decreased very considerably, since the normal Jekri refuses to work, though a younger generation is now growing up which is trading for itself, becoming artisans, clerks and teachers.

26. A number of ex-slaves availed themselves of the opportunity to return to their homes, but the majority remained as has been shown above in the village where they had lived as slaves, regarding themselves as members of the families of their former masters. And it can be said generally the great bulk of the emancipated slaves have been absorbed into the normal life of the free population. A case in point may be quoted of two quondam slaves, natives of the northern provinces, in the Ilaro Division of the Abeokuta Province who have been treated as free persons for the past twenty-five years. They continue to live in the town in which they were sold and own land which their children will inherit. They have intermarried with the local tribe and only pay periodical visits to their tribe of origin. Former slaves will fit themselves into the economic system by becoming labourers, peasant farmers, artisans or employers of labour according to their capabilities. They have more than paid off their purchase price and are left in a condition in which they can well look after themselves, as normal citizens. They are entitled to enforce their rights by native law and custom as if they were free-born citizens. If the native courts are reluctant to support their claims, there is adequate redress.

27. The effect on the Government of the abolition of slavery, apart from the discontent and temporary dislocation in the delta areas caused by the repeal of the House Rule Ordinance, has been negligible. A few former masters may still harbour resentment against the Government on this account, but their number is rapidly decreasing. The effect on the development of the country has been undoubtedly beneficial. The abolition of slavery has greatly diminished opportunities for oppression and injustice, while there can be no question that economic development has been more rapid and more evenly balanced through ex-slaves working for their individual profit than it was when they worked for a master.

ANNEX 3.

C.C.E.E.178.

COMMUNICATION, DATED OCTOBER 19TH, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH APPENDICES).

I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, a copy of the following documents :

I. Report by the Officer Administering the Government of Hong-Kong on the Mui Tsai system for the half-year ended May 31st, 1937; and

II. Report by the Governor of the Straits Settlements on the action taken in individual cases under the laws relating to Children, Mui Tsai and Girls' Protection in the Straits Settlements, Federated Malay States and Unfederated Malay States during the year 1936.

(Signed) D. F. HOWARD.

Appendix I.

REPORT BY THE OFFICER ADMINISTERING THE GOVERNMENT OF HONG-KONG ON THE MUI TSAI SYSTEM FOR THE HALF-YEAR ENDED MAY 31ST, 1937 (WITH THREE SUB-APPENDICES).

The number of Mui Tsai remaining on the register on May 31st, 1937, was 1,474, being a decrease of 125 since November 30th, 1936.¹

2. The decrease is made up as follows :

(i) Died	3
(ii) Left colony permanently	15
(iii) Married	30
(iv) Removed from the register	13
(v) Restored to parents or relatives	30
(vi) Absconded	6
(vii) Left employer to earn own living	13
(viii) Remaining with employer as member of family	15
	125

3. (a) *Reference (iv)*. — Of the thirteen girls removed from the registers, the employer of one said that she was dissatisfied with the girl because she was continually disobedient. In three cases, the girls applied for cancellation of their Mui Tsai status, saying that they wished to obtain employment elsewhere. One girl wished to return to her parents. Four cases concern girls living on boats, who, after persistent enquiries, could not be traced; the ages of two of these girls are 29 years and 26 years respectively. In addition, four girls resident in the new territories have never been found at the addresses which were given at the time of their registration in 1930; there are some grounds for the supposition that they either removed elsewhere or have been restored to their parents. In these circumstances, it was decided to remove their names from the register. In another case, a letter was sent by the Chinese Secretariat to an employer who had left the colony, requesting information as to the whereabouts of her Mui Tsai. A reply was received saying that the girl had been restored to her parents.

(b) *Reference (vi)*. — In three of these cases, the employers reported to the police that the girls were sent on errands and failed to return, although their descriptions were at once circulated to all police stations. In another case, the girl received a visit from her mother, whom she accompanied to see her off from Hong-Kong; she failed to return, and it is believed that she went on to her own home with her mother. One girl reported her intention to marry, as an "equal-wife", a man forty years old, and was requested to ask the man to come to the Chinese Secretariat first. Both failed to put in an appearance, and the employer subsequently reported that the girl had packed her belongings and left the house. She failed to return. One girl absconded from her employer and eloped with a Chinese male. The parties were discovered living together, and the man was detained by the police. It was arranged that the parties should be married before the Registrar of Marriages. The ceremony was attended by an officer from the inspectorate staff.

Another girl also eloped with a Chinese male to whom she was engaged, and they were later found living together. They were eventually married according to Chinese custom; a district watchman attended the ceremony.

(c) *Reference (viii)*. — Five of these cases concern girls of the boat population who were never in the true sense Mui Tsai, though registered as such, and were treated as adopted or natural daughters. All had been given the family name and had been with their employers from an early age; one girl was 25 years old.

In another case, the employer applied for cancellation of the status of her two Mui Tsai. Both girls had been with the woman from an early age and had been treated all along as members of the family. They both attended school, and when seen appeared to have been very well cared for.

¹ See document C.C.E.F.172, page 19.

One of the girls who applied for cancellation of her status specially requested the inspectors to refrain from visiting her.

All these girls were interviewed and their changed status explained to them.

4. (a) With reference to paragraph 4 of the report for the half-year ended November 30th, 1936,¹ of the registered Mui Tsai whose whereabouts are unknown a further twenty-four girls have now been traced. Of these, twenty-three are included in the list in paragraph 2 above, and have been cancelled. The remaining one is still on the register; her address had been incorrectly entered when the registers were originally opened, and no action could be taken against the employer.

(b) Of the rest, eight employers were summoned for breaches of the Mui Tsai regulations. The other fifteen have died or gone away; five are boat-women who cannot be traced, and four were formerly residents of the new territories and have disappeared.

(c) There are seven girls who have, during the six months under review, moved to an unknown address, and who must therefore be added to the total of missing Mui Tsai.

(d) The present position is therefore as follows :

	Missing	Total registered
Mui Tsai to be regularly visited by the inspectors	723	1,288
Mui Tsai living on boats	49	82
Mui Tsai in the new territories	18	104
Total	<u>790</u>	<u>1,474</u>

5. (a) I attach lists showing the ages of Mui Tsai still on the registers, and the ages of the missing girls, as well as a list of prosecutions under Ordinance No. 1 of 1923.

Altogether there were twenty-six cases with twenty-nine prosecutions involving twenty-six defendants and twenty-five girls. In three cases, defendants were discharged; in seven, they were remanded and, in one case, remanded *sine die*. The prosecutions are summarised as follows :

I. Ill-treatment of unregistered Mui Tsai	1
II. Ill-treatment of child under 16 years	1
III. Keeping an unregistered Mui Tsai	10
IV. Bringing an unregistered Mui Tsai into the colony	1
V. Failing to report taking into employment of a registered Mui Tsai	4
VI. Failing to report the intended removal from the colony of a registered Mui Tsai	1
VII. Failing to report change of address of a registered Mui Tsai	3
VIII. Failing to report the intended marriage of a registered Mui Tsai	7
IX. Failing to report the death of a registered Mui Tsai	1
	<u>29</u>

(b) The sentences imposed in respect of the above charges were as follows :

I and II : One defendant was charged with keeping an unregistered Mui Tsai, ill-treatment of a Mui Tsai and assault on a child under 16 years. Defendant was discharged on all counts.

III : One defendant was fined 200 dollars, one defendant was fined 150 dollars. three defendants were each fined 100 dollars, three defendants were each fined 50 dollars. The case against one defendant was adjourned *sine die*.

IV : One defendant was fined 50 dollars for bringing into the colony an unregistered Mui Tsai.

V : One defendant was fined 50 dollars, one defendant was fined 30 dollars, one defendant was fined 20 dollars. One defendant was charged with failing to report having become the employer of a registered Mui Tsai and with failing to report the intended marriage of a registered Mui Tsai. She was fined 20 dollars on each of the two summonses.

VI : This case was adjourned pending production of the girl.

VII : One defendant was fined 20 dollars, one defendant was fined 10 dollars, one defendant was fined 5 dollars.

VIII : One defendant was fined 10 dollars. Five cases have been remanded to enable the girls concerned in the case to appear before the magistrate.

IX : This case against the employer was adjourned pending further enquiries.

6. The above twenty-six cases were reported as follows : Seven by lady inspectors, ten by police, five by Mui Tsai themselves to the police, two by Mui Tsai to Secretariat for Chinese Affairs, one by a member of the general public, and one by the Protector of Chinese in Penang ; none by the Anti-Mui-Tsai Society.

7. Further to paragraph 7 of the report for the half-year ended November 30th, 1936, of Mui Tsai attending school, ten have now ceased to do so for financial reasons, four have resumed, four have been removed from the register, and a further eight have been found to be studying, their fees of from 3 dollars to 40 dollars per annum being paid by the employers. The number of girls on record as school pupils is therefore fifty-two.

8. In addition to those enumerated in paragraph 5, twenty-five reports, three received from the Anti-Mui Tsai Society, one from the Society for the Protection of Children and twenty-one anonymous, were investigated and found to be without sufficient foundation for action to be possible.

9. Three girls were sent to the Victoria Home, and five to the Salvation Army Home. Both these institutions continue to help with good and valuable work in the training given the girls sent there.

The former Church Missionary Society Victoria Home has now ceased, and its older pupils with some of the teachers moved to the new Heep Yunn School ; the very young children are looked after in the Church Missionary Society Rural Home and Orphanage in Taipo.

10. The two lady inspectors during the half year paid a total of 1,655 visits to registered Mui Tsai and to ex-registered Mui Tsai, and in addition regularly visited other girls under bond and adopted daughters voluntarily registered in the offices of the Secretariat for Chinese Affairs.

(Signed) N. L. SMITH,
Officer Administering the Government.

Sub-Appendix 1.

Table of Ages of Registered Mui Tsai (English Reckoning) ranging from 7 to 32 Years up to May 31st, 1937.

7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	28	32	Total
3	8	15	25	47	49	50	109	102	155	149	195	154	142	99	96	41	23	5	5	1	1	1,474
306								601				567						1,474				

Total on registers at November 30th, 1936	1,599
Cancelled up to May 31st, 1937	± 125
Remaining on registers	1,474

Sub-Appendix 2.

Table of Ages of Registered Mui Tsai (English Reckoning) whose Whereabouts are unknown, not known at Addresses registered, etc., ranging from 7 to 32 Years up to May 31st, 1937.

7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	28	32	Total
3	4	9	13	16	16	17	40	35	54	71	112	94	98	68	77	32	21	4	4	1	1	790
118								272				400						790				

Total not known on November 30th, 1936	807
Total Located up to May 31st, 1937	24
Total not known from November 30th, 1936, to May 31st, 1937	7

Sub-Appendix 3.

List of Prosecutions from December 1st, 1936, to May 31st, 1937.

Serial No.	Name of Mui Tsai	Offence	Result	Disposal of Mui Tsai
1.	Yau Nam, <i>alias</i> Ah Kam, 9 years	Keeping unregistered Mui Tsai	50 dollars, Case No. 34017	Sent to Victoria Home
2.	Penang registered Mui Tsai, Chen Ah Chew, 16 years	Bringing a Mui Tsai into Hong-Kong not previously registered in the colony	50 dollars, Case No. 36276	Entered domestic service
3.	Chau Ping, 18 years	Keeping an unregistered Mui Tsai	100 dollars or 6 weeks, Case No. 35711	Staying with prospective husband's sister
4.	Registered Mui Tsai, Cheung Tsoi Wan, 16 years	Failing to report change of address	10 dollars, Case No. 25137	Remaining with employer
5.	Pun Ying, <i>alias</i> Tai Hi, 16 years	Keeping an unregistered Mui Tsai	200 dollars or 6 months hard labour, Case No. 24669	Sent to Po Leung Kuk
6.	Registered Mui Tsai, Lam Shun Hei, 11 years	<i>id.</i>	50 dollars, Case No. 36387	<i>id.</i>
7.	Fong Sui Yi, 15 years	(a) Keeping an unregistered Mui Tsai (b) Ill-treating a Mui Tsai (c) Ill-treating a child under 16 years	Discharged, Case No. 281183	<i>id.</i>
8.	Lai Yuet Ying, <i>alias</i> Fu Yung, 21 years	Keeping an unregistered Mui Tsai	Adjourned <i>sine die</i>	Restored to mother
9.	Registered Mui Tsai, Tong Yuk King, 16 years	Failing to report that she had become the actual employer of a registered Mui Tsai	50 dollars, Case No. 4689	Entered domestic service
10.	Li Hau Kuen, <i>alias</i> Li Ki, 17 years	Keeping an unregistered Mui Tsai	100 dollars, Case No. 7153	Absconded
11.	Yung Wong Yau, <i>alias</i> Fuk Ho, 15 years	<i>id.</i>	150 dollars or 3 months hard labour, Case No. 7823	Restored to mother
12.	Registered Mui Tsai, Yu Sau Chun, 13 years	Failing to report that she had become actual employer of registered Mui Tsai	20 dollars, Case No. 6121	Remaining with employer as member of family
13.	Registered Mui Tsai, Yu Sau Chun, 13 years	<i>id.</i>	30 dollars, Case No. 6120	<i>id.</i>
14.	Registered Mui Tsai, Wan Yuk Shim, 15 years	Failing to report change of address	20 dollars, Case No. 10429	Remaining with employer
15.	Registered Mui Tsai, Wan Ying, 16 years	Failing to report the intended marriage of registered Mui Tsai	10 dollars, Case No. 674, N. T.	Married
16.	Registered Mui Tsai, Cheung Ha, 18 years	(a) Failing to report that she had become actual employer of registered Mui Tsai (b) Failing to report the intended marriage of registered Mui Tsai	20 dollars, Case No. 675, N. T. 20 dollars, Case No. 676, N. T.	<i>id.</i>
17.	Registered Mui Tsai, Ko Ngoi Ying, 14 years	Failing to report change of address	5 dollars, Case No. 15499	Remaining with employer
18.	Chan Pik Kwan, <i>alias</i> Po Lin, 13 years	Keeping an unregistered Mui Tsai	100 dollars, Case No. 16044	Sent to Salvation Army Home

Serial No.	Name of Mui Tsai	Offence	Result	Disposal of Mui Tsai
19.	Yip Chat, <i>alias</i> Siu Lin, 16 years	Keeping an unregistered Mui Tsai	50 dollars, Case No. 16043	Entered domestic service
20.	Registered Mui Tsai, Man Hing Hei, 27 years	Failing to report intended marriage of registered Mui Tsai	Case remanded	Married
21.	Registered Mui Tsai, Kwan Kam Fung, 15 years	Failing to report the death of registered Mui Tsai	<i>id.</i>	Died
22.	Registered Mui Tsai, Long Ah Lan, 23 years	Failing to report the intended marriage of registered Mui Tsai	<i>id.</i>	Married
23.	Registered Mui Tsai, Law Lin Hei, 19 years	Failing to report the removal of registered Mui Tsai from colony	<i>id.</i>	
24.	Registered Mui Tsai, Wong Loi Hei, 20 years	Failing to report the intended marriage of registered Mui Tsai	<i>id.</i>	Married
25.	Registered Mui Tsai, Ho Chun Po, 22 years.	<i>id.</i>	<i>id.</i>	<i>id.</i>
26.	Registered Mui Tsai, Lai Chun Hei, 19 years.	<i>id.</i>	<i>id.</i>	<i>id.</i>

Appendix II.

REPORT RECEIVED FROM THE GOVERNOR OF THE STRAITS SETTLEMENTS ON THE ACTION TAKEN IN INDIVIDUAL CASES UNDER THE LAWS RELATING TO CHILDREN, MUI TSAI AND GIRLS' PROTECTION IN THE STRAITS SETTLEMENTS, FEDERATED MALAY STATES AND UNFEDERATED MALAY STATES DURING THE YEAR 1936.

The following pages contain summaries of typical individual cases concerning children and young girls dealt with under the laws relating to Children, Mui Tsai and Women and Girls' Protection in the Straits Settlements, the Federated Malay States and the Unfederated States of Johore and Kedah during the year 1936.

No cases were reported from Perlis, Kelantan, Trengganu and Brunei.

2. Whenever reference is made to the execution of a bond under the Women and Girls' Protection Ordinance or Enactments, the terms of such bond require that the protégée will not leave the Settlement or State in which she then is without the previous consent in writing of the Protector of Chinese, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

3. Bonds taken under the Mui Tsai Ordinance and Enactments contain the same requirements as those taken under the Women and Girls' Protection Ordinance and, in addition, require that the protégée shall not be employed as a Mui Tsai. This requirement is interpreted to mean that she shall not be employed as a domestic servant.

4. In all cases in which bonds are taken, the girls are either regularly visited or called up to the Protectorate at intervals of one month, three months or such other intervals as are considered appropriate, in order that the Protector may satisfy himself that the terms of the bonds are being carried out.

5. No Mui Tsai or suspected Mui Tsai is permitted to return to the household of her former employer unless she is willing to return and unless the Protector is satisfied that she will be properly treated and that it is in the best interests of the girls that she should return.

6. In view of the wide terms of reference of the Mui Tsai Commission, it has been considered advisable to include in this report typical cases, not only of Mui Tsai, but also of other children and young girls dealt with under protective legislation.

7. The Ordinances and Enactments to which reference is made in this report are the following :

Straits Settlements : Children Ordinance (Chapter 28), Mui Tsai Ordinance¹ (Chapter 34), Women and Girls' Protection Ordinance (Chapter 33);

Federated Malay States : Children Enactment (Chapter 158), Mui Tsai Enactment² (Chapter 157), Women and Girls' Protection Enactment (Chapter 156);

Johore : Children Enactment (4 of 1932), Mui Tsai Enactment (16 of 1932),³ Women and Girls' Protection Enactment (15 of 1931).

Kedah : Children Enactment (21 of 1354), Mui Tsai Enactment (1 of 1352),⁴ Women and Girls' Protection Enactment (25 of 1351).

Singapore. — A, a Hokkien female, aged 44, was found to have ill-treated a Hokkien girl, B, aged 11 years. A was convicted under Section 3 of the Children Ordinance and fined 100 dollars, or three months' rigorous imprisonment. B was returned to her real mother on security bond under Section 16 (3) of the Women and Girls' Protection Ordinance.

2. C, a Teochew woman, aged 36, was charged under Section 3 of the Children Ordinance with ill-treatment of D, a girl aged 7 years. C was convicted and fined 50 dollars or six weeks' rigorous imprisonment, plus 100 dollars compensation to be paid to the child. D was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance and the money was lodged in the Post Office Savings Bank for her.

3. E, a Hokkien woman, aged 30, who had ill-treated F, a girl aged 12 years was convicted under Section 3 of the Children Ordinance and fined 100 dollars or three months' rigorous imprisonment. F returned to her natural father on security bond, under Section 16 (3) of the Women and Girls' Protection Ordinance.

4. G, a Shanghai-born Chinese woman, aged 53, was charged with ill-treatment of H, a Cantonese girl aged 10 years. She was convicted and sentenced to two months' simple imprisonment, plus 200 dollars compensation to H, or three months' simple imprisonment. H was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance and the compensation money lodged in the Post Office Savings Bank for her.

5. I, a Hokkien woman, aged 34, was convicted under Section 3 of the Children Ordinance with ill-treatment of her son, aged 5 years, and was fined 10 dollars or ten days' rigorous imprisonment. The child was later returned to her.

6. J, a Hokkien female, aged 39, was charged with possession of K, an unregistered Mui Tsai, aged 14 years, under Section 5 of the Mui Tsai Ordinance. She was found guilty, cautioned and discharged. The girl was later, with her consent, returned to J on security bond under Section 21 of the Mui Tsai Ordinance.

7. L, a male Teochew, aged 37 years, was found in possession of an unregistered Mui Tsai, M, a Teochew girl, aged 15 years. L was convicted under Section 3 of the Mui Tsai Ordinance for acquiring possession of a Mui Tsai after the commencement of that Ordinance and was sentenced to one month's simple imprisonment. L was also convicted under Section 7 (2) with failing to pay wages to a Mui Tsai and fined 10 dollars or five days' rigorous imprisonment and ordered to pay 50 dollars compensation to the girl, M. On appeal, both convictions were upheld, but sentence on the second charge was altered to fine of 100 dollars or two months' simple imprisonment and the order for compensation was set aside. The girl was committed to the Po Leung Kuk under Section 16 (i) (d) of the Women and Girls' Protection Ordinance.

8. N, a Hokkien female, age unknown, was charged with possession of an unregistered Mui Tsai, aged 14 years. The girl had reported at a police station that she was ill-treated by the accused female and medical examination supported her report. The accused was acquitted, as the complainant altered her story in court. As the girl later wished to go back to the accused, she was allowed to return on security being furnished that the girl would be brought to office for inspection at regular intervals.

¹ For the text of the Ordinance, see page 65 of the 1935 Report of the Slavery Committee.

² Page 68 of the 1935 report of the Slavery Committee.

³ Page 71 of the 1935 report of the Slavery Committee.

⁴ Page 73 of the 1935 report of the Slavery Committee.

9. O, a Hokkien woman, aged 43 years, was charged under Sections 5 and 7 of the Mui Tsai Ordinance with possession of an unregistered Mui Tsai aged 13 years and with ill-treatment of her. The child altered her story in court and the accused was acquitted. The child was later returned to accused at the child's request.

10. P, a well-known Hokkien man, was charged under Section 5 of the Mui Tsai Ordinance with possession of four unregistered Mui Tsai of ages 15, 13, 12 and 11 years. There had been slight ill-treatment of some of the girls who were detained in the Po Leung Kuk pending Court action. The employer was convicted in respect of three of the girls and fined 90 dollars. The fourth charge was withdrawn. All four girls were returned to him on security bond under Section 21 of the Mui Tsai Ordinance. The employer in this case took habeas corpus proceedings against the Protector but the Protector's action was upheld by the judge.

11. Q, a Hokkien woman, aged 61, was found in possession of R, a Teochew girl, aged 15 years. Q was charged under Section 5 of the Mui Tsai Ordinance, convicted and fined 50 dollars, or one month's rigorous imprisonment. R was committed to the Po Leung Kuk under Section 15 (i) (d) of the Women and Girls' Protection Ordinance and was later married from that institution.

12. An elderly Hokkien woman was found to be in possession of a registered Mui Tsai who had been missing from her registered address for eighteen months. The woman was convicted under Section 5 of the Mui Tsai Ordinance, cautioned and discharged. After a short detention in the Po Leung Kuk, the girl was returned to the employer on security being given that the girl would be brought up as a daughter.

13. A Hokkien female, aged 68, was found to have possession of an unregistered Mui Tsai, aged 11 years, also Hokkien. The employer was convicted under Section 5 of the Mui Tsai Ordinance and fined 20 dollars or one month's rigorous imprisonment. The child was committed to the Po Leung Kuk under Section 16 (i) (d) of the Women and Girls' Protection Ordinance as she had been slightly ill-treated and did not wish to go back to the employer.

14. At the request of the Salvation Army Officer who administers the Jubilee Relief Fund, a small girl, aged 7 years, fourth child of a family of seven, was received into the Po Leung Kuk under Section 16 (i) (a) of the Women and Girls' Protection Ordinance as the mother had died and the father was too ill to work. (Arrangements for the welfare of four boys were also made.)

15. A small girl, aged 10 years, was found in a very unhealthy condition and showed some signs of ill-treatment. No guardian could at first be traced, but later a Henghua female appeared who claimed the girl as an adopted daughter and asked the Protector to take charge of her as she was too poor to support the child. The child was committed to the Po Leung Kuk under Section 16 (i) (a) of the Women and Girls' Protection Ordinance.

16. A Hockchiu girl, aged 17 years, was found to have been brought from China and sold to be a cabaret dancing girl. The trafficker could not be found. The girl was given shelter in the Po Leung Kuk and later repatriated to China.

17. During the year, six deserted female babies and one male baby were admitted to the Po Leung Kuk from the General Hospital under Section 16 (i) (b) of the Women and Girls' Protection Ordinance. Three of the female children were later released to their parents, whom the hospital authorities had been unable to trace at the addresses given but who had later gone to the hospital to claim their children.

Penang. — A, aged 17 years, Cantonese, unregistered Mui Tsai, was reported to have taken caustic soda and died. She had been accused by her mistress of stealing 5 dollars. The woman was convicted under Section 323 of the Penal Code (voluntarily causing hurt) and fined 10 dollars or fourteen days' rigorous imprisonment. The husband of the woman was convicted and fined 150 dollars or three months' rigorous imprisonment and 50 dollars or one month's simple imprisonment under Sections 5 and 7 (2) respectively of the Mui Tsai Ordinance.

2. B, aged 14 years, Hokkien, unregistered Mui Tsai, was reported to have been ill-treated by her employer, C, and by his wife. The girl was very dirty and her body was covered with sores and bruises. She was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance. The employer was convicted of acquiring the custody and possession of a Mui Tsai (Section 3 of the Mui Tsai Ordinance) and was fined 60 dollars; he was also convicted of overworking and ill-treating a Mui Tsai (Section 7 (i) of the Mui Tsai Ordinance) and fined 10 dollars. In addition, he was ordered to pay 100 dollars compensation to the girl. This amount has been deposited in the Government Savings Bank in the name of the Protector of Chinese on behalf of the girl. His wife was charged with wilfully ill-treating the said Mui Tsai (under Section 3 (i) of the Children Ordinance) and was convicted and sentenced to twelve months' rigorous imprisonment. She appealed and the sentence was varied by adding an alternative "or fined 250 dollars". The girl was committed to the Po Leung Kuk under Section 15 (i) (d) of the Women and Girls' Protection Ordinance.

3. D, aged 12 years, Hokkien, and E, aged 13 years, Hokkien, were reported to be unregistered Mui Tsai and to have been ill-treated by their mistress, F, Hokkien. As the girls were her grandchildren and as there were no marks of ill-treatment, they were allowed to go home. They have been kept under supervision by regular inspection.

4. G, aged 17 years, Hakka, registered Mui Tsai, was found by the lady Assistant Inspector of Mui Tsai to be enceinte. The girl was pregnant by her mistress's husband, H, Hokkien. He said that his wife registered her as a Mui Tsai in error, as she was his secondary wife. As he was willing to keep the baby as his own child and to treat the girl as a secondary wife, no charge was preferred against him. A bond has been entered into under Section 21 (i) of the Mui Tsai Ordinance and the girl is regularly visited.

5. I, aged 30 years, Cantonese, had two Mui Tsai. On September 28th, 1933, the lady Assistant Inspector of Mui Tsai visited the place and could not find I or her two Mui Tsai. On March 28th, 1936, the Cantonese, I, sent a letter to the Protector of Chinese, Penang, giving her address. She had previously removed without reporting her change of address. She was charged under Rule 4(d) of the Rules made under the Mui Tsai Ordinance. She was convicted and fined 2 dollars.

6. J, aged 17 years, Hokkien, unregistered Mui Tsai complained that she had been ill-treated by her mistress, K, Hokkien. There were no marks of ill-treatment and the mistress said that the girl was her prospective daughter-in-law, and she produced a document to that effect. The girl refused to return to her mistress. She was allowed to go back to her aunt, L, Hokkien, on a security bond of 300 dollars taken under Section 13 of the Women and Girls' Protection Ordinance.

7. M, aged 13 years, Hokkien, registered Mui Tsai was reported to have been ill-treated by her mistress's step-mother, N, Hokkien. The girl was covered with bruises. She was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance. The woman said that the girl was beaten by her children, and she offered 300 dollars as compensation to the girl. The money was put in the Post Office Savings Bank in the name of the Protector of Chinese on behalf of the girl. The girl remains in the Po Leung Kuk.

8. O, aged 11 years, Cantonese, was reported to be an unregistered Mui Tsai and was alleged to be suffering from leprosy. On examination by the lady Medical Officer there was no sign of the disease. She appeared to be an adopted daughter and was allowed to go home but was kept under supervision by regular inspection.

9. P, aged 15 years, Cantonese, registered Mui Tsai, was found by the lady Assistant Inspector of Mui Tsai to have sores on her hands and thigh. She was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance to ensure proper medical attention. There was no suggestion of ill-treatment.

Malacca. — A, a registered Mui Tsai, aged 12 years, was reported by the lady Inspector to have been ill-treated by caning. The Medical Officer described the ill-treatment as "not severe". The employer was convicted under Section 7 of the Mui Tsai Ordinance, and fined 10 dollars and costs. He was also ordered to pay 10 dollars compensation to the girl. A was committed to the Po Leung Kuk and the money for compensation was handed to the Assistant Protector of Chinese to be kept until her release.

2. B, a registered Mui Tsai, aged 15 years, was brought to the Protectorate by her employer who reported that she was badly behaved and was out of hand. This was corroborated by a member of the Chinese Advisory Board and the girl was committed to the Po Leung Kuk.

3. C, an ex-Mui Tsai, aged 18½ years, complained of excessive control by her ex-employer, with whom she was living at her own choice. She stayed for one night at the Po Leung Kuk and arrangements were made, with her consent, for her to stay with a relative of the ex-employer.

Perak. — A, a woman, was charged at Batu Gajah, with having the custody of B, an unregistered Mui Tsai, aged 10 years. She was convicted under Section 5 of the Mui Tsai Enactment and fined 20 dollars. Later the girl, with her consent, was released to her on bond under Section 16 (iii) of the Women and Girls' Protection Enactment not to be employed as a Mui Tsai.

2. C, a man, was charged at Ipoh with having the custody of D, an unregistered Mui Tsai, aged 14 years. He was convicted under Section 5 of the Mui Tsai Enactment and fined 10 dollars. The girl was committed to the Po Leung Kuk under Section 16 (i) (d) of the Women and Girls' Protection Enactment.

3. E, a Malay man, was charged at Ipoh with having the custody of F and G, two unregistered Mui Tsai, aged 16 and 17 years. The two Mui Tsai were by birth Chinese. He was convicted under Section 5 of the Mui Tsai Enactment and fined 10 dollars in each case. The two girls were committed to the Po Leung Kuk. Later, one girl was married from the Po Leung Kuk and the other was found work in the Central Mental Hospital.

4. E, the same Malay, was charged at Ipoh with acquiring the possession of H, a Mui Tsai aged 16 years, after the commencement of the Mui Tsai Enactment. He was convicted under Section 3 of the Enactment and fined 50 dollars. The girl was committed to the Po Leung Kuk and later found work in the Central Mental Hospital.

In addition, bonds were required under the Mui Tsai Enactment : Six girls, aged 5 to 9, by birth Chinese, who were in the custody of the Malay, E, and suspected of being unregistered Mui Tsai, were released to him upon bond under Section 16 (iii) of the Women and Girls' Protection Enactment not to be employed as Mui Tsai. They were all willing to stay in his household.

5. I, a prostitute, was charged under Section 3 of the Children Enactment with ill-treating J, her adopted daughter, aged 6 years. She was convicted and fined 10 dollars. The girl was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Enactment.

6. K, a priestess, was charged under Section 3 of the Children Enactment with ill-treating L, her disciple, a girl aged 10 years. She was convicted and fined 30 dollars and ordered in addition to pay 10 dollars compensation to the girl. The girl was returned to her natural mother upon a bond under Section 16 (iii) of the Women and Girls' Protection Enactment.

7. M, a man, was charged under Section 3 of the Children Enactment with neglecting N, his prospective daughter-in-law, aged about one year. He was convicted and sentenced to seven days rigorous imprisonment and to pay a fine of 25 dollars. The child was returned to her natural parents under bond (Section 16 (iii), Women and Girls' Protection Enactment).

Selangor and Pahang. — A, a man, was charged with ill-treatment of B, his prospective granddaughter-in-law, aged 12 years. He was convicted under Section 3 (i) of the Children Enactment and sentenced to three months rigorous imprisonment. The girl was subsequently released to her uncle on security bond taken under Section 12 (ii) of the Women and Girls' Protection Enactment.

2. C, a woman, was charged with ill-treatment of D, her daughter, aged 6 years. She was convicted under Section (3) (i) of the Children Enactment and bound over in 50 dollars for three months or in default one month simple imprisonment. D was later, with her consent, released to C on security bond taken under Section 12 (ii) of the Women and Girls' Protection Enactment.

3. E, a woman, was charged with ill-treatment of F, her prospective daughter-in-law, aged 10 years. She was convicted under Section 3 (i) of the Children Enactment and fined 50 dollars, or in default three weeks rigorous imprisonment. F did not wish to leave the custody of E, and the latter was required to furnish a bond in 250 dollars under Section 12 (ii) of the Women and Girls' Protection Enactment.

4. G, a woman, was charged with ill-treatment of her step-daughter, H, aged 9 years. She was convicted under Section 3 (i) of the Children Enactment and sentenced to two months rigorous imprisonment. H was committed to the Federal Home under Section 16 (i) (c) of the Women and Girls' Protection Enactment.

Negri Sembilan. — A, a registered Mui Tsai, 12 years, was found to have been overworked and ill-treated, and had not been paid properly. She was removed and detained in the Federal Home, Kuala Lumpur, under Section 20 (ii) of the Mui Tsai Enactment and Section 16 (c) of the Women and Girls' Protection Enactment. No action was taken in court, as the evidence available was inadequate for a successful prosecution.

2. B, a registered Mui Tsai, 14 years, was beaten by C, the wife of her employer, D. B was detained in the Federal Home, Kuala Lumpur, under Section 20 (ii) of the Mui Tsai Enactment for further inquiry. She was afterwards committed under Section 16 (d) of the Women and Girls' Protection Enactment. The evidence available was not sufficient to warrant prosecution.

3. E, a registered Mui Tsai, 11 years, was found to have been overworked, and inspection showed that she had been underpaid and neglected. F, her employer, was dead, and G, the employer's wife, was unwilling to pay her wages. E was committed to the Federal Home under Section 10 (ii) of the Mui Tsai Enactment, and Section 16 (i) (d) of the Women and Girls' Protection Enactment. No prosecution took place because the legal employer was dead.

4. H, a girl aged 9 years, was suspected to have been brought from China for disposal as a Mui Tsai. She was released on security being produced under Section 21 (i) of the Mui Tsai Enactment.

5. I, a Hakka girl, 13 years old, was acquired by J, a Hokkien man, as an adopted daughter. She was suspected to have been treated as a Mui Tsai. J was required to produce security under Section 21 (i) of the Mui Tsai Enactment.

6. K, an adopted daughter, 6 years old, was ill-treated by L, her adoptive mother. L was prosecuted and convicted under Section 3 (i) of the Children Enactment. She was fined 30.75 dollars, and the girl, K, was detained in the Federal Home, Kuala Lumpur, under Section 16 (c) of the Women and Girls' Protection Enactment.

Johore. — A, a Hokkien woman, aged 33 years, was charged with an offence under Section 7 (i), of the Mui Tsai Enactment for ill-treating a registered Mui Tsai, B, aged 10 years. A was fined 75 dollars or four weeks rigorous imprisonment. The fine was paid and the girl was committed to the Po Leung Kuk under Section 15 (i) (c) of the Women and Girls' Protection Enactment.

2. C, a Hokkien woman, aged 40 years, was charged with failing to report the intended marriage of a Mui Tsai, D, aged 17 years (an offence under Rule 5 (e) of the Rules under the Mui Tsai Enactment). She was fined 5 dollars. The Protector of Chinese was satisfied that the marriage was *bona fide*.

3. E, a Hokkien woman, aged 25 years, was charged with an offence under Section 3 (i) of the Children Enactment. She had ill-treated her prospective daughter-in-law, F, aged 3 years. E was fined 50 dollars, or four weeks rigorous imprisonment. The fine was paid and the girl was returned to the custody of her parents.

4. Following a report of ill-treatment of G, a registered Mui Tsai, aged 17 years, who was also the prospective daughter-in-law of her employer, H, a Hokkien, aged 45 years, the Mui Tsai was removed from the custody of her employer and later returned to her real parents and her registration cancelled. H was also ordered to pay 47 dollars to the Mui Tsai as wages.

5. I, a Cantonese woman, aged 32 years, was charged under Section 3 (i) (e) of the Women and Girls' Protection Enactment with bringing into the State for prostitution two girls, aged respectively 17 and 18 years. She was convicted and sentenced to four months simple imprisonment, and subsequently banished. The two girls were returned to Singapore, whence she had brought them, and there they were committed to the Po Leung Kuk.

Kedah. — A, a registered Mui Tsai, aged 17 years, was found to be pregnant and admitted that her employer's son was responsible for her condition. The son also admitted this. It was arranged that the boy should marry her, but subsequently the girl refused to marry him. The employer offered compensation. A sum of 150 dollars has been deposited in the girl's name in the Post Office Savings Bank by her employer, and she has agreed to marry another man.

2. B, a Cantonese woman, was suspected of having brought two girls, C and D, 10 and 8 years, from China for sale as Mui Tsai. One of the girls was found in the household to which she was to be sold and the other was later discovered in a place of hiding. Evidence of a sufficiently strong nature to enable the case to be taken to court was not obtainable. One of the girls, however, was on bond in Penang under Section 13 of the Straits Settlements Women and Girls' Protection Ordinance. The girls were returned to Penang, where they were committed to the Po Leung Kuk under Section 13 of the Straits Settlements Women and Girls' Protection Ordinance, and the bond of 300 dollars was estreated.

3. Information was received that E, 12 years, was an unregistered Mui Tsai and was ill-treated. She was removed to the Po Leung Kuk, but though it appeared that she had been given a good deal of work and occasionally beaten, it was not considered that there was sufficient evidence to take the case to court. She was accordingly released to the family in which she had been found on security (under Section 21 (i) of the Mui Tsai Enactment) that she be not treated as a Mui Tsai.

4. F, a Cantonese woman, brought a girl, G, 5 years, from China, claiming her to be her daughter. Investigation showed that the girl was not her own daughter and that it was reasonable to suppose that she was intended as a Mui Tsai. She was later released upon bond (under Section 21 (i) of the Mui Tsai Enactment) not to be employed as a Mui Tsai.

5. H, a Teochew woman, brought a girl, I, 10 years, from China and alleged that she was her daughter. After prolonged questioning, she admitted that the child was not her own and that she had been given to her by a neighbour. In the circumstances, it was considered likely that I was a Mui Tsai and a bond (under Section 21 (i) of the Mui Tsai Enactment) was taken that she was not to be so employed.

6. J, a Hokkien woman, brought a girl, K, 13 years, from China, alleging that she was her daughter. It transpired that the girl had been acquired by her and as there was doubt as to the child's status, a bond under Section 21 (i) of the Mui Tsai Enactment was required.

7. L, a Cantonese woman, brought a girl, M, 10 years, from Singapore, alleging that she was given to her as a daughter. The girl was later released to her upon bond under Section 21 (i) of the Mui Tsai Enactment.

8. N, a Hailam woman, brought a girl, O, 2 years, from China, alleging that she was her daughter. It was later shown that the child had been acquired and there were indications that she was intended for use as a Mui Tsai. A bond under Section 21 of the Mui Tsai Enactment was taken before the girl was allowed to go to N.

9. P, a Hokkien woman, was alleged to be living on the proceeds of prostitution by running a brothel on her premises. Q, a small girl, 10 years, whom she claimed to be her adopted daughter, was living with her in the house. The girl was removed to the Po Leung Kuk, as her surroundings, were considered to be unsuitable. She was eventually released to a respectable family upon bond (Section 14 of the Women and Girls' Protection Enactment) and is to be brought up in this family.

10. The manager of a Teochew theatrical troupe was prosecuted under the Children Enactment for allowing 3 girls, aged 14, 13 and 13 years, and 1 boy, aged 12 years, to take part in a public performance without being licensed therefor under the Children Enactment. He was convicted under Section 13 of the Enactment and fined 20 dollars. The children who were relatives of actors in the troupe were released to these relatives and the manager of the troupe was warned not to permit those under 14 years of age to act in future.

11. R and S, girls aged 14 and 4 years, were found in a house in Alor Star where an admitted prostitute lived and where prostitution was suspected to take place. They were said to be adopted children of the principal tenant of the house. After investigation, it was discovered that R was on bond in Penang under Section 7 of the Straits Settlements Women and Girls' Protection Ordinance. This bond is being estreated, and both the children have been committed to the Po Leung Kuk, Penang, under Section 13 of the Straits Settlements Women and Girls' Protection Ordinance.

ANNEX 4.

C.C.E.E.180.

**COMMUNICATION, DATED JANUARY 4TH, 1938, FROM THE GOVERNMENT OF
THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE
LEAGUE OF NATIONS (WITH ONE APPENDIX).**

I am directed by Mr. Neville Chamberlain to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, copies of a return showing the number of Mui Tsai remaining on the registers on June 30th, 1937, throughout the Straits Settlements, the Federated Malay States and the Unfederated Malay States.

(Signed) Walter ROBERTS.

APPENDIX.

MALAYA.

MUI TSAI REGISTRATION AS ON JUNE 30TH, 1937.¹

	Straits Settlements				Federated Malay States					Unfederated Malay States							
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Perlis	Kedah	Kelantan	Trengganu	Brunei	Total
Number registered on December 31st, 1936	338	400	182	—	920	317	335	129	39	820	106	17	79	—	—	—	202
Cancelled :																	
Returned to parents	4	1	—	—	5	1	1	2	1	5	—	—	—	—	—	—	—
Left Settlement or State	3	3	—	—	6	2	1	4	1	8	—	—	2	—	—	—	2
Married	18	6	10 ^a	—	34	16	16	7	4	43	4	—	8	—	—	—	12
Ceased to be Mui Tsai	25	2	6	—	33	1	6	11	1	19	—	—	—	—	—	—	—
Admitted to Po Leung Kuk	3	3	—	—	6	—	2	—	—	2	—	—	1	—	—	—	1
Miscellaneous	2	5	2	—	9	2	—	—	—	2	2	—	—	—	—	—	2
<i>Total Cancelled</i>	55	20	18	—	93	22	26	24	7	79	6	—	11	—	—	—	17
<i>Added to Register on transfer from another Settlement or State</i>	1	1	2 ^b	—	4	1	2	3	—	6	1	—	1	—	—	—	2
<i>Total on Register on June 30th, 1937</i>	284	381	166	—	831	296	311	108	32	747	101	17	69	—	—	—	187

a One was cancelled on July 13th, 1936. This cancellation was inadvertently omitted in the last return.

b One left for China in 1936, and returned to Malacca in 1937.

¹ Note by the Secretariat of the League of Nations. — For the previous return, see page 50 of the 1937 Report of the Committee.

ANNEX 5.

C.C.E.E.188(1).

COMMUNICATION, DATED FEBRUARY 10TH, 1938, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH APPENDICES).

I am directed by Mr. Secretary Eden to transmit to you herewith a copy of a memorandum dealing with questions concerning certain of His Majesty's colonial dependencies which were raised in the report of the League of Nations Advisory Committee of Experts on Slavery on the work of its fourth (ordinary) session, held in April last.

2. I am to request that this memorandum may be laid before the Advisory Committee for their consideration.

(Signed) D. F. HOWARD.

MEMORANDUM FROM HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM ON VARIOUS QUESTIONS DEALT WITH IN THE REPORT OF THE ADVISORY COMMITTEE OF EXPERTS ON SLAVERY (1937).

1. As in the case of the previous reports of the Advisory Committee, the report for 1937 was circulated to the Governments of all the territories administered under the authority of His Majesty's Government in the United Kingdom in order to keep them informed of the activities of the Committee and also to give them an opportunity of considering any of the matters dealt with in the report with which they were concerned and of furnishing any information which might be of interest to the Committee. The observations which have been received from the few colonial Governments concerned are summarised below under the headings adopted by the Advisory Committee in their report.

CHAPTER II. — SLAVE RAIDS, SLAVE TRADING AND CAPTURED SLAVES.

2. In paragraph 4 of His Majesty's Government's Memorandum of 1937¹ particulars were given of the agreements negotiated with certain chiefs of the Aden Protectorate to secure their co-operation in the prevention of the introduction of further slaves into their territories. A similar agreement has since been signed by the Sultan of Qishn and Socotra.

3. The invitation extended to the Sultan of Lahej to cause the second sentence of his Proclamation of March 7th, 1935, to be amended so as to read : " Whoever disobeys this, or is found knowingly to keep in his possession an imported or captured slave, will render himself liable to severe punishment " (paragraph 6 of His Majesty's Government's Memorandum of 1937) was accepted by the Sultan, who, on January 28th, 1937, issued a further Proclamation on the lines indicated.

Cameroons Province.

(This information is reproduced from the report by His Majesty's Government in the United Kingdom to the Council of the League of Nations on the administration of the Cameroons under British mandate for the year 1936, pages 75-77).

" Cameroons Province.

" There were no cases in connection with slavery in the Victoria, Kumba or Mamfe Divisions during 1936. In the Bamenda Division, there was one case of slave-dealing in which six persons were prosecuted of whom five were convicted. A woman of about 29 years of age had been wrongfully handed over to one of the accused in settlement of an old claim, and he sold her; the other accused being connected with the sale in various ways. The woman eventually got in touch with the police, through the intervention of a court messenger. There was also a child-stealing case at Bamenda, in which the accused was, in view of a previous conviction, sentenced to nine years imprisonment. There are no persons in the Cameroons Province in a status or condition in any way resembling what is generally understood by slavery.

¹ See page 36 of the Committee's 1937 report.

“ Northern Areas.

“ Six cases of alleged slave-dealing in the Adamawa districts were dealt with by the Lamido’s court but the charges, which all arose from the same set of circumstances, were not proved and the accused were discharged. The following table shows the number of cases dealt with in the last ten years :

Year	Number of cases	Persons charged	Convictions	Acquittals
1927.	12	20	18	2
1928.	3	3	3	—
1929.	2	2	2	—
1930.	8	8	5	3
1931.	1	1	—	1
1932.	7	7	6	1
1933.	3	4	4	—
1934.	3	4	3	1
1935.	—	—	—	—
1936.	6	6	—	6
	45	55	41	14

“ There is no evidence that any form of slavery exists in the Kentu area.

“ Continuous and effective co-operation has been maintained between the authorities in Dikwa and French territory. One man wanted by the French authorities on a charge of slave-dealing was arrested in Dikwa. Three small children rescued from slave-dealers by the French authorities were restored to their relatives in the Dikwa area. One small boy made his escape to Dikwa town from a caravan of camel-drivers who had abducted him while tending his flock in the bush some distance from his home. Search was immediately made for the camel-drivers : unfortunately it was unavailing.

“ There is reason to believe that close co-operation with the neighbouring French authorities and constant propaganda by administrative officers are taking effect and that slave traffic in these regions is further declining. All district heads are fully aware of the serious nature of this offence and are active in their efforts to bring about its suppression. The residents of the remaining ten provinces all report that no information has been received indicating that any traffic in slaves from the Cameroons has taken place in their provinces during 1936.”

CHAPTER III. — BORN SLAVES.

4. In paragraph 12 of His Majesty’s Government’s Memorandum of 1937,¹ reference was made to certain extracts from a report by Mr. W. H. Ingrams, O.B.E., on his tour of the Hadhramaut in 1934/35 and on his subsequent visits to Mukalla. Mr. Ingrams, who is now the British Resident Adviser to the Sultan of Mukalla and to the Kathiri Sultan, has since made certain practical and constructive suggestions for a gradual reduction of slavery in the Hadhramaut, where, since time immemorial, it has been endemic. His Majesty’s Government in the United Kingdom hope that it will prove possible ultimately to secure the adoption of these suggestions, which are summarised in Appendix 1 to this memorandum.

5. During the last few months, increasing advantage has been taken by the slaves in the Hadhramaut of the arrangements, whereby slaves can claim their freedom, and of the presence in the country of Mr. Ingrams, on whom the Governor of Aden has conferred the power to manumit slaves in that area, and whom they can easily approach.

6. With these arrangements, and if the recommendations made by Mr. Ingrams are adopted, there will no doubt be an increase in the number of those seeking freedom and the question of their disposal will need consideration. A short time ago, an offer was made by Messrs. Cowasjee, Dinshaw and Brothers to employ up to thirty freed slaves as coolies, as, owing principally to a considerable emigration towards the Italian colonies, there had been a shortage of skilled coolie labour in Aden. In pursuance of this offer, five freed slaves, including one Indian, were sent to Aden and enrolled by Messrs. Cowasjee, Dinshaw and Brothers, but the work proved exceedingly unpopular and indeed was probably beyond their capabilities, as the carrying of coal demands qualities of muscle and habit quite foreign to the life led by slaves who have been employed in light agricultural work, as domestic servants and as soldiers. None of the five slaves remained with Messrs. Cowasjee, Dinshaw and Brothers and two of them returned to the Hadhramaut.

7. A further party of eight freed slaves was dealt with differently. An Indian woman and her child and another Indian child taken from his parents are now awaiting repatriation to India, and the other five, including an Abyssinian imported during the last few years, an Indian, and a native of Aden kidnapped as a child on the beach, have found employment locally, either in the salt-works or in connection with garages and godowns.

¹ See page 40 of the Committee’s 1937 report.

8. The absorptive capacity of Aden is very limited, and any increase in the number of freed slaves arriving will raise a difficult local problem, as Aden already contains a large number of unemployed. It is felt, however, that it is important that difficulties should not be put in the way of slaves desiring to leave the Hadhramaut after obtaining freedom, and, for this reason, it is contemplated that, if necessary, a clearing house for slaves should be established in Aden, and that, if possible, freed slaves, particularly of course those agriculturally inclined, should be found a home elsewhere.

9. The Government of Aden also propose to institute enquiries in the Mahra and Wahidi countries (in the eastern part of the Aden Protectorate), the latter of which is believed to be a source of many of the new importations to the Hadhramaut.

10. In the final sub-paragraph of paragraph 10 of His Majesty's Government's Memorandum of 1937,¹ it was stated that the situation in the southern provinces of Nigeria was being examined and that the Advisory Committee would be informed of the results of the enquiry in due course. A report on this matter has been received from the Governor of Nigeria and copies of it were transmitted to the League of Nations in a communication dated July 10th, 1937.² In paragraph 21 of the report, reference was made to the fact that the effects of the abolition of slavery were most strongly felt in the areas of Warri, Owerri and Calabar provinces, where the house system prevailed. It was not made clear in the report that the Native House Rule Ordinance which gave the support of law to the house system was repealed as long ago as January 1st, 1915. Though this act did not in itself abolish house rule, its inevitable result was that the house system rapidly disappeared. A short account of house rule is to be found in paragraph 23 of Sir F. D. (now Lord) Lugard's report on the amalgamation of northern and southern provinces, Cmd. 468, published by H.M. Stationery Office in 1920; this paragraph is quoted in full below :

“ *House-rule.* — In the provinces bordering the coast, east of Lagos colony, a curious system known as ‘ house-rule ’ prevailed. The coastal chiefs, by preventing European access to the interior, had in the early days of British rule grown rich as middlemen. Their custom was to advance goods to members of the ‘ house ’, who carried them by the creeks in canoes to the hinterland tribes, and brought saleable produce in return, on which great profits were made. The ‘ houses ’ were, in fact, primarily trading concerns. The members of the houses largely consisted of slaves, and were recruited by the addition of new slaves. The House Rule Ordinance of Southern Nigeria empowered the Supreme Court to award a year's imprisonment, and inflict a fine of £50 upon any member who refused or neglected to submit to the authority of the head of the house. The oath of the head of the house without further evidence was sufficient for conviction. Any person wandering abroad, and unable to prove that he had means of subsistence, or that the lack of them was not the result of his own fault — phrases wholly inapplicable to conditions of native life in Africa — could be arrested without warrant, and imprisoned for a year. Any person, including Europeans, who employed a member without the consent of the head of the house was liable to a year's imprisonment and a fine of £20.

“ An amending Ordinance of 1912, recognising in effect that many members were slaves detained by force, instituted a method of self-ransom. The Commissioner of the Supreme Court received and paid out the ransom money. The machinery of Government was employed to arrest without warrant, and to restore to the head of the house, any fugitive member — resistance was punishable by a year's imprisonment and a fine of £50. The repeal of this Ordinance, which was incompatible with the Slavery Law, was deferred till January 1st, 1915, so as to give fair warning. House rule was not thereby abolished, but the denial of the assistance of British courts in enforcing the will of the head of the house, and of Government police in capturing fugitive members, struck a death-blow to the system.”

Copies of the Native House Rule Ordinance, P. No. 26, 1901, Chapter CXXI of the Laws of Southern Nigeria (1908), Vol. II, and of the Repealing Ordinance, No. XV, of 1914 are annexed (Appendices 2 and 3).

CHAPTER IV. — OTHER INSTITUTIONS.

(a) *Debt Slavery, Pawning and Peonage.*

In 1933, the Governor of the Gold Coast reported that no cases of pledging of human beings had come to light in recent years and that the practice might be said to have ceased. In July this year, however, a case was brought before the acting district magistrate, Sekondi, in which it was proved that two girls had been pledged in payment of a debt. The case was treated as one of slave dealing and the offenders, two women, were sentenced to six months

¹ See page 40 of the Committee's 1937 report.

² See page 23.

imprisonment. On appeal to the divisional court, this sentence was reduced to one of two months imprisonment and on further appeal to the West African Court of Appeal the judgment of the divisional court was confirmed. Such cases of pledging are few and far between and are dealt with strictly by the courts if and when they come to light.

11. The system of pawning, which still exists in the southern provinces of Nigeria to a decreasing extent, although involving no religious or social restrictions, nevertheless involves a definite encroachment on personal liberty. Copies of three of the proclamations or public notices which were issued by the Government of Nigeria in 1927 with a view to the elimination of pawning are annexed (Appendix 4). Investigations have recently been made into the system by the Governor of Nigeria with a view to finding a means of suppressing it with the least possible delay. The results of this enquiry can be summarised as follows.

12. Three forms of pawning may be distinguished :

- (a) Adult self-pawning ;
- (b) Child pawning ;
- (c) Female child pawning.

In regard to (a) the adult is almost invariably a male, who pledges himself to work a part of his time for the benefit of his creditor in lieu of repayment of a loan and interest, or of interest only. The pawn suffers no social or legal disability and is entirely his own master, a fact which makes this form of pawning less open to grave objection. It is rapidly declining, with the increase in other facilities for obtaining money, and the few cases which have come to light are usually in connection with dowry or other marriage expenses. The more enlightened chiefs are not in favour of the continuation of this practice. Pending a decision on amending the law to make it clear that these practices are illegal, two proposals have been adopted which it is hoped will lead to their early extinction. The first is the issue of proclamations in the native courts prohibiting any action for debt in the court where it is shown that the debtor has served or has agreed to serve as a pawn after the date on which the proclamation is made. The other proposal is to encourage pawns to appear before the courts without payment of fee in order that the amount of the debt may be fixed and payment by reasonable instalments arranged. In addition, the subject is being given still greater publicity than heretofore and a special effort is being made to impress on the educated classes the undesirability of the practice and the slur which it casts on the community as a whole.

13. In regard to (b), the practice of the pawning of children still persists to some extent in the southern provinces. The child is pawned by the guardian or parents on the same terms as the adult pawns himself as described in paragraph 12 above. He lives as a rule with his master but is allowed to visit his parents regularly. Public opinion will not allow of ill-treatment of the pawn and he is always free to return to his parents and his parents are at liberty to withdraw him. Any cases which come to light are dealt with in the British courts and an intensive campaign against it is now being conducted which it is hoped may in the near future result in its entire suppression.

14. In regard to (c), this category relates to the pawning of young girls in the form of child betrothal. This is the most difficult of all the forms of pawning to recognise, for the dividing line between pawning and betrothal or marriage is often so fine that only the parties who are themselves involved can detect it. The girl is sent to her father's creditor, lives in his house and when she is of age may marry him if she so wishes; in which case, the difference between debt and dowry is paid and the matter thus finally settled. If she marries elsewhere, the husband of her choice repays the debt through the parents. Though she has the full status of a wife while in the creditor's house, it is noteworthy that he has no right to force her into unwilling marriage. In this case, as in others, propaganda and education play the most important part in the suppression of pawning, while the careful review of actual native court cases in which pawning enters in any shape or form also keeps it in the public eye.

15. Pawning in any form is illegal and the placer or receiver is liable on conviction to imprisonment for fourteen years under Section 369 (3) of the Criminal Code which reads as follows :

“ Any person who places or receives any person in servitude as a pledge or security for debt whether then due and owing or to be incurred or contingent, whether under the name of a person or by whatever other name such person may be called or known is guilty of slave-dealing and is liable to imprisonment for fourteen years.”

It is, however, questionable whether the "pawning" referred to in the previous paragraphs is in fact covered by the provisions of this section of the Criminal Code, since it cannot be stated with any certainty that the majority of pawns are in fact placed or received in servitude. This aspect of the matter is being further investigated and consideration will be given to the question whether an amendment to the section is necessary to enable it to embrace forms of pawning which do not necessarily involve "servitude".

16. Although it has been necessary in the past to act with caution in order that native susceptibilities should be upset as little as possible, the Government of Nigeria are confident that the system of pawning, except probably in a few inaccessible areas where it may linger for a time, will now be forced rapidly to disappear.

(b) *Mui-Tsai System.*

17. Copies of the following documents regarding the Mui-Tsai system in Hong-Kong and Malaya have been communicated to the Advisory Committee since the fourth session of the Committee was held : (a) reports by the Governor of Hong-Kong for the half year ended November 30th, 1936,¹ and the half year ended May 31st, 1937;² (b) report by the Governor of the Straits Settlements on the action taken in individual cases under the laws relating to children, Mui Tsai, and girls' protection in the Straits Settlements, Federated Malay States and Unfederated Malay States during 1936;³ (c) a statement showing the number of Mui Tsai remaining on the registers throughout Malaya on June 30th, 1937.⁴

Malaya.

18. In paragraph 76 of its 1937 report, the Advisory Committee compares the information in its possession regarding Mui Tsai in Malaya with that which had been supplied to it in respect of Hong-Kong, and points out that the former is deficient in several respects. It would seem possible, however, that certain particulars which have been supplied by His Majesty's Government in the United Kingdom from time to time regarding the Mui-Tsai system in Malaya, were overlooked. For example, in stating that, in its 1935 report, "the Committee could only show a table of the numbers of the registered Mui Tsai on June 30th, 1934, and the statement concerning their wages", no account appears to have been taken of the statement contained in paragraph 34 of the United Kingdom Memorandum which formed Annex 3 to the 1935 report (page 27) that "the Governor of the Straits Settlements has reported that every effort has been made by statements in the various legislatures, by advertisement and by contributed articles in the Chinese vernacular Press, and by seeking the co-operation of the Chinese Advisory Boards and the leading members of the Chinese community throughout Malaya, to impress on every Chinese resident the determination of the Malayan Governments to administer the law effectively, and that the Department of Chinese Affairs is unceasingly vigilant to this end".

19. In the same paragraph, the Advisory Committee refers to its having received, *inter alia*, "a list of convictions for offences in Singapore, Penang and Malacca". The reference appears to be to the report by the Officer administering the Government of the Straits Settlements on the Mui-Tsai system for 1935 and on the action taken in individual cases under the Mui-Tsai Ordinance 1932, the Women and Girls' Protection Ordinance 1930, and the Children's Ordinance 1927, which report forms Appendix II to Annex 2 to the Committee's report for 1937.⁵ Although that report may be deficient in certain respects when compared with the information furnished in respect of Hong-Kong, it contains a considerable amount of useful information when read in conjunction with the tables of statistics of Mui Tsai remaining on the registers (Appendix 3 of Annex 4 and Annex 9 to the 1937 Report).⁶

20. Finally, with reference to the statement in paragraph 76 that, in the 1937 report from His Majesty's Government, "there is no mention of any action in the Federated or Unfederated Malay States to give effect to the law, and no reference to any system of inspection in any part of Malaya", it may be pointed out that, in response to a request by the Advisory Committee in paragraph 46 of their 1935 report that they "would be glad to receive information regarding the methods which will be employed in applying the laws, especially in regard to the appointment of inspectors", the Governor of the Straits Settlements furnished a memorandum prepared by the Acting Secretary for Chinese Affairs, giving particulars of inspections of Mui Tsai throughout Malaya. This memorandum was published in full in the report of the third (extraordinary) session of the Advisory Committee held in April 1936 (pages 71-72). It is further pointed out that, in the 1936 memorandum from His Majesty's Government (Annex 7 to the 1936 report), it was stated that "in order to ensure that the Government's policy as set out in the laws of the Straits Settlements and the Malay States is effectively enforced, early provision of an increased staff of whole-time lady inspectors

¹ See page 19.

² See page 27.

³ See page 31.

⁴ See page 38.

⁵ See page 25 of the Committee's 1937 report.

⁶ See pages 45 and 50 of the Committee's 1937 report.

is to be made for service in the areas of Malaya not at present fully covered by such staff ” (page 62).

21. It must be remembered that the Mui-Tsai legislation in its present form was not introduced in Malaya until the Mui-Tsai Ordinance of the Straits Settlements was passed on May 30th, 1931.¹ This Ordinance, like the Federated Malay States, Johore and Brunei Enactments passed later that year,² did not come into force until January 1st, 1933. Similar legislation in the other Malayan territories was enacted between that date and April 1935.³

22. It is proposed that the Malayan Governments should in future furnish half-yearly reports on the working of the Mui-Tsai legislation in their territories on the lines of the reports submitted by the Government of Hong-Kong. The first of these reports will be that for the half-year ended December 31st, 1937, and will be transmitted to the Advisory Committee as soon as it is received and, if possible, before the next meeting of the Committee. In order to make the report consecutive it will include details of cases which occurred during the first half of 1937. It will contain in addition the information asked for by the Advisory Committee in paragraph 78 of their report in regard to the appointment of lady inspectors, with details as to the terms of appointment, the salaries, qualifications, powers and duties of those officers, and also information concerning the system of “refuges” and “homes” in Malaya in accordance with the request contained in paragraph 80 of the Committee’s report.

23. In addition to the reports mentioned above, it is proposed in future to supply the Committee with a copy of the annual departmental report of the Secretary for Chinese Affairs, Malaya. A copy of the report for the year 1936 is annexed (Appendix 5). It is suggested that the Committee might wish also to examine the reports of the working of the Women and Girls’ Protection Legislation in Malaya, which are supplied yearly to the League of Nations for the use of the Advisory Committee on Social Questions. While the Slavery Committee is not directly concerned with most of the information contained in these reports, it is possible that, as the work of protection of women and children is intermingled with the problems arising out of the Mui-Tsai system, the reports may be of interest to the Committee.

Hong-Kong.

24. In Hong-Kong, there are at present one Inspector and two Assistant Inspectors of Mui Tsai. These are whole-time appointments. The Inspector is a male European officer, who was at one time seconded from the police force but who has been confirmed in his present employment since January 1st, 1935. The salary scale of this post is at present £475 a year, increasing by annual increments of £20 to a maximum of £535; it carries a conveyance allowance of \$240 a year and free quarters. The present holder draws in addition \$180 a year in language allowances, being qualified in Cantonese and Mandarin. He entered the Hong-Kong Police Force in April 1919, and rose to the rank of sub-inspector and has therefore a good knowledge of criminal law and procedure. His duties include supervision of office records, and of the work of the Assistant Inspectors; personal investigation of complaints likely to lead to court proceedings; and the conduct of prosecutions.

25. The Assistant Inspectors are Chinese women. The qualifications required for the post are good physique and a knowledge of English and Chinese both spoken and written. The salary of these officers is \$1,800 (= £125 at \$1 = 1s. 3d.) a year, with an allowance for travelling expenses of \$144 a year. Their duties include the regular inspection of registered Mui Tsai and of other children and girls who are considered by the Secretary of Chinese Affairs to require inspection, and the detection of unregistered Mui Tsai.

26. The powers of Inspectors and Assistant Inspectors of Mui Tsai are set out in the Regulations made under the Female Domestic Service Ordinance, 1923.⁴ The Inspector of Mui Tsai also holds an authorisation issued under Section 39 of the Protection of Women and Girls Ordinance, No. 4 of 1897, as amended by Ordinance No. 21 of 1929.⁵ Copies of these enactments are appended for convenience of reference (Appendix 6).

¹ See page 65 of the Committee’s 1935 report.

² See pages 71-76 of the Committee’s 1935 report.

³ See pages 48-57 of the Committee’s 1936 report.

⁴ See pages 62-64 of the Committee’s 1935 report.

⁵ See page 60 of the Committee’s 1935 report.

27. The estimates for 1938 include provision for three additional Assistant Inspectors on a salary scale of \$1,200 to \$1,800 a year. These will also be whole-time appointments.

28. There are at present five places of refuge which are officially recognised as such under the provisions of Sections 34 to 37 of the Protection of Women and Girls Ordinance, 1897; these are :

(a) The Po Leung Kuk (incorporated under Ordinance No. 6 of 1893 as amended by Ordinance No. 4 of 1932 (Appendix 7)): This institution is a "refuge" in the sense used by the Committee in paragraph 80 of their report. It is under the management of a Committee of Chinese ladies and gentlemen which is appointed annually. This Committee meets every day except Saturdays to consider cases referred to it by the Secretariat for Chinese Affairs.

29. Normally, women and children sent to the Po Leung Kuk are only kept there until satisfactory arrangements can be made for their disposal elsewhere, but provision is made for education and for instruction on hand work. Women, girls and boys under ten are admitted. There is accommodation for about 100 persons. The annual expenses amount to about \$15,000, of which \$7,000 is derived from a Government grant, \$4,000 is derived from investments and the balance from public subscription.

(b) The Salvation Army Home : This is in part a remand home for juvenile offenders sent there by a magistrate, in part a "home" for girls sent by the Secretariat for Chinese Affairs. There is accommodation for twenty-five in each section. The Government grant is \$3,000 a year.

(c) The Victoria Home and Orphanage : This is an orphanage and school belonging to the Church Missionary Society. The orphanage and school are now separate, the former being situated in the new territories. This institution has in the past accepted a number of young children sent to them by the Chinese Secretariat but the accommodation is limited and is at present taken up by protégés of the mission. There is a nominal grant from Government of \$100 a year.

(d) The Canossian Institute school and orphanage, which receives an annual grant of \$1,600 a year, is occasionally in a position to admit children recommended by the Chinese Secretariat, but there are few vacancies and none have been accepted for some time.

(e) The Eyre Refuge, formerly a rescue home for prostitutes, now accommodates twelve inmates, most of whom are cripples. It receives a grant of \$85 a year from Government funds.

30. A scheme which would provide a separate home where young prostitutes may be reclaimed is under consideration. Provision of such an institution was recommended by the Mui-Tsai Commission. The Government of Hong-Kong, however, while in agreement with this advice, considers that funds for the capital and maintenance costs of such an institution should be provided, at any rate partly, by voluntary subscription. Unfortunately, the political situation in the Far East is rendering the collection of funds for such purposes increasingly difficult and progress cannot be expected in this direction until peace again supervenes in China.

Hong-Kong and Malaya.

31. In paragraph 79 of their report for 1937, the Advisory Committee referred to the report of the Commission on Mui Tsai in Hong-Kong and Malaya and expressed the hope that they would learn in due course what action the Governments of Hong-Kong and Malaya proposed to take on that report.

32. The Government of the Straits Settlements has now decided to accept the minority report of the Commission¹ in principle with minor variations to meet local conditions. The minority report expressed the opinion that the chief obstacle to the abolition of the Mui-Tsai system lay in the difficulty of disentangling it from the general system of transference of girl children. Its proposals, as set out by its author, were :

I. Repeal of the Mui-Tsai Law, Hong-Kong, 1923,² and Malaya, 1932.³

II. The passing of fresh legislation on the lines of the suggested Female Child Protection Ordinance, the general principles of which are :

(a) Abolition of the legal status of Mui Tsai ;

(b) Protection of a particular class of child — *i.e.*, girls who have left their parents before the age of twelve, and who whether Mui Tsai or not must come under the notice of a proper authority ;

(c) Exemption after report of genuinely adopted girl children ;

¹ Colonial No. 125 (1937).

² See page 62 of the Slavery Committee's 1935 report.

³ See pages 65-78 of the Slavery Committee's 1935 report.

- (d) No reports of girls who left parents after twelve years of age ;
- (e) Quasi-adoptions not recognised ;
- (f) Status of wards and temporary wards ;
- (g) Registration for these purposes to continue indefinitely.

The Straits Settlements Government accordingly proposes that all transfers of girls under the age of fourteen, except those which are for a short period not exceeding three months, must be notified. The Protector of Chinese is also to be empowered to require the registration of the girl, involving her inspection and supervision, if he thinks it desirable — *e.g.*, if the circumstances of the transfer seem suspicious — and the Protector will be authorised to take any action necessary to secure the safety of the registered girl. The new system of child protection will not be brought into effect by amendment of the Mui-Tsai legislation, but by recasting the Children Ordinance so that the new system will be entirely distinct.

33. Draft legislation for the implementation in detail of this policy is being prepared. The Governor of the Straits Settlements, who is also High Commissioner for the Malay States, has expressed the hope that the Governments of the several Malay States will follow the action of the Straits Settlements.

34. In Hong-Kong, the Governor (Sir G. Northcote), who assumed office in October 1937, has been giving his careful consideration to the report of the Commission and his recommendations may shortly be expected. The Colonial Government has already taken steps to put into effect the administrative reforms recommended in that report — *i.e.*, for the more regular inspection of Mui Tsai, an increase in the number of Inspectors and the appointment of a woman Assistant Secretary for Chinese Affairs.

(c) *Quasi-Adoption of Children.*

35. In paragraph 16 of His Majesty's Government's Memorandum of 1937¹ it was stated that it was expected that the preparation of legislation to give effect to the report of the Sub-Committee set up to consider the question of the adoption of children in Ceylon would be introduced into the Ceylon State Council in 1937. The preparation of this legislation was found to be a somewhat difficult matter as a considerable amount of care had to be exercised to avoid a possible conflict with numbers of other existing systems of law, such as the Thesawalami, the Kandyan law, etc. A draft Ordinance to give effect to most of the recommendations of the Sub-Committee was prepared in October last and published in the *Ceylon Government Gazette* of December 3rd, 1937. This Bill, which provides, *inter alia*, for the regulation of the employment of children and young persons, will be introduced in the State Council shortly, and a separate Bill to regulate the adoption of children is now in course of preparation.

Appendix 1.

RECOMMENDATIONS BY MR. W. H. INGRAMS, O.B.E., WITH A VIEW TO EFFECTING A GRADUAL
REDUCTION OF SLAVERY IN THE HADHRAMAUT

(Mukalla, June 16th, 1937).

I discussed with Sultan 'Ali bin Mansur, Sultan 'Ali bin Salah and the seiyids the possibility of registration of slaves. My suggestion is that, in the first place, registration should be voluntary on the part of the masters, but then when a man desired to sell a slave, the prospective buyer could enquire whether the slave was registered and make certain of this from the Government concerned, and thereby discover whether the seller had a just title to the slave. The buyer would probably refrain from buying if the seller had not registered the slave. This suggestion arose from the cases of the selling of slaves by those who were not the masters of the slaves and the registration would not only prevent this but would also lead to the detection of illegal slave trading.

It has now been suggested from an influential source that the Qu'aiti and Kathiri sultans should be asked to issue notices in their dominions that every slave who asks for his or her freedom, from whatever place it may be, should be given a paper entitling him or her to freedom.

I have recently had further discussions with sultans and seiyids and believe that rules on the following lines would find general acceptance :

The buying and selling of slaves is forbidden and sale or purchase will not be regarded as giving legal title to slaves after . . .

¹ See page 41 of the Committee's 1937 report.

All owners of slaves are required to register them with the nearest representative of the Qu'aiti or Kathiri Governments. No title will be recognised to slaves not registered by

Any slave who desires freedom should apply for it to the nearest representative of the Qu'aiti or Kathiri Governments. No steps will be taken to restore any runaway slaves to their masters.

Slaves who desire freedom will be given a paper, but may not then return to their masters. Masters who give slaves their freedom should have the papers countersigned and registered with the nearest representative of the Qu'aiti or Kathiri Governments if the slaves wish to remain and work with them.

The mortgages of persons by themselves as slaves is not recognised.

The children of slaves belong to their parents.

(Signed) W. H. INGRAMS.

Appendix 2.

LAWS OF THE COLONY OF SOUTHERN NIGERIA — VOLUME II.

CHAPTER CXXI. — *Native House Rule (P. No. 26, 1901).*

1. This Ordinance may be cited as “the Native House Rule Ordinance,” and shall apply only to the central and eastern provinces of the protectorate.

2. In this Ordinance, unless the context otherwise requires :

“ House ” means a group of persons subject to native law and custom, to the control, authority, and rule of a chief, known as a head of a house.

“ Member of a house ” means and includes any person who by birth or in any other manner is or becomes subject to the control, authority and rule of a head of a house.

“ Native law and custom ” includes any native law and custom existing in the Protectorate relating to houses, not repugnant to natural justice, nor incompatible either directly or by necessary implication with any Law or Ordinance in force at the commencement of this Ordinance, or which may hereafter come into operation, and any regulations relating to houses passed under the provisions of the Native Courts Ordinance by a native council with the consent of the Governor.

“ Court ” means a district court or native court.

3. Every member of a house shall, from and after the commencement of this Ordinance, be subject to native law and custom.

4. All proceedings under this Ordinance shall be commenced before a District Commissioner, who shall have full jurisdiction to determine summarily all such proceedings. Every such Commissioner may at any stage of any proceedings direct the same to be transferred to and determined by any native court in his district, unless one of the parties to such proceedings is a European.

5. Every member of a House who refuses or neglects to submit himself to the control, authority and rule of the head of his house in accordance with native law and custom shall be liable on conviction to a fine not exceeding fifty pounds, or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

6. Where a member of a house is charged upon the oath of the head of a house or his representative with an offence under the last preceding section, the Commissioner before whom the charge is made may issue a warrant directing the person named therein to arrest and bring before him such member of the house to be dealt with for the offence with which he is charged.

7. Every head of a house who neglects or refuses to perform, or acts in contravention of, the obligations imposed upon him by native law and custom towards any member or members of his house, shall be liable on conviction to a fine not exceeding £50, or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

8. Any person wandering abroad or having no apparent means of subsistence may be arrested by any officer of any court within the district in which such person is found, without a warrant, and brought before the Commissioner of such district, and questioned as to his means of subsistence and to which house he belongs.

If it appears that he belongs to a house, notice shall be given to the head of such house, who may thereupon commence such proceedings as he may think fit under this Ordinance, or under native law and custom.

If the person arrested refuses when questioned to answer to the satisfaction of the Commissioner, and it does not appear that he belongs to a house, or if the head of the house to whom any notice of the arrest has been given as aforesaid does not commence proceedings within seven days after the receipt of such notice, such person, unless he proves that he has sufficient means of subsistence, or that his want of such means is not the result of his own fault, shall be liable to imprisonment with hard labour for any term not exceeding one year.

9. In any proceedings under this Ordinance, the court, whether it imposes a fine or term of imprisonment or not, may order :

(i) That the defendant pay to the complainant such sum as the court may think fit as compensation for any loss or injury sustained by him by reason of the offence committed ; or

(ii) That upon payment of such sum or fulfilment of such conditions as the court may direct, or unconditionally, the complainant or defendant be discharged from further performance of all or part of the obligations imposed upon him by native law and custom relating to houses ; or

(iii) That the terms of any arrangement agreed to by the parties for the settlement of any question with respect to their obligations under native law and custom relating to houses be carried into effect.

Any person who shall commit a breach of any order under this section shall be liable to imprisonment with or without hard labour for any term not exceeding six months.

10. Every person who resists or obstructs the lawful apprehension of himself for any offence under this Ordinance, or escapes or attempts to escape from any custody in which he is lawfully detained, shall be liable to a fine not exceeding £50, or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

11. Any European or native (1) who, knowing a native to be a member of a house, employs such native without the express or implied consent of the head of a house, or (2) who, not knowing that a native is a member of a house, does not use every endeavour to ascertain whether such native is or is not a member of a house before employing such native, or (3) who not knowing, notwithstanding that he has used every endeavour, that a native is a member of a house, employs such native, and subsequently discovering that he is a member of a house fails to give notice of the fact to the head of the house to which such native belongs, shall be liable to a fine not exceeding £50, or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

12. (1) The court may order any person convicted of an offence under this Ordinance to pay all or any part of the costs and expenses of the proceedings against him ; and

(2) Where it appears to the court that any proceedings are malicious, vexatious or frivolous, the court may order the complainant to pay all or any part of the costs and expenses of the accused, and, where the accused has been arrested on a charge on the oath of the complainant, may order the complainant to pay in addition to any such costs and expenses, or any of them, such sum not exceeding £25, as it may think fit, as compensation.

13. The court may at any time direct that payment of the costs and expenses and compensation, or any of them, ordered to be paid under the provisions of the last preceding section, shall be made on or before a specified date, and may also order that if default is made in such payment the person so directed to pay shall be imprisoned with or without hard labour for any term not exceeding three months, unless payment of such costs, expenses and compensation or any of them ordered to be paid, be sooner made.

14. No imprisonment under the provisions of this Ordinance shall operate as a satisfaction or extinguishment of any liability to pay any sum ordered by the court to be paid as costs, expenses or compensation under the provisions of this Ordinance.

* * *

COLONY OF SOUTHERN NIGERIA.

Ordinance No. 1, of February 8th, 1912, to amend the Native House Rule Ordinance.

Be it enacted by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows :

1. This Ordinance may be cited as the Native House Rule (Amendment) Ordinance, 1912.

2. The Native House Rule Ordinance is hereby amended as follows :

(1) The following section is inserted after section four :

5. Any member of a house may apply to the Commissioner of the district to fix an amount upon payment of which he shall cease to be a member of his house and be freed from all the obligations imposed upon him by native law and custom

relating to houses. The Commissioner shall thereupon fix the amount to be paid and decree his immediate discharge from such liabilities either :

- (a) On payment of the aforesaid amount, or
- (b) On his giving security to the satisfaction of the Commissioner for payment by annual instalments spread over not more than three years.

The payment or payments shall be made to the District Commissioner, and paid out by him. A member of a house shall, on ceasing to be a member, forfeit every claim and privilege of membership of the house including that of part ownership of property real and personal, but shall be entitled to retain and remove all his own personal property.

The sum payable may not exceed the maximum amount fixed by the Provincial Commissioner for each house, which sum shall in no case be greater than £50 and, in the case of persons of the labouring class or canoe boys, shall not exceed £15.

(2) By inserting in section nine of the principal Ordinance between the words " Ordinance " and " court " the words " save and except in proceedings under Section 5 of this Ordinance ".

(3) Sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen are hereby renumbered six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen respectively.

Passed in the Legislative Council this 8th day of February, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

(Signed) Gerald BELL,
Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

(Signed) F. S. JAMES,
Acting Colonial Secretary.

(Signed) A. R. PENNINGTON,
Attorney-General.

Assented to in His Majesty's name this 8th day of February, 1912.

(Signed) Walter EGERTON,
Governor and Commander-in-Chief.

Appendix 3.

PROTECTORATE OF NIGERIA.

Ordinance No. XV, of December 31st, 1914, to repeal the Native House Rule.

Be it enacted by the Governor of the Protectorate of Nigeria as follows :

1. This Ordinance may be cited as the Native House Rule (Repeal) Ordinance, 1914.
2. The Native House Rule Ordinance (Chapter CXXI of the Laws of Southern Nigeria) and all Ordinances amending the same shall be and are hereby repealed as from the 1st day of January, 1915.

Enacted by me this 31st day of December, 1914.

(Signed) F. J. LUGARD,
Governor-General and Commander-in-Chief.

Appendix 4.

SYSTEM OF IWOFA : PUBLIC NOTICE (*February 1st, 1927*).

It is His Majesty the King's wish that the present system of Iwofa shall cease as not being in accordance with the principles of civilisation, particularly where children are concerned.

2. No boy or girl under the age of 16 years shall be engaged as an Iwofa after February 28th, 1927.

3. With effect from August 15th, 1927, the labour of an Iwofa shall be paid for at a fixed rate per 100 heaps, and the value of the labour shall be calculated towards the extinction both of the debt and the interest thereon.

4. All debts are recoverable in the native courts or provincial court.

5. The rate of pay will be as follows : In Oyo Division 2*d.* per 100 heaps ; in Ibadan Division 3*d.* per 100 heaps ; in Ife Division 3*d.* per 100 heaps.

(Signed) W. A. Ross,
Senior Resident, Oyo Province.

* * *

SYSTEM OF IWOFA : PUBLIC NOTICE (*April 7th, 1927*).

It is His Majesty the King's wish that the present system of Iwofa shall cease as not being in accordance with the principles of civilisation, particularly where children are concerned.

2. No boy or girl under the age of 16 years shall be engaged as an Iwofa after May 24th, 1927 (Empire Day).

3. With effect from November 24th, 1927, the labour of an Iwofa shall be paid for at a fixed rate per 100 heaps of yams, and the value of the labour shall be calculated towards the extinction of the debt and the interest thereon. (The interest shall not be more than 60%.)

4. All debts are recoverable in the native courts or provincial court.

5. The rate of pay will be as follows :

In Ondo Province, 3*d.* per 100 heaps, or 6*d.* per day.

(Signed) H. G. AVELING,
Acting Resident, Akure, Ondo Province.

* * *

SYSTEM OF IWOFA : PUBLIC NOTICE (*July 6th, 1927*).

It is His Majesty the King's wish that the present system of Iwofa shall cease as not being in accordance with the principles of civilisation, particularly where children are concerned.

2. It is hereby declared that it is unlawful for a boy or girl under the age of 16 years to be engaged or held as Iwofa.

3. With effect from Christmas Day, 1927, the labour of an Iwofa shall be paid for at a fixed rate of 3*d.* per 100 heaps of yams or 6*d.* for a full day's work, and the value of the labour shall be calculated towards the extinction of the debt and the interest thereon. The interest shall not be more than 60%.

4. All debts are recoverable in the native courts or provincial court.

(Signed) F. B. ADAMS,
Resident, Abeokuta Province.

Appendix 5.

STRAITS SETTLEMENTS.

*Annual Report of the Secretary for Chinese Affairs, Malaya, for the Year 1936.*¹

(By A. B. JORDAN.)

Protection of Women and Children.

Legislative protection is afforded to women and children in the colony under the following Ordinances :

- A. Women and Girls' Protection Ordinance.
- B. Children Ordinance.
- C. Mui-Tsai Ordinance.

Similar legislation has also been enacted in the Federated Malay States and the Unfederated Malay States.

A. *Women and Girls' Protection Ordinance and Enactments.*

The objects of this Ordinance and of the corresponding Enactments in the Federated Malay States and the Unfederated Malay States are the prevention of traffic in women and girls, whether or not for the purpose of subsequent prostitution, and the suppression of brothels. A table gives details of prosecutions during the last five years. There were 358 in 1932, 264 in 1933, 168 in 1934, 147 in 1935 and 101 in 1936.

¹ This report is kept in the Secretariat of the League of Nations and only the principal passages thereof are given herewith.

In addition to the penal sections there is provision for the establishment of Rescue homes. Each home is known as a Po Leung Kuk. They are established at Singapore, at Penang and at Malacca in the colony, at Kuala Lumpur and at Ipoh in the Federated Malay States, and at Sungei Patani in Kedah. The Malacca and Ipoh homes are used as temporary refuges only. That at Kuala Lumpur is a Federal institution and receives girls from all four of the Federated States. Girls from Johore are accommodated in the Singapore Home.

A table shows 762 admissions, 804 discharges and 305 remaining at the end of the year in these homes.

The ages of the inmates range from newly born babies to girls of 19 years.

The department is assisted in the management of these homes by Po Leung Kuk committees of Chinese gentlemen and by ladies' committees composed of Chinese and European ladies.

The Singapore Home is supported partly by public subscription and partly by a Government contribution. Those at Penang and Malacca are supported entirely by public subscription but the buildings in each case are maintained by the Government. The Kuala Lumpur, Ipoh and Kedah homes are supported entirely by the Government.

The income of the Singapore Home for the year was \$25,598.01, including \$290.51 brought forward from the previous year. The principal item was the Government contribution of \$20,000. The expenditure amounted to \$24,440.41. There was a balance of \$1,287.90 at the end of the year. The Endowment Fund now stands in the books at \$41,113.55.

The income of the Penang Home was \$6,309.93 and the expenditure \$7,461.75. The Endowment Fund now stands at \$74,560, the interest from which, together with subscriptions and donations from the public, covers the running costs of the home.

The Malacca Home has a credit balance of \$2,430.52, of which \$2,000 is invested.

The Kuala Lumpur Home cost \$4,827 for the year and the Ipoh Home \$1,535.

All women and children arriving at the ports of Singapore and Penang are seen by officers of the department and suspicious cases are detained for enquiry. If a fuller investigation appears to justify the action, such women and children may be detained in the Po Leung Kuk, released under security bond or repatriated to their country of origin. If repatriation is to Hong-Kong, the authorities there are advised of the fact and arrange to meet the repatriates on arrival. In many cases, it is evident that full enquiry can more suitably be conducted by an up-country Protector, and women are in these circumstances "listed" to the office nearest their destination. By a long standing arrangement with certain approved lodging-houses, these women are invariably produced before the Protector at the office of destination on the appropriate date.

During the year, the total of security bonds was 593.

B. *Children Ordinance and Enactments.*

The objects of this Ordinance and of the corresponding Enactments in the Federated Malay States and the Unfederated Malay States are the prevention of cruelty to and ill-treatment of children, and the protection of destitute children. A child is defined as "a person under the age of 14 years".

The number of licences issued to child actors and actresses during the year was 98.

The number of prosecutions under the Ordinance and the Enactments during the last five years was 81.

C. *Mui-Tsai Ordinance and Enactments.*

The objects of the introduction of Mui-Tsai legislation throughout Malaya were to effect registration of all existing Mui Tsai and to ensure that, after the date of the closing of the registers, no unregistered girl should be employed as a Mui Tsai. There are also provisions for the return of a Mui Tsai to her parents at her request, for the payment of wages to Mui Tsai and to ensure that a Mui Tsai shall not be overworked or ill-treated.

A Mui Tsai is defined as an unmarried female domestic servant under the age of 18 years, the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt.

There are full-time lady inspectors of Mui Tsai in Singapore and Penang, whose duty it is regularly to inspect all Mui Tsai in these Settlements. The Singapore Inspector also visits Malacca. Inspection of Mui Tsai in the Federated Malay States, Johore and Kedah is undertaken by the Protectors and Assistant Protectors in the various States, assisted, in the Federated Malay States, by staff nurses of the Medical Department.

Appendix 6.

HONG-KONG.

Regulations made by the Governor in Council under Section 12(1) of the Female Domestic Service Ordinance, 1923, Ordinance No. 1 of 1923, on the 20th day of August, 1931.¹

The regulations made by the Governor in Council under the Female Domestic Service Ordinance, 1923, published as Government Notification No. 568 in the *Gazette* of November 8th, 1929, and amended as appears in Government Notifications Nos. 273 and 519 of 1930, are hereby further amended by the addition of the following heading and regulations :

Inspection, etc., of Mui Tsai.

9. The inspection and control of Mui Tsai shall be carried out and undertaken by officers appointed by the Governor to be inspectors of Mui Tsai.

10. The powers of every such inspector shall be as follows :

(a) To enter, during the daytime, the domestic and other premises of the employer of any Mui Tsai for the purpose of ascertaining particulars of the services performed by and of the condition and treatment of any such Mui Tsai.

(b) To enter, at any time of the day or night, any premises whatsoever in which such inspector has reasonable cause to suspect or believe that any Mui Tsai is concealed, or detained, or over worked, or ill-treated, or ill-conditioned, or misused, or uncared for or is in need of protection, care or succour, or medical or other attention or assistance.

(c) To interrogate any Mui Tsai or suspected Mui Tsai, and if he consider that the circumstances so require, to cause her to be medically examined.

(d) To take any Mui Tsai or suspected Mui Tsai to the office of the Secretary for Chinese Affairs for the purposes of investigation and enquiry.

(e) To require any person, whether the employer or not, to give and provide all reasonable facilities, information and assistance to any such inspector in the carrying-out of his duties and powers.

11. Every person shall comply with all reasonable requirements of any such inspector.

12. These regulations shall be sufficient authority for the exercise by any such inspector of his powers under these regulations; no warrant shall be necessary or required, but upon the request of the owner or occupier of any premises entered, or of any person of whom he shall make any requirement, he shall produce his appointment if so requested.

13. In the exercise of any such powers, an inspector may be accompanied by not more than three persons approved in writing in that behalf by the Secretary for Chinese Affairs.

14. The foregoing regulations 9-13 in no way supersede or override any power or authority of the Secretary for Chinese Affairs, or of any other officer or authority.

Extract from the Hong-Kong Protection of Women and Girls Amendment Ordinance, Ordinance No. 21 of 1929.

Section 39 of the Protection of Women and Girls Ordinance, 1897, is repealed and the following section is substituted therefor :

39. (1) The Secretary for Chinese Affairs, or any officer generally or specially authorised for that purpose in writing by the Secretary for Chinese Affairs, may enter, and for that purpose may use force if necessary, and may search any vessel, house, building, or other place for the purpose of ascertaining whether there is therein any woman or girl who is or may be liable to be dealt with under the provisions of this Ordinance, or whether any offence under this Ordinance is being, or has been, committed, and may remove any such woman or girl to a place of safety to be there detained until her case be enquired into.

(2) The Secretary for Chinese Affairs, or such officer as aforesaid, may during or after any such search as is referred to in sub-section (1), arrest or cause to be arrested any person reasonably suspected of being liable to prosecution for an offence against this Ordinance, and may seize and detain any articles, or any books, documents or accounts, which he may have reason to believe to relate to any offence against this Ordinance.

¹ Published in the *Government Gazette* of September 4th, 1931, Government Notification No. 550.

(3) No person shall refuse the Secretary for Chinese Affairs, or such officer as aforesaid, access to any such vessel, house, building or other place, or otherwise obstruct or hinder him in effecting an entrance, or in removing such woman or girl, or in seizing and detaining such articles, books, documents or accounts.

(4) (a) In carrying out any search under the provisions of this section, the Secretary for Chinese Affairs, or such officer as aforesaid, shall have power to put questions and to give any such order or direction as may be necessary to the inmates of any vessel, house, building or other place for the purpose of carrying out such search.

(b) The inmates of any vessel, house, building or other place shall answer truthfully all questions put to them by the Secretary for Chinese Affairs, or such officer as aforesaid, and shall obey any order or direction given by him touching any matter or any person connected with such search.

(c) No person shall by force, restraint, threats, inducement, or other means, cause any woman or girl who is or may be liable to be dealt with under the provisions of this Ordinance to conceal herself in or to leave any vessel, house, building or other place being searched or about to be searched by the Secretary for Chinese Affairs, or such officer as aforesaid, under the provisions of this section, with the intent that the search of the Secretary for Chinese Affairs or such officer may thereby be evaded or obstructed.

(5) Every person who contravenes any of the provisions of this section shall upon summary conviction be liable to a fine not exceeding five hundred dollars and to imprisonment for any term not exceeding six months.

Appendix 7.

HONG-KONG : ORDINANCE No. 6, OF JUNE 26TH, 1893 (PO LEUNG KUK) (1924 REVISION).

An Ordinance for the Incorporation of the Chinese Society for the Prevention of Kidnapping and for the Protection of Women and Children, commonly known as the Po Leung Kuk.

Whereas, in the year 1878, a Chinese Society entitled the Po Leung Kuk was formed in this colony for the prevention of kidnapping and for the protection of women and children and the same has been supported and carried on partly by voluntary contributions up to the present; and whereas the said Society has from time to time rendered assistance to the Government in the detection and suppression of the crime of kidnapping and kindred offences and in the rescue and restoration or maintenance of kidnapped persons; and whereas it is desirable to give to the said Society a permanent and legal status and to endow the same with funds out of the Treasury; and whereas certain members of the said Society have applied to the Governor to grant them an Ordinance of incorporation, which the Governor has consented to do, under and subject to the conditions and provisions hereinafter contained :

1. This Ordinance may be cited as the Po Leung Kuk Incorporation Ordinance, 1893.
2. Such persons as have heretofore or may hereafter become donors of any sum not under twenty-five dollars to the funds of the Society or may subscribe annually to such funds a sum not under five dollars (so long as they continue so to subscribe), and whose names are entered upon the register of members hereinafter mentioned, shall be one body politic and corporate, in name and in deed, by the name of "The Po Leung Kuk", with perpetual succession and a common seal, and with power to purchase, acquire, receive, take, hold and enjoy to themselves and their successors any lands, tenements, hereditaments, buildings or other property of any kind whatever for the purposes of the Society, and shall and may sue or take proceedings and be sued in their corporate name in all courts.
3. The Society is incorporated for the purpose of assisting the Government in the suppression of kidnapping and the protection of women and children; of aiding by correspondence and other means in the detection and bringing to justice of persons guilty of kidnapping and other kindred offences: of helping to restore rescued persons to their relatives or friends: and of providing a home for rescued women and children until proper provision is made for their marriage, adoption or settlement in life, or otherwise for their welfare.
4. The affairs of the Society shall be managed and its various functions discharged by a permanent Board of Direction (hereinafter called the Board) and by an elected committee (hereinafter called the committee).

5. (1) The Board shall consist of not less than five and not more than ten persons, including the Secretary for Chinese Affairs, who shall be *ex officio* the president, and also the members of the Legislative Council representing the Chinese, who shall be *ex officio* the vice-presidents.

(2) Vacancies in the Board shall be filled up by the Governor, who may call upon the continuing members of the Board for their recommendation.

(3) All appointments to the Board shall be held only during the Governor's pleasure.

6. The Board shall, subject to the provisions of this Ordinance, have full power and authority to govern, direct, and decide all matters whatsoever connected with the administration of the affairs of the Society and the accomplishment of the objects and purposes thereof, subject to an appeal to the Governor, as hereinafter provided, and may at discretion depute, by regulations or otherwise, a portion or the whole of its power and authority to the elected committee.

7. The Board shall have power, with the consent of the Governor, to change or vary the corporate name and the common seal of the Society, and the amount of the donation to the funds of the Society hereinbefore prescribed as a qualification for becoming a member thereof, and may, with such consent as aforesaid, refuse to admit any person as a member or may expel any existing member and cause his name to be erased from the register.

8. The Board shall have power to make regulations for their procedure in the transaction of business and the maintenance of good order at their meetings, and for the guidance of the committee, and generally for all matters relating to the administration and management of the Society and the discharge of its various duties : provided always that a copy thereof shall be furnished to the Colonial Secretary, and that they shall be subject to disallowance, alteration or amendment at any time by the Governor.

9. All questions which may arise at any meeting of the Board shall be decided by a majority of votes, and, in case of an equality of votes, the president shall have a casting vote in addition to his original vote : provided that, in any case in which the Board is divided in opinion, the president or any two members of the Board may demand that the point be referred to the Governor for his decision, which shall in every such case be final.

10. (1) The committee shall consist of not less than six and not more than twelve members of the Society, to be elected as hereinafter mentioned, who shall from time to time appoint one of their body to be chairman.

(2) Every member of the committee shall hold office for the term of one year only, but shall be eligible for re-election at the expiration thereof.

11. (1) The members of the committee shall be elected as occasion may require by a majority of votes of members of the Society who may be within the colony at the time of such election.

(2) Every such member of the Society, whether a firm or individual, shall be entitled to one vote only.

12. The Committee shall, subject to such regulations as may be made by the Board in that behalf, undertake and exercise the immediate supervision and management of the work of the Society.

13. (1) The Board shall cause a register to be kept in which every person or firm, desiring to become a member of the Society and being duly qualified shall, subject to the provisions of Section 7, be entitled to have his name or firm name inscribed, and shall also cause proper books of account to be kept, which shall be open at all reasonable times to the inspection of members of the Society and of any person whom the Governor may appoint in that behalf.

(2) The Board shall also, within one month after the expiration of every year, transmit to the Colonial Secretary a full report of work done during the previous year, together with a true statement of the assets and liabilities of the Society and an account of their receipts and disbursements during the previous year, and such statement shall be verified upon oath before a justice of the peace by two members of the Board.

[(3). *rep.* Law Amendment Ordinance, 1923.]

14. In case it is at any time shown, to the satisfaction of the Governor, that the Society has ceased, or neglected, or failed to carry out in a proper manner the objects and purposes of its establishment as set forth in Section 3, or the objects and purposes of this Ordinance, or to fulfil the conditions thereof, it shall be lawful for the Governor, by an Ordinance to be passed for that purpose, to repeal this Ordinance and to declare that the incorporation hereby granted shall cease and determine and become absolutely void.

15. In case the incorporation hereby granted ceases under the provisions of Section 14, all the property and assets of the Society shall, for the purposes hereinafter mentioned, become vested in the Crown, subject to the rateable payment thereof of the just debts and liabilities, if any, of the Society, to the extent of such property and assets, and the balance of such

property and assets shall be applied by the Governor towards the objects for which the Society was established or such of them as the Governor may, in his discretion, deem best.

16. For the purposes of the Society and to make provision for a building or buildings for temporarily housing and maintaining women and girls detained under the provisions of any Ordinance relating to the protection of women and girls and as the asylum for them during such detention, it shall be lawful for the Governor in Council to authorise the payment to the Society of a sum not exceeding 20,000 dollars.

17. The buildings of the Society shall be kept and maintained for the objects and purposes specified in Section 3 out of the voluntary subscriptions to the Society and out of such income or money as the Society may derive from any source whatever.

18. All buildings and premises of the Society shall be open, at all reasonable times, to the inspection of the Governor, of the Captain Superintendent of Police, of any two unofficial justices of the peace who may be appointed by the Governor to be visitors, or of any other persons whom the Governor may appoint or authorise in writing in that behalf.

19. (1) It shall be lawful for the Governor, to direct that the services of certain subordinate officers of police and of certain district watchmen shall be placed at the disposal of the Society, on such terms and under such conditions as the Governor may sanction.

(2) Such officers of police and district watchmen shall regularly report their proceedings to the Captain Superintendent of Police.

20. Any person apprehended by any police officer shall, without unreasonable delay, be sent or taken to a police station, and any woman or girl or other person in respect of whom there is cause to suspect that an offence has been, or is being, or is about to be committed may be taken at once to such place as may be provided by the Society or to such other place of safety as the Secretary for Chinese Affairs may direct, there to remain until proper provision can be made for the protection of such person's interests and liberty, and so that in the meantime the evidence of such person may be available when required.

[5.21, *rep.* No. 31 of 1911 ; Schedule, *rep.* No. 1 of 1912.]

* * *

HONG-KONG : ORDINANCE No. 4, OF FEBRUARY 26TH, 1932, TO AMEND THE PO LEUNG KUK INCORPORATION ORDINANCE, 1893.

Be it enacted by the Governor of Hong-Kong, with the advice and consent of the Legislative Council thereof, as follows :

1. This Ordinance may be cited as the Po Leung Kuk Incorporation Amendment Ordinance, 1932.

2. Section 2 of the Po Leung Kuk Incorporation Ordinance, 1893, is numbered as sub-section (1) thereof and the following sub-sections are added thereto :

(2) The Society shall have power to invest moneys upon mortgage of any lands, hereditaments, buildings, messuages or tenements or upon the mortgages, debentures, stocks, funds, shares or securities of any corporation or company, and also to purchase, acquire and possess vessels and other goods and chattels of what nature and kind soever.

(3) The Society shall have power, with the consent in writing of the Governor, to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, transfer or otherwise dispose of, or to let or demise for any period exceeding three years, any lands, buildings, messuages or tenements which are for the time being vested in or belonging to it. In any such transaction, the signature of the Governor endorsed on the document or documents by means of which the transaction is effected shall be sufficient evidence that such consent was given.

(4) The Society shall have power to let or demise for any period not exceeding three years, upon such terms as it may deem fit, any lands, buildings, messuages or tenements which are for the time being vested in or belonging to it.

(5) The Society shall have power to sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of, upon such terms as it may deem fit, any debentures, stocks, funds, shares, securities, vessels, or other goods or chattels, which are for the time being vested in or belonging to it.

(6) All deeds and other documents requiring the seal of the Society shall be sealed with its common seal in the presence of two members of the elected committee and shall also be signed by them, and such signing shall be taken as sufficient evidence of the due sealing of such deeds and documents.

3. Sub-section (1) of section 5 of the Po Leung Kuk Incorporation Ordinance, 1893, is repealed and the following sub-section is substituted therefor :

5. (1) The Board shall consist of such number of members as the Governor shall direct and shall include the Secretary for Chinese Affairs, who shall be *ex officio* the president and also the members of the Executive Council and of the Legislative Council representing the Chinese, who shall be *ex officio* the vice-presidents.

Passed the Legislative Council of Hong-Kong, this 25th day of February, 1932.

(Signed) R. A. C. NORTH,
Deputy Clerk of Councils.

ANNEX 6.

C.C.E.E.189.

COMMUNICATION, DATED FEBRUARY 14TH, 1938, FROM THE GOVERNMENT OF
THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE
LEAGUE OF NATIONS (WITH APPENDICES).

I am directed by Mr. Secretary Eden, with further reference to your Circular Letter 100.1937.VI, to request that you will be good enough to convey to the Advisory Committee of Experts on Slavery, the following information regarding Southern Rhodesia, Basutoland, the Bechuanaland Protectorate and Swaziland.

2. As regards Southern Rhodesia and the territories of Basutoland and Swaziland, I am to state that there is nothing to add to previous reports to the effect that no form of slavery exists there.

3. As regards the Bechuanaland Protectorate, reference was made in paragraphs 83 to 86 of the Advisory Committee's 1937¹ report to the position of the Masarwa in the Protectorate, and in paragraph 17 of the Memorandum from His Majesty's Government in the United Kingdom on various questions dealt with in the 1936 report of the Advisory Committee it was stated² that, when the European Officer detailed to take charge of the interests of the Masarwa had completed his investigations and furnished a full account of his findings, the considered recommendations of the Administration for furthering the interests of the Masarwa and putting in their way opportunities for employment would be drawn up. A report by Mr. Joyce, the Officer allocated for special duty with the Masarwa, is now enclosed. His Majesty's Principal Secretary of State for Dominion Affairs is informed that the acting-chief of the Bamangwato tribe has agreed to implement the policy of incorporating the Masarwa as ordinary tribesmen into the body politic of the Bamangwato, enjoying the traditional rights, and subject to the traditional obligations of tribesmen, and free from all abnormal and exceptional obligations. The measures designed to implement this policy are set out in paragraph 48 of Mr. Joyce's report. These measures, based on the information contained in the report, can best be construed with reference to the recommendations made by the Tagart Commission as summarised on page 30 of the Advisory Committee's 1937 report. The Resident Commissioner has submitted the following observations on the position :

Recommendation 1. — The reading of Lord Athlone's declaration in all the Chief kgotlas and the steady propaganda carried out by the Masarwa Officer during the last three years have had effect. It is now realised by the Bamangwato and by the Masarwa that compulsory service is a thing of the past and that any Masarwa who wish to leave their masters and live independently of them are at liberty to do so and that their masters have no right to compel their return. In fact, as set out in paragraph 31 of Mr. Joyce's report, the Bamangwato have, in certain cases, so misunderstood the policy of the Administration that they have made no attempt to check the ever-recurring stock thefts by Masarwa, and the Masarwa have not been slow to avail themselves of this misunderstanding and their imagined immunity from punishment. It has been made clear to the chief and to the people that the Masarwa are to be treated in exactly the same way as any other tribesmen and that they are liable to trial and punishment by any authorised tribunal but not by their masters for any offences they may commit.

Recommendation 2. — The results of the census made by Mr. Joyce reveal a total of 9,505 Masarwa in the Bamangwato reserve of whom 3,092 are adult males. Mr. Joyce

¹ See page 17 of the Committee's 1937 report.

² See page 41 of the Committee's 1937 report.

estimates that there are another 1,000 Masarwa scattered throughout the reserve with whom he has not yet been able to make contact. Appendix III of the report gives the names of the masters and the number of Masarwa employed by each.

Recommendation 3. — Owing to shortage of staff, it will not be possible for Mr. Joyce to devote his whole time to the Masarwa. The administrative staff now appreciate the necessity of closer personal contact between them and all sections of the native people and that the duty of safeguarding the interests of the Masarwa is not confined to one specially seconded administrative officer. It is hoped that Mr. Joyce will be able to devote three months to special tours among the Masarwa next winter.

The measures taken to put opportunities for employment in the way of the Masarwa are set out in Section VIII, paragraphs 34-36 of Mr. Joyce's report, and the policy of encouraging and helping the Masarwa to obtain regular employment will be continued. The majority of them, however, prefer the lazier and care-free life of the cattle-posts to which they are accustomed.

Recommendation 4. — In consultation with the chief, it has been agreed that the names of all adult able-bodied Masarwa males should gradually be entered in the appropriate tax registers. This will only be done under the supervision of the Masarwa Officer who will be accompanied by the chief's representative and local headman. The Masarwa will be informed that, like any other tribesmen, they are liable to tax. The Masarwa Officer, after consultation with the officials of the native administration, will exempt from payment of the whole or a portion of the tax and of the tribal levy any Masarwa who are considered to be indigent and unable to pay the tax or any portion thereof. At first large-scale exemptions will probably have to be granted. The introduction of taxation among the Masarwa will be a gradual process and carried out in such a way as not to impair their confidence in the Government. No Masarwa, who is not already being taxed, will be called on to pay tax by any official of the native administration without prior reference to the District Commissioner.

Recommendation 5. — The chief has expressed himself as willing to grant land to any Masarwa who apply for it as near as possible to their former habitations. The Masarwa are strongly opposed to any scheme whereby they will be required to settle in an area remote from their own districts. No large-scale settlement scheme appears to be necessary. With the co-operation of the chief, it should be possible gradually to enable the Masarwa to develop their own settlements and their own agricultural holdings within their own districts.

Recommendation 6. — The action that it is proposed to take in regard to agricultural demonstrators is set out in subsection 6 of paragraph 48 of the report.

Recommendation 7. — It is proposed that the Native Labourers (Protection) Proclamation No. 14, of 1936,¹ should now be brought into effect. The chief has agreed to this step and it will be the duty of the chief and of the administrative officers to explain the provisions of the proclamation to the tribe, making clear the reciprocal nature of the rights of master and servant. No attempt will be made at first to lay down any specific scales of remuneration. It is considered desirable that the chief's tribunal, and, later, other native tribunals, should have jurisdiction to try cases under this Proclamation. The necessary legislation to give effect to these proposals is at present under consideration.

(Signed) D. F. HOWARD.

REPORT ON THE MASARWA IN THE BAMANGWATO RESERVE, BECHUANALAND PROTECTORATE

Introduction.

It is generally accepted that the earliest inhabitants of southern Africa were the Bushmen — a race of nomads having no possessions and no knowledge of agriculture, living in family groups and depending for their livelihood on game meat and the natural fruits of the soil.

The very primitiveness of the Bushmen made them an easy prey when the Bantu invaded South Africa from the north and when, considerably later, the white man set foot in the south; those who did not perish by the gun or the assegai, or become slaves, retreated with the game into the waterless, and, for a long time, inaccessible, Kalahari Desert, where their descendants are to be found to-day.

Bantu hunters maintained contact with the Bushmen, or Masarwa as they are now called, and adopted the more tractable as trackers and hunters for themselves and as herds for their cattle — in this way was the present-day relationship of Bantu master and Masarwa servant established. It must not be concluded, however, that all the Masarwa are servants of the Bantu, for even the Bantu have not penetrated to the innermost recesses of the Kalahari where the Masarwa still live their primitive life. In the Bamangwato Reserve of the

¹ The text of this Proclamation is reproduced on page 34 of the Committee's 1937 report.

Bechuanaland Protectorate there are signs that the Masarwa there have for some time past been emerging from a state of subservience and becoming cattle-owners and agriculturists.

There are several distinct clans of Masarwa in the Bamangwato reserve, the most important of which are the Mashuakwe, Makaisi, Madennesana, Masase, Maura, Majerikwa, Disoka and Bakorokwa. Although the great majority of them lead a nomadic life, they have definite areas out of which families will not remove; this does not necessarily mean that they will never leave their own particular area, but it shows that they retain a marked preference for their birthplace. These areas are usually about a thousand square miles in extent, and their boundaries serve the purpose of defining that part of the country in which the occupants, and they alone, have the right to hunt, dig for roots and collect berries. If one were to meet a Masarwa out of his area and suggest that he collect berries he would probably say that he was "in the dark and commanded by the road", meaning that he was unfamiliar with the country and was simply following the road (travelling).

When the Bakgalagadi came to the country, they soon began to exercise authority over the Masarwa, who, in time, became their servants. Upon the arrival of the Bamangwato, who dominated the Bakgalagadi, the Masarwa were subjected to further interference. Other tribes such as Makalake and Bapedi also came into the country and caused Khama, who was then chief of the Bamangwato, to adopt a policy of absorbing all the tribes in the reserve into the Bamangwato tribal system. The Masarwa, however, had little in common with the Bamangwato. Contact was usually made during the hunting expeditions of the Bamangwato, when the Masarwa, who are very skilled trackers, assisted them. Later, when game was beginning to become scarce, it is said that Khama, fearing that the Masarwa would leave the country, induced his people to entrust cattle to their care. In this way, every Masarwa family became attached to a Mongwato family and eventually the Mongwato would speak of his Masarwa in much the same way as he did of his cattle. When the Bamangwato occupied the country, the ruling chief placed various areas in the care of responsible people; the Masarwa in these areas then came under the charge of these people — thus in the Macloutsie area where Headman Pelotona's people to-day have their cattle-posts, I found 349 Masarwa, who stated that Pelotona was their "master". Very few of these people, however, are actually working for Pelotona; they merely acknowledge him as their "master" in the same way as the Bamangwato acknowledge the chief as their "master" or chief.

Human nature being what it is, acts of aggression and negligence such as the theft or loss of cattle, followed by reprisals, were bound to occur. Allegations have been made from time to time of the ill-treatment of the Masarwa and these have gradually focussed attention on the question of the relationship subsisting between the Bamangwato tribe and the Masarwa.

While on a visit to England in 1930, the acting-chief Tshekedi asked the then Secretary of State, Lord Passfield, to appoint a commission of enquiry to enquire into and report upon the position before any legislation was passed. Later in the same year, the Resident Commissioner, in consequence of disturbing reports received by him, stressed the need for action and advocated the appointment of an independent commission of enquiry.

The result of these representations was the appointment in May 1931 of Mr. E. S. B. Tagart, C.B.E., late Secretary for Native Affairs in Northern Rhodesia, as Commissioner to enquire into:

"The conditions under which the Masarwa are employed by the Bamangwato tribe, the nature, extent and system of their remuneration, if any; the extent to which they are free to engage in any occupation or transfer their services from one employer to another, or move from one place to another, and able to exercise such freedom; their general conditions of life, including their status in regard to rights of person and property; and the circumstances which have led to the present subject position of these people; and to make recommendations."

Mr. Tagart's report was issued in October 1932 and was published with a memorandum by the Bechuanaland Protectorate Administration in March 1933.¹

As a result of this report, I was posted to the Ngwato district in July 1934 in order that I should become acquainted with the conditions in the district before commencing the Masarwa work on the lines recommended. For various reasons, mainly difficulties connected with the native administration and Native Tribunals Proclamations of 1934, the Masarwa work proper was not commenced until October 1935.

My first instruction was to take a census of the Masarwa and to collect data bearing upon their mode of life and manners and customs, and, in particular, details relating to child slavery.

I approached the acting-chief Tshekedi before commencing work. He appeared to be somewhat distressed by the Tagart report, mainly, I believe, because he considered that he and his tribe alone were blamed, unjustly, for the unsatisfactory state of the Masarwa, whereas in his opinion, the Government also was not without responsibility in the matter. The Tagart recommendations did not commend themselves to him but although he wished to have as little as possible to do with the matter he was quite willing that I should set to work

¹ Government Printer, Pretoria, 1858.14.3.33.100.

Note by the Secretariat of the League of Nations. — See also pages 30-45 of the Slavery Committee's 1935 report.

on the lines recommended. He provided a man to act as his representative and to be guide and interpreter. This man accompanied me on the various tours and was paid by the Administration.

Among the people themselves there was a great deal of misunderstanding about the intentions of the Administration. Rumours were current that all the Masarwa were to be gathered together to live at one place and that they were to be compelled to go to the mines to earn money for tax. In consequence, I met at first with a great deal of passive resistance and in a few instances with active obstruction. In one case, I found that a Mongwato master had circulated false rumours amongst the Masarwa calculated to frighten them and so prevent me from making contact with them. It was necessary for the acting-chief to make it generally known that he wished his people to give me every possible assistance.

It was in this difficult atmosphere that the census and other relevant work was commenced. The area of the Bamangwato Reserve is approximately 40,000 square miles and owing to the absence of roads it was apparent from the outset that travelling would be a further difficulty. By far the best means of visiting cattle-post areas would have been to go on horseback, with a wagon at hand carrying supplies, but to this were disadvantages, mainly on the score of slowness. Had this means been adopted, the preliminary work alone would have taken several years to accomplish. After an attempt to travel by light motor-van, the difficulty was solved by using a motor-truck of 3,000-lb. carrying capacity with high road clearance and with this I was able to reach every cattle-post area in the reserve.

My guide had a very limited knowledge of the country and on many occasions it was a case of the blind leading the blind : we had to act upon information which was not only unreliable but at times deliberately misleading. As time went on, however, contact and confidence were established and misunderstandings were gradually cleared up. During the last few months of the work, there was a more helpful attitude on the part of the Bamangwato, and I found the Masarwa no longer so alarmed about the intentions of the Administration.

I. *Areas visited.*

1. As the Masarwa in different parts of the district are in different stages of development, a word will be said about each particular area. On the attached map¹ are marked the various places mentioned in this report. It was of course impossible to see every Mosarwa ; there were always a number of absentees at each place, some being away hunting, others visiting, others away at work. It was therefore necessary to record a great deal of hearsay information. For this reason, it has not always been possible to give accurate information or exact figures.

2. It was at times difficult to determine who were Masarwa for the term " Mosarwa " is not liked and is looked upon as a contemptuous appellation. Many of them would not readily admit their tribe. Appearance alone is not a very reliable guide, partly because there has been so much intercourse of Masarwa women with men of Bantu tribes that many Masarwa cannot be distinguished as such.

3. My first tour was in the country east of the railway-line between the Macloutsie and Shashi Rivers. In two weeks, particulars of 537 men, women and children were recorded. Mr. Johnston, in his evidence before Mr. Tagart, referred to these Masarwa as a " better class " who, he says, live on a " higher standard ". I was agreeably surprised to find how comparatively well off they were. They own cattle and cultivate their own lands, were well nourished and well clothed. I attribute their prosperity mainly to the fact that they are able to obtain congenial paid employment near their homes. Forty-six young men were away at work. Most of them were said to be in the adjoining district of Francistown where there is a large demand for cheap labour on the mines and farms, some were reported to be in Southern Rhodesia working as cattle-herds, and a few had proceeded on contract to the Witwatersrand gold-mines. They were a cheerful, contented people and made no complaints. One man, the richest of them all, told me he had lost most of his cattle but had forty left. He has paid tax for a long time. Most of the Masarwa east of the railway-line are living between the above-mentioned rivers. In the Tswapong area, and in the country between there and the Bakgatla border, there are very few of them.

4. My second trip was to a place 100 miles north of Serowe known as Lekoba. Within ten miles of this place, there are various wells in limestone formation, the most important being Takotsane, Lebethu and Mafhelekwane. During the few months of the year when no

¹ Kept in the archives of the Secretariat of the League of Nations.

other water is available, say from July until October, the cattle are concentrated at these wells, but as soon as rains have fallen they are taken away to various pans and river beds as far as fifty miles from the wells. At the time of my visit in November 1935, rains had not yet fallen and, in consequence, I found a large assemblage of Masarwa with the cattle at the wells. Although these Masarwa are said to be the first in the reserve to have taken to ploughing, they were, on the whole, a more backward people than those at Macloutsie. Besides cultivating the soil, they own a few head of stock. Some of the young men go away to work in the Francistown district. At Lekoba, there is a village of about thirty huts in which some of these Masarwa have made permanent homes. There are about a thousand Masarwa in this area.

5. I next proceeded to the sand country west of Serowe, where the Masarwa are the most primitive of all, but quite friendly. At the wells at Nkawane, Tsephe, Mashoro, Ditawana, Malacwai and Shangane, communities varying from twenty to one hundred were found.

6. By the end of November, it had not been possible for the Administration to send anyone to relieve me at Serowe and, owing to pressure of work, it was found necessary to recall me. At the end of 1935, after barely two months work, there were 1,866 Masarwa on the census.

7. In January 1936, the Masarwa work was recommenced and cattle-posts in the southern part of the district were visited, as far east as the Tuli Block boundary, as far south as the Bakgatla border and westwards as far as Lephepe. On this trip, 599 people were placed on the census register and much useful information was obtained. Most of the country is very sandy and travelling is difficult, particularly in the vicinity of Palla Road and Debeeti. Near Lephepe, I found a number of bush people who called themselves "Masase" and whose language was different from Sesarwa as known in the Ngwato district. They had come from the Bakwena reserve many years ago. The following examples of how their language differs from Sesarwa may be of interest :

English	Sesarwa	Sesase
water	tsaa	yoo
rain	tuu	chuar
milk	pii	'nxuu
dog	abaa	dema

Whilst I was in the Lephepe area, heavy rains fell and, in consequence, the people were scattered at various pans, some of which I was unable to locate. I had expected to find many people at the wells at Selinye and Taleghe but did not see a soul. I propose to make a return visit to this area during winter when the people will be at the wells. It should then be possible to add several hundred to the census. These people do not plough to any extent nor do many of them go away to work.

8. From Lephepe, I moved up towards Shoshong, travelling in heavy rain and being bogged in black turf on several occasions. At a place called Letselenta, about fifteen miles west of Shoshong, I found an interesting community of fifty Masarwa. They were busy ploughing, three ploughs drawn by oxen being used to plough an area of at least twenty acres. I requested them to assemble at dawn next day and told them I would finish with them in an hour or so, when they could continue ploughing. The menfolk came to my camp early next morning but refused to give their names or to say anything about themselves. They said they did not know what I was doing and that any instructions to them should come through their masters. I had, as usual, told them that there was nothing to fear and that I was merely observing how they lived and recording their names. They persisted in their refusal for a long time so I prepared to depart, having told them that they would be punished for their action. They then agreed to give their names. They own cattle, sheep, goats and donkeys. Their appearance was different from that of the usual Masarwa and, in reply to questions, they said that some of their ancestors were Bakgalagadi. They stated that they had lived at Letselenta for over fifty years. They were not paying tax to the Government; I have since learnt that they used to pay about twenty years ago but when then sought by the tax collectors they would move into the desert where they could not be found. This would account for their reluctance to disclose their names. Six young men from their village had recently gone on contract to the mines and thus had commenced to pay tax.

9. From February until April, there was rain every week and travelling was almost impossible. During one week, there was about five inches of rain. It took three days to cross a 22-mile stretch of black turf which can usually be travelled in an hour. The rain was a handicap in other respects. All the pans were full of water and the cattle had been moved from the wells to the pans. There are always roads of sorts to the wells but to the pans there are only cattle tracks sometimes through dense bush. The cattle are not kept at one pan; as the pan dries up, the cattle are moved to another pan sometimes several miles away and no one can say where the Masarwa will be at any particular time. For this reason alone, it

is advisable that if any further tours are made they should be made in the winter. Between June and September is the most suitable time.

10. In March, I went to the Botletle River area and travelled north as far as Makalamabedi, which is on the border of the Ngamiland district about 270 miles from Serowe. At Lotlhakane Wells, 110 miles north-west of Serowe, there is a large Masarwa community numbering approximately 500. They are still living a very primitive life and, being far away from European centres, have not been much affected by contact with civilisation. Very few of the men go away to work. It is a centre at which some useful experiments could be carried out. A school is being opened there, and it is one of the places at which it is considered that an agricultural demonstrator could do useful work. Masarwa from this district have been employed on road work in the vicinity of their homes with successful results.

11. From May until September, I traversed the country north of Serowe. At Shashane, there is a large Masarwa village occupied by people who are progressing rapidly. They own cattle and they plough on a large scale. Being close to Serowe, they have been in contact with people more advanced than themselves for some considerable time. The chief and his family have lands and cattle-posts in this neighbourhood and many of the Masarwa are in their employ. Many of the young men had been away to work. Farther on, along the Makwa Valley, there are also many Masarwa and all the way up to the Nata River, which is about 200 miles north of Serowe, there are cattle-posts and Masarwa. At Dinokana, a natural spring on the south-eastern edge of the Makarikari salt pan, and in the country east of Dinokana, there are hundreds of cattle-posts at most of which Masarwa were found. Along the Mosupe and Mosetse rivers, there are also many cattle-posts of the same kind. At an area known as Mea or Choatsaa, the Masarwa live in settled villages. Their huts are in scattered groups with cultivated lands in the intervening spaces. In this neighbourhood they are breeding fowls successfully. Farther north and farther east, the country is known as the Bokalaka district and is mainly occupied by the Makalaka people. They have a few Masarwa servants of their own but many of them employ Masarwa of other masters. The Makalaka grow a great deal of grain and after each harvest they do much bartering with the Masarwa who come to them from distant places bringing game-skins, cattle-hides, dried meat and similar articles with which to barter.

12. Along the Nata River, the Masarwa are a very backward type. A Francistown firm has recently established a cattle ranch on Crown land in this neighbourhood and has employed large numbers of Masarwa herds at a wage of ten shillings *per mensem* with rations. Difficulties arose in connection with cattle-posts in the reserve being deserted by the able-bodied men (see paragraph 36).

13. The Masarwa have no tribal organisation. Their old mode of life did not require or permit of it and they have not yet adopted any system similar to that of the Bantu. Someone who excelled at hunting would usually be recognised as the leader of a small group of people, with whom he would roam the country and over whom he would exercise some kind of authority. Doctors and dancers are people of some influence because they are feared.

14. At the Botheti River, I met some people known as Batheti who are said to have been the original occupants of the country. I was told that, when other tribes such as Makalaka and Bakhurutse came to the river, the Batheti made them pay tribute in the form of a portion of each season's crop. To-day the Batheti are hardly distinguishable from other tribes on the river. They have their own headmen, pay tax and are not regarded as Masarwa. I have not included them in the census, although it seems highly probable from their resemblance to the Masarwa in appearance and from their language that they are Masarwa. Their condition illustrates what should be the ultimate destiny of the Masarwa, if they are not absorbed by intermarriage with other tribes.

15. A proportion of the Masarwa, estimated at approximately 35%, make some attempt to cultivate their own crops. Most of them use ploughs; sometimes their own, sometimes borrowed from their masters. Those who cannot obtain ploughs use hoes. Their efforts at cultivation are poor and as a general rule they do not reap much in the way of crops. In this connection, as suggested by Mr. Tagart, an attempt could be made to assist the Masarwa by the dispatch to areas such as Mea and Lotlhakane of agricultural demonstrators specially instructed as to their duties. In time, all the Masarwa will learn to produce their own food and will benefit accordingly. It will be necessary to furnish a few of them with seed and to ensure that it is planted and not consumed as food.

16. The question of marriage and intermarriage is dealt with in Appendix I.

17. An account of some of the customs of the Masarwa is given in Appendix II.

II. *Nature of the Work done by the Masarwa for their Masters.*

18. The Masarwa are not in continual contact with their masters, all of whom live at villages distant from the cattle-posts. There is thus no regular supervision, except in the cases of Masarwa assisting to plough their masters' lands and of domestic servants. At the cattle-posts, the Masarwa are alone, except when the master pays an occasional visit. On the whole, the general duties performed are not very arduous. Herding in the European sense is not done, as the cattle look after themselves, seldom straying far from water, which is scarce. Drawing water from wells is probably the most strenuous work. This is usually done for about three or four months in each year (July to October) when the pans are dry. The windlasses are very primitive and most of the buckets leak badly. At Lotlhakane, I have seen about five hundred head of cattle watered in one day; they probably consumed about 5,000 gallons of water, all of which was drawn up to the surface by hand from a depth of about fifteen feet. With two men turning the windlass and a third manipulating the bucket, the water is raised at the rate of about five hundred gallons an hour. During the ploughing seasons the Masarwa are often called upon to assist their masters. The employment of girls as domestic servants for their masters is fairly general. Hunting for the masters is no longer done, although this was the original means of contact. Very seldom and for very short periods do the Masarwa work full time. A considerable part of their time is employed in pursuing activities, such as hunting and more rarely ploughing, for their own benefit.

III. *Remuneration.*

19. In all employment, the amount of the wages depends on the value of the services rendered, on the profits derived from the undertaking, and on the amount of labour available as compared with the extent of the demand for it. In view of the nature of their services, it is difficult to assess the amount of wages to which the Masarwa should be entitled for their work. Free milk is the main payment; the physical condition of the Masarwa during the six months or so when it is available is a striking testimony to its food value. The services of one or two individuals as herds procure as much milk as a family can consume. It is customary for a master to give an occasional beast to a herd who has proved himself reliable and trustworthy. It is in the master's own interest to do this as it ensures that he will get good service. There is no standard scale but a good herd would usually receive a heifer after from one to three years of service, as well as other gifts during that period, such as blankets, clothes, knives, etc. Masarwa who work for cattle-owners other than their masters are usually paid on this basis, but, in their case, the period they work for the beast is agreed upon in advance, although the reward is always conditional upon satisfactory work. In addition to the few people actually employed at any particular post, there are nearly always numbers of relatives and friends; as they do nothing for the employer they naturally receive no direct payment but indirectly they share whatever benefits are available — *e.g.*, milk and meat. For ploughing, the Masarwa have the free use of their masters' cattle and are either given or lent ploughs for this purpose. By this means, a man in charge of a cattle-post is able to produce food for himself and his family. The Masarwa alone are allowed to plough anywhere they wish, other tribes being restricted to certain areas set aside by the chief. When a beast dies, the Masarwa have the meat. Formerly, it was the custom that such meat would have to be brought to the master's village there to be eaten by his family. All natives eat the meat of animals which have died and meat is a food for which they all have a great love. Some masters have given guns and ammunition to their Masarwa, who to-day are allowed to keep the skins, meat, etc., obtained by their means. The original custom was that the Masarwa handed over the skins to the master, keeping the meat for their own use, but the master no longer claims the skins, although he may sometimes accept a few as a gift. Domestic servants are given fairly regular presents of clothing. In regard to hunting, the Masarwa are allowed to hunt royal game¹ whenever they wish, whereas other natives may only do so with the express permission of the chief, which is not readily granted. In considering this question of remuneration and in judging its adequacy or otherwise, it should be remembered that both cash payments and regular payments are foreign to the Bantu conception of contracts of employment.

IV. *Removal of Children from Parents.*

20. The Masarwa made no complaints to me about the removal of children from their parents by their masters but as I had been specially instructed to give particular attention

¹ Elephant, giraffe, eland and rhinoceros.

to this matter, I made enquiries as to the attitude of the parents in every case where a child was living apart from his or her parents. I learnt of only five cases where it appeared that the children had been removed against the wishes of the parents :

(1) At Makwa, a girl named Ntepa was stated to have been taken away from her mother by a Mongwato named Tsitai to live with him as a concubine at Border Beacon No. 1 (near Kalakamati). Her brothers stated they had put up a fight but had been unable to prevent the abduction. Later, when at Border Beacon No. 1, I interviewed Ntepa, who informed me that she had been brought there many years ago by her master Motata, a brother of Tsitai, that she knew nothing about a fight when she left home, that she was working as a domestic servant and had no complaint to make. She is a grown up woman.

(2) At Mashoro, I was told that a boy named Seetisomchoo had been taken away by force. His father was anxious to get him back from the master named Oabile. Neither the acting-chief nor I have been able to get in touch with the people concerned. Further enquiries are being made.

(3) The parents of a girl named Gaosenwe who live near Makwa told me that their daughter Gaosenwe had been taken to Serowe in 1935 by her master Otisitse. They wished her to return to look after them in their old age. I gathered that she had been taken away without their consent but after investigating the matter I find that this girl's elder sister was brought to Otisitse's home at Serowe and was returned to the parents after they had protested to the chief. The chief, however, arranged with their consent, that Gaosenwe should come to Otisitse's household. The elder girl eloped soon after her return home, hence the parents' desire to have back their other daughter. The parents have been instructed to approach their master in the matter and if they do not get satisfaction to appeal to the chief, as they did before.

(4) At Setutu, a Mosarwa named Keloile stated that his son Owagamang who had gone to Serowe for a case was being detained there by his master, Lekgowe. The father wished his son to return. Enquiry has shown that the boy is in charge of Lekgowe's cattle-post near Serowe and does not wish to go to his home.

(5) A girl named Seyee was taken away from her mother in 1922 by her master Nthebolan and given to his daughter who married in that year. Seyee is now a grown up woman with a child of her own.

The acting-chief has stated that in ten years he came across only two cases in which children had been removed from their parents without the latter's consent and that, in each case, he caused the children to be sent back.

21. Whatever the position may have been long ago, I am satisfied from my observations that there is at present no undue interference with Masarwa family life and I do not consider that the position calls for any action. I will, on future tours, give this matter close attention and endeavour to cause any Masarwa who have grievances to approach the chief for redress.

22. There is a custom in regard to the treatment of Masarwa children which at first sight appears repugnant to European ideas. When a Mosarwa of a master (X) dies, leaving a widow and children, these children, in the event of the widow marrying a Mosarwa of another master (Y), are brought up by their mother until they are about 10 years of age, when they are handed over to their father's master (X). I have discussed this question with the acting-chief and have learnt that the above procedure is based on ordinary native custom and that the children are handed over to their late father's relatives, who claim them.

V. *Taxation.*

23. Payment of tax or tribute is something to which the Masarwa have long been accustomed. In the Ngwato district, as well as in other districts of the Protectorate, particularly in the Bakwena reserve, they have been required to pay tribute to their masters, usually in the form of the skins of wild animals. In many cases, their masters give them guns and dogs for hunting purposes. This custom has almost died out in the Ngwato district, but at one place I found that the Masase Bushmen were paying a tax of skins to their master at Serowe every year. One of them was known as the tax collector. The Masase told me that they were not allowed to sell skins to the local trader, who confirmed their statement. I immediately took steps to have the practice discontinued. The master, while he admitted receiving the skins, denied that the tax was compulsory and said that he provided dogs and guns.

24. It is not possible to state how many Masarwa are paying tax to the Government, because no separate register is kept for them, but probably about two hundred pay every year. These two hundred are not always the same men. When a man goes on contract to the mines, he is made to pay tax on recruitment. If he is a Mosarwa, he very often discontinues paying as soon as he returns.

25. Under the laws of the territory, all adult male natives are liable to taxation, unless exempted. No attempt is made to collect tax from the Masarwa generally, not only because

most of them have not the means to pay, but also because, at the present stage of their development, taxation might hinder their progress. There is also the difficulty of collection from them owing to their having no permanent community settlements. There are about five hundred Masarwa who could pay the ordinary tax without hardship, but the collection would at first be a difficult matter. Direct contact with the Masarwa has only just been made by the Administration and care must be taken to avoid losing what little of their confidence has been obtained on account of what may appear to them unsympathetic treatment. The case mentioned in this report (paragraph 8) should be borne in mind. Although the people at Letselenta have now settled down and progressed to the extent that they could not evade the tax collectors in the way they did twenty years ago, there are other communities such as those at Mea (see paragraph 11) who might, if taxed, abandon their present mode of life.

26. At some of the remote cattle-post areas which are not visited by the tax collectors, I found many natives, other than Masarwa, who do not pay tax.

VI. *Ownership of Stock.*

27. An attempt was made to ascertain the number of stock owned by Masarwa, but the result was disappointing. Like most people, they tried to give an impression of poverty even when they owned property. A few admitted owning cattle and on the census register are recorded : 468 cattle, 270 small stock, 22 donkeys.

Against the names of many people is a note stating that stock is owned by them, but as no definite number could be ascertained this information cannot be summarised. I am certain that the above figures do not represent more than one quarter of the actual number owned. Even in the general census of native-owned cattle the number of stock given is less than the number counted during the foot-and-mouth-disease campaign. A man owning fifty head of cattle will grudgingly admit that he has twenty. Masarwa ownership is not subject to any interference and there is no reason why they should not eventually acquire large herds. One case only was brought to my notice of a Mosarwa who had bought cattle with money earned while employed on a Government cordon being told by his master to change the cattle for small stock. The master feared that if his cattle and the Masarwa's were kept together the Masarwa's herd would increase at the expense of his own, owing to increases being credited to the Masarwa and decreases being debited to him. The Mosarwa did not obey and the master did not insist. Masarwa do not regard cattle in the same light as other Bantu tribes; they look upon them as meat to be eaten and, in consequence, they frequently kill their own stock for meat. Among other tribes, cattle are more than mere possessions; they are something received from one's ancestors which it is one's duty to hand on to one's descendants. This attitude on the part of the Masarwa prevents their stock from increasing at the normal rate, but there are signs that, as they become more enlightened, the Masarwa realise the advantages of preserving their cattle. During the five years preceding the census, conditions for stock increase were unfavourable; in addition to heavy losses through drought and disease, many cattle were killed for food owing to the scarcity of other foods.

VII. *Stock Thefts by Masarwa.*

28. The Masarwa have a great hunger for meat, which they are no longer able to satisfy by hunting owing to the increasing scarcity of game. They therefore kill cattle to eat and they are quite indifferent whether they are their own or the property of someone else. The Bamangwato take a very serious view of these cattle thefts and they have found after long experience that fear is the only deterrent, the Masarwa having no moral scruples and being on the whole an irresponsible people. In fairness to the Masarwa, it must be said that in times of drought they are sometimes driven by starvation to steal.

29. These stock thefts greatly disturb the friendly relations between the Masarwa and other tribes and are the cause of almost all the floggings inflicted upon the Masarwa. I will mention a case that came to my notice on my first tour. A young, wealthy, well-educated Mongwato lost two head of cattle and suspected the Masarwa of a certain village. He went to this village armed with a rifle and accompanied by a friend. A few days previously he had seen me and he knew that I was in the neighbourhood. The men of the village fled on his arrival. Calling on one of them to stop and not being obeyed, he fired a shot in the direction of the fugitives. He then assaulted with a knobkerrie two old women, one of whom was old enough to be his grandmother, giving them severe injuries. He then shot dead two donkeys, property of the Masarwa, that happened to be near by. His companion bashed in the skull of a dog that was lying asleep. Not satisfied with this, the Mongwato then set on fire six huts belonging to the Masarwa in which all their worldly possessions, mainly clothing and grain, were stored. These huts and their contents were burnt to cinders. The Masarwa scattered, most of them taking sanctuary in the Francistown district. They made no complaint to the Administration or to the chief. The Mongwato was convicted of the offences

mentioned and was made to pay fines totalling £70, as well as £20 compensation to the Masarwa. One of the worst features of the case is the fact that this man had been present at a meeting convened by me in this area and he knew the proper course to pursue if he wished to charge the Masarwa with the theft of his cattle. It was a case of deliberate defiance.

30. This case was of course an exceptional one, but so long as the Mongwato master is entitled as of right to try and punish his servant, there is danger of grave abuse. In giving evidence before Mr. Tagart, the Bamangwato claimed the right to punish Masarwa without bringing them before any kind of tribunal. The chief has recently undertaken to make it clear to the Bamangwato masters that whatever special rights they may have had in the past to try and punish their Masarwa no longer exist, and that Masarwa must be tried in the same way as any other tribesmen by an appropriate tribunal before they can be punished. The reason for the summary procedure was the difficulty of bringing Masarwa to any recognised court, even when they had been caught red-handed. The distance from the cattle-post to any recognised court is usually great and the Masarwa almost invariably manage to disappear on the way. This difficulty will have to be solved if cattle thefts are to be kept within normal proportions.

31. In consequence of the recent interest shown by the Administration in the Masarwa, native cattle-owners at many places have been doing nothing to apprehend or punish thieves. They professed to fear punishment from the Government if they as much as arrested a Masarwa. This inaction on their part at a time when food was scarce was, in my opinion, partly responsible for the large number of stock thefts. During twelve months, sixty-two Masarwa were brought to trial in the District Commissioner's court; fifty were imprisoned after conviction. It is doubtful, however, whether as many as 50% of the actual offenders were proceeded against. Whenever definite allegations were made to me, I placed the matter in the hands of the police and stressed the importance of doing everything possible. In many cases, however, only vague complaints were made and no action could be taken.

32. Many of the Bamangwato blame the Government for the increase in stock thefts by Masarwa, contending that the herds having been told that they are free now believe they can do whatever they wish with impunity. Such abuse by the Masarwa of their freedom as may have taken place is due rather to the mistaken ideas among the Bamangwato about the policy of the Government. There has been an attitude of "leave the Masarwa alone, they belong to the Government" and many people have appeared afraid even to arrest a Masarwa thief. This may be one of the minor contributory causes of the stock thieving, but the main causes have existed for a long time. They are, first, shortage of food, which prevails at certain periods of nearly every year and is aggravated in times of drought; secondly, lust for meat, which is now difficult to satisfy legitimately owing to increasing scarcity of game, and, thirdly, lack of supervision by stock-owners.

33. The co-operation and assistance of the chief should eventually be the means of bringing about a constitutional and convenient method of dealing effectively with misdemeanours in distant parts of the district. The native tribunals have jurisdiction to deal with cases of stock theft and have power to inflict corporal punishment, subject to certain formalities being first complied with.¹

VIII. *Independent Employment.*

34. The Masarwa are well aware of whatever paid employment is available and they take advantage of it whenever it is within reasonable distance. In the Francistown district, where there has been a great deal of gold-mining activity during the last few years, it is estimated that there are about four hundred Masarwa from the Ngwato district employed in the mines and on the farms. About fifty or sixty go to the Transvaal annually and about twenty to the Tuli Block farms. There is evidence that they are going away in larger numbers than hitherto. During Chief Khama's lifetime, the Masarwa used to go away to seek employment and since then changing conditions have caused this practice to become more prevalent. The advantages of earning (and of spending) money are being increasingly realised, starvation has driven many men out to work and there is no longer very much interference from their masters, who in the past have been known to fetch them back from places such as Francistown. At several centres, I offered to find employment for the young men who were not actually herding, but there was no response. It was made clear throughout the reserve that those who wished to go to work were at liberty to do so.

35. Masarwa labourers have been employed on road construction undertaken by the Witwatersrand Native Labour Association in the Nata area, and on similar work along the

¹ Proc. 75, of 1934, sec. 12. s.s. 3 and 4.

Maun route by a contractor working for the Government. Every encouragement is being given by the Administration for Masarwa to join road parties and to engage in work such as the driving of trek cattle from Ngamiland. Many of them, however, do not wish to be tied down to regular employment and prefer the care-free existence of the cattle-post. It has already been mentioned that a number of Masarwa work for cattle-owners other than their masters and for this work they are paid a beast after a certain period.

36. Difficulties have arisen and will continue to arise in cases where the able-bodied men from a cattle-post desert the cattle and go away to work, leaving their wives and families. The policy of the acting-chief is that, in cases such as this, all the able-bodied men may go only if they take their families with them or to some place apart from the cattle-post. If they wish to leave their families, they must ensure that there are sufficient able-bodied men left behind to look after the cattle. He contends that if the cattle-owner has to support a family on the milk of his cattle he is entitled to labour in return.

IX. *Settlement.*

37. Mr. Tagart's suggestion to have a Masarwa settlement seems to have become well known: many Masarwa told me they had heard that the Administration proposed to settle them all at one place. They begged to be allowed to remain where they were. It was explained that the Administration was anxious to help them to progress and it was with this object in view that a piece of land was to be set aside for settlement by those of them who wished to remove to it. They replied that they did not desire any change. The popular idea about Masarwa having areas which they regard as their own is quite correct and although they move about freely within and without these areas they show a marked attachment to the particular part of the country in which they were born.

38. It is doubtful whether any settlement scheme would be a success but the experiment could be tried. It would have to be very carefully planned and would be a recurring annual liability until the occupants became self-supporting, which might not be for a considerable time if at all. The Masarwa are a people whose mode of life requires a low population density and any concentration would tend to cause starvation.

39. The acting-chief has stated that any Masarwa may come to him and be allotted ploughing or other lands in the reserve. In the circumstances, there seems no need for a settlement.

X. *Missionary Work.*

40. Two instances of missionary work among the Masarwa were found. At Mabele-a-pudi, a London Missionary Society evangelist lives and travels among the Masarwa communities. He finds that the Masarwa are keen to be taught. It is to be hoped that this experiment which is being tried by the Society will prove successful and that similar work will be done in other areas. At the Nata, on the Crown lands side of the river, is a Seventh Day Adventist native missionary. Although he had only been there a week, he was already very popular among the Masarwa. He had taught them to sing hymns and they did so very well and with great enjoyment. They were assisting him to build a school shelter.

41. At Tobane village and at various cattle-posts in the vicinity of the Macloutsie River a cattle-post teacher employed by the Education Department is doing useful work among the Masarwa.

XI. *Masters of the Masarwa.*

42. In Appendix III to this report, the names of the masters are given with the name of their tribe and the number of Masarwa under them. There are, in the Ngwato district, about twenty thousand adult male Bantu natives, of whom approximately two hundred, or 1% are masters of Masarwa. Most of these masters are people of importance.

43. The ties binding the Masarwa to their masters are of a very loose nature and, in many areas, the Masarwa remain in the employment of the masters of their own free will. I have found evidence that, in the time of Chief Khama, if Masarwa wished to leave their master and had good reason for doing so he would allow them to leave. In Chief Khama's time, many of Dinti's Masarwa fled to Masupe, the Mmirwa headman at Mannatlala, because they had been ill-treated by Dinti's family. Khama ordered Masupe to keep them and they have remained with him until this day. A somewhat similar case was dealt with by the acting-chief, Tshekedi, who gave a judgment to the effect that Mmantate's Masarwa should no longer be subject to the authority of Mmantate who had not treated them well. They are to-day under no master; they own stock and they have quite large lands.

44. Many of the Masarwa are to-day and have been for some time past quite as free as ordinary tribesmen and there are clear signs that the status of the remainder is gradually changing in this direction. Many of the Masarwa are as well off as their masters and some of them actually support their masters. The masters are on the whole kind to their Masarwa and treat them as they do their own children. The basis of control is of a feudal nature.

XII. Total of Census.

45. In September, 1936, when I had visited every part of the reserve, the final figures of the census were :

Men	Women	Boys	Girls	Total
3,092	2,247	1,943	2,223	9,505

In explanation of there being apparently fewer boys than girls, I should explain that boys who appeared above the age of 16 years were recorded under "men", whilst all unmarried females were recorded under "girls". There are probably about another thousand Masarwa in the reserve, but many of them are out of reach as they live in the sandy waterless desert in the south-western part of the district. It would be difficult if not impossible to get in touch with them as they are said to flee from strangers, white or black. The remainder are so scattered that the expense of travelling in search of them would hardly be justified. At the commencement of the work, many Masarwa deliberately evaded me : others have in the course of their usual wanderings removed to distant places already visited. Gradually all the remaining Masarwa will be placed on the register.

46. In regard to the numbers of Masarwa under various masters (Appendix III), a very small percentage of them actually render services to the masters, and fewer still render continuous service.

XIII. Conclusion.

47. The extent to which the Tagart recommendations have been carried out is set forth in this report. A short Proclamation,¹ known as the Affirmation of the Abolition of Slavery Proclamation, was issued on March 11th, 1936. It declared that slavery in any form was unlawful and that the legal status of slavery did not exist. The reason for its promulgation was the need for a definite legal negation of the right to invoke in any court any native custom that might be suggestive of slavery in any form whatsoever. This Proclamation was read in all chiefs' kgotlas in March and April 1936. A Proclamation² entitled the Bechuanaland Protectorate Native Labourers (Protection) Proclamation was also issued on March 11th, 1936. It is not yet in force and will not take effect until notice is given in the *Gazette*. The two principles of this Proclamation are

(1) That Masarwa should be free to dispose of their services as they wish, and, as a corollary, they should also be free to terminate their employment in a recognised and controlled manner, and

(2) That wages, definitely recognised as such, should be paid to all employees.

48. My report was fully and freely discussed at Mafeking on October 1st, 1937, at a Conference held by His Honour the Resident Commissioner at which the District Commissioners, Messrs. Nettelton and Ellenberger, and the acting-chief were present. Agreement was reached on the following points :

(1) That the policy both of the Government and of the Bamangwato Native Administration was the same — viz., the complete incorporation of the Masarwa as ordinary tribesmen into the body politic of the Bamangwato, enjoying the traditional rights and subject to the traditional obligations of tribesmen and free from all abnormal and exceptional obligations.

(2) That close contact with the Masarwa should be maintained with a view to observing any change in their condition and status. Gradually, any Masarwa not yet located should be included in the census.

(3) That Masarwa should be encouraged to join road gangs working through their areas and that they be given every facility to find employment in the mines, either on the Rand or in the Tati area, if they so wish. Their employment as herds for cattle trekking from the north to the southern Protectorate would be encouraged.

¹ Proc. No. 15, of 1936 (see pages 33 of the Slavery Committee's 1937 report).

² Proc. No. 14, of 1936 (see pages 33 and 34 of the Slavery Committee's 1937 report).

(4) That each Masarwa community should be visited by the Masarwa Officer accompanied by the chief's representative, and the Masarwa informed that, like any other tribesmen, they are liable to tax unless specially exempted under Section 13 (1) of Proclamation No. 1, of 1932. The names of all male Masarwa liable to taxation should be placed in the appropriate tax register, and certificates of exemption from payment of tax, in part or in full, issued to those unable to pay the whole tax. It was agreed that those able to pay the full tax should also pay the full tribal levy of 1s. 6d.; those called upon to pay only part of the tax should pay only a part of the tribal levy, and those totally exempted from payment of tax would be exempted from payment of levy. The introduction of taxation among the Masarwa must be carried out tactfully and carefully so as not to impair in any way the confidence of the people in the Masarwa Officer.

(5) That the chief would be ready to grant land to Masarwa as near as possible to their former habitations, should they desire land on which to settle. Land would also be available on Crown lands.

(6) That an agricultural demonstrator should accompany the Masarwa Officer on his next tour and that suitable places should be selected where he could be usefully employed to assist the Masarwa. When he starts work he will be provided with a plough and gear and, if necessary, seed, but he must use the oxen that would be used by the Masarwa themselves and work as far as possible under the same conditions as the Masarwa would have to work. The Chief Agricultural Officer will provide a second demonstrator if required. Hitherto the Masarwa have shown no desire for special instruction, but they can probably be helped if a tactful and patient demonstrator is selected. The demonstrator will work under the immediate supervision of the Masarwa Officer.

7. That the Native Labourers (Protection) Proclamation No. 14, of 1936, should now be brought into force and that it should be amended to allow of its enforcement by native tribunals. The Masarwa Officer will explain the provisions of this Proclamation both to the Masarwa, and, with the assistance of the chief, to the masters, making clear the reciprocal nature of the rights of master and servant.

8. That the Masarwa Officer should try to impress upon the Masarwa that they are members of the tribe and will point out that the schools which are being started for them are being paid for from native treasury funds.

9. That the District Commissioner and the chief should again make it clear to the masters that whatever special rights they may have claimed in the past to try and punish their Masarwa servants no longer exist, and that Masarwa must be tried in the same way as any other tribesmen by an appropriate tribunal before they can be punished.

Serowe, October 30th, 1937.

(Signed) J. W. JOYCE,
Assistant District Commissioner.

* * *

Appendix I.

MARRIAGE AND INTERMARRIAGE.

Nearly all men of twenty years of age are married and all women of that age have children. Ninety-nine cases of men having two wives, six cases of three wives and two cases of four wives were found. Before a Mosarwa can take his wife from her parents he has to work for them for several months, hunting for food, bringing them whatever presents he can obtain and being at their beck and call generally. After he has taken away his wife, the parents-in-law still expect him to provide for them if they are in want. Masarwa women are said to have the power to call home their husbands by some kind of telepathy, even when separated from them by hundreds of miles. My impression was that the Masarwa are very fond of their children; even the orphans appeared to be well cared for. The Bamangwato report, however, that, in many cases, orphans are neglected.

2. There has been a very great amount of intercourse of Masarwa women with men of other tribes. The Makalaka, Mafirwa and other dark-skinned natives favour light-skinned women such as the Masarwa. These unions seldom last for longer than a few years and, upon separation, the Masarwa women return to their parents with the children. When the masters visit the cattle-posts, often for several months at a time, they are attended by Masarwa girls who, in some cases, are concubines. The result is further admixture of Bantu blood. It is unusual for a Mosarwa to have a wife of another tribe. It is not at all unlikely that eventually the Masarwa will be absorbed into other tribes; the lack of any tribal organisation of their own makes this the more probable. Absorption would not be an unsuitable solution of the difficulties which have from time to time arisen.

Appendix II.

MASARWA CUSTOMS.

I found the Masarwa reticent about their customs, and even when prompted they were unwilling to discuss matters without reserve. In consequence, most of the information obtained was received by way of replies to questions. This is a very unsatisfactory method.

2. Hunting is one of the main occupations of the Masarwa. To-day muzzle-loading guns are the usual weapons. The fact that they are effective only at very close range does not impair their efficiency in the hands of Masarwa who are adepts at stalking and approach to point-blank range. By no means all of the Masarwa communities have guns, however, and more primitive weapons are still found. Strangely enough, bows and arrows are rarely seen and then only in the south-western part of the District. Masarwa in other parts do not use them and state that they have never done so. This indicates that it is a long time since bows and arrows have been in general use. One of the most common weapons seen to-day is a metal spear or assegai head on a wooden handle six to eight feet long. The metal part is about six inches in length and about an inch in breadth, being bound to the handle by hide or wire. A large buck, such as a koodoo or a gemsbuck, chased with dogs and when brought to bay will lie on the ground and use its horns in self-defence. Whilst the buck is thus engaged and its attention entirely taken up by the dogs one or two Masarwa will creep up unobserved and spear the animal. For catching small buck rope traps are often employed. The rope is made by plaiting the bark of certain trees and is very strong. A strong flexible sapling is bent over to the ground by means of the rope and forms a spring which fastens a noose in the rope when the animal's foot treads on the trap. The method of trapping animals by game pits is not used very much to-day. Deep pits are made and sharp stakes are often placed at the bottom. The pit is then carefully covered. Sometimes an organised drive of game in the direction of the pit takes place. Sometimes the pit is placed on a game path leading to water.

3. Another favourite occupation of the Masarwa is dancing. I have attended several of their dances for a few hours and consider that one sees them at their best at this time. They come from all over the country to some central spot and make merry for several days, sometimes having an interval of a few hours for sleep. The women stand in a line, chanting what sound to the European ear monotonous tunes, beating metal articles and swaying their bodies backwards and forwards. The men do the actual dancing. They wear ornaments of various kinds, such as ostrich feathers on their heads, strings of beads across their bodies and rattles on their legs. They shuffle around, keeping what is meant to be time with the music and sometimes singing themselves. A few goats or an ox will be killed to celebrate the occasion. A man who dances well is very popular and usually wealthy. He will go from place to place dancing for payment and will often return home with several sheep and goats. I was unable to ascertain whether there are definite times when dances are held but I gathered that they arranged a dance just when they felt particularly pleased with life, as for example after a good crop, a successful hunt or a heavy rain after drought.

4. I met several "doctors" in the course of my travels. On one occasion, I was able to see one in action. A woman was suffering from some mysterious malady and the doctor was called in. He had the woman brought out of the hut and placed next to a fire. The sun had already set and it was quite dark. Several of the patient's friends, nearly all of them women, stood in a line near the fire and sang tunes, beating at the same time upon metallic instruments. The doctor also sang and danced about. Suddenly he swooped down upon the woman and applied his mouth to the affected part of her body. After sucking vigorously he jumped up, deliberately tramping through the red coals of the fire with his bare feet but pretending not to notice the heat, and when about ten yards from the patient he pretended to spit out whatever he had in his mouth. He is taking the illness out of the patient and throwing it away. Watching the performance with me was an influential headman of Serowe to whom I expressed my amusement. To my surprise he told me that Masarwa methods of healing were very effective and that he himself had been treated and cured by this same doctor. These doctors are men of influence and wealth. They have usually learnt their trade from their fathers.

5. Divining bones are used by ordinary people as well as by doctors. These bones are usually consulted before any decision is made as to where to hunt. I once asked a Mosarwa to consult his bones as to the prospects of rain. He sent for some water, carefully washed his hands and arms, smoothed a circular patch of ground about two feet in diameter and threw the bones, at the same time clapping his hands. He announced that there would be rain soon. When asked for an explanation he stated that the bones having fallen close

together indicated that the clouds would gather favourably for rain. I then asked him to ascertain the best direction to go hunting. After again throwing the bones he said that if I went in a southerly direction I would get a buck. His prophesy proved correct, for an hour later I shot a buck in that direction, but there was no rain for over a week. I asked him if he would sell his bones to me. Eventually he reluctantly agreed to exchange them for some tobacco. After parting with the bones he appeared so sad that I offered to return them to him, but he would not have them. There are six bones, two large ones, representing father and mother, two long thin bones representing son and daughter, and two small bones representing children. They are made from horn and bones of game.

6. The old method of kindling a fire by means of sparks caused by the friction of sticks is now seldom used. Even at remote places, matches are found. Most of the Masarwa have not forgotten the art and several demonstrated it at my request. A small piece of wood with a circular hole in it is laid on the ground and a piece of wood about twelve inches long and a quarter of an inch wide is placed between the palms of the hands. The end of the stick is inserted into the hole and the hands are moved backwards and forwards rapidly for about two minutes when sparks appear in the hole. Some charcoal, tissue paper, thin dry grass or whatever is available is then placed on the sparks and blown until flame is obtained.

7. Masarwa are very skilful at any handicrafts they undertake. They make boots, ropes, wooden spoons, wooden milk-buckets, wooden stools. These articles are all strongly and neatly made. They are not made for sale to any extent because there is no demand for them.

8. Very few Masarwa can count more than three or four. Most parents were unable to say how many children they had. They would give the names and leave me to count and ascertain how many sons and how many daughters. After a ten-minutes conversation one would learn that there were three sons and two daughters. A baby in arms would never be mentioned and one would always have to ask whether there was one. A man would seldom mention the name of his deceased parent. It appeared to be considered very bad form to mention anyone who was dead.

Appendix III.

EXTRACT FROM MASARWA REGISTER : NGWATO DISTRICT.

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Babusi	Mokgalagadi	2	1		2	5		Sookooso		
Bakane	Mongwato	4	4	2	1	11		Sedibe	Macloutsie R.	
Baachwana	Mongwato	2				2				
Balosi	Mokgalagadi	1	1	1		3		Shangane		
Bakwena		3	3	3		9		Mookane		
Badube	Mongwato	17	8	13	15	53	plough	1 cow	Lotlhakane	lands near Orapa
Baesi	Mongwato	14	15	5	11	45			Lotlhakane	
Bontsibokae	Mongwato	6	4	5	5	20			Ditawana	
Baitseme		2	1			3			Makwa	
Batuhile	Mongwa'o	11	10	4	12	37	plough by hand	4 cattle	Tseagaki	
Baipidi	Mongwato	32	19	13	26	90	plough		Saasa	some can pay tax on crown land
Baipusi	Mongwato	18	16	15	10	59		own goats	Botlette R.	can pay tax
Boiditswa	Mongwato	2	4	1	1	8	plough		Mayeabosenya	can pay tax

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Babuelen	Mopedi	1	1	3		5		Paye		
Chwene	Mongwato	9	4	3	1	17	plough by hand	donkeys, 1 cow, 1 goat	Chwane	
Chwene	Mokhurutse	1	2		1	4			Tonota	
D.G. Kebailele	Mongwato	10	8	4	9	31	plough		Lupashe	
Dinti Marobela	Mongwato	59	47	49	45	200	plough	56 cattle, 16 goats	Macloutsie R.	own more stock
Ditshwaane	Mongwato	5	6	3	1	15	plough	1 cow, 2 donkeys	Mea	
Dithaga	Mongwato	3	2	1		6			Mmacomo	
Dithole	Mongwato	1	1		1	3			Maore	
Diteko	Mongwato	2	2	5	1	10			Mea	
Disang	Motawana (Maun)	1				1			Botletle R.	came from Maun
Dareeso	Mokgalagadi	12	11	10	8	41	plough		Shashane	
Ditshago		2	1	2	1	6			Simowane	
Keeditse Bros.	Bangwato	6	8	2	7	23	plough		Matakane	
Gaokgorwe	Mongwato	27	19	11	17	74		1 cow	Lekoba	
Gaopatwe	Mokhurutse	1				1			Tonota	
Gopolan	Mongwato	36	28	34	38	136	plough	30 goats and cattle	Botletle R.	
Goitsekgosi	Mongwato	71	49	51	46	217		3 cows	Dinokana	
Golekanye	Mongwato	7	5	2	2	16			Lotlhukane	
Gaolaolwe	Mongwato	1	2	2	4	9				
Godisaman	Mokgalagadi	16	15	6	12	49			Shangane	
Gonyatswan	Mokgalagadi	4	3	4	1	12			Malacwai	
Garethata	Mongwato	2	4	4	3	13			Kowachaa	
Gabonewe	Mongwato	4	4	3	2	13			Topen	
Gorewaman	Mongwato	48	34	27	31	140	plough by hand	20 cattle	Suwa	
Godisan	Mongwato	4	2	1	1	8			Lotlhukane	
Gutu	Mokgalagadi	5	1	2	1	9			Nata	
Ibineng	Mongwato	18	15	9	16	58	plough	1 cow	Lekbba	lands at Mafhele- kwane
Inyatseng	Mongwato	16	11	9	12	48	plough		Mosetse R.	
Kagisho	Mongwato	14	10	21	17	62			Nr. Sep- hope	
Kechwanetse	Mongwato	35	26	29	23	113	plough		Botletle R.	
Kebadile	Mongwato	35	26	28	16	105	plough	18 cattle, 42 goats	Machen	
Kechweren	Mongwato	18	11	11	11	51			Mmacomo	
Kgosiecho	Mongwato	5	3	2	5	15		2 cows	Dimadse	
Kubu	Mongwato	3	2	1	3	9			Sephope	
Kekwatile	Mokwena	1				1			Debeeti	came from Bakwena R.
Koothupile	Mongwato	7	6	4	7	24	plough	dead ?	Mhawana	should pay tax
Kgari	Mongwato	1				1	tobacco		Shashi R.	
Kalaeakgosi	Mongwato	3	3	5	2	13	plough	6 cattle	Shashi R.	

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Kgosidintsi	Mokwena (Serowe)	57	41	54	45	197	plough by hand	3 cattle, 6 goats	Selinye	own much more stock
Kebonan	Mongwato	2	3	2	7	14			Mea	
Keikobile	Mongwato	1	1			2			Serowe	
Kokecho	Mongwato	8	10	8	7	33	plough	14 cattle	Setutu	
Kedirelweng	Mokgalagadi	1	1			2			Seasase	
Kududu	Mokgalagadi	1	1			2			Shangane	
Kubuetse	Mongwato	8	4	1	6	19		10 goats	Machen	
Kereeditse	Mokgalagadi	1	1	1		3			Meyibana	
Khumo	Mongwato	17	13	6	8	44	plough by hand	2 cows	Siswe R.	
Kesebonye	Mongwato	3	2	7	7	19				
Keadumele		1	1			2			Mokokong	
Keitseng	Mongwato	54	31	26	20	131	plough by hand	2 goats, 2 donkeys	Tshepe	master ill- treats them
Kesianye	Mongwato	11	12	10	10	43		1 cow	Leribe R.	
Kgomokgwana	Mokgalagadi	2				2			Meyibana	
Kgositsela	Mongwato	1	1			2			Maokasos	chased away by master
Koosebele	Mokgalagadi		1		2	3			Mabelea- pudi	
Keraechwe	Mongwato	6	5	4	4	19			Macloutsie R.	
Kweee	Mongwato	25	19	15	14	73	plough by hand	2 oxen, 1 goat	Mpani R.	
Kesepen	Mokgalagadi	2	3	1	4	10			Shangane	
Kakuwe		1	2	2	1	6			Foley	
Kokanan	Mokgalagadi	2	2	2	2	8			Shangane	
Kgaimene	Mokgalagadi	6	4	3	1	14			Lotlhakane	
Kapen	Mokwena	2	2	3	2	9			Debeeti	came from Bakwena R.
Lalamme	Mongwato	1	1	2	1	5			Chukutsa	
Letebele	Mongwato	37	31	40	49	157	plough	1 ox, 5 goats	Makomogana	
Leakwa	Mongwato	10	8	14	9	41	plough by hand	1 ox, 1 donkey, small stock,	Ditawana	
Letswapon	Mongwato	1				1		1 sheep	Serowe	
Lesogo	Mongwato	13	16	11	8	48	plough	10 cattle	Seruli	can pay tax
Leburu	Mongwato	30	23	24	24	101	plough	8 cattle	Maore	can pay tax
Lerumo	Mopedi	88	68	52	57	265		1 cow, 1 donkey, 3 small stock	Tlhabala	
Mogapi		2	2	1	1	6			Mopipi	
Mathoame	Mongwato	72	59	33	51	215		1 donkey 2 goats	Dinokane	
Masupe	Mmirwa	21	14	13	22	70	plough		Maunatala	can pay tax
Mokalake	Mokgalagadi	11	8	5	7	31			Lotlhakane	

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Methodi	Mongwato	74	59	50	58	241	plough	12 cattle, 5 small stock, 1 donkey	Lekoba	
Mathlapa	Mongwato	12	5	5	10	32		2 cattle	Mashoro	
Mphotho	Mongwato	4	4		2	10			Ditawana	
Mosinki	Mongwato	4	4	4	2	14			Ditawana	
Mmile	Mongwato	47	24	22	29	122	plough	6 cattle	Nata	
Merementsi	Mokgalagadi	1				1			Meyibana	
Mpotsan	Mokgalagadi	3	5	3	3	14			Shangane	
Monnaanoka	Mokgalagadi	2	2	3	3	10			Shangane	
Mosutho		1	1	2	1	5			Makarikari	
Motsweta	Mongwato	10	7	2	1	20			Lekoba	
Modukanele	Mongwato	42	28	18	17	105	plough	17 cattle	Lekoba	
Moswaane	Mongwato	10	6	8	5	29	plough by hand		Morukuru	
Mokanyole	Mongwato	5	4	1		10			Zezepa	
Masanana	Mongwato	12	5	3	8	28			Lotlhakane	
Mosoboro	Mokgalagadi	3	2	1	4	10			Shangane	
Mocwatsatsin	Mongwato	2	1			3			Botletle R.	
Mosarwe		5	3	3	3	14			Setutu	
Mosutho	Mongwato	8	5	6	5	24		2 cattle	Kwiee	
Mothonami	Mongwato	6	6	3	16	31	plough	39 cattle, 22 small stock	Macloutsie R.	
Matabe	Mongwato	8	4	10	4	26			Lotlhakane	
Molake	Mongwato	9	5	7	3	24	plough	13 cattle	Mafhelek- wane	
Makatse	Mongwato	3				3			Mmacomo	
Mosweu	Mopedi	3	3	2	4	12			Shangane	
Madikwe	Mokgalagadi	1	1	3	1	6			Meyibana	
Mothomapudi	Mokgalagadi	4	3	3	2	12			Meyibana	
Morapele	Mokgalagadi	4	6	2	8	20			Shangane	
Moielelwa	Mokgalagadi	1			1	2			Shangane	
Monnaoama- rope	Mongwato	4	2	4	6	16			Simowane	
Mosimane	Mongwato	6	5	4	5	20			Lotlhakane	
Mmolai	Mongwato	4	2		4	10			Mogoge R.	
Mantate	Mongwato	20	14	13	11	58			Tapaneng	these Masarwa claim to be free people
Mogorosi	Mongwato	1	1			2			Mosetse R.	
Mabue	Mokalaka	4	7	7	8	26	plough		Meitengue	
Makaoru	Mongwato	1	1		1	3			Mosetse R.	
Matjogoyane		5	2	2		9			Nata	
Moshala	Mongwato	3	3	2	6	14			Simowane	
Mengwe	Mokalaka	11	6	7	8	32	plough		Meitengwe	
Molelekwa	Mongwato	10	8	6	6	30		3 cattle	Nata	
Mangadi	Mongwato	11	8	3	14	36	plough	3 cattle, 7 small stock	Simowane	
Nkobela	Mongwato	1	1			2			Mea	

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Nkakwe	Mokalaka	5	2	3	2	12	plough		Meitengwe	
Nkgope	Mongwato	6	5	3	3	17	plough	1 cow, 2 goats	Meyibana	
Ntamelan	Mongwato	11	8	8	4	31			Lotlhakane	
Nogaeagae	Mongwato	37	29	14	27	107	plough	4 cattle	Shashane	scattered a great deal
Ntwaagae	Mongwato	10	7	8	8	33	plough		Shashi R.	
Nkutelan	Mokgalagadi	3	3	2	4	12			Meyibana	
Nwanaampe	Mongwato	4	2	1	1	8			Mogape	
Nthamo	Mongwato	20	9	3	13	45	plough by hand	2 cattle	Mashoro	
Nthebolan	Mongwato	53	47	37	44	181	very few plough	7 cattle	Makwa	
Othusitse	Mongwato	4	2		1	7	plough		Saasa	
Onchelen	Mongwato	4	3	4	3	14			Dinokana	
Obuletse	Mongwato	3	2	3	2	10			Magom- gabe	
Oilsile	Mongwato	23	19	9	20	71	yes	5 head cattle,	Takotsane	
Ontiretse	Mongwato	3	2	2	4	11		3 cattle, 3 goats	Mmiti	
Ontitile	Mokgalagadi	6	3		7	16	plough		Shashane	
Oreken	Mongwato	20	13	9	14	56	plough		Selopale	cattle died in 1935 drought
Otsile	Mokgalagadi	2	2			4			Makwa	
Orufheng	Mongwato	1	1	1	2	5				
Otsitswe	Mongwato	9	5	6	5	25			Makwa	
Oepile	Mokgalagadi	20	12	6	20	58			Malacwai	
Otiscwe		3	3	2		8			Macheng	
Phutimpe	Mongwato	4	3	4	3	14			Kobe	
Pelotona	Mongwato	125	72	63	67	327	plough	62 cattle, 4 goats	Macloutsie R.	many can pay tax
Phethu	Mongwato	11	10	12	9	42	plough		Lotlhakane	
Phemelo	Mongwato	1	1	1	3	6	plough by hand		Ditawana	
Phutiebonye	Mongwato	5	5	8	5	23	plough	6 cattle	Kgorony- ane	master has no stock
Poomore	Mongwato	2	4		1	7			Shangane	
Phiri	Mokgalagadi	1	1		2	4			Siswe R.	
Phirinyane	Mokgalagadi	1	1	1	4	7			Meyibana	
Puoen	Mongwato	9	5		3	17	plough		Mabyeabo- senya	can pay tax
Ramakuba	Mokgalagadi	11	9	7	16	43	plough		Sesase	many not found

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Ramogopo	Mongwato	64	43	19	24	150	plough	5 cattle	Letselenta	own much stock many can pay tax
Raditsepe		2	2	1	1	6			Selinye	
Raseyelo		3	2		1	6				
Radikoko	Mopedi	5	2			7			Selinye	
Ramatsebe		4	4	6	5	19	plough	1 donkey	Selinye	
Ramoalusi	Mongwato	7	3	3	4	17			Ditawana	
Rakula	Mopedi	11	8	6	6	31			Shangane	
Radikabu	Mokgalagadi	1	2		1	4			Meyibana	
Ratsipa	Mokgalagadi	4	1	1	3	9			Meyibana	master's mother is a Mosarwa
Rankoosha	Mongwato	3	3	3	3	12		3 donkeys	Nata	
Ramatebele	Mongwato	2	1			3			Lotlhakane	
Raseduelo	Mongwato	11	8	9	10	38			Lotlhakane	
Ratsobane	Mokgalagadi	4	3	1	3	11			Shangane	
Rapaye	Mokgalagadi	1	1			2			Malacwai	
Ramma	Mopedi	2	3		1	6			Shashane	
Rankhibidu	Mongwato	1	2			3		6 cattle	Takotsane	
Ramongala	Mongwato	9	8	6	10	33	good lands	1 cow, 4 goats	Letapa laga Malaela	independent — can pay tax
Ramapulana	Mongwato	24	14	10	14	62	plough	9 cattle	Phakwe R.	
Rakgomo	Mongwato	5	4	4	4	17	plough by hand		Ditawana	
Rasukete	Mongwato	18	12	17	12	59	good lands	own stock	Mea	
Radiakwa	Mongwato	24	25	13	25	87			Botletle R.	
Rasegantsho	Mongwato	27	17	20	26	90	plough	1 cow	Sedibe	
Rasebolai	Mongwato	8	4	6	8	26			Nata	others at Dinokana ?
Ramosesane		9	6	4	6	25		2 cattle, 20 goats	Setutu	
Radipitse	Mokhurutse	13	7	7	3	30	plough	9 cattle	Mooke	
Seisa	Mosutho	2	1		1	4			Nata	
Sebego	Mongwato	48	35	40	42	165		9 goats	Setutu	
Seboko	Mongwato	40	26	17	31	114	good lands	10 cattle, 4 small stock	Mea	
Sedimo	Mongwato	52	48	19	33	152		3 goats	Lopepe	own cattle and sheep
Sekeleuru	Mongwato	6	3		8	17	plough	3 cows	Sedibe	

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Sebina										
Mokgame	Mongwato	18	8	7	6	39	plough	8 cattle	Macloutsie R.	
Seakgano	Mongwato	15	8	6	9	38	plough	own stock	Mayabosenya can pay tax	
Setshogo	Mongwato	1	1			2			Dinokana	
Segwabe	Mongwato	6	3	5	7	21			Ditawana	
Sethomo	Mongwato	7	3	2	5	17	good lands		Mea	
Saase	Mongwato	3	3	2	2	10			Ditawana	
Segotsho	Mongwato	2	2		1	5			Palapye Rd.	
Seitshiro	Mongwato	11	7	10	13	41			Simowane	
Shakashokwe	Mokalaka	9	7	8	13	37	plough		Mosetse R.	
Setiko	Mongwato	2	2	1	2	7			Botletle R.	
Setiko	Mopedi	2				2			Mapula	
Senamela	Mongwato	50	44	55	32	181	plough	6 cattle, 18 goats 1 donkey,	Dinokana	
Seregola	Mongwato	13	12	14	17	56	plough	14 goats	Keenkgang	
Shashane	Mongwato	5	5	5	5	20			Magomgana	
Setlalemolelo	Mongwato	2	1		1	4				
Thankane	Mongwato	27	19	17	17	80			Seselole	
Tsenan	Mongwato	7	4	5	4	20			Saasa	
Thataearona	Mongwato	4	1	3		8	plough		Mayabosenya should pay tax	
Tefho	Mokgalagadi	23	18	12	18	71			Malacwai	
Twaelang	Mongwato	2	1		1	4			Kwadiba	
Tamasika	Mongwato	2	1			3			Lotlhakane	
Tshokologo	Mongwato	8	5	1	5	19	plough	1 cow	Mpani R.	
Tolo	Mokgalagadi	9	6	6	6	27			Setutu	
Tshilwana	Mongwato	60	42	32	48	182	plough	13 cattle, 2 donkeys, 18 goats	Tsiagake	
Tshekedi Khama	Mongwato	441	300	315	339	1,395	plough	48 cattle, 19 goats, etc., 7 donkeys	Shashane, Lechana, Nata, etc.	
Wame		15	11	13	5	44	plough by hand		Foley	
Wabile		3	2	2	1	8			Mahsoro	
Various (masters doubtful)		47	42	34	28	151				
		<u>3,092</u>	<u>2,247</u>	<u>1,943</u>	<u>2,223</u>	<u>9,505</u>				

ANNEX 7.

C.C.E.E.195.

COMMUNICATION, DATED FEBRUARY 25TH, 1938, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH APPENDICES).

With reference to the letter from this department of March 11th, 1937,¹ I am directed by Viscount Halifax to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, the accompanying note containing certain additional information on the subject of slavery in the Persian Gulf.

(Signed) Lacy BAGGALLAY.

SLAVERY IN THE PERSIAN GULF.

The following further information is now available :

1. *System of Liberation of Slaves in the Arab Sheikhdoms.*

The situation in the various States under this heading is as follows :

Koweil. — The Ataq system is rarely practised, owing to the lack of desire of the slaves to change their comfortable circumstances. The Kitabat and Mudabbar systems are not practised.

Bahrein. — Nil, as there is no slavery.

Trucial Sheikhdoms. — The Ataq and Mudabbar systems are occasionally practised ; the Kitabat system is not known.

Muscat. — The Ataq and Mudabbar systems are occasionally practised ; the Kitabat system is not in force.

2. *Conditions of Slaves employed in the Pearl-diving Industry.*

The pearl-diving season only lasts four months of the year, from about May to August. During this time, the conditions of work of all the pearl-divers, whether slaves or freemen, are necessarily somewhat hard, but the hardships undergone by the slaves are no greater than those of the freemen.

The financial situation of slaves employed as pearl-divers in the various States is as follows :

Koweil. — The few slaves that are employed in pearl-diving keep their earnings.

Bahrein. — As slavery is extinct, the question does not arise.

Trucial Sheikhdoms. — The slave receives a percentage of his earnings, which in most cases is not less than half the total after deduction of advances made to the slave.

3. *Anli-Slavery Proclamations by the Rulers of the Arab Sheikhdoms.*

On August 11th, 1937, the Government of Bahrein published a proclamation (a translation of which is attached — Appendix 1) reminding the public that the state of slavery is illegal.

4. *Manumission.*

A statement is attached containing information regarding the number of slaves manumitted in the years 1932-1937 (Appendix 2). An analysis of this statement indicates that out of a total number of 311 slaves manumitted during the period in question, as many as 300 were domestic slaves and only 11 were " captured " or " imported ". This in itself amply supports the statement in the note published in Annex 8 (page 72) of the Advisory Committee's report of April 1936 that " the slave trade as such in the Persian Gulf practically no longer exists ". In spite of this exiguity, the British naval vessels in the Persian Gulf and the local representatives of His Majesty's Government are continually on the watch to suppress slave traffic. Owing to its small extent, detection is difficult, but a case occurred during 1937 of the sale of a slave from one Trucial Sheikhdom to another, in which the father of the slave complained to the local representative of His Majesty's Government. The rulers of both Sheikhdoms co-operated and the slave was recovered. The three individuals concerned were punished by their respective rulers, one being deported, the second fined, and the third deported and fined. A particularly satisfactory aspect of the case was

¹ See page 49 of the Slavery Committee's 1937 report.

the way in which the rulers co-operated with the local political authorities in implementing the terms of their anti-slavery treaties with His Majesty's Government.

The number of slaves manumitted during 1937 was :

Bahrein Agency	23
Muscat Agency	30
Shargah Agency	22
Koweit Agency	Nil
	75

Appendix 1.

GOVERNMENT OF BAHREIN.

Notice.

ANTI-SLAVERY PROCLAMATION, DATED AUGUST 11TH, 1937 (4TH J/Thany, 1356).

The public are reminded that it is forbidden to own slaves in Bahrein. Any person who imports, exports, buys, sells or owns any person as a slave is liable to punishment by imprisonment and fine.

[Seal of the Bahrein Government.]

By order of :
Hamad bin Isa al Khalifah.
Ruler of Bahrein.

Appendix 2.

MANUMISSION ANALYSIS FOR THE ARAB STATES OF THE PERSIAN GULF, 1932-1937.

Year	Total number of slaves manumitted	Domestic	Captured and imported	Remarks
1932	50	47	3	
1933	42	38	4	
1934	51	50	1	
1935	44	41	3	
1936	49	49	—	
1937	75	75	—	
Total	311	300	11	

ANNEX 8.

C.C.E.E. 198.

COMMUNICATION, DATED MARCH 22ND, 1938, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by Viscount Halifax to request you to bring to the notice of the Advisory Committee of Experts on Slavery the following information about the anti-slavery work of His Majesty's ships in the Red Sea.

2. During the period January 1st-December 31st, 1937, the Red Sea sloops covered 14,538 miles and examined thirteen dhows without result.

(Signed) Walter ROBERTS.

ANNEX 9.

C.C.E.E.201(1).

[*Translation.*]

COMMUNICATION, DATED MARCH 31ST, 1938, FROM THE FRENCH GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to paragraph (c) of the resolution relating to slavery adopted by the Council of the League of Nations on July 4th, 1936, I have the honour to communicate herewith a report on slavery and the slave trade in the territories of Indo-China, Madagascar, French Somaliland, French West Africa, Togoland and the Cameroons during 1937.

(Signed) ARNAL,
Minister Plenipotentiary,
Deputy Director for the League of Nations.

* * *

REPORT TO THE ADVISORY COMMITTEE OF EXPERTS ON SLAVERY.

As the French Government has already explained in its previous reports, slavery has completely disappeared from the territories under its authority.

Consequently, the Government and the local administrations are now confining their efforts to an attempt gradually to abolish certain institutions which may be regarded as "disguised forms of slavery", or, at any rate, the remains of this custom. This applies to the pledging of persons as surety for a debt.

As for the slave trade, this is rapidly declining both in Central Africa and in East Africa.

An analysis of the various reports furnished by the colonies concerned is given below :

Indo-China.

Cochin-China. — Before the conquest, there was only one category of slaves in the country of Annam : under the Code, the parents, sons, unmarried daughters, wives and concubines, etc., of convicted rebels were condemned to slavery. These unfortunate persons, who were handed over to the families of deserving officials, lost their personality and became as it were chattels which their masters could use and even misuse, which were exchanged or sold, and over which the masters had practically the right of life and death.

The "savages", who were rightly or wrongly regarded as prisoners of war, were treated in the same way.

Except as regards this category of "legal slaves", the Annamite law punished very severely the type of servitude which consisted in the sale — even with the consent of the victim — of a person of honourable condition.

As soon as the French occupied the territory, slavery was abolished under Article 6 of the Constitution of November 4th, 1848, which provides that "slavery may not exist in any French territory", and Article 1 of the Senatus-consult of May 3rd, 1854, which states that "slavery may never be reintroduced in French colonies."

* * *

Although that is the principle laid down, there are some exceptions, because there are various degrees of slavery, which may take certain forms such as those described below :

1. Household slavery. — Household slavery, which is often found in certain parts of the African continent and appears to be one of the usual forms of domestic labour — a sort of domestic serfdom — has never existed in Cochin-China.

2. Captives of tribes or chiefs. — This form of slavery, which presupposes the existence of rival chiefs making use of armed force, and raids by one clan, one tribe or one village on another, is unknown in this country, even in the "mois" districts under our authority or our influence.

3. Pledging for debt. — On the other hand, persons who are in debt often hire themselves or their children in order to pay off the interest on their debt, or even the capital. This is commonly called "l'esclavage pour dettes" and corresponds to the "mise en otage" in South and Equatorial Africa.

This form of pledging is common both in this country and in Europe, and it is hard to see how the position of an Annamite child pledged, for instance, to look after the buffaloes of his father's creditors for a more or less lengthy period, in payment of his father's debt, differs from that of a peasant's son hired out as a shepherd for wages sometimes received in advance.

In any case, even if this constitutes slavery, the person pledged at once recovers his complete liberty as soon as the debt is paid. The pledging of a person is not a sale in which that person would be the object sold, and the price the amount of the debt.

4. Disguised sale of children. — Apart from civil adoption in the proper sense of the term, which is carefully regulated both under the old Annamite law and under the summary of civil legislation of October 3rd, 1883, there is a type of adoption tolerated by custom which constitutes servitude, a sale more or less disguised.

Poor parents often give their young children to well-to-do families in return for a sum of money. The adopted child is entitled only to maintenance and clothing from the adopting family, in return for which he will later on be obliged to perform domestic duties.

The person adopting the child is not, however, his "master" and the adopted child is not regarded as a "slave". As a rule he is better treated than the other servant. In some cases he is even regarded as a "con-nuoi", and often refuses to return to his own parents when they claim him after repayment of the sum received by them at the time of his adoption.

This form of contract therefore resembles pledging rather than an actual sale.

5. Unpaid labour. — In this connection we may mention the case of the undertaking usually accepted by a farmer (ta-diên) or tenant (ta-thỏ) to perform certain kinds of labour for the benefit of the owner of rice fields or of the land (including a house), which he rents; the farmer or tenant agrees to perform each year a certain number of days' labour for the upkeep of roads, paths and banks, or the making or cleaning out of water channels, or to lend his services when ceremonies or feasts are held by the owner's family.

As the parties agree to the contract, this form of serfdom hardly appears to justify the criticisms sometimes passed on it.

* * *

Compulsory public labour was abolished in Cochin-China by the Decree of May 11th, 1933; contributions in kind due to the communities (*i.e.*, five days' labour for each person liable to the personal tax) may be redeemed on payment of a sum varying from one province to another, according to the cost of labour.

* * *

Although the practices enumerated above, which constitute common and mild forms of slavery, are tolerated by custom, the Government considered it necessary to take steps to punish infringements of colonial public order and to insist on the respect due to human personality and freedom.

For instance, the Decree of October 3rd, 1883, which summarises Annamite civil legislation in Cochin-China, provides under Chapter IX, "Paternal Power", that parents are strictly forbidden to sell or pledge their children on any pretext whatsoever.

Moreover, under Article 344 of the Penal Code, as modified and made applicable to natives and Asiatics assimilated by the Decree of December 31st, 1912, "a penalty of imprisonment for a term of from six months to two years shall be imposed on anyone who sells, cedes, pledges or hires out a third person either gratuitously or for a consideration. If the person ceded, sold, pledged or hired out is a minor, the term of imprisonment may be raised to three years; if the offence has been committed by the father, mother, uncle, aunt, brother or sister, the term of imprisonment may be increased to five years."

The preliminary draft Annamite Civil Code of Cochin-China, recently drawn up by the Saigon Commission, provides in Article 9 that "slavery remains categorically prohibited. No one may arbitrarily dispose of the person of another." Later, in Article 235, it reproduces the above-mentioned provision of the Decree of October 3rd, 1883.

Moreover, in order to prevent life contracts, Article 1136 of this Code provides that "No person may hire out his services except for a definite time or enterprise." Also, according to Article 1137, "if the services are stipulated for the entire lifetime of a person, or for more than five years, the contract may be denounced by the servant at the end of five years. The period of notice is six months."

Lastly, as regards particularly the hiring of services for the redemption of a debt, the same code provides extremely strict regulations for preventing abuses on the part of exacting creditors, for instance:

Article 1150. — The hiring of labour may have the object of redeeming a debt which places the servants under an obligation to the master.

In this case, the contract is not valid unless it has been concluded in the presence of notables as witnesses, or the head of the district, and certified by them.

Article 1151. — The contract must mention the amount of the wages granted, the amount of the capital due, and the amount of the interest due, the rate of which must, if necessary, be brought down to the conventional rate authorised by law.

Article 1152. — The hiring of labour for redemption of a debt may not be concluded for a period exceeding two years.

Any extension is null and void.

Article 1153. — As from the date when the debtor enters his creditor's service, the claim shall cease to bear interest.

Article 1154. — A debtor who has hired out his labour may break the contract and leave his master, if he observes the period of notice laid down by the special regulations, conventions or local custom.

He remains under an obligation to pay the remainder of the unredeemed debt, and the claim again bears interest.

The evolution in the condition of persons in Cochin-China since the country became French territory shows that it is not merely by legislation that the vestiges of slavery in the country can be abolished.

The disguised forms which remain will finally disappear as a result of the changes occurring in the mentality of the natives. Their way of thinking and acting has been rapidly changing for some years past.

Annam, Cambodia, Laos, Tongking, Konang Territory, Chau Wan. — No remarks.

Madagascar and Dependencies.

Slavery does not exist in any form in Madagascar. Moreover, no cases of slave-trading have come before the judicial authorities since 1930.

French Somaliland.

During the year 1937, no new facts have come to light in the colony as regards disguised forms of slavery.

Moreover, no sentence for slave-trading was passed by the courts of French Somaliland during the same year.

Former slaves who have been freed for a long time have identified themselves with the families with which they lived.

Others have married and have founded homes which in no way differ from those of other persons.

They have accepted French authority and live with the tribes to which they owe allegiance, and there is nothing to show their former moral and social status.

French West Africa.

No cases of slave-trading were reported during the year 1937 in the following seven colonies or territories of French West Africa : Senegal, Circonscription of Dakar and Dependencies, French Guinea, the Ivory Coast, Dahomey, French Sudan, Mauritania.

Steps were taken by the Governor of French Guinea to prevent the recurrence of acts constituting attacks on the liberty of the person, such as the exceptional cases recently discovered, in the canton of Sangalan (Labe Circle, Mali Sud-Division), where girls had been "pledged" by certain chiefs or notables when the taxes were collected. In addition, the necessary steps were taken jointly by the head of the colony and his colleagues in Senegal and French Sudan to ensure that any girls who might have been "pledged" in these colonies and whose position had not been regularised by marriage, freely agreed to, in conformity with customary law, should be returned to their parents.

The results of the very careful investigations conducted throughout the whole Federation confirm the fact that it is in the frontier colonies of the Sahara, particularly the districts bordering on the Rio de Oro, that the feudal character of the nomadic and semi-sedentary communities has tended to keep alive certain ancestral customs, though in a modified form.

At the same time, the personal liberty of every native, whatever his origin and position, in all the pre-Sahara territories under French rule, as elsewhere in Nigrific regions, is strictly guaranteed by the local authorities, unconditionally and unreservedly. This liberty is his by right, and its recognition is not subject to any formality or proof of any kind.

As stated by the Governor of Mauritania, "While it is true that certain persons of servile origin are incorporated in Moorish warrior or priestly families, working for them and receiving all their material requirements, these servants are quite free as to their person, and only stay with their masters because they wish to do so, being assured there of protection and the means of existence. 'Tent servitors', who correspond in nomadic countries to household servitors in sedentary countries, have every facility to obtain emancipation."

Emancipation, moreover, is proceeding automatically, stage by stage, with the steady increase in the means of subsistence and the substitution to an ever-increasing extent of administrative action for the authority of the former governing castes, in guaranteeing the safety of persons and property.

In addition, voluntary servitors of to-day are often born, in nomadic countries, under one and the same tent, generation after generation, or at any rate in the same tribal group. Their "masters" regard them as an integral part of the family, and make them their confidential agents and confidants. It is they who, like the freed slaves in ancient days, keep the keys, look after the children and arrange marriages. They form part of the local circle, where they are usually well treated.

It is significant that those who become emancipated and settle among the sedentary natives in the south are proud to call themselves Moors or Tuaregs, and are always eager to extend a warm welcome to their former masters, or their descendants, when they visit the district.

Many former servitors are entrusted by their ex-owners with the management of their flocks and herds and are given part of the natural increase in return for the payment of a small due.

In the tribes settled on the right bank of the Senegal, these freed men have even taken the place of their former white masters, who have been thinned out or have died owing to the unhealthy climate or epidemics.

Elsewhere, they form autonomous groups, each with its chief and "djema".

Finally, others remain near their owners and hire out their services. The latter are usually known as "harratines" (or "bellah" in Tuareg districts) and in the eyes of the ruling class have all the rights and duties of free men. They usually live in comfort. Some of them are even rich. Examples might be given of "harratines" who have contracted alliances with women of the warrior or priestly caste.

We stated above that many servitors, although we offer them their liberty, remain with their masters either in their own interest or from personal attachment. The masters, for their part, show increasing generosity or attention in order to keep their serfs, if only because they need their services for guarding and watering the flocks, looking after and sinking wells, farming, collecting rubber, etc. Nor is there any doubt that the number of servitors in tribes is steadily decreasing. Many priests and warriors are, indeed, impoverished, and are no longer in a position to offer sufficient advantages to their servants to keep them.

On the other hand, many of the servitors of the desert are attracted by the less laborious sedentary life which their fellows already settled in the south depict to them.

* * *

The effective occupation and careful control of the desert territories known under the name of the "Algerian-Moroccan confines" has put an end, for the past three years, to the kidnapping by the bandits of the West Sahara, and it can now be said that their criminal activities end where the French frontiers begin.

* * *

In the French Sudan, the disappearance of the servile class is proceeding gradually but uninterruptedly, in Mauritania as elsewhere. The former slave becomes either a land-owner or a wage-earner, and no longer fears he will be led into captivity. These results are due to the suppression of slave trading, to the other emancipatory measures taken by the French administration and to the pacification of the Western Sahara by our troops. They are also due to changes in the moral prestige and material position of the former governing classes. We have taken their place as protectors of the people. Their traditional prerogatives have suffered from the neighbourhood of a colony like Senegal, which is at an advanced stage of political development, and these prerogatives are bound to suffer from the change in the material conditions of life brought about by post-war economic events or simply by the improved equipment of the country.

There are various indications, moreover, that these classes are beginning to turn to occupations formerly reserved for persons in a servile condition.

Administrative, military and economic action is thus regularising the status of the servitor or ex-servitor, who is gradually rising to the same level as the other classes in the colony. If this trend, which has already made great headway, is to continue peacefully, it cannot be further accelerated without prejudicing (both in the case of those who stand to gain and those who stand to lose by it) the adjustment which such a new departure involves.

The careful and far-seeing policy adopted in regard to this social advance is a sound one. For instance, several nomad tribes, such as the Tenguerguif in the French Sudan, have asked the authorities to grant them plots of irrigated land for their ex-servitors. This tendency on the part of the Bellah to adopt a sedentary mode of life, with the approval or even at the instance of their former masters, is worthy of attention, for its success will mean that the ex-servitors have secured complete and final self-government and economic independence. This tendency should not be prejudiced by interference of a too radical or hasty character.

* * *

Only one case of slave-trading was discovered in the Niger Colony. On July 2nd, 1937, a party of the nomad group of N'Guigmi found in the bush an eight-year-old girl, a native of Nigeria, who had been brought to the colony for sale by a British subject called Laminu, a native of Werda (Nigeria). The latter succeeded in escaping and recrossing the frontier. His description was reported to the British authorities, to whom the child was handed over. This is further proof of the value of the police measures jointly taken on both sides of the common frontier by the neighbouring French and British authorities.

Togoland.

No documentary material has been received from this territory which could be communicated to the Committee, as for many years past no cases of slavery or slave-trading have been reported.

Cameroons.

The annexed comparative table summarises the work of the courts in this connection during the three years.

The figures in the 1936 column are slightly different from those returned last year, owing to the fact that some sentences were revised by the "Chambre d'homologation".

Generally speaking, the decline in slave-trading and slavery is becoming more and more marked.

It should be observed that the only sentence passed in the Mandara district refers to a case which dates back seven years and in which the accused could not be arrested at the time.

The severe penalties imposed in previous years and the closer supervision exercised have led to this gratifying change, which will become still more marked in the future.

SLAVERY AND SLAVE-TRADING.

Districts	Number of cases			Number of sentences			Total number of years of imprisonment			Total amount of fines		
	1935	1936	1937	1935	1936	1937	1935	1936	1937	1935	1936	1937
										French francs		
Haut-Nyong . . .				3			1			100		
M'Bam	1											
Lom and Kadei .												
Wouri												
Noun												
N'Ten												
Sanaga-Coastal .												
Chari												
Benoué	5	2		6	1		76	1		10,500	100	
Kribi												
Logone	1	5	2	5	10	8	76	39	95	16,100	7,100	30,500
Mandara	9		1	25		1	217		3	1,000		
Adamaoua			3			2			10			1,000
Mungo												
N'Kam												
Nyong and Sanaga												
Boumba-Ngoko . .												

ANNEX 10.

C.C.E.E.173.

COMMUNICATION, DATED JUNE 9TH, 1937, FROM THE GOVERNMENT OF INDIA, TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

With reference to correspondence ending with your letter of October 3rd, 1936, I am directed by the Secretary of State for India to forward the enclosed copy of a communication issued by the Government of India in regard to an expedition to the Naga Hills in November 1936, led by Mr. J. P. Mills, the Deputy Commissioner, in connection with the suppression of the practice of slavery in that area.

I am to request that a copy of the papers may be communicated to the Advisory Committee of Experts on Slavery.

*For Secretary,
Economic and Overseas Department:
(Signed) W. D. TOMKINS.*

Appendix.

EXPEDITION TO THE PANGSHA TRIBAL AREA, NAGA HILLS.

India is a party to the Slavery Convention, 1926, and has undertaken to bring about progressively and as soon as possible the complete abolition of slavery in all its forms. It was, however, found necessary to make a reservation in respect of certain outlying and inaccessible areas bordering on Assam and Burma where, it was thought, it would be difficult

to implement our undertaking effectively. Recently, the Government of India has agreed to the reservation being withdrawn in respect of certain areas including the tribal area east of the Naga Hills district in Assam.¹ As a first step towards the fulfilment of the requirement under the Slavery Convention to bring about the abolition of slavery in this area, the Government of India, at the request of the Government of Assam, agreed to an expedition, headed by the Deputy Commissioner, Naga Hills, and composed of a column of Assam Rifles. The object of the expedition was to acquaint the headmen of the villages with the determination of Government to suppress the practice of slavery and, if they persisted in an attitude of defiance, to punish them. This action was rendered imperative by the conduct of one of the villages in that area — namely, Pangsha, which, with the assistance of certain other villages, had been raiding and destroying the weaker villages in their neighbourhood and holding their captives as slaves in defiance of warnings from the Government. The expedition was a complete success, as will be seen from the following report of the Deputy Commissioner, Naga Hills.

“ I left Mokokchung on November 13th, with two and a half platoons of the 3rd Assam Rifles under the command of Major Williams, and 360 carriers under the command of Mr. Smith. Dr. von Furer-Haimendorf, of Vienna University, accompanied the expedition as an anthropologist. On the 19th, delegates from Panso came in to see me at Chentang and their friendly overtures relieved our anxiety regarding our flank. On the same day, there arrived a truculent challenge from Pangsha. On November 20th, we reached our advanced base at Chingmei where the loyalty of my old friend Chingmak was of inestimable value. There we found that Pangsha had handed over to him all their slaves but one ; they still defied us to visit them, and I found they had terrorised the whole neighbourhood, threatening to destroy any village which helped us. My first object was to visit Yimpang. They had already returned the only slave they held to Mokokchung when they heard that a column was really coming out, and they had had some reason for raiding Kejuk, who had abetted Tuensang in their treachery — or rather the treachery of Saiyo, a notorious rogue, whom the decent elements in Tuensang now talk of killing for the good of the village. I wished to show Yimpang that when we intended to visit a village we did so, but that we harmed no one with whom we had no quarrel. This I accomplished on November 22nd, returning *via* Waoshu, a small village which had been dragged into the Saochu raid against their will out of fear of Pangsha. Noklak had sentries watching us from the range to the east of our camp and sent an armed force to move parallel to us on our way to Yimpang ; their men walked into Yimpang as we walked out, and announced that they had been ready in case Yimpang wanted any help.

“ On the 24th, the column, with as few loads as possible, went to Noklak on the way to Pangsha. Noklak were evidently terrified at the thought of offending Pangsha and refused to clear the path for us. Most of it was a narrow, overgrown ledge along a precipitous cliff. Not only was it guarded by ‘ panjis ’ (bamboo spikes), but there owing to their war with Chingmei, but additional ‘ panjis ’, newly sharpened, had been planted for our benefit. In spite of the utmost care one advance scout was spiked right through the foot and one lance-naik and another scout were gashed. It was long before we could get in touch with the Noklak men and when we saw them they were very nervous. Eventually, some were persuaded to come forward and talk. I knew that their hostility was due to pressure by Pangsha, and it was important not to have a hostile village behind us when we passed them. I therefore promised safety.

“ On November 25th, we proceeded towards Pangsha and camped in the bed of the Langnyu River below the main village. Our route lay along the flanks of the hills on the west bank, Pangsha being on the slopes of the east bank. Soon after passing the Noklak-Pangsha boundary, we saw a small, unarmed party of Pangsha men in the distance. Four were induced to come and speak to us, and brought with them a goat and a chicken. They asked whether we would make peace. There was not the slightest doubt as to the only possible answer. To have made peace, turned back, and abandoned the remaining slave at the price of a goat, a fowl and some smooth words would inevitably have been interpreted as a sign of weakness. Friends who had helped us would have been massacred and raids would have continued. I therefore told the envoys that I did not believe their statement that they could not produce the slave girl, and that I was going to punish them for their conduct and insults to the Government. I then sent them safely away.

“ By this time, a very large armed party was already on the move to cut us off. We saw them crossing the Langnyu valley and outmanœuvred them by cutting a path straight down to the river, and moving upstream in open ground. While getting into camp an armed body appeared above us and were dispersed, probably without casualties. Then three men rushed down to get a head from the coolies cutting bamboos. They were fired on and turned back. Two fell, but picked themselves up.

“ On November 26th, we burnt the main village, nearly losing four coolies who straggled against orders. In the afternoon we moved downstream to below the separate Wenshoi ‘ khel ’. Next morning the baggage with one platoon was sent straight back to Noklak,

¹ See pages 10 and 82 of the 1936 report of the Slavery Committee, and pages 7 and 56 of its 1937 report.

and one platoon with a few scouts and dobashis went up to burn the ' khel '. We were very heavily attacked on our way down in a last effort by Pangsha to wipe us out. It was only the skill and coolness of Major Williams and his force that enabled us to make a safe withdrawal to Noklak, without losing a man and after inflicting losses on the enemy, whom ground and cover enabled to charge to within 50 yards before they were stopped.

" That evening, Chingmei and Noklak made peace, Noklak being no longer in any doubt as to the safer side of the fence. I also fined Noklak for their previous hostility. Ponyo, who may have sent a contingent to help Pangsha, also came to see me. I sent word through them to Pangsha that if they would come and talk to me at Chingmei their envoys would be safe. This they did two days later. They admitted defeat and promised to stop slave-raiding and to return the remaining slave. All three villages swore an oath of friendship and were sent home with presents of salt. Pangsha kept their word and the slave girl was sent for and brought to our camp at Chentang on December 7th and is now safe with her parents.

" Ponyo produced a young Chang at my request. He is now a freedman, married in Ponyo and ignorant of a single word of Chang. He is perfectly happy and has no wish to return to Chang relations whom he cannot remember. I therefore sent him back to Ponyo at his own request, with an assurance from Ponyo that he is perfectly free to leave the village if he should ever desire to do so. The next task was to deal with Nokhu. We arrived at Panso on December 3rd and were given a great welcome as the conquerors of their sworn foes Pangsha. I got in touch with Nokhu, and representatives of every ' morung ' came to see me. They confirmed, what I had already heard, that, of the three slaves they captured, one died, and two were returned to their relations as soon as news came that a column had really started. Enquiries left me no reason to doubt the truth of their statement and it can be accepted. Nokhu said they had no wish to suffer the fate of Pangsha and asked to be regarded as friends.

" While at Panso, I heard of yet another slave, a child captured by Sanglao from an unknown village called Phang, somewhere on the Assam side of the Patkoi to the south. A Naga messenger from Panso takes a whole day to get there and a whole day to get back. A column from Panso could not have dealt with the village earlier than on the third day. There are no local supplies at all, as no rice is grown, and with the rations we had it was impossible to undertake such a further unexpected extension of our tour. I therefore tried to negotiate with Sanglao. This I was able to do indirectly, though not directly, since no messenger from Sanglao ever got beyond the huge rabbit warren of Panso village and had always left by the time we heard he had arrived. The village sent in daos as a sign of friendship and has promised to try to get the child from his owner. Chingmak of Chingmei will continue to emphasise the seriousness of the message I sent that a column would certainly go out and destroy Sanglao if the slave is not handed over. From Panso we returned *via* Chentang and Tuensang to Mokokchung, arriving there on December 13th.

" Summary of Results.

" 1. All the slaves captured by Yimpang and Pangsha for the recovery of whom the expedition was originally sanctioned have been rescued and restored to relations or friends.

" 2. Steps are being taken to recover the slave held by Sanglao, of whom information was only received when the column was about to return.

" 3. A hitherto unknown Chang slave now at Ponyo was brought in by that village. I satisfied myself that he is free and perfectly happy.

" 4. By the punishment of Pangsha, a reign of terror over a wide area has been ended, at any rate for some time, and possibly permanently. "

ANNEX 11.

C.C.E.E. 181.

COMMUNICATION, DATED JANUARY 12TH, 1938, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

I am directed by the Secretary of State for India to refer to your letter No. C.L.100. 1937.VI, of June 16th, 1937, communicating a resolution relating to slavery adopted by the Council of the League on May 25th.

2. In accordance with that resolution and with reference to paragraph 61 of the Report of the Advisory Committee of Experts on Slavery on the Work of its Fourth (ordinary) Session, I am directed to forward, for the information of the Committee, copy of a review of the working of the Bhagela Regulation in the State of Hyderabad during the year 1936/37.

3. With regard to the question of the conversion of the Regulation into an enactment, to which reference is made in the second paragraph of the review, I am to explain that while the Regulation has not yet become an Act, it has the force of law and is as efficacious as an Act. The only distinction appears to be that a Regulation does not go before the Legislative Council; the intention appears to be to get experience of the working of this Regulation before laying it before the legislative body in the form of a Bill and thus to avoid the necessity of amending Acts.

(Signed) A. DIBDIN.

REVIEW OF THE WORKING DURING 1346 FASLI (1936/37) OF THE
"BHAGELA" REGULATION.

The Bhagela system is prevalent mostly in Telingana districts. During this first year, Tahsildars have, in the course of their tours, been explaining the provisions of the Bhagela Regulation¹ to bhagelas and their masters. The Regulation has also been given wide publicity by social workers, and copies translated into the local vernacular have been distributed. It can only therefore be in remote villages that knowledge of the Regulation has not yet penetrated. Tahsildars have examined many agreements made between the farm labourer and his master under the new Regulation, but almost all of them are reported to be on unstamped paper, and many are said to be only oral agreements. As the Regulation has been in force for only one year, and as the bhagela has been under an inferiority complex for generations, it will require one or two years further experience to discover whether these so-called oral agreements are genuine voluntary agreements respected on both sides or are a cloak for still keeping alive old debts although legally cancelled by the Regulation.

The universal absence of stamped agreements (*vide* Section 4 of the Regulation) suggests that the landlord places the burden of purchasing a stamped paper on the bhagela and the latter is unable to find money. When the Bhagela Regulation is converted into an enactment by the Legislative Council, provision may have to be added to make the landlord responsible for executing the agreement on a stamped paper at his own expense and for furnishing a copy of it to the bhagela.

Another difficulty which may acquire further importance with time is the absence of any legal sanction or remedy in those cases where bhagelas are compelled to work on the old system for hereditary debts despite the debts' having been invalidated by the Regulation. In some talukas, the landlords are very powerful and the bhagelas too timid and backward to complain. The result is that no agreements under the Regulation have yet been entered into, for instance, in some villages of Nalgonda district. Individual complaints have also been made in Nizamabad (Borlam) and in Warangal of bhagelas having been forced to execute documents. The offender in one case was a village patel and he was promptly suspended. No rules have yet been made under the Regulation, as this requires further experience which should be gathered during the ensuing touring season.

The reaction on the whole has been reported from both official and non-official sources to have been very satisfactory. In some parts, wages have (to some extent) increased. In others, bhagelas and their masters have come to satisfactory oral agreements. In a few places, these simple labourers decline to leave their masters' service as long as the old debts remain to be paid, although they have been told that they are free. Cases have come to notice where the bhagela, while making a new agreement, has insisted on the old debt being mentioned therein, considering it both dishonest and ill-omened to deprive his old master in this manner of his dues. In one report it is stated that the employers are saying that, owing to labour difficulties, they will have to surrender part of their holdings.

H.E.H.'s Government is satisfied that with the sustained vigilance which the Regulation is attracting both from officials and non-officials, and after careful rules have been framed to implement the Regulation, this old-time hereditary service will altogether disappear, giving place to the annual wage contracts between the labourer and employer which already prevail over the greater part of the Dominions.

¹ See page 80 of the 1936 report and page 57 of the 1937 report of the Advisory Committee of Experts on Slavery.

ANNEX 12.

C.C.E.E.191.

COMMUNICATION, DATED FEBRUARY 15TH, 1938, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS

I am directed by the Secretary of State for India to refer to your letter No. C.L.100.1937. VI, of June 16th, 1937, communicating a resolution regarding slavery adopted by the Council of the League on May 25th, 1937, and to enclose, in continuation of my letter of January 12th, 1938,¹ a memorandum on certain points regarding which the Advisory Committee of Experts on Slavery suggested in their report of April 10th, 1937, information should be furnished.

(Signed) A. DIBDIN.

MEMORANDUM.

In paragraphs 18 and 19 of their report dated April 10th, 1937, the Advisory Committee of Experts on Slavery asked, with reference to the reservation in respect of Indian States made by the Government of India to their acceptance of the Slavery Convention of 1926, whether the Government of India regarded Article 2(a) of the Convention as applying in Indian States only to international slave trade. It is recognised that the obligation under the Convention to suppress the slave trade is not confined to international traffic and traffic between an Indian State and other parts of India. The letter of February 27th, 1937, from the India Office, to the Secretary-General, printed on page 57 of the Committee's 1937 report, was not intended to suggest that the slave trade existed in Indian States or that, if it did arise, it could not, on account of the constitutional position of Indian States, be suppressed.

2. In paragraph 21 of their report, the Committee said that they would appreciate receiving any information regarding the nature and prevalence of systems of slavery at present in operation in Indian States and the results of the action taken since 1926 for their suppression. No systems comparable to slavery are at present known to exist in Indian States other than those regarding which information has already been supplied to the Committee; but enquiries continue, and when they have been completed a further report will be made.

3. In paragraphs 60 and 87 of their report, the Committee asked certain questions in connection with the Rajput system of hereditary domestic service. The words "Darogha", "Hazuri" and "Chakar", which are used to describe such hereditary domestic servants, all have the same meaning of "servant". Persons so described now form a separate caste, but they originated from the offspring of members of two different castes. Members of the caste have the right to leave their masters' service and often do so. Only a comparatively small proportion are engaged in hereditary domestic service. Others are employed in various trades, Government service, contract work, etc. Several of them have received a university education and hold responsible posts in Indian States. As regards remedial measures in connection with the system, States in which it exists generally take the view that, as the servants in question can and often do leave the employment of their masters and as the system is not comparable to slavery, no remedial measures are necessary.

4. Some information regarding the working of the Bhagela Regulation in Hyderabad, referred to in paragraph 61 of the Committee's report was furnished in India Office letter of January 12th, 1938, to the Secretary General.¹

¹ See page 85.

ANNEX 13.

C.C.E.E. 193.

COMMUNICATION, DATED FEBRUARY 16TH, 1938, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Secretary of State for India to refer to the observations of the Advisory Committee on Slavery in paragraph 17 of its report of April 10th, 1937.

In the light of these observations, the Government of India has once again reviewed the reservation appended to the Indian signature of the Slavery Convention of 1926 in respect of the "unadministered parts of the Sadiya and Balipara Frontier Tracts", and, in view of the comments of the Committee, has decided to withdraw the reservation. Preliminary steps are being taken with a view to extending the necessary control in these areas.

(Signed) A. DIBDIN.

ANNEX 14.

C.C.E.E.194.

COMMUNICATION, DATED FEBRUARY 25TH, 1938, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Secretary of State for India to refer to your letter C.L.100.1937. VI, of June 16th, and to the observations of the Advisory Committee on Slavery in paragraph 60 of their report of April 10th, 1937 (document C.188.M.173.1937.VI), in which they suggest that the Government of India should furnish some information as to the remedial measures in contemplation in regard to debt bondage in Madras and Orissa.

The Government of Madras have re-examined the system of debt bondage and report that this further investigation has revealed the very limited extent to which what may be called debt bondage actually exists in parts of the Presidency. It has also shown how far actual practice differs from inferred implications which loom so largely in the previous report of the Government. The Collector of Tanjore, for instance, reports that the system now prevails only in a very few places and that the remarks contained in the previous memorandum were more a statement of the implications of the system than a statement of the actual conditions in which the labouring classes live. He points out that ryots who own small extents of land can ill afford to treat their labourers harshly and that the debt bonds, even if taken, are of little practical value. The Collector of Coimbatore points out that, so far as his District is concerned, the system of debt bondage prevails mostly among hillmen on the Anamlais. The report of the Collector of the Nilgiris shows that the agricultural labourers have broken their traditional attachment to their old Chetty landholders and that of late it is the landholder who needs protection against the irresponsibility of the labourers. The system of barabaddi is, according to the Collector of South Kanara, almost extinct. Work is available on the plantations in the Western Ghats and the labourers is bound to the landholder more by economic bonds than by law. It is only in parts of the District of Vizagapatam — namely, in the *Hill Madgole* Agency of Gudem taluk, in Anantagiri and in the villages of the Srungavarapukota taluk that the debt bondage system known as the Gothi system is strongly entrenched. The Slavery Committee will no doubt appreciate that so deep-rooted and long-standing an institution cannot be eradicated by a violent change which would, in the opinion of the Collector, be detrimental to the interests of all parties concerned.

The Madras Government are, however, taking steps to mitigate such evils of the system as may be held still to exist by assignment of house sites and cultivable waste lands to its victims. They also propose to examine the possibility of legislation in respect of the matter.

The question has also been re-examined by the Government of Orissa who report that they appreciate the necessity of removing the more serious evils connected with debt bondage. They say that the system of debt slavery does not exist in a serious form in the Province

except perhaps under the Gothi system, which prevails in the Koraput District, and under the Kamia system, which prevails in the Sambalpur District (both districts are partially-excluded areas). The Government have considered the question of extending the Bihar and Orissa Kamiauti Agreement Act to the partially-excluded areas of the Province. That Act, briefly, prevents the registration of documents committing a person to serfdom to pay off a debt for more than a year. It appears that the Government of Bihar and Orissa came to the conclusion that the Act did not succeed in what it attempted to achieve, and that in the absence of initiative and interest from the Kamias themselves, very little could be done by Government. It is probable that there is hardly any registration of such documents in the partially-excluded areas of Orissa. The Government of Orissa therefore decided that for the present the question of extending the Bihar and Orissa Kamiauti Agreement Act to the partially-excluded areas need not be taken up. The difficulty with most of the legislation enacted for improving the conditions of the hill tribes in these areas lies in the fact that it frequently remains a dead letter due to the disinclination or inability of the people to help themselves owing to their backwardness. The Government are obtaining full facts regarding the nature and extent of debt slavery in the Province. They feel that one of the main hopes of eliminating this system lies in spreading education, improving communications, and providing other kinds of employment, and action on these lines is being taken to the extent that their finances permit. They are considering the possibility of extending the Agriculturist Loans Act for the relief of indebtedness and constituting Debt Conciliation Boards. They are also examining suggestions of the Government of Madras for legislation to limit utilising the services of persons for advances of wages. These facts will indicate the steps that are being taken to eradicate the evils described.

I am to add that it is regretted that it was not possible to furnish the information communicated above by the date specified in your letter of June 16th.

(Signed) A. DIBDIN.

ANNEX 15.

C.C.E.E.175.

COMMUNICATION, DATED AUGUST 6TH, 1937, FROM THE GOVERNMENT OF THE REPUBLIC OF LIBERIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

In accordance with the provision of Article 7 of the Slavery Convention of September 25th, 1926, I have the honour to forward the following report on slavery in Liberia :

I should first of all like to be permitted to observe that slavery does not exist in the territory of the Republic.

It may be further observed that, following closely upon the report of the International Commission of Enquiry in Liberia,¹ an Act entitled, "An Act relating to Contract Labour recruited for Service Overseas", approved December 15th, 1930, which prohibits the exportation of recruited labour from the country, was passed by the national legislature, with a view to eliminating the slightest possible element of compulsion. Citizens who now desire to travel abroad in search of employment are compelled to secure regular passports and take passage independently (see Appendix).

About the same time, and as a result of the report of the said International Commission of Enquiry, another Act entitled, "An Act relating to the Pawning System", approved December 19th, 1930,² was also passed into law by the national legislature. Pawning, among the aboriginal inhabitants, was a social institution which had its strongest ramifications in the economic life of the country; for it was the pawns who carried on the more exacting labours pertinent to farming. Thus the sudden freedom of pawns threw industry into a turmoil; because the newly freed pawns, becoming intoxicated with the knowledge of their freedom, were unable to provide for themselves and had no desire to work for their sustenance but preferred to become vagrants in their respective communities.

Only by the guiding hand of the Government, through its officials in the various hinterland sections, were conditions restored to normal. These people are now settled in the happy pursuit of a livelihood on their farms.

(Signed) C. L. SIMPSON,
Secretary of State.

¹ See document C.658.M.272.1930.VI.

² For the text of this Law, see document A.13(a).1931.VI, page 5.

Appendix.

AN ACT RELATING TO CONTRACT LABOUR RECRUITED FOR SERVICE OVERSEAS.

Whereas, the recruiting of labourers for service overseas under contract has been the cause of many abuses; and

Whereas, in the interest of the national economy it is *urgently* requisite that such recruiting be prohibited, therefore

It is enacted by the Senate and House of Representatives of the Republic of Liberia in legislature assembled:

Section 1. — That, from and after the passage of this Act, it shall be illegal for any person or persons, firm or corporation to recruit, or cause to be recruited within this Republic, any labourer or labourers for service at any place, country or territory without the territories of this Republic.

Section 2. — It shall be illegal for any official of this Government to issue licence or otherwise give authorisation for the recruiting of any labourer or labourers for service overseas.

Section 3. — It shall be illegal for any citizen of this Republic or any person resident therein to enter into contracts for the recruitment of Liberian labourers for service overseas or to act as the agent or agents of any person or persons so contracting.

Section 4. — The provisions of this act shall not apply to stevedores or ship labourers who engage service on board mercantile vessels.

Section 5. — Any person or persons who shall violate the provisions of this act shall be guilty of a misdemeanour and upon conviction shall be punished by a fine in a sum not exceeding two thousand dollars or by imprisonment for a period not exceeding one year.

This act shall take effect immediately and be published in hand-bills, any law to the contrary notwithstanding.

Approved December 15th, 1930.

ANNEX 16.

C.C.E.E.170.

COMMUNICATION, DATED MARCH 23RD, 1937, FROM THE GOVERNMENT OF THE SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Governor-General of the Sudan to furnish the following information further to that contained in my letter of March 7th, 1936,¹ and in previous reports made by this Government, as desired by the Advisory Committee of Experts on Slavery.

2. The information is presented under the new heads adopted by the Committee in their report of 1936.

3. *Slave Raids, Slave Trade and Captured Slaves.* — Further incidents occurred on the borders of south-western Ethiopia, involving Sudan tribes. In March, a section of the Beir tribe living on the Boma Plateau was raided by the Tirma (an Ethiopian border tribe) assisted by other Ethiopian subjects from Maji district armed with magazine rifles. The Beir reported forty killed and sixty captured, including women and children. Investigations were immediately made by His Britannic Majesty's Consul, Maji, and Colonel D. A. Sandford, then acting as adviser to the Governor of Maji. The investigations were interrupted by developments in the Italo-Ethiopian war, but some of the Beir captives were recovered by Colonel Sandford and returned to the Sudan. A counter-raid by the Beir, assisted by Anuak men from both sides of the border, took place in Ethiopian territory in April 1936, when thirty men were reported to have been killed and forty prisoners captured. It is believed that this raid aimed at intercepting the passage of the slave traders and their captives to the north, and was also in the nature of a retaliation against certain Ethiopian tribes involved in the previous raid. The local authorities are now endeavouring to get in touch with the raiders and hope to effect the return of the captives during the present dry season. Shortly after these disturbances, the Boma Plateau was occupied by a Sudan Defence Force detachment, and no further incidents have taken place. With the occupation of south-western Ethiopia by the Italian forces, it is expected that this type of raid, which has almost completely depopulated the Ethiopian provinces adjoining the Sudan, will cease.

¹ See page 97 of the 1936 report of the Slavery Committee.

Individuals have continued to come over from the Ethiopian side of the frontier and have been settled in the Sudan. Owing to the fighting in Ethiopia, it has been difficult to differentiate between refugees from the wars and slaves fleeing from their masters, but freedom papers have, as usual, been issued on demand. Four individuals at Kurmuk have been convicted of offences relating to slavery; one was a Sudanese who restored a refugee to his master in Ethiopia, and three were Ethiopians attempting to secure the return of refugees who had entered the Sudan.

It is a pleasure to be able to report that elsewhere in the Sudan there has only been one suspected case of kidnapping, the evidence being insufficient to produce a conviction. In the western Sudan this improved state of affairs has been largely due to the energetic co-operation of tribal authorities to which attention has already been drawn in paragraph 9 of the report for 1935.¹ There is also evidence of the increasing realisation by nomad Arabs that friendliness with their darker brethren is beneficial, and that slave labour is not economic.

No evidence has been obtained during the year of any illicit trade across the Red Sea. Measures have already been taken by His Britannic Majesty's Consul at Jedda, in concert with the Sudan Government, to prevent the detention of Sudanese and other pilgrims as slaves in Arabia. Additional effect is likely to be given to these measures by the Sa'udi Government's recent slavery legislation.²

4. *Born Slaves.* — Over 300 further "freedom papers" were issued during the year.

Full reports on the question of domestic and "voluntary" slavery and on the methods of assistance to released slaves by settlement and loans have been forwarded for transmission to the Committee of Experts during the year (*vide* Khartoum Secretariat Minute of December 5th, 1936,³ in response to Cairo Chancery Minute No. 465/2/36 of July 27th, 1936, and Egyptian Department Minute No. 6131/2494/16 of July 11th, 1936, to Cairo Chancery).

5. There are no other institutions of slavery in the Sudan.

(Signed) MCGILLAN,
Civil Secretary,
Sudan Government.

ANNEX 17.

C.C.E.E.196.

COMMUNICATION, DATED FEBRUARY 15TH, 1938, FROM THE GOVERNMENT
OF THE SUDAN TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS.

Khartoum, February 15th, 1938.

I am directed by the Governor-General of the Sudan to furnish the following information further to that contained in my letter of March 23rd, 1937,⁴ and in previous reports made by this Government, as desired by the Advisory Committee of Experts on Slavery.

2. *Slave Raids, Slave Trade and Captured Slaves.* — On the Abyssinian border, conditions remained unsettled during the year and a considerable number of refugees of slave origin took advantage of the troubled state of affairs to leave their erstwhile masters and to migrate to the Sudan. Several have since returned voluntarily to Abyssinia and the remainder have been absorbed into neighbouring villages. One attempt forcibly to secure the return of a slave was frustrated and the offender convicted and imprisoned.

Some progress in liquidating past raids can be recorded. With the establishment of a detachment of the Sudan Defence Force on the Boma Plateau, and the appointment of a Frontier Agent, inter-tribal relations in that area have improved and a number of the captives taken in the raids of 1936 (recorded in last year's report⁴) have been recovered from Abyssinia. The remainder have without doubt been sold and sent eastwards across Abyssinia. No fresh raids have been reported in this vicinity during the year under review.

¹ See page 98 of the 1936 report of the Slavery Committee.
² See page 46 of the 1937 report of the Slavery Committee.
³ See page 75 of the 1937 report of the Slavery Committee.
⁴ See page 90.

Among the refugees who crossed into the Sudan in the neighbourhood of Kurmuk on the Blue Nile were five Abyssinians, who had been implicated in the raid mentioned in the report rendered on April 10th, 1933.¹ It is satisfactory to be able to record that, even after this lapse of time, justice has overtaken them.

Elsewhere in the Sudan, the situation remained normal. Four reports of kidnapping were received, but in no case was it possible to secure a conviction, and it is more than probable that two of the reports have no foundation in fact. The remaining two are still under investigation, but, owing to the ignorance and mendacity of the two alleged victims, it is unlikely that the investigations can be carried to a successful conclusion.

Born Slaves. — Only 111 "freedom papers" were issued during the year, as compared with over 300 last year,² but, for the reasons explained in paragraph 3 of the memorandum on "Voluntary Slavery"³ forwarded in 1936, the number of "freedom papers" issued gives little or no indication of the pace at which domestic serfdom is disappearing.

(Signed) J. A. GILLAN,
Civil Secretary.

ANNEX 18.

C.C.E.E.186 and 186(a).

SUMMARY, DATED APRIL 5TH, 1938, OF THE INFORMATION RECEIVED FROM CERTAIN GOVERNMENTS IN REPLY TO THE SECRETARY-GENERAL'S LETTER TRANSMITTING THE OBSERVATIONS AND SUGGESTIONS OF THE COMMITTEE.

1. The Government of *Egypt* states that, as slavery does not exist in Egypt, it has no observations to make on the Council resolution.

2. The Government of *Iraq* refers to its earlier communication stating that it had no additional information to furnish and that the Council's recommendations did not require any specific action on its part.

3. The Government of *Australia* states that it has no information to add to that contained in its letter of May 29th, 1930, which set out the position concerning slavery in respect of the Commonwealth, its territories and the Mandated Territories of New Guinea and Nauru.

4. The Government of *Monaco* reports that, while fully concurring in the measures approved and the resolutions adopted, it cannot give any effective assistance in the abolition of slavery.

5. The Government of *Afghanistan* replies that slavery does not exist in Afghanistan. The Government of *Estonia* states that there is no slavery of any kind in Estonia, and that it has, therefore, no information to supply on the subject.

6. The Governments of the *United States of America* and of *Finland* confirmed and the Government of *Hungary* replied that they had no information to give concerning slavery.

7. The Governments of the *Netherlands*, *Nicaragua*, *Peru*, *Spain*, *Venezuela* and *Uruguay* have simply acknowledged receipt.

¹ See document A.16.1933.VI, or *Official Journal*, May 1933, page 622.
² See page 90.
³ See page 76 of the Slavery Committee's 1937 report.

ANNEX 19.

C.C.E.E.182.

COMMUNICATION, DATED DECEMBER 22ND, 1937, FROM THE CONSUL-GENERAL FOR NORWAY AND SENIOR CONSUL, SHANGHAI, TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, TRANSMITTING A REPORT, DATED DECEMBER 16TH, 1937, BY THE MUNICIPAL COUNCIL, SHANGHAI (WITH TWO APPENDICES).

I have the honour to inform you that, in September last, I received through the Doyen of the Diplomatic Corps in China, His Excellency the American Ambassador, a copy of the confidential report of the Advisory Committee of Experts on Slavery submitted to the Council of the League of Nations in May 1937. I transmitted this report to the Shanghai Municipal Council with a request for any observations which that Body might desire to offer on that part of the report which refers to the Mui Tsai question in Shanghai. The Shanghai Municipal Council has now furnished me with a report on the feature mentioned, a copy of which, together with a copy of the Council's covering letter of December 16th, is enclosed herewith.

Due to the abnormal conditions obtaining in China at the present time and to the difficulty of reaching the American Ambassador, who is in Hankow, I am transmitting these enclosures directly to you, as I understand you would desire such a report to reach Geneva not later than February 15th, 1938. I am assured that His Excellency has no objection to this course.

(Signed) N. AALL,
Consul-General for Norway and Senior Consul.

N. Aall, Esq.,
Consul-General for Norway and Senior Consul,
Shanghai.

SHANGHAI MUNICIPAL-COUNCIL,
Office of the Secretary-General.

December 16th, 1937.

I have the honour to refer to your letter of September 21st, 1937, addressed to the Chairman of the Council, in which you stated that His Excellency the American Ambassador desired that any observations which the Council might desire to offer on that part of the report of the Advisory Committee of Experts on Slavery which referred to the Mui Tsai question in Shanghai should reach him in time to be transmitted by him so as to reach Geneva not later than February 15th, 1938.

By a letter dated February 18th, 1937, the Council informed the then Senior Consul that it had been decided to appoint as Supervisor of Mui Tsai Miss E. M. Hinder, who is in charge of the Council's Industrial Section.

The Advisory Committee of Experts on Slavery, in the report to which your letter refers, stated that the Committee would appreciate receiving a report on the position at the end of the current year. It was also stated that any information about any refuges or homes that may exist in Shanghai for the temporary or permanent reception of rescued children would be of the greatest interest.

In order to provide the fullest possible information for the Committee, I now enclose a full report made to the Council by Miss Hinder covering every aspect of her work in connection with Mui Tsai. I have the honour to request that this report be forwarded to His Excellency the American Ambassador to be transmitted by him to Geneva.

(Signed) Stirling FESSENDEN,
Secretary-General.

REPORT TO THE MUNICIPAL COUNCIL, SHANGHAI, ON WORK IN CONNECTION
WITH THE PROBLEM OF PEI NU (MUI TSAI) OR GIRL SLAVES, 1937.

On February 19th, 1937, the Council decided to place upon the Chief of the Industrial Section responsibility as "Protector of Mui Tsai". The task was defined as "to offer protection to those who needed it, and to collect information and material for the Council in order to enable it to consider and decide what further steps should be taken, either in the direction of registration or otherwise".

On April 13th, a possible approach to the problem was outlined, recommending the appointment of a trained social worker who would give full time to the work. Three lines of action were suggested. The first involved a study of the institutions at present in existence caring for girls without the protection of their own homes. The second line proposed a detailed study of cases of girl slaves, with a view to understanding the nature of the system in the city of Shanghai, and a third envisaged an area study in order that the extent of the problem might be assessed.

At the end of April, it was possible to secure the interest of Mlle. Chi Chih-ting, of the Social Service Department of the Peiping Union Medical College. She was unable, however, to leave her post until her contract period had finished, and, owing to the war in the north, it was September 11th, before she was able to take up her duties.

Thus this report covers the activities of a special worker only over a period of three and a half months. At the same time, the progress made during the year in obtaining an understanding of the problem has been useful.

1. *Institutions for Rescued Children.*

The Council's decision to appoint a "Protector of Mui Tsai" was received with interest by the League of Nations Advisory Committee of Experts on Slavery, which also indicated that further reports would be appreciated.¹ It was especially requested that a report should be forwarded on the refuges or homes that may exist in Shanghai for the temporary or permanent reception of rescued children. This being in line with the programme which had been outlined to the Council, a study of the institutions has been made as the first activity of the special worker, and an interim report is included in this statement as Appendix I. It was planned to present a more comprehensive report, but this has been delayed until next year, since four of the institutions mentioned, having evacuated their suburban premises, are now temporarily located in the city, and their situations are abnormal.

It has been found that there are in all seven permanent organisations which operate homes for children : or more correctly, six organisations and one individual. There are nine institutions operated by these organisations, which house approximately 2,100 women and girl children. Two of the organisations are of mission or church affiliations, the support of whose foreign personnel is not a full charge on the budget, and the individual operator of one home is a foreign woman. There are four organisations which are purely Chinese, two of these carrying on work in institutions of the old-fashioned Chinese type, and two others with a more modern approach to their problems. All four of these organisations depend entirely on Chinese sources of finance.

A small "Women's Temporary Relief Camp" was organised at the request of the municipal police to deal with the increased numbers of women and girls who were found to be soliciting on the streets following the outbreak of hostilities. Its finance, upon an emergency basis, was provided by relief institutions. It has been supervised by a group of Chinese women volunteers, who have reached the conclusion that an institution adequately financed is essential to deal with the problem.

In the permanent institutions there are girls of many kinds. Some have been girl slaves and have been the victims of cruelty, some have been prostitutes, others were beggars, others were lost or unwanted children. But it is obvious that, even in normal times, Shanghai's streets have many girl beggars, and many young girls soliciting for prostitution for whom there should be more adequate provision of some form of institutional care by the community. Existing homes which can take care of a maximum of 2,100 children are insufficient for the needs of a teeming port city. The commencement of the "Women's Temporary Relief Camp" referred to in the last paragraph is an indication of the need, and an attempt to meet it.

2. *The Place of Institutions in freeing Girl Slaves.*

It is important to view the existing provision of homes and institutions for rescued children in Shanghai in the light of the plan of the National Government of China for the

¹ Page 15 of the 1937 report of the Slavery Committee.

freeing of girl slaves. The Regulations of January 1936¹ require that all those who have girl slaves should register them with the police with a view to freeing them, and require further that the local authorities shall provide institutions for their reception. When it is realised that Shanghai private philanthropy, assisted by public funds, has only succeeded in making provision for approximately 2,100 young women and girl children of all types, it is obvious that existing homes would be quite insufficient to provide, in addition to their present charges, shelter for the probable number of freed girl slaves. It is equally obvious that the resources of the average local authority in China could not prove equal to the task of maintaining all those who would, theoretically, be freed.

The experience of the Chinese City Government of Shanghai in this connection is of interest. The police authorities of this Government, following the promulgation of the regulations, issued instructions that girl slaves should be registered, and it is understood that some hundreds were actually reported. The National Child Welfare Association, which had been in receipt of a regular subsidy from the National Government of China, operates only a small institution in Shanghai for rescued girls, housing only 140, as the report in the appendix will show. The Beggars' Home has accommodation for only sixty women and girls. Twenty places have always been reserved for freed girl slaves, some of whom were sent by the police of the City Government. It would appear that these are the only two institutions to which the City Government Police have sent cases, but there has been no subsidy by this authority to these or other institutions. Thus there are no institutions which could be called on for the placement of any large number of freed girl slaves. There appears to have been no alternative but to leave the registered girls with their employers.

The Shanghai Municipal Council now subsidises three existing institutions to the extent of more than \$35,000 per year. Even were it possible to increase this amount considerably, which in present circumstances it is not, it would probably not be possible to take care of all girl slaves in institutions, even if legal methods applicable in the Settlement could be found to free them from their mistresses, which again they are not.

Two conclusions may be drawn from the study of the existing institutions and of the needs of the situation. More and better institutions (preferably on the cottage plan) are required to care for the girls who are unwanted, ill-treated, lost; for unwilling prostitutes, girl slaves and others. But other means must be found for the supervision of the many girls for whom institutional care cannot be provided, or for whom it is not deemed suitable; a plan to achieve protection without institutionalising must be developed; a plan for the safeguarding of those who have been girl slaves and who remain with their mistresses, by frequent visits of representatives of the authorities; a plan for placing girls in families under the supervision of the authorities; a plan for having children adopted in suitable homes. Unless some such comprehensive plan is devised, there can be no constructive approach to the protection of Shanghai's children.

3. *Girl Slavery: Part of the Larger Problem of trafficking in Girls.*

The Deputy Commissioner of the Shanghai Municipal Police (Crime Branch) acceded to a request that all cases involving traffic in girls should be reported to the Industrial Section. The object of this was, in part, to see the matter of girl slaves in perspective in relation to the activities of traffickers. In the Settlement, it is not an offence against the law to keep a girl slave, for the reason that the Chinese Government Regulations on the matter are a ministerial order, not duly enacted by the Legislative Yuan, and hence, under the Court Rendition Agreement, not applicable in the Shanghai First Special District Court. In consequence, only those cases involving girl slaves who are the victims of cruelty come into the court, or those in which principals are accused of trafficking in girl slaves.

There were sixty-five cases involving traffic in or abuse of girls in respect of which action under the Chinese Criminal Code was taken against adults, men and women, in the First Special District Court during the five-month period from March 15th to August 15th. After this date, the outbreak of hostilities rendered the situation non-typical, and cases have not been included in the following analysis. Of this number, thirty-six were cases of abduction. It is impossible to tell, of course, what is the destination of a young person who is abducted. But it is certain that the motive of abduction is one of gain, and according as the opportunity offers and to the type of child, the child will be sold into a life of prostitution, as a domestic slave or as a "daughter-in-law in raising", known as "yang hsi fu" or into mill-labour. In addition to these thirty-six cases of abduction, there were ten cases in which principals were charged with trafficking in girls with a view to their mortgaging as prostitutes. There were ten cases involving girl slaves, in which principals were either accused of trafficking in

¹ See page 75 of the 1936 report of the Slavery Committee.

girls to be sold as slaves, or mistresses were accused of cruelty. In one case, a woman was accused of treating another as a slave when a girl was sold for gain. There were three cases of assault and five of rape of girls.

The ages of the victims of these actions and transactions ranged from 5 to 30. Two children of 5 years were involved. There were twenty-one who were between 11 and 15 years and thirty-seven between 16 and 20 years. Ten were between 21 and 25 years and one was 30 years old. All ages are Chinese count. It is obvious that traffickers — for the majority of cases were of this nature — desire to handle girls of sub-adolescent and adolescent years from whom their hope of gain comes, irrespective of the life for which the girls are intended.

4. *Shanghai District Characteristics.*

It has not been possible to proceed with the detailed area study proposed, by which it was intended to estimate the extent of the girl slave problem in Shanghai. This was prevented by the outbreak of hostilities with attendant exodus from some areas and overcrowding in others. At the same time, analysis of the police districts from which the sixty-five cases mentioned above have come, shows that certain offences against girls are characteristic of certain areas. All the rape cases occurred in the eastern industrial district. The cases were all of employed girls. Two of the abduction cases also occurred in this district, one involving girl slaves and one the sale of a girl for gain. The eastern district has seen no cases against principals involved in trafficking for prostitution. Fifteen of the abduction cases occurred in the northern areas. The close proximity to the railway and to wharves may account for this. There were four cases involving domestic slaves in the northern areas. The greatest number of Cantonese reside in this district, and it is generally felt that southern families use domestic slaves more than others. Six of the ten cases of sale of girls for prostitution and twelve of the abduction cases occurred in the central district. This is the area where solicitation is most common. The western district had fourteen cases of abduction, and one girl was sold for contract labour.

5. *The Social Worker's Relations with the Court.*

Some individual cases of girl slaves were handled later in the year by the special worker appointed. Some of these were brought to light as the result of the war, when the girls in question were separated from their mistresses. After careful investigation of these cases, the court was asked to dispose of them in accordance with the particular circumstances ruling. In one case, a girl slave, because of malnutrition, had developed beri-beri before the outbreak of hostilities and being unable to walk, had been sent to a hospital by her mistress. Though she was still unable to walk, it became necessary to discharge her when the call on hospital accommodation became acute owing to the bombings in the Settlement. Her mistress, having lived in the area of hostilities, could not be found. On being taken back by the social worker to the locality where she said she had lived with her parents before being disposed of to the mistress, she was able to identify the house where a friend of the family lived, and through him the girl's father was traced. The mother had been sent home to her country through the Refugee Evacuation Committee, and the father was now completely alone in Shanghai, unhappy because unemployed on account of the war. He was overjoyed to be confronted with his child in the court. The child knew her father immediately. The judge, on the social worker's recommendation, placed the child temporarily in the Child Welfare Home, where the father regularly sees her. She will be restored to him when the family life is reconstituted, upon his undertaking to report to the social worker at regular intervals.

It is significant that, for the first time in the history of China, a trained social worker in the employ of a governing authority can be associated with such cases in the court. In Western countries, especially in cases involving children, judges of the courts rely to a considerable extent on the advice of trained workers who have been able to investigate all the social aspects of these cases. It is hoped that there has now begun a practice which can be used in assisting in the solution of cases involving girls in which the authorities have to intervene.

6. *What, in Chinese Law, constitutes Slavery ?*

During the year, a case of significance in the study of a situation under which girls pass from hand to hand for money was decided by the First Special District Court. An amah, who had obtained possession of a girl two years previously for a sum of \$16, disposed of her for \$30 to a man and his wife. All three were arraigned before the court and charged under Article 296 of the Chinese Criminal Code which reads :¹

“Whoever causes another to become a slave or to live under conditions of restricted liberty similar to slavery shall be punished with imprisonment for not less than one year and not more than seven years.

“An attempt to commit an offence under the last section shall be punishable.”

¹ See page 75 of the 1936 report of the Slavery Committee, Article 296 of the new Chinese Penal Code.

All were adjudged not guilty. The police case was based on the view that this article was infringed by "buying and selling a child so that her liberty was restricted in conditions similar to slavery". The defendants contended that the girl was in fact an adopted daughter, and in consequence were acquitted. The judgment, text of which appears in Appendix II, stated that "the offence of causing another to be a slave refers to a case in which there are proved facts of treating another as a slave". The decision is based on former decisions of the Highest Court and the Supreme Court, copies of which are also given in the appendix. It would seem to be implicit in this judgment that the court does not regard the handing over of an individual in return for money as constituting slavery.

According to the Municipal Advocate of the Shanghai Municipal Council, commenting on this case: "The decisions of the Chinese courts are not clear as to what constitutes slavery. What they state is that, before a conviction can be obtained, it must be proved that the person alleged to be a slave is treated as a slave and deprived of his or her right of self control. Nowhere in the decisions do I find a definition of the word 'slave'. Neither can I find any definition of the words 'loss of the right of self control'. The general policy of the Chinese courts seems to be that the buying and selling of children is not illegal, provided it is claimed that the child is bought for the purpose of adoption."

There are two other situations in China, other than in the use of girl slaves, where it may be argued that liberty is restricted, even in some cases to "loss of the right of self control". A girl may be mortgaged into a life of prostitution for a period of three years, in return for which either the parents or the trafficker receives a lump sum, often several hundred dollars. The earnings of the girl go to her "owner". There is often restriction of freedom of action, girls are often ill-treated if their earnings are insufficient, and their persons are exploited for gain. It might well be considered that this constituted being "treated as a slave", at least temporarily.

There is again the system known as "pao fan", or guaranteed rice, or otherwise as the contract labour system. Cotton-mills in Shanghai employ women who are under contract. A middleman pays a small sum to the parents of a girl, and, in return he is entitled to her full wages for a period of years, usually three. He is responsible for her living expenses and provides an extremely meagre living. Girls are "non-free" in the sense that they are beholden, that they are closely supervised going to and from their work, and have little personal liberty. The situation is undesirable in that girls are frequently in the grip of men contractors. When to this is added the fact that the length of the shift in the cotton-mills is either a twelve-hour day, or a twelve-hour night, this aspect of non-freedom of women shows itself to be in many ways evil, like the system in which a girl is sold for domestic work.

The year 1937 has been of significance in connection with this problem in that one of the larger British cotton-mill companies has changed its former policy of employing labour through a contractor. This would not in itself guarantee there being no sub-contractors, but, at the same time, the principle was adopted that preference in employment would be given to those who were natives of Shanghai or surrounding villages. In the use of local labour lies at least one of the remedies of this aspect of exploitation of "non-free" women.

7. *Girl Slaves in Shanghai in Perspective.*

There are thus three known situations in which girls are passed from hand to hand for money, and without their volition in many cases. There is the girl domestic slave, who becomes permanently the property of the "buyer", the prostitute, and the girl under labour contract, both of the latter being subservient to a temporary "owner" to whom all their earnings go. In all three cases, money passes. For girl slaves and prostitutes initial sums ranging from \$50 to \$300 may be paid: while for girls under labour contract, from \$30 to \$40 is common.

It has been thought useful to set the "girl slave" question thus in perspective in relation to other forms of exploitation of girls and women in Shanghai. If the views of social workers and police are any guide, there are many fewer girls in this city who are girl slaves in domestic employment than there are girls sold into a life of prostitution, and many fewer than those who are under labour contract. The majority of residents are industrial workers, living in very small premises and unable to have the luxury of a "slave". Unless the study of the question in the future shows the contrary, it would appear that Shanghai has social problems of greater magnitude, both in point of numbers and of significance, than that of girl slaves. It is recognised that the permanent nature of the relationship in cases of girl slaves probably constitutes, in the eyes of the Advisory Committee of Experts on Slavery, a feature distinguishing the condition as "slavery". But if the court's definition that, to constitute slavery, a person must be "treated as a slave", is adopted there are many examples among prostitutes and in contracted labour where girls may be held to be "treated as slaves".

The question, which is here outlined shortly, will be studied in detail during 1938, when it is hoped that a fuller report will be submitted.

(Signed) Eleanor M. HINDER,
Chief, Industrial Section.

Appendix I.

**INTERIM REPORT OF INSTITUTIONS IN SHANGHAI FOR THE TEMPORARY
OR PERMANENT RECEPTION OF RESCUED GIRLS.**

There are six organisations which operate institutions for the temporary or permanent reception of rescued girls in Shanghai. These are :

1. Door of Hope, which carried on work for girls in four institutions :

(a) An industrial home, Robinson Road, where girls rescued from a life of prostitution and others in need are housed. Approximately 150 girls are inmates.

(b) The Children's Refuge, Brenan Road, where girls in age from young children to early womanhood are found. None of these girls have been prostitutes. There are more than 350 inmates.

(c) The Sanatorium, Yu Yuen Road, which represents the hospital for the above institutions.

(d) The Receiving Home, Kweichow Road, where girls are taken at night or for temporary detention by police.

2. The Roman Catholic Church, which carries on work for girls in two main institutions :

(a) The Home of the Good Shepherd, Siccawei, where there are 105 girls ;

(b) The Seng Mou Ieu Orphanage, Siccawei, where there are 500 girls.

There are small homes attached to several local churches, but their activities are not on any large scale. These two first-named organisations have foreign personnel largely provided by sources abroad, or by the Church.

3. The Association for the Protection of Women and Children, which normally occupies suitable premises in Kiangwan, but which, because of hostilities, is now in rented premises in the foreign areas. There are about 540 girls of all ages in the care of the Association.

4. An Association which operates the Lunghwa Orphanage, largely for boys, but normally caring for 100 girls. At present, it has moved because of hostilities, and there are only 12 girls in the temporary location.

5. The National Child Welfare Association, which among other activities operates a Child Welfare Home in Rue Lafayette, where there are 130 girls, all under the age of 14 years.

6. The Women's Christian Temperance Union, which operates the Shanghai Beggars' Home, normally housing 60 women and girls. This institution has had to move because of hostilities and is now in temporary premises.

In addition, there is an institution, known as St. Faith's Settlement, which is carried on by one individual woman, and where some 200 girls are housed.

The total number of girls in these institutions is approximately 2,100.

An Appraisal of the Institutions.

The Institutions of the various organisations differ considerably. The Door of Hope, which has the devoted missionary service of a group of American women, and which has a history of thirty-six years in Shanghai, is well organised and operated. Those in charge state frankly that they do not regard their work as social work but as religious work. Under these circumstances, it is natural that there should be emphasis on personal religion, and the activities in education are subservient to this viewpoint. A general air of happiness pervades the homes. The same is true of the Institutions operated by the Catholic Church. All girls who enter these become adherents of the Church.

The homes carried on by the Association for the Protection of Women and Children are secular. They are "old fashioned orphanages", of the type which almost every large city in China has known for a long period, the work of a group of city philanthropists, whose conception of the function of such an institution is, however, limited.

The Lunghwa Orphanage originally owed its being to Chinese Presbyterian Christians, and has a good educational standard. Its vocational work is of good grade. The Beggars' Home is an activity promoted by a Chinese Women's Organisation, the Women's Christian Temperance Union, in an attempt to make a constructive contribution to the rehabilitation of street beggars.

The home of the National Child Welfare Association is organised on modern lines with newer concepts of the place of social work, and an opportunity is provided for readjustment of those committed to its care. Places for 20 freed girl slaves are kept available in the institution.

In St. Faith's Orphanage, the atmosphere of one large Chinese family prevails. No one enjoys privilege more than others: if there is rice, the director shares it with her charges. If there is not, all are equally deprived.

Premises.

The Door of Hope is very suitably housed in all its premises. The Industrial Home is a large three-storied house which has been adapted for the purpose of the Institution. A large piece of land behind the house has a hut where handcraft work is carried on. The home hopes that some smaller units may be built at the back of the land. The Children's Refuge has three buildings on a large piece of land, part of which is garden space. The usual premises of the Association for the Protection of Women and Children have been fairly satisfactory, being in a suburban district but slightly built up. The same applies to the Lunghwa Orphanage and the Beggars' Home, but the present condition of all three of these institutions, having been in the area of hostilities, is unknown. The temporary premises in the city are little suitable for the purpose of housing many children, but the situation is, it is hoped, not likely to last indefinitely. The orphanages of the Roman Catholic Church are in satisfactory buildings with grounds. St. Faith's Orphanage is simple but suitable. The Child Welfare Home is well enough housed.

Personnel.

As intimated above, in the institutions of the Door of Hope and of the Roman Catholic Church, the management is in the hands of foreign women who are devoted to their charges. The personnel of the institutions of the Association for the Protection of Women and Children is unsatisfactory. The superintendent, aged 46, was, till a year ago, a business man; his assistant, a man aged 56, has had no training for the work he has to do. The assistants in the institution are of low intelligence and ability, which is reflected in the children under their care. The educational standard of the personnel of the Lunghwa Orphanage is satisfactory. The supervision of the Beggars' Home is also good. The superintendent of the Child Welfare Home is a qualified Chinese woman of training and experience, whose enlightened handling of the children under her care produces excellent results. The assistants under her are of good calibre. St. Faith's Orphanage has only its promoter as personnel; its services otherwise are run by the inmates.

Finance.

The Door of Hope is partly financed by contributions from friends of the institution abroad and in Shanghai, partly from craftwork sold (\$12,500, partly by a grant of \$9,300 from the Shanghai Municipal Council and by a gift of \$1,000 from charitable funds available from French municipal sources. Its budget reaches more than \$95,000 annually. The Roman Catholic Orphanages are financed by the Church. The Association for the Protection of Women and Children receives as subsidy from the Shanghai Municipal Council a sum of \$25,000 annually (formerly \$28,000): and is otherwise financed by the contributions of Chinese philanthropists, and by money received from the placement of children in occupations or marriage. Its annual expenditure is in the vicinity of \$67,000. The Lunghwa Orphanage has a certain number of children whose expenses are paid by interested persons. There are sales of vocational products, and a sum of only \$35,000 a year is needed to make up the budget. The Beggars' Home finance is locally obtained by the supporting organisation. The Child Welfare Home is an activity of the National Child Welfare Association of which Dr. H. H. Kung, Minister of Finance, is national president. Out of a budget of \$67,000 devoted to all the activities of the Association, the Child Welfare Home receives \$12,000, from the expenditure of which the best results are obtained. The financing of St. Faith's Orphanage is the private responsibility of its founder, to whom friends make contributions. There are times when it is insufficient.

Activities.

All the institutions, with the exception of those of the Association for the Protection of Women and Children, recognise the provision of occupation for the children as essential. In the Industrial Home of the Door of Hope, embroidery and the making of shoes take up a considerable portion of the time of the inmates. The Children's Refuge is famous in Shanghai for its beautiful knitting. The making of cloth shoes for the inmates, and of the children's clothing, is a regular occupation. Some little embroidery is done in the home of the Association for the Protection of Women and Children, but this institution lacks an understanding of the value of varied vocational training. The Catholic Orphanages understand this very well. Handicraft, laundrywork, the use of typewriters, are commonly taught. The Lunghwa Orphanage emphasises the craft work of boys, but is less successful with that of girls. The Beggars' Home trains women and girls in household labour and in craftwork, which is sold. The children in the Child Welfare Home, being young, are not put to production tasks, but they are taught handicraft.

Education.

In all the institutions, there is some measure of education. The methods of the Industrial Home of the Door of Hope would seem to savour of older educational conceptions. The text books are not modern. There is a kindergarten in the Children's Refuge, where, however, there is teaching which is religious and perhaps beyond the capacity of the children to assimilate. When the general primary school course of the Children's Refuge has been completed, brighter girls are sent out to other schools for some years. Later they return to the institution as teachers or assistants, if not otherwise placed. The education in the institutions of the Association for the Protection of Women and Children is unsatisfactory. The teachers are of poor grade with but one or two exceptions. The education of the Lunghwa Orphanage is of satisfactory grade. That of the Beggars' Home is, owing to the diversity of the age groups, less regular. The education in the Child Welfare Home is progressive and full of interest for the children.

Disposal of the Children.

A customary method of disposing of children who have been brought up in institutions in China, in which country the arranged marriage is a recognised social feature, is to find them suitable husbands. The Door of Hope, essentially a religious institution, places main emphasis on the Christian faith of the prospective husband, into whose life careful investigation is made. The Association for the Protection of Women and Children also seeks husbands for its girls. An arrangement has been made with a cotton-mill by which adolescent girls will enter the mill, be housed there, and work there for a period of three years under a form of contract labour. Such of the girls' wages as remain after the mill deducts their living expenses go to the Association during this period. Poor as is the institution of this organisation, it is preferred by the girls to the mill with its toil of a twelve-hour shift, which is significant in assessing the custom of long work-shifts in mills. The Catholic Orphanages place their charges as the wives of adherents of the Church, or sometimes homes are found for the adoption of children.

Adequacy of the Provision.

As mentioned in the main body of this report : " It is obvious that even in normal times, Shanghai's streets have many girl beggars, and many young girls soliciting for prostitution for whom there should be more adequate provision of some form of institutional care by the community". In a city of the size of Shanghai, there should be provision for more than 2,100 girls. " Two conclusions may be drawn from the study of the existing institutions and of the needs of the situation. More and better institutions (preferably on the cottage plan) are required to care for the girls who are unwanted, ill-treated, lost ; for unwilling prostitutes, girl slaves and others. But other means must be found for the supervision of the many girls for whom institutional care cannot be provided, or for whom it is not deemed suitable. A plan to achieve protection without institutionalising must be developed ; a plan for the safeguarding of those who have been girl slaves and who remain with their mistresses, by frequent visits of representatives of the authorities ; a plan for placing girls in families under the supervision of the authorities ; a plan for having children adopted in suitable homes. Unless some such comprehensive plan is devised, there can be no constructive approach to the protection of Shanghai's children."

Appendix II.

SHANGHAI MUNICIPAL POLICE.

CRIME DIARY.

Crime Register No. 498/37.

(D) Division.
Yulin Road Police Station.

April 18th, 1937.

Diary No. 1

Nature of Offence : Trafficking in Children.

Record of Investigation.

Place or description of premises :	335 Pingliang Road.
Time and date of offence.	On March 12th, 1937.
Time and date reported.	11.30 a.m., April 18th, 1937
Name, occupation and address of complainant.	S.M.C./S.M.P.
Number of criminals with full individual description.	<i>Three in custody :</i> (1) Yue Wong Sz, 49, Anhwei, M. female, 335 Pingliang Road. (2) Lee Woo Sz, 48, Honan, M. female, 370 Paoting Road. (3) Lee Woo San, 53, Honan, M. clerk, 370 Paoting Road.
Arrests.	Three by C.I.D.

Full Details of Method used in committling Offence :

In cases of larceny, housebreaking, etc., all the points (e) to (i) should be answered, if known. In all cases in which there is fraud, the false pretence and the character assumed by the suspect should be fully described :

- (e) Mode of entry, including manner of approach to premises ;
- (f) Means used (tools etc.) ;
- (g) Character assumed by criminal, and story told, etc. ;
- (h) Mode of transport and description ;
- (i) Peculiar act (poisoning dog, partaking of food, etc.) ;

Trafficking in children.

Remarks :

Enquiries by D. S. Rhodes, C.D.Cs 181 and 348.

(Any outstanding or peculiar feature to be commented on by investigating officer.)

At 11.30 a.m., March 18th, 1937, Mrs. C. Kliene, residing at No. 335, Pingliang Road, reported that she suspected an amah in her employ named Yue Wong Sz had sold her adopted daughter.

Enquiries show that Yue Wong Sz has been employed by Mrs. Kliene for the past three years during which time she has lived on the premises with her adopted daughter now aged 10 years.

Some months ago, Mrs. Kliene was detained in hospital through ill health, and, upon her return home about six weeks ago, her condition was such that she was still confined to her room, consequently she did not miss the child, until, in the afternoon of April 17th, 1937, she asked about her (the child), and she was informed by Yue Wong Sz that the child had been returned to Wuhu to her parents.

However, rumours were current amongst the servants that the child had been sold in Shanghai, and when Mrs. Kliene heard of this she reported at once to the police.

Detectives visited No. 335, Pingliang Road, where the amah Yue Wong Sz (now the first accused) was questioned, and she readily confessed having lied to Mrs. Kliene regarding the whereabouts of her adopted daughter, and gave the following details of how the child came into her possession and was again subsequently disposed of.

About two years ago, whilst in the employ of Mrs. Kliene, she purchased the child, then 8 years of age, for \$16 from people at Wuhu who, she states, were too poor to care for her.

The child was brought to Shanghai and named Kyng Dee and Mrs. Kliene allowed the amah to have her (the child) at 335, Pingliang Road.

Toward the latter end of 1936, the accused commenced negotiations with one Lee Woo Sz and her husband Lee Woo San for the sale of the child to them.

These negotiations continued at intervals, various meetings were held, sometimes at No. 370, Paoting Road, and, during the absence of Mrs. Kliene, they consulted together at No. 335, Pingliang Road.

Finally it was agreed that Lee Woo Sz and Lee Woo San should buy the child for \$30, and she was handed over to them by the first accused on March 12th, 1936. The \$30 was paid, and a bond was signed.

Led by the first accused, the child : Kyng Dee, 10 years, female, Wuhu, was located in an upstairs room at No. 370, Paoting Road, and Lee Woo Sz, M., female, aged 48, native of Honan, and Lee Woo San, 53, M., clerk, native of Honan, were also arrested therein (thereinafter known as second and third accused).

When questioned, both the second and third accused readily admitted having purchased the child for \$30 from the first accused and produced an agreement which was drawn up between the parties concerned when the sale was completed. Translation is as follows :

“ The undersigned, owing to financial conditions, is willing to sell her adopted daughter named Kyng Dee to M. Lee Woo San for \$30. The money and the girl are now handed over on either side and hereafter the name of the girl is to be altered. The undersigned will have no authority or control over her when she is grown up or becomes betrothed to someone. The undersigned will not be held responsible if misfortune happens to the girl. In case the girl strays and does not come back, both M. Lee and undersigned will make every effort to locate her.

“ This paper is made out as evidence. The birthday paper is attached. There will be no relationship between the girl and the undersigned henceforth.

(Signed) YUE Wong Sz,

Dated March 12th, 1937.”

They also admitted that they both attended negotiations prior to the sale, and added that since their marriage has up to the present time been childless, they considered that to purchase the child was in order, and that they had intended to treat her as their own daughter.

The second accused admitted that her husband, the third accused, gave her the \$30 which she gave to the first accused's daughter, Lee Yih Sz, who had acted indirectly as a go-between, and she subsequently handed the money over to the first accused.

The first accused, when further questioned as to why she sold the child, stated that she had become a nuisance and thus deemed it necessary in the interest of her job to get rid of the child.

This explanation is not believed, since her employer had no objections whatsoever to the child, and it appears that her motive in selling was purely for gain, as indicated by the difference between the buying and selling price — *i.e.*, \$16 and \$30.

The child appears to be in good health, and is well clothed and bears no outward marks or signs of ill-treatment, and she avers that she has not been at any time maltreated.

Since by buying and selling the child her liberty has been restricted to conditions similar to slavery, therefore the three accused will be brought before the S.S.D. court on the morning of April 19th, 1937, charged contrary to Article 296 of the C.C.C., and it will be requested that the child be sent to the Door of Hope or other similar institution.

She is at present detained in the Door of Hope, 179, Kweichow Road.

Copy to Miss Hinder.

(Signed) W. HUTTON.
Sen. Del. *i/c.*
D.D.O.(D).

(Signed) C. RHODES,
D.S. 114.

SHANGHAI MUNICIPAL POLICE.

CRIME DIARY.

Crime Register No. 498/37.

(D) Division.
Yulin Road Police Station,
April 21st, 1937.

Record of Investigation.

The three accused were arraigned before the S.S.D. court on the morning of April 19th, 1937, when, after all evidence had been heard, the following decision was rendered :

“ All not guilty.”

The girl Kying Dee to be kept temporarily in the Door of Hope.

The presiding judge also added a rider to the effect that the accused did traffick the girl as an adopted daughter, but not as a slave girl.

(Signed) W. HUTTON,
Sen. Del. *i/c.*
D.D.O. (D).

(Signed) C. RHODES,
D.S. 114.

* * *

EXTRACT OF PROCEEDINGS IN S.S.D. COURT ON APRIL 19TH, 1937; F.I.R. No. 498/37;
STN. No. A.8313-5; REG. No. 7/98299-301; STN. YULIN; PROCURATOR, SK 2701;
JUDGE, SIAO.

Accused: (1) Yue Wong Sz, aged 49, female.
(2) Lee Woo Sz, aged 48, female.
(3) Lee Woo San, aged 53, clerk.

Charge: Trafficking in children, contrary to Article 296 of the C.C.C.

For that they concerned together at 335, Paoting Road, on March 12th, 1937, did negotiate and subsequently sell one female child named Kying Dee, aged 10 years, thereby restricting her liberty to conditions similar to slavery.

Proceedings:

District Court III, Morning Session.

M. Chang appeared for the Shanghai Municipal Council.

M. Chang. — The three accused are charged under Article 296 of the C.C.C. for trafficking in children. First accused is employed as an amah by a foreign lady, Mrs. Kliene, at 335, Pingliang Road, and she lived there with her adopted daughter named Kying Dee, aged 10 years. Mrs. Kliene came to the station and reported that the first accused had sold her adopted daughter to the second and third accused on March 12th, 1937, for \$30. First accused was then arrested, and she said that she had bought the girl from Wuhu for \$16 two years ago, and she has since lived together with her. At the end of last year, the first accused commenced some negotiations with the second accused, sometimes at their home at 370, Paoting Road, and sometimes at her home at 335, Pingliang Road. Finally, on March 12th, 1937, the second and third accused decided to buy the girl for \$30, and an agreement was made out (produced). Police proceeded to 370, Paoting Road, where the second and third accused are wife and husband and they have no family. They said that they therefore bought the girl as their daughter. Third accused took out the money and gave it to the second accused, who paid it to the first accused. First accused stated that the girl always made trouble and caused inconvenience to her work, and therefore she sold her. Mrs. Kliene, however, said that the girl was exceedingly quiet. From the clothing and appearance of the girl, it appears that she was not badly treated.

Judge to Kying Dee :

Q. How old are you ? A. I am 10 years of age, a native of Wuhu.

Q. Who is the first accused ? A. I called her as mother.

Q. When did she sell you ? A. (No answer.)

Q. How long have you lived with the first accused ? A. (No answer.)

Q. Have you any parents at Wuhu ? A. Yes.

Judge to first accused :

Q. Where did you buy the girl ? A. From Wuhu for \$16.

Q. When ? A. Two years ago.

Q. When did you sell her ? A. About a month ago.

Q. For how much ? A. For \$30.

Judge to second accused :

Q. Did you buy the girl ? A. Yes.

Q. Why ? A. I only have a son who is over 20 years. I have no daughter, I therefore bought her as my daughter.

Q. Did you buy her as a slave girl ? A. No.

Q. Did you pay \$30 for her ? A. Yes.

Judge to third accused :

Q. Did you buy the girl ? A. Yes.

Q. Why ? A. As my adopted daughter.

Q. Did you buy her as a slave girl ? A. No.

Q. When did you buy her ? A. On March 13th, 1937.

Q. Have you paid the money ? A. Yes.

Summing up:

M. Chang. — From the criminal point of view, there is sufficient evidence to prove the three accused guilty of the offence. I ask that they be punished accordingly. Regarding the girl, I ask that she be sent to the Door of Hope. If she is returned to first accused, she may sell her again.

Decision CCLOO:

All not guilty. Kying Dee to be temporarily kept in the Door of Hope.

Judge. — The three accused trafficked the girl as an adopted daughter but not as a slave girl. They are therefore found not guilty.

All no p.c.

* * *

CASE No. 7/98299-301 ; STN. No. A.8313/5 ; F.I.R. 498/37.

S.M.P. Yulin Road vs. Yue Wong Sz et al.

Judgment.

The above-named accused were charged from Yulin Road Police Station with an offence against personal liberty, and the case is hereby decided by this court as follows :

Test. — Yue Wong Sz, Lee Woo Sz and Lee Yeu San : All not guilty.

Reasons. — The offence of causing another to become a slave as provided under Article 296 of the Criminal Code refers to a case in which there are proven facts of treating another as a slave and of causing another to lose his own right of self-control. A decision has been rendered to this effect by the Highest Court (No. 1396, Character Shang, 23rd year). On March 12th of this year, the accused Yue Wong Sz in this case sold her adopted daughter Kying Dee, 10 years of age, to Lee Woo Sz and her husband Lee Yeu San as daughter. This is an indisputable fact, which the agreement made is also sufficient to prove. However, during the trial, it was found that there were no facts of causing her to become a slave. The accused,

therefore, can hardly be convicted for an offence against personal liberty according to the explanation given above. Despite the fact that the act of trafficking in human beings produces no effect in law as provided in an explanation No. 37, Character Tung, by the former Supreme Court, since the accused are neither deemed to have committed an offence against personal liberty nor have they committed an act punishable by any other law, they should be pronounced not guilty. This judgment is therefore rendered as per text above in accordance with Article 293, Section 1 of the Code of Criminal Procedure.

Dated : April 19th, 1937.

SIAO Sih Fen,
Judge.

* * *

TRANSLATION OF RECORDS OF CASES REFERRED TO IN CASE No. 7/98299 ; SHEET No. A. 8313-5 ;
F.I.R. 498/37.

S.M.P. Yulin Road vs. Yue Wong Sz et al.

In the Highest Court at Nanking,
.....

Criminal Judgment. (Case No. 1396, Character Shang, 23rd Year.)

Appellant: Procurator of the Shansi High Court, First Branch.

Appellant and accused: Li Nyi Cheng.

In a case in which the accused was charged with an offence against personal liberty, the above-named appellant, being dissatisfied with the judgment rendered by the Shansi High Court, First Branch, on January 26th, 1934, has filed an appeal. This court hereby decides as follows :

Text. — Original judgment set aside. Case sent back to the Shansi High Court, First Branch, for retrial.

Reasons. — The offence of causing another to become a slave as provided under Article 313 of the Criminal Code (old) refers to a case in which there are proven facts of treating another as a slave and of causing another to lose his own right of self-control. When a person forces another to work for him in lieu of the settlement of a debt owed by a third person, though he had treated him badly, he has not caused him to lose his own right of self-control. The act will only constitute an offence of causing another, by means of violence or threat, to do a thing which he is not under the obligation to do. It is therefore difficult to render a judgment according to that article.

In the case at bar, the facts established by the Lower Court may be summarised as follows : The accused worked together with one Dung Ying Hung in a partnership. He had guaranteed a debt for the latter. In March of 1933, Dung Ying Hung absconded from his creditors. The accused forced his brother Dung Siau Tan to work for him in lieu of the settlement of the debt. He treated him badly. As a consequence, Dung Siau Tan escaped and returned to his aunt Tsang Yieu Sz' home for temporary shelter. The accused personally went there and found him. He was so frightened that he jumped into a well and was drowned. A charge was preferred against the accused upon complaint laid by Tsang Dung Sz and Toong Hoong Nyi.

Toong Hoong Nyi stated in the Lower Court that the accused had treated the deceased very badly and that he was so frightened when he saw the accused that he jumped into a well. After all, to what extent did he treat him badly ? Whether he merely beat or reproached him or assaulted and injured him ? There is no adequate proof. The Procurator's verdict stated that the deceased died of drowning by jumping into a well. Neither were there marks of injury inflicted during his lifetime. It is obvious then that the accused merely forced the deceased to work for him. He had not treated him as a slave. Moreover, there is no fact showing that he had lost his right of self-control. The Lower Court, however, was of the opinion that he was guilty of an offence of causing another to become a slave. This is already improper so far as the interpretation of the law is concerned.

By further examining the facts of this case, it is found that the accused said that Dung Siau Tan was affected by insanity and that he jumped into the well when he had lost his mind. Both the courts of first and second instances have failed to investigate these facts. The deceased's brother, Dung Ying Hung, has now submitted a petition alleging that his brother had been affected by insanity ; that the accused asked Dr. Wei Chien Zung to treat him, and that he jumped into the well actually due to a fit of disorder in his mind. As to whether or not the deceased was actually affected by insanity and whether or not the deceased jumped into the well because he was frightened by the presence of the accused or because he suddenly lost his mind, these facts ought to be investigated. Unless they have been carefully examined, it is difficult to have the truth made clear.

The Procurator appealed against the original judgment on the grounds that the sentence passed was unjust and that the way of admitting the evidence was improper. It can hardly be said that his appeal is groundless.

In view of the foregoing, this judgment is hereby rendered as per text above in accordance with Article 409, Section 1, and Article 413 of the Code of Criminal Procedure.

Dated October 16th, 1934.

* * *

EXPLANATION No. 37, CHARACTER TUNG, MADE BY THE FORMER SUPREME COURT
IN ITS REPLY TO THE WUHU DISTRICT COURT, DATED JUNE 18TH, 1913.

Translation supplied by Shanghai Municipal Council.

We have received your dispatch dated the 5th instant, in which you asked for an explanation as to whether or not the provision concerning the buying of female persons from respectable families to be prostitutes as laid down in the Criminal Code of the former Tsing Dynasty is applicable to cases of trafficking in female persons to be prostitutes. Since prostitutes are allowed to solicit for prostitution, certainly the provision concerning the buying of female persons from respectable families to be prostitutes as laid down in the Criminal Code of the former Tsing Dynasty is not applicable. Despite the fact that there is no special provision in the Provisional Criminal Code, if, however, the female persons trafficked have been abducted either with or without their consent, certainly the cases may be adjudged according to the articles for punishing the respective offences. Where the facts agree with the provision of Article 288 of the Provisional Criminal Code, that article shall be applied. Should the facts agree with the provision governing the sale of children on account of poverty, that provision shall also be applied.

Generally speaking, the act of trafficking in human beings, whether to be prostitutes or not, shall produce no effect in law. As to whether or not the act will constitute an offence, it shall be decided according to whether or not it has violated the provisions laid down in the Criminal Code.

Translation of the Attached Dispatch from the Wuhu District Court.

According to your reply to the Fengtien High Court explaining the law applicable to cases of trafficking in human beings, you stated that since there was no special article in the New Criminal Code, the rules prohibiting the trafficking in human beings formerly laid down shall certainly remain effective and that the case should be dealt with according to that provision, which provided that should any case be discovered whereby any female person was bought from a respectable family to be a prostitute, the offender shall be severely punished with the maximum punishment. There is no special article to this effect in the New Criminal Code. However, it was provided in the Criminal Code of the former Tsing Dynasty under the heading of "buying female persons from respectable families to be prostitutes" that whoever unlawfully buys any female person from a respectable family to be a prostitute shall serve a penal servitude of three years. The same punishment shall be inflicted on person who knowingly sells the female person. The punishment for the go-between and the guarantors shall be mitigated by one degree. The girl shall not be punished. She shall be sent to her home.

Here is a case in which a person bought a woman having a husband to be a prostitute. The husband, having knowledge of the transaction, executed the deed. After the sale, the buyer brought her to another place to solicit prostitution. The woman was unwilling to be a prostitute. Can this case be dealt with according to the provision of "buying female persons from respectable families to be prostitutes" as laid down in the Criminal Code of the former Tsing Dynasty? Again, the law does not prohibit prostitutes to solicit for prostitution, while most of these women were bought from other persons. Should such cases be questioned and decided according to the above manner, there will be so numerous cases that it will be impossible to deal with them all. Moreover, since the buyer has spent a large amount of money in buying these women, and they have again paid the tax in accordance with the law, should he be discovered, he not only will lose a large amount of money but also will be punished with heavy punishment. It appears that this is unjustifiable. Can such cases be dealt with according to the Civil Law? The woman shall be betrothed in open court or returned to her family, while at the same time the money paid for her body shall be claimed back and refunded to the buyer. Kindly favour us with a reply.

II. MEMORANDUM BY THE GOVERNMENT OF THE UNITED KINGDOM
CONCERNING SLAVERY LEGISLATION.

ANNEX 20.

C.C.E.E. 184.

COMMUNICATION, DATED FEBRUARY 2ND, 1938, FROM THE GOVERNMENT
OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE
OF NATIONS TRANSMITTING A LIST OF LEGISLATION ON SLAVERY.

I am directed by Mr. Secretary Eden to inform you that it has been brought to his notice that the Advisory Committee of Experts on Slavery is anxious to prepare a list of legislative acts in various countries on the subject of slavery. Under Article 7 of the Slavery

Convention of 1926, the parties to the Convention undertook to communicate to each other, and to the Secretary-General of the League of Nations, any laws and regulations which they might enact with a view to the application of the principles of the Convention. This undertaking, however, only applied to laws and regulations subsequent to the date of the Convention; and Mr. Eden understands that the information at the disposal of the Secretariat as regards the legislation enacted in British possessions prior to that date is incomplete.

2. I am therefore to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, copies of a memorandum dealing with legislation enacted in the non-self-governing colonies, protectorates and mandated territories on the subject of Slavery and conditions analogous thereto.

(Signed) D. F. HOWARD.

MEMORANDUM BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM
SUMMARISING THE LEGISLATION ENACTED IN THE NON-SELF-GOVERNING COLONIES,
PROTECTORATES AND MANDATED TERRITORIES DEALING WITH SLAVERY AND
CONDITIONS ANALOGOUS THERETO.

In England, the abolition of slavery by Act of Parliament in 1833 was preceded by the abolition of the slave trade. This was effected by means of a series of statutes beginning with the Slave Trade Act of 1806 (46 Geo. III, c. 52) and culminating in the Slave Trade Abolition Consolidation Act of 1824 (5 Geo. IV, c. 113). This Act, which still governs the punishment of slavery offences, if and when committed, provides, *inter alia*, that :

“ Every subject of His Majesty, and every person resident or being in any of His Majesty's dominions, commits piracy, felony, and robbery, and is liable, upon conviction thereof, to penal servitude for life, who upon the high seas, or in any place where the admiral has jurisdiction, knowingly and wilfully does or assists in doing any of the following things, that is to say :

“ (a) Who carries away, conveys, or removes any person as a slave ; or for the purpose of his being imported or brought as a slave into any place whatsoever ; or for the purpose of his being used, transferred, sold, or dealt with as a slave ; or

“ (b) Who ships, embarks, receives, detains, or confines any person on board any vessel for the purpose of his being carried away, conveyed, or removed as a slave ; or for the purpose of his being imported or brought as a slave into any place whatsoever ; or for the purpose of his being sold, transferred, used, or dealt with as a slave.”

The Act also provided that :

“ Every one [owing allegiance to His Majesty] commits felony, and is liable upon conviction thereof to be kept in penal servitude for fourteen years, or to be imprisoned with hard labour for a term of five years, who [in any part of the world] does any of the acts of slave-trading specified in Section 2 of the Act.”

In 1876 an Act was passed (39-40 Vic., c. 46) “ for more effectually punishing offences against the laws relating to the slave trade ”. The main provision of [this Act is fully set out in the section of this memorandum relating to the Aden Protectorate, to which it has been applied by Order in Council.

Slavery was abolished in the British Colonies by the Slavery Abolition Act, 1833 (3 and 4 Wm. IV, c. 73). The long title of this Act is “ An Act for the Abolition of Slavery throughout the British Colonies ; for promoting the Industry of the Manumitted Slaves ; and for compensating the Persons hitherto entitled to the Services of such Slaves ”. Under Section XII of this Act, it was provided, *inter alia*, that “ from and after the said first day of August, 1834, slavery shall be and is hereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations and possessions abroad ”. Section LXIV, however, provided that the Act was not to extend to “ any of the territories in the possession of the East India Company, or to the Island of Ceylon, or to the Island of Saint Helena ”. Legislation was, however, subsequently enacted in those territories (*vide* the sections of the memorandum relating to the Straits Settlements, Ceylon and Saint Helena).

Under Section XLIV of the Act it was laid down that no part of a sum of £20,000,000 which was to be provided by Parliament to compensate the slave owners in the colonies concerned should be applied unless an Order in Council had first been made by His Majesty declaring that adequate and satisfactory provision had been made by law in the colonies concerned for giving effect to the Act. The colonies concerned in the order given in Section XLV of the Act were Bermuda, the Bahamas, Honduras, Jamaica, the Virgin Islands, Antigua, Montserrat, Nevis, St. Christopher's, Dominica, Barbados, Grenada, St. Vincent, Tobago, St. Lucia, Trinidad, British Guiana, the Cape of Good Hope (now part of the Union of South Africa) and Mauritius. In the case of Honduras, however, it was provided in

Section LXII of the Act that His Majesty should, by Order in Council, make all necessary laws for giving effect to the Act in the Settlement of Honduras.

The legislation which was passed in the various colonies to implement the United Kingdom Slavery Abolition Act, 1833, will be referred to below under the colony concerned. Apart, however, from the provisions of the Slavery Abolition Act which, it will be observed, is of general application throughout the British dominions, a number of colonial, etc., Governments have passed local legislation to effect the abolition of slavery in its varying forms within their territories and to make provision for the punishment of slavery offences. These laws will also be referred to below under the colony, etc., concerned.

* * *

Aden (Colony).

Under Section 16 of the Aden Colony Order in Council of September 26th, 1936, it is provided that all Acts, Ordinances, Regulations, etc., having the force of law in the former Chief Commissioners' Province of Aden should continue to have effect in the colony until repealed, amended, etc., either by Order in Council or by local Ordinance.

The Indian Slavery Act, 1843 (Act No. 5 of 1843), has been declared, by notification under Section 3 (a) of the Scheduled Districts Act, 1874 (Act. No. 14 of 1874), to be in force in Aden — see *Gazette of India*, 1880, Pt. I, page 672. Section 1 of this Act prohibits the sale of any person or the right to the compulsory labour or services of any person on the ground that such person is in a state of slavery. Section 2 bars the enforcement in any court of rights arising out of an alleged property in the person or services of another as a slave. Section 3 provides that no person may be dispossessed of any property which he may have acquired on the ground that such person or the person from whom the property was derived was a slave. Section 4 provides that any act which would be a penal offence if done to a free man should equally be an offence if committed against an alleged slave.

The Indian Penal Code applies in the Colony of Aden. The following sections of it deal with the punishment of slavery offences :

“ 367. Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

“ 370. Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

“ 371. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.”

Aden (Protectorate).

Under Section I of 39-40 Vic., c. 46 (1876) — “ An Act for more effectually punishing Offences against the Laws relating to the Slave Trade ” — it is provided that Her Majesty (the late Queen Victoria) by Order in Council, may specify portions of Asia and Africa within which any subject of Her Majesty or of any allied Indian State committing any of the offences defined in Sections 367, 370 and 371 of the Indian Penal Code should be dealt with as if they had been committed in British India.

By an Order in Council of April 30th, 1877, Her Majesty applied the above-mentioned Act to the coast of Arabia :

- (a) From Ras Mussendom to Cape Bab-el-Mandeb ;
- (b) To the territories of the following tribes near Aden — namely : the Abdali, Fadli, Akrabi, Haushabi, Alawi, Amiri, Subehi, Yafai and the Aulaki tribes ; and
- (c) The sea and islands within 10 degrees of latitude or longitude drawn from the coast.

Antigua.

See also Leeward Islands.

An Act was passed by the local legislature on June 4th, 1834, to implement the Slavery Abolition Act, 1833, of the British Parliament. Section 1 of this Act provided, *inter alia*, “ that all and every the persons, who on the first day of August, one thousand eight hundred and thirty four, shall be holden in slavery within this colony or its dependencies, shall, upon and from and after the said first day of August, one thousand eight hundred and thirty four, become, and be to all intents and purposes free, and discharged of and from all manner of slavery . . . and shall be absolutely and for ever manumitted . . . and that from and after the said first day of August, one thousand eight hundred and thirty four, slavery shall be, and is hereby utterly and for ever abolished and declared unlawful within this colony and its dependencies ”.

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision has been made by law in Antigua for giving effect to the Imperial Act.

Ashanti.

See Gold Coast.

Bahamas.

An Act (4 Wm. IV, c. 21), dated February 15th, 1834, was passed by the Colony of the Bahamas entitled "An Act Auxiliary to an Act of the Imperial Parliament, intituled 'An Act for the Abolition of Slavery, etc.' . . ." This act declared in Section 1 that " . . . all colonial laws [*i.e.*, of the Bahamas], usages, acts of Assembly, ordinances and rules, of whatsoever nature, and however established, so far as the same in any manner establish, recognise, confirm, countenance or favour slavery, or are, or were intended for the regulation of the same, or for the government, protection or punishment of slaves, as distinguished from the other inhabitants of these islands, shall, on the said first day of August, in the present year one thousand eight hundred and thirty-four, be, and the same shall remain altogether repealed, and forever after cease to be of any authority, force or effect whatsoever in this colony. . . ."

An Act (5 Wm. IV, c. 8) was passed on October 6th, 1834, amending the above-mentioned Act.

An Act (5 Wm. IV, c. ?) was passed on May 11th, 1835, explaining and (further) amending Act 4 Wm. IV, c. 21.

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in the Bahamas for giving effect to the Imperial Act.

Barbados.

An Act was passed on April 5th, 1834, entitled "An Act for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the Reciprocal Duties between them and their Employers".

An amending act was passed on November 3rd, 1834, entitled "An Act to alter an Act intituled . . ." (then follows the title of the above-mentioned Act).

An Order in Council was issued, dated October 12th, 1835, declaring that adequate and satisfactory provision had been made by law in Barbados for giving effect to the Imperial Act.

Basutoland.

Section 12 of Proclamation No. 23 of May 29th, 1884, provides that "In all suits, actions or proceedings, civil or criminal, the law to be administered shall, as nearly as the circumstances of the country will permit, be the same as the law for the time being in force in the Colony of the Cape of Good Hope".

An Ordinance of the Cape of Good Hope, dated January 5th, 1835, was passed to put into effect the Imperial Act of 1833 for the Abolition of Slavery. The full title of this ordinance is: "An Ordinance enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, for giving due effect to the provisions of an Act of Parliament passed in the third and fourth years of the reign of His Majesty King William the Fourth, intituled 'An Act for the Abolition of Slavery throughout the British Colonies; for promoting the industry of the manumitted slaves, and for compensating the persons hitherto entitled to the service of such slaves', and dated the 28th day of August, 1833".

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in the Cape of Good Hope for giving effect to the Imperial Act.

Prior to the passing of the above-mentioned ordinance, an ordinance was passed (No. 81 of 1830) — and is apparently still in force — for regulating trade beyond the land boundaries of the colony. Section 12 of this Ordinance imposes a penalty of £100 for bringing natives into the colony against their will.

Bechuanaland Protectorate.

It is declared in Section 1 of the Affirmation of the Abolition of Slavery Proclamation, 1936 (No. 15 of 1936) that "slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist".

Bermuda.

An Act entitled "An Act for the Abolition of Slavery in these Islands, in consideration of Compensation" was passed by the House of Assembly on February 6th, 1834, and assented to by the Governor on February 10th, 1834. This Act declared that "all and every the persons, who on the first day of August, one thousand eight hundred and thirty-four shall be holden in slavery within these islands, shall upon, and from and after the said first day of August, one thousand eight hundred and thirty-four become and be to all intents and purposes free and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted, and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth; and that from and after the said first of August, one thousand eight hundred and thirty-four, slavery shall be, and is hereby utterly and forever abolished, and declared unlawful in these, His Majesty's Islands of Bermuda".

Concurrently with the passing of the above Act, another Act was passed which repealed all enactments operating exclusively against black and coloured persons and extended to the latter all the rights, privileges, franchises and liabilities of white persons.

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in Bermuda for giving effect to the Imperial Act.

British Guiana.

The local ordinance giving effect to the Imperial Act for the Abolition of Slavery was assented to by the Governor on March 8th, 1834, and was entitled "An Ordinance for the Government and Regulation of Apprenticed Labourers".

An Order in Council was issued, dated June 5th, 1834, declaring that adequate and satisfactory provision had been made by law in British Guiana for giving effect to the Imperial Act.

Two further Orders in Council were issued, dated June 24th, 1835, and June 29th, 1836, respectively, to amend the local Ordinance of March 8th, 1834.

British Honduras.

In accordance with Section LXII of the Slavery Abolition Act, 1833, an Order in Council was passed, dated June 5th, 1834, "for giving effect in the Island of Honduras, to the Statute 3 and 4 Wm. IV, c. 73, for the Abolition of Slavery".

British Solomon Islands.

Paragraph 20 of the Pacific Order in Council of the March 15th, 1893, provides that the civil and criminal jurisdiction exercisable under the Order "shall, so far as circumstances permit, be exercised upon the principles of and in conformity with the substance of the law for the time being in force in England. . . ."

In addition to any other law in force in the United Kingdom for the suppression of slavery which may be held to be in force within the jurisdiction of the Pacific Order in Council, the Pacific Islanders' Protection Act, 1872 (35 and 36 Vic., c. 19), makes it a felony and punishable by the highest punishment, except death, for any British subject to decoy a native of an island in the Pacific Ocean (not being in His Majesty's dominions nor within the jurisdiction of any civilised power), for the purpose of importing or removing him to any place, or to carry away or detain him for such purpose without his consent.

Further, it is provided in Section 5 of the Solomons Labour Regulation, 1921 (No. 15 of 1921), that the recruiting or removal without a permit of natives for service beyond the Protectorate is illegal and punishable by fine or imprisonment.

Brunei.

By Section 25 (1) of the Courts Enactment, 1908 (Enactment No. 1 of 1908) the Penal Code for the time being in force in the Straits Settlements is in force in the State of Brunei. The provisions of the Straits Settlements Penal Code relating to the punishment of slavery offences are shown under Straits Settlements.

The Mui Tsai Enactment, 1932 (Enactment No. 1 of 1932), makes similar provision to that made in the Federated Malay States by Chapter 157 of the laws of the Federated Malay States, 1935 (see under Federated Malay States).

Cameroons under British Mandate.

See Nigeria.

Cayman Islands.

See also Jamaica.

At the time of the Slavery Abolition Act, 1833, the "Grand Caymanas" were, in the words of the then Governor of Jamaica, "without laws of any sort, without any form of government [and] without any person with any title to pre-eminence". In consequence, the Governor issued a proclamation in May 1835 in which it was declared "that all . . . unregistered slaves at the Islands of the Caymanas have become absolutely manumitted. . . ."

Ceylon.

Ordinance No. 20 of 1844 is entitled "An Ordinance to provide for the Total Abolition of Slavery in Ceylon". Section 1 of this ordinance provides that "Slavery shall no longer exist in this colony, and all persons being slaves shall become free, and entitled in every way to all the rights and privileges of free persons, any other law or ordinance to the contrary now in force notwithstanding".

As regards slavery offences, the Ceylon Penal Code (Ordinance No. 2 of 1883) is based upon the Indian Penal Code. Sections 358, 361 and 362 of the Ceylon Penal Code make similar provision for the punishment of slavery offences as Sections 367, 370 and 371 respectively of the Indian Penal Code. Section 362 of the Ceylon Code, however, while omitting any reference to transportation, provides that habitual dealers in slaves shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall be liable to fine. (For the provisions of the Indian Penal Code with regard to slavery, see under Aden (Colony).)

Cyprus.

The Involuntary Servitude Declaration Law, 1879 (Law No. 29 of 1879), was passed to remove doubts as to the legal abolition of involuntary servitude in Cyprus. It declared, *inter alia*, that involuntary servitude was unlawful and that no rights arising out of involuntary servitude could be enforced by any civil or criminal court in the island.

Chapter XXVI of the Cyprus Criminal Code deals with offences against liberty. It makes punishable various offences against the liberty of the subject, including liability to imprisonment up to seven years and to a fine for the offence of conveying any other person, without his consent, beyond the limits of the colony.

Dominica.

See also Leeward Islands.

An Act entitled "An Act for the Abolition of Slavery in this Island, in consideration of Compensation; and for promoting the Industry of the Manumitted Slaves" was passed by the Council and Assembly of Dominica on May 19th, 1834. This Act was amended by an Act passed on September 19th of the same year.

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in Dominica for giving effect to the Imperial Act.

Falkland Islands.

There is no local law on the subject of slavery. Section 31 of the Interpretation and General Law Ordinance, 1900 (No. 3 of 1900), however, provides that "Subject to all local ordinances and Orders in Council for the time being in force, the common law, the doctrines of equity, and the statutes of general application which were in force in England on the 22nd day of May, 1900, are and shall be in force in this colony, but so far only as the circumstances of the colony and its inhabitants and the limits of the colonial jurisdiction permit, and subject to such local qualifications as local circumstances render necessary".

Federated Malay States.

The Federated Malay States Penal Code (Chapter 45 of the Laws of the Federated Malay States, 1935) is based upon the Indian Penal Code. Sections 367, 370 and 371 of the Federated Malay States Penal Code deal with the punishment of slavery offences. These sections make similar provision for the punishment of slavery offences to that made by the corresponding sections of the Indian Penal Code, except that in Section 371 of the Federated Malay States Code the words "penal servitude for life" are substituted for the words "transportation for life" appearing in Section 371 of the Indian Code. (For the provisions of the Indian Penal Code with regard to slavery offences, see under Aden (Colony).)

The Mui Tsai Enactment (Chapter 157 of the Laws of the Federated Malay States, 1935) provides in Section 3 that no person shall, after the commencement of the enactment, acquire the custody, possession, control or guardianship of a Mui Tsai. Section 4 provides for the registration of all Mui Tsai in the Federated Malay States. Section 6 provides that no unregistered Mui Tsai may be brought into the Federated Malay States unless she :

(a) Has previously been in the Federated Malay States and has been registered under the Enactment; or

(b) Has been registered as a Mui Tsai under the law for the time being in force in the colony or in some other British colony or in a Malay State, other than the Federated Malay States, under British protection.

Section 7 of the Enactment is designed to assure that Mui Tsai are not overworked or ill-treated, that they are paid not less than a prescribed minimum rate of wages, that they are supplied with sufficient food, clothing of a reasonable kind, and with proper medical attention in the case of illness.

Section 10 guarantees to a Mui Tsai her right to be restored to her parent or natural guardian if she so wishes. It also recognises the right of the parent or natural guardian to the return of the Mui Tsai to his custody should he so desire.

Section 11 gives the right to a Mui Tsai to apply to the Protector (*i.e.*, the Secretary for Chinese Affairs, and includes the Protectors and Assistant Protectors in any State).

The Enactment also provides penalties for any infringement of its provisions.

"Mui Tsai" is defined in the Enactment as meaning "a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the Federated Malay States, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt; provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of eighteen years or on marriage, whichever shall first happen".

Pahang. — The Slavery Regulations Repeal Enactment, 1906 (Enactment No. 13 of 1906), provided for the abolition of slavery, including debt slavery, within the State.

Perak. — The Abolition of Slavery (local) Order in Council, of October 9th, 1882, provided that slavery and bond-indebtedness should entirely cease and be absolutely abolished in the State of Perak on December 31st, 1883.

Fiji.

There is no local law on the subject of slavery in force in Fiji. Section 31 of the Supreme Court Ordinance, 1875 (No. 4 of 1875), however, provides that "the Common Law, the Rules of Equity and the Statutes of General Application which were in force in England at the date when the colony obtained a local legislature — that is to say, on the second day of January, 1875 — shall be in force within the colony. . . ."

Gambia (Colony and Protectorate).

The following legislation relating to slavery has been passed in the Gambia :

1. An Ordinance, dated July 10th, 1851, putting in force in the British Settlements of the River Gambia an Act passed at Sierra Leone on December 31st, 1831, entitled "An Act to explain and render more clear an Act of the British Parliament passed in the Fifth Year of the Reign of His Late Majesty King George the Fourth, intituled 'An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade'".

2. An Ordinance, dated June 30th, 1863, repealing the above-mentioned ordinance in so far as it confirmed and declared to be in force the Sierra Leone Act of December 31st, 1831, and repealing that Act on its application to Gambia.

3. "The Slave Trade (Abolition) Ordinance, 1906" (now Chapter 4 of the Revised Edition of the Laws, 1926). This ordinance applies to all portions of the protectorate. It is declared in Section 12 that nothing in the ordinance shall be regarded or construed as importing the recognition of slavery, whether in a domestic or in any other form as a lawful institution or status. It provides in Section 9 that all persons born after the commencement of the ordinance shall be free, in Section 6 that all slaves brought into the protectorate shall be free, and in Section 10 that the Governor may liberate any slaves now being or who may at any time be found in the protectorate. Section 11 provides for the liberation of persons treated as slaves or held in any manner of slavery upon the death of their master. The rest of the ordinance deals with the punishment of various slavery offences.

4. "The Affirmation of the Abolition of Slavery Ordinance, 1930" (No. 3 of 1930). It is declared in Section 2 that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist. (This ordinance applies to the Colony and Protectorate of Gambia.)

5. The following sections of the Penal Code (Ordinance No. 25 of 1933) deal with the punishment of slavery offences. The code is in force in the colony and protectorate of Gambia :

"236. Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be subjected or disposed of, is guilty of a felony, and is liable to imprisonment for ten years."

"239. Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

"240. Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years."

Gibraltar.

There is no local law on the subject of slavery. Paragraph 40 of the Supreme Court Order in Council, however provides that "Except in respect of matters which now are or hereafter may be provided for by any Order in Council or ordinance for the time being in force in Gibraltar, or by any Act of Parliament expressly, or by necessary inference, extending to Gibraltar, or by proclamation or any other instrument issued under the authority of such Order in Council, ordinance or Act of Parliament, the law of England, as it existed on the 31st day of December, 1883, shall be hereafter in force in Gibraltar so far as it may be applicable in the circumstances thereof".

Gilbert and Ellice Islands Colony.

See under British Solomon Islands, first two paragraphs. Section 5 (s) of the Gilbert and Ellice (Labour) Regulations, 1915 (No. 1 of 1915), provides that no native may be taken beyond the limits of the protectorate (now colony) except with the written permission of the Resident Commissioner; and under Section 18 any person who induces any native to enter into any labour contract "by fraud, falsehood, intimidation, coercion or misrepresentation" is liable on conviction to a fine not exceeding £50 or to imprisonment not exceeding six months.

Gold Coast.

The following legislation relating to slavery has been passed in the Gold Coast :

1. The Gold Coast Slave-dealing Abolition Ordinance, 1874 (Ordinance No. 1 of 1874). This ordinance was passed on December 17th, 1874, and, under Section 1, it extended to the Gold Coast Colony and the protected territories. It declared in Section 3 that slave-dealing was unlawful and was prohibited, and in Section 9 that slave-dealing contracts were void. Section 4 defined the offence of slave-dealing, and Section 7 provided that persons convicted of slave-dealing would be liable to be punished by imprisonment up to seven years and also liable to be fined in addition to or in substitution for such imprisonment. Section 8 provided that persons brought into the Protectorate for slave-dealing purposes should be free.

2. The Gold Coast Emancipation Ordinance, 1874 (Ordinance No. 2 of 1874). This ordinance was passed on December 17th, 1874 and, under Section 1, it extended to the Gold Coast Colony and the protected territories. Subject to the proviso that nothing should be construed "to diminish or derogate from the rights and obligations of parents and of children, or from other rights and obligations, not being repugnant to the law of England, arising out of the family and tribal relations customarily used and observed in the protected territories", it was declared in Section 3 that all persons who were born after November 5th, 1874, within the limits to which the ordinance applied and who, but for the ordinance, would be slaves, should be free persons.

3. The Gold Coast Emancipation Ordinance Amendment Ordinance, 1875 (Ordinance No. 1 of 1875). This ordinance amended Section 5 of Ordinance No. 2 of 1874. Sections 3-7 of Ordinance No. 1 of 1874, Section 5 of Ordinance No. 2 of 1874 and the whole of Ordinance No. 1 of 1875 were repealed by the Statute Law Revision Ordinance, 1892 (Ordinance No. 1 of 1893). The remaining Sections of Ordinances Nos. 1 and 2 of 1874 still appear as Chapters 152 and 153 of the revised edition of the Laws of the Colony, 1928.

4. The Slave-dealing Abolition Ordinance (Chapter 152 of the revised edition of the Laws of the Colony, 1928). This Ordinance reproduces Sections 8 and 9 of the Gold Coast Slave-dealing Abolition Ordinance, 1874 (No. 1 of 1874).

5. The Slaves Emancipation Ordinance (Chapter 153 of the revised edition of the Laws of the Colony, 1928). This ordinance reproduces Sections 3 and 4 of the Gold Coast Emancipation Ordinance, 1874 (No. 2 of 1874).

6. The Reaffirmation of the Abolition of Slavery Ordinance, 1930 (No. 20 of 1930). It is declared and enacted in Section 2 "that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist".

7. The Criminal Code (Chapter 29 of the revised edition of the Laws of the Colony, 1928). Section 449 of the Criminal Code makes the following provision with regard to the suppression and punishment of slave-dealing :

" 449. Whoever :

" (1) Deals or trades in, buys, sells, barter, transfers, or takes any slave ; or

" (2) Deals or trades in, buys, sells, barter, transfers, or takes any person in order that such person may be held or treated as a slave ; or

" (3) Places or receives any person in servitude as a pledge or security for debt, whether then due and owing or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called ; or

" (4) Conveys any person, or induces any person to come, within the colony in order that such person may be dealt or traded in, bought, sold, bartered, transferred or become a slave, or be placed in servitude as a pledge or security for debt ; or

" (5) Conveys or sends any person, or induces such person to go out of the colony in order that such person may be dealt or traded in, bought, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt ; or

" (6) Enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes herein above enumerated ; or

" (7) By any species of coercion or restraint compels or attempts to compel the service of any person ;

" shall be liable to imprisonment for seven years. Provided that nothing in this section shall apply to any such coercion as may lawfully be exercised by virtue of contracts of service between free persons, or by virtue of the rights of parents and other rights, not being repugnant to the law of England, arising out of the family and tribal relations customarily used and observed in the colony."

Ashanti, the Northern Territories of the Gold Coast, Togoland under British Mandate. — The Slave-dealing Abolition Ordinance, and the Slaves Emancipation Ordinance, 1874, applied to the Gold Coast Colony and to the protected territories. The Criminal Code of the Gold Coast is in force throughout the Gold Coast — *i.e.*, the Gold Coast Colony, Ashanti and the Northern Territories, and also in Togoland under British mandate — *vide* Section 2 of the Criminal Code Amendment and Extension Ordinance, 1935 (Ordinance No. 17 of 1935).

Formerly, Ashanti and the Northern Territories of the Gold Coast had laws similar in terms to the Reaffirmation of the Gold Coast Abolition of Slavery Ordinance, 1930 (Ordinance No. 20 of 1930). In Ashanti, this ordinance was No. 10 of 1930 and, in the Northern Territories of the Gold Coast, it was Ordinance No. 6 of 1930. On the extension to those territories, however, of Gold Coast Ordinance No. 20 of 1930 by the Ordinance Extension Ordinance, 1935 (Ordinance No. 30 of 1935), of the Gold Coast, these ordinances were repealed (by Gold Coast Ordinance No. 30 of 1935).

Under paragraph V of the British Sphere of Togoland Order in Council, 1923 (afterwards altered to Togoland under British mandate by the Order of March 17th, 1932) it is provided that "So far as the same may be applicable, the law for the time being in force in the Protectorate shall, as from the date of the commencement of this order, apply to and be the law in force in the northern section (of Togoland under British mandate) . . ." Under paragraph VI of the same order, it is provided that the law in force in the colony shall apply to and be the law in force in the southern section.

Grenada (one of the Windward Islands).

The following acts relate to the Abolition of Slavery in the island :

1. " An Act for carrying into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, passed in the Third and Fourth Years of the Reign of His Present Majesty King William the Fourth, for the Abolition of Slavery throughout the British Colonies " (passed March 8th, 1834).

2. An Act altering and amending the above-mentioned Act (passed December 29th, 1834).

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in Grenada for giving effect to the Imperial Act.

Section 351 of the Criminal Code (Chapter 55 of the Laws of Grenada, 1834) provides that " whoever is guilty of piracy, or of any crime connected with or relating or akin to piracy, shall be liable to be tried and punished according to the Law of England for the time being in force ".

Hong-Kong.

Section 44 of the Offences against the Person Ordinance, 1865 (Ordinance No. 2 of 1865) provides that " Every person who, by force or fraud, takes away or detains against his or her will any man or boy, woman or female child, with intent to sell him or her or to procure a ransom or benefit for his or her liberation, shall be guilty of felony, and shall be liable to imprisonment for any term not exceeding fourteen years ".

The following laws have been passed to regulate certain forms of female domestic service :

The Female Domestic Service Ordinance, 1923 (Ordinance No. 1 of 1923).

The Female Domestic Service Amendment Ordinance, 1929 (Ordinance No. 22 of 1929).

The Female Domestic Service Amendment Ordinance, 1936 (Ordinance No. 23 of 1936).

It is declared in Section 2 of the 1923 Ordinance that " Whereas certain persons have erroneously supposed that the payment of money to the parent or guardian or employer of a female child, such payment purporting to be in return for the transfer of certain parental rights, may confer certain rights of property in the child and certain rights of retaining possession, custody and control of the child, as against the child's parent or guardian, and as against the child herself, it is hereby declared and enacted that no such payment can confer any such rights whatsoever upon the person making such payment or upon any other person ".

Section 4 provides that no person shall, after the passing of the ordinance, take into his employment any Mui Tsai, and Section 5 prohibits the employment of any female domestic servant under the age of ten years. The ordinance also provides for the registration, protection and control of Mui Tsai. The Amendment Ordinance of 1929 makes it an offence for any unregistered Mui Tsai to be brought into the colony and also provides that no person, without lawful authority, shall have in his employment, custody or control any unregistered Mui Tsai. The ordinances make similar provision for the protection and well-being of Mui Tsai as is made by the corresponding Federated Malay States Enactment and also provides penalties for any infringement of their provisions.

By definition, " Mui Tsai " includes :

(i) Every female domestic servant whose employer for the time being shall have made, directly or indirectly, within or without the colony, any payment to any person for the purpose of securing the services of such female as a domestic servant ;

(ii) Every female domestic servant whose employer for the time being shall, within or without the colony, have acquired the custody, possession or control of such female from, or upon the death of, any former employer who made any such payment as aforesaid.

Jamaica.

The following laws were passed in Jamaica to effect the abolition of slavery in the island :

4 Wm. IV, c. 41. — “ An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the Manumitted Slaves ; and to declare the (Statute) 52 Geo. III, c. 155, in force in this Island ”. This Act was passed on December 12th, 1833.

5 Wm. IV, c. 7. — “ An Act to repeal Part of an Act 4 Wm. IV, c. 41, intituled . . . and to explain and amend and in aid of the said Act ” (passed on July 4th, 1834).

5 Wm. IV, c. 44. — “ An Act to amend and explain and repeal Part of an Act passed in the Fourth Year of the Reign of His Present Majesty, intituled . . . ” (passed on December 22nd, 1834).

An Order in Council was issued, dated March 19th, 1834, declaring that adequate and satisfactory provision had been made by law in Jamaica for giving effect to the Slavery Abolition Act.

There is no local law in force in Jamaica with regard to the Slave Trade, but it is clear from the Customs Consolidation Law, 1877, Amendment Law, 1885 (No. 24 of 1885), that Imperial Statute 5 Geo. IV, c. 113 (The Slave Trade Abolition Consolidation Act) is held to be in force in the island. Section 14 of the Law provides that “ All persons authorised to make seizures under an Act of the British Parliament passed in the fifth year of the reign of His late Majesty King George the fourth, intituled ‘ An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade ’, shall, in making and prosecuting any such seizures, have the benefit of all the provisions granted to persons authorised to make seizures under this Law . . . ”

Johore (one of the Unfederated Malay States).

Under Section 75 (1) of the Courts Enactment (Enactment No. 54 of the Laws of the State of Johore, 1935), the Penal Code for the time being of the Straits Settlements is in force in Johore. The provisions of the Straits Settlements Penal Code relating to the punishment of slavery offences are shown under Straits Settlements.

The Mui-Tsai Enactment (Enactment No. 120 of the Laws of the State of Johore, 1935) makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Kedah (one of the Unfederated Malay States).

An Enactment to abolish the System of Debt-bondage was passed on the 10th Rajab, 1328. Section I declares that “ It is made known that slavery was abolished many years ago and is not now permitted in Kedah ”, and Section 3 provides that, after the date of the enactment, “ it is absolutely forbidden that any person undertake to pay off any debt by working in any way whatever . . . ” Other sections of the enactment deal with the speedy manumission of the then existing debt-bondsmen.

The Kedah Penal Code (Enactment No. 72 of the Laws of the State of Kedah, 1934) is based upon the Indian Penal Code. Sections 367, 370 and 371 of the Kedah Penal Code deal with the punishment of slavery offences. These sections make similar provision for the punishment of slavery offences to that made by the corresponding sections of the Indian Code, except that, in Section 371 of the Kedah Code, the words “ penal servitude for life ” are substituted for the words “ transportation for life ” appearing in Section 371 of the Indian Code. (For the provisions of the Indian Penal Code with regard to slavery, see under Aden (Colony).)

The Mui-Tsai Enactment (Enactment No. 70 of the Laws of the State of Kedah, 1934) makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Kelantan (one of the Unfederated Malay States).

It is stated in the preamble to the “ Abolition of Debt-Bondage Enactment, 1913 (Enactment No. 3 of 1913) ”, that “ Whereas slavery has not existed in Kelantan for many years and it is desired that Debt-Bondage should also be brought to an end . . . ” Section 2 of the Enactment provides that from and after August 2nd, 1913 (the date of the Enactment), no person shall bind himself to pay off any debt by working as a debt slave in any form whatever, nor shall any person allow another so to bind himself. Penalties are provided for any breach of the provisions of the section. In Section 7 it is declared that the children of debt-bondsmen shall not be bound by the debts of their parents and that the death of the debt-bondsman shall wipe out the debt completely. Other Sections of the Enactment deal

with the speedy manumission of the then existing debt-bondsmen, their protection from the use of unlawful force or restraint and from the exaction of unlawful services. Section 15 provides that, after the year 1336 A.H., no person shall remain in debt-bondage.

By Enactment No. 7 of 1930 the Penal Code for the time being in force in the Straits Settlements is in force in Kelantan. The provisions of the Straits Settlements Penal Code relating to the punishment of slavery offences are shown under Straits Settlements.

The Mui-Tsai Enactment, 1935 (Enactment No. 3 of 1935) makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Kenya Colony and Protectorate.

Colony. — “ The Abolition of the Legal Status of Slavery Ordinance ” (Chapter 27 of the Laws of Kenya, 1926) provides in Section 2 that “ From and after the first day of October, 1907, the legal status of slavery shall be and remain abolished throughout the colony and no court shall enforce any rights claimed over the body, service or property of any person on the ground that such person is a slave ”.

Sections 238, 241 and 242 of the Penal Code (Ordinance No. 10 of 1930) deal with the punishment of slavery offences and provide as follows :

“ 238. Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony, and is liable to imprisonment for ten years.

“ 241. Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

“ 242. Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.”

Protectorate. — The coastal strip, ten miles wide, together with the islands of Lamu, Manda, Patta and Siwa, known as the Protectorate of Kenya, is rented from the Sultan of Zanzibar, and originally formed part of his dominions, throughout which his decrees from Zanzibar ran. The first steps towards the abolition of slavery in the protectorate are therefore to be found in Proclamations issued by the Sultans of Zanzibar. References to these and to other documents relating to slavery will be found under *Zanzibar*.

On May 24th, 1887, the Sultan of Zanzibar conceded to the British East Africa Association, subject to his sovereign rights, his powers on the mainland and the rights and duties of administration. On September 3rd, 1888, these rights were consolidated by Royal Charter granted to the Imperial British East Africa Company. In 1890, that company issued a proclamation (No. 1 of 1890) which prohibited the holding as a slave of any of the Wa Nyika, Wa Teita, Wa Pokomo, Wa Kamba and Wa Senia tribes.

On June, 15th, 1895, a British protectorate was notified over the territories lately administered by the Imperial British East Africa Company, which then withdrew, and these territories were, on August 31st, 1896, formally designated the “ East Africa Protectorate ”.

In 1898, the validity and operation of the Agreement of September 13th, 1888 (see under *Zanzibar*), was declared by Her Majesty's Commissioner and Consul-General, who intimated by notification of October 9th, 1898, that no person born within His Highness's mainland dominions subsequent to January 1st, 1890, could be legally claimed as a slave within them.

By Ordinance No. 7 of 1907, the status of slavery for existing slaves was abolished as from October 1st, 1907, and provision made for the payment of compensation (up to Rs. 100) to former masters after due enquiry and also to any ex-slaves who, by reasons of age, health, etc., were unable to earn a living. This ordinance was amended by Ordinance No. 6 of 1909, an order to permit claims for compensation to be lodged by former masters up to January 1st, 1912.

The relevant portions of the 1907 and 1909 ordinances have now been consolidated and form Chapter 27 of the Laws of Kenya, 1926.

Leeward Islands.

See also the various presidencies — viz., Antigua, Dominica, Montserrat, St. Christopher-Nevis and the Virgin Islands.

Section 62 (c) of the Offences Against the Person Act (Chapter 41 of the Federal Acts of the Leeward Islands) provides that : “ Whoever, without lawful authority, forcibly seizes and confines or imprisons any other person within any Presidency of the Leeward Islands or kidnaps any other person with intent to cause such other person to be in any way held to serve against his will, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years, with or without hard labour, and with or without solitary confinement ”.

Malta.

The preamble to Proclamation IV of March 21st, 1823, for the suppression of the slave trade reads as follows: "Although the anxiety of His Majesty's Government to annihilate *in toto* the disgraceful traffick in slaves must be known to every individual, and though the public at large must be aware of the fixed determination of the British Government to carry this humane object into effect, still there may be many persons who are ignorant of the legal penalties they are liable to incur, from being, even in the slightest manner, concerned in the above most inhuman traffick". Section I of the proclamation lays down that slavery offences will be tried before the court set up in the island to try piratical offences: Section 2 declares that the law will be enforced with the utmost strictness and severity: Section 3 provides for the printing in Italian of the British laws against the slave trade: Section 4, after mentioning that certain slavery offences had come to the knowledge of the Government, declares that the carrying of even a single slave will make all such vessels amenable to the general laws for the abolition of the slave trade and Section 5 exhorts magistrates and others to see that the proclamation is rigidly enforced. The following Acts of the British Parliament with regard to the abolition of the slave trade are appended to the proclamation and are printed in the English and Italian languages: 46 Geo. III, c. 53; 47 Geo. III, c. 36; 51 Geo. III, c. 23; 58 Geo. III, c. 98. These Statutes formed part of the series which led to the abolition of the slave trade and which were consolidated in 5 Geo. IV, c. 113 — see under United Kingdom.

Mauritius and Dependencies.

An Order in Council was passed, dated September 17th, 1834, "for giving effect in the Colony of Mauritius to the Statute 3 and 4 Wm. IV, c. 73, for the Abolition of Slavery throughout the British dominions".

A further Order in Council was passed, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in Mauritius and its dependencies for giving effect to the Imperial Act for the abolition of slavery.

An Ordinance (No. 8 of 1835) was passed on March 21st, 1835, "for ensuring in conformity to the Dispositions of the Order in Council of September 17th, 1834, the due execution of the Slave Abolition Act at the Mauritius".

Montserrat.

See also Leeward Islands.

An Act entitled "An Act for the Abolition of Slavery in this Island" was passed by the Council and Assembly of Montserrat on July 30th, 1834. This Act was passed to give effect in the island to Imperial Statute 3 and 4 Wm. IV, c. 73 for the Abolition of Slavery.

An Order in Council was issued on February 3rd, 1836, declaring that adequate and satisfactory provision had been made by law in Montserrat for giving effect to the Imperial Act for the abolition of slavery.

An Act was passed on January 18th, 1838, repealing the above-mentioned Act and declaring that it was deemed advisable and expedient that apprenticeship of all classes should cease (*i.e.*, the system was set up by the Slavery Abolition Act).

It therefore enacted that every apprentice in the island of every class, should on August 1st, 1838, become as free to all intents and purposes as any other of His Majesty's subjects.

Nevis.

See St. Christopher-Nevis.

New Hebrides (Condominium).

See first two paragraphs under British Solomon Islands Protectorate.

Nigeria.

Before the amalgamation of the Nigerias in 1914, slavery in the northern provinces was covered by Chapter XI of the Laws of the Protectorate of Northern Nigeria, 1910, and in Southern Nigeria by Chapter XV of the Laws of the Colony of Southern Nigeria, 1908. Both these chapters incorporated earlier enactments, Chapter XI of Northern Nigeria formerly being Proclamation No. 17 of 1907 and Chapter XV of Southern Nigeria formerly being Proclamation No. 5 of 1901. These chapters have now been repealed by Nigeria legislation, but their provisions have been retained. The following laws of Nigeria now deal with slavery and the slave trade:

1. The Slavery Ordinance (Chapter 83 of the Laws of Nigeria, 1923). This ordinance embodies Nigeria Ordinances Nos. 35 of 1916 and 20 of 1918. Section 2 declares that the legal status of slavery is abolished throughout the protectorate. Section 3 declares that all persons heretofore or hereafter born in or brought within the southern provinces, and all persons born in or brought within the northern provinces after March 31st, 1901, are free persons. Section 4 provides that any native tribunal in the northern provinces administering Moslem law may grant certificates of freedom to persons who have acquired their freedom in accordance with such law. Section 5 provides that any slave dealing contract is absolutely illegal.

2. The Slavery (Amendment) Ordinance, 1936 (Ordinance No. 19 of 1936). This ordinance provides that the words "heretofore or hereafter born in or brought within the northern provinces" should be substituted for the words "born in or brought within the

northern provinces after March 31st, 1901 ", occurring in Section 3 of the Slavery Ordinance. This section — *i.e.*, Section 3 of cap. 83 of the laws of Nigeria, 1923 — now reads as follows : " All persons heretofore or hereafter born in or brought within the southern provinces, and all persons heretofore or hereafter born in or brought within the northern provinces are hereby declared to be free persons ".

3. Slave-dealing offences are punishable under Section 369 of the Criminal Code (Chapter 21 of the Laws of Nigeria) the provisions of which are generally similar to those contained in Section 449 of the Gold Coast Criminal Code (*q.v.*).

Cameroons under British Mandate. — Chapters 21 and 83 of the Laws of Nigeria, 1923 — *i.e.*, the Criminal Code and the Slavery Ordinance respectively — were applied to the Cameroons under British mandate by Section 2 (1) by the British Cameroons (afterwards altered to Cameroons under British mandate) Administration Ordinance, 1925 (Ordinance No. 1 of 1925).

North Borneo.

The charter of the British North Borneo Company dated November 1st, 1881, provides in Article 7 that : " The company shall to the best of its power discourage and, as far as may be practicable, abolish by degrees any system of domestic servitude existing among the tribes of the coast or interior of Borneo ; and no foreigner whether European, Chinese or other, shall be allowed to own slaves of any kind in the company's territories ".

In pursuance of the above article, a proclamation (Proclamation No. XIII of 1883) was issued by the Governor on October 25th, 1883. This proclamation, by abolishing the importation of slaves, by providing that all children, born of slave parents after November 1st, 1883, should be free, by prohibiting the owning of slaves by foreigners and by other methods, discouraged and eventually abolished the practice of slavery in North Borneo. The proclamation was so effective in its application that, in 1902, it was repealed by Ordinance No. 17 of 1902. In repealing it, however, it was declared in Section 2 of the repealing ordinance that " no form of domestic slavery will in future be recognised, all attempts to revive any form of slavery being dealt with under the Penal Code ".

Under Section 3 of the Procedure Ordinance, 1926 (Ordinance No. 1 of 1926), the Indian Penal Code was adopted by the State of North Borneo. Sections 367, 370 and 371 of that Code deal with the punishment of slavery offences. The provisions of these sections are set out in full under Aden (Colony).

The Female Domestic Service Ordinance, 1930 (Ordinance No. 2 of 1930), makes similar provision to that made in Hong-Kong by the Female Domestic Service Ordinance, 1923 (Ordinance No. 1 of 1923), as amended.

Northern Rhodesia.

It is declared in Section 2 of the Affirmation of the Abolition of Slavery Ordinance, 1930 (Ordinance No. 17 of 1930), that " slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist ".

Sections 229, 232 and 233 of the Northern Rhodesia Penal Code (Ordinance No. 42 of 1930) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

Prior to the passing of the Penal Code Ordinance in 1930, prosecutions on the rare occasions when action on slave-trade offences had to be taken were instituted under Imperial Act 5 Geo. IV, c. 113 (The Slave Trade Abolition Consolidation Act, 1824) which was held to apply to the territory under the provisions of Section 27 (2) of the Northern Rhodesia Order in Council of February 20th, 1924.

Northern Territories of the Gold Coast.

See Gold Coast.

Nyasaland Protectorate.

It is declared in Section 2 of the affirmation of the Abolition of Slavery Ordinance (Chapter 36 of the Laws of Nyasaland, formerly Ordinance No. 9 of 1930) that " slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist ".

Sections 218, 221 and 222 of the Nyasaland Penal Code (Ordinance No. 22 of 1929) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

Pahang.

See Federated Malay States.

Palestine and Trans-Jordan.

There is no legislation in Palestine dealing with slavery and His Majesty's Government is satisfied that none is required, since slavery does not exist. Article 6 of the Organic Law of Trans-Jordan, 1928, provides that : " The personal freedom of all dwellers in Trans-Jordan shall be safeguarded from aggression and interference, and no person shall be arrested or detained or punished or forced to change his residence or submitted to bonds or compelled

to serve in the army except in accordance with law . . . ” (The Organic Law of Trans-Jordan was assented to by the Amir on April 16th, 1928, and is printed at page 397 *et seq.* of the “ Legislation of Trans-Jordan, 1918-1930 ”.)

Under Section 2 of the Abolition of Slavery Law, 1929, slavery was declared to be abolished throughout Trans-Jordan. Under Section 3, any Sharia court may grant certificates of freedom to persons who have acquired their freedom in accordance with the provisions of the Law. Under Section 4, all slave contracts are declared to be void and, under Section 5, all forms of slave-dealing are made punishable by imprisonment for a period not exceeding three years.

Perak.

See Federated Malay States.

Perlis (one of the Unfederated Malay States).

An Enactment (No. 6 of 1328 A.H.) entitled “ The Debt-bondage Enactment ” took effect in Perlis as from Shawal 26th, 1328. Section 2 of this enactment proclaimed that slavery had been abolished for many years and is now forbidden. By Section 4, all debt-bondage agreements were prohibited after the date of the enactment, while under Section 3 all then existing agreements, if not duly registered, were declared null and void. The enactment also dealt with the speedy manumission of the existing debt-bondsmen.

Slavery offences are now punishable under the Kedah Penal Code. This code was adopted in Perlis under the authority of Section 2 of the Penal Code and Evidence Enactment, 1354 Enactment No. 13 of 1354). For the provisions of the Kedah Penal Code relating to the punishment of slavery offences, see under Kedah.

The Mui-Tsai Enactment, 1353 (Enactment No. 5 of 1353), makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

St. Christopher-Nevis.

See also Leeward Islands.

The islands of St. Christopher and Nevis formerly constituted separate presidencies of the Leeward Islands, but were united to form one presidency by the St. Christopher and Nevis Act, 1882 (Leeward Islands Act No. 1 of 1882). Their slavery abolition legislation is therefore separate and consists of the following laws :

St. Christopher. — An Act was passed on July 17th, 1834, entitled “ An Act for the Abolition of Slavery in this Island, and for the Establishment of a System of Apprenticeship for a Limited Time in lieu thereof ”. Section 5 of this Act provided that “ subject to the obligations imposed upon apprenticed labourers, all and every the persons who, on the said 1st day of August, 1834, shall be holden in slavery in this island, shall, upon and from after the said 1st day of August, 1834, become to all interests and purposes free and discharged of and from all and all manner of slavery, and shall be absolutely and for ever manumitted ; and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth ; and from and after the said 1st day of August, 1834, slavery shall be and is hereby utterly and for ever abolished and declared unlawful within this island ”.

An Order in Council was issued on July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in St. Christopher for giving effect to the Imperial Act for the Abolition of Slavery.

Nevis. — An Act for putting into effect in the Island of Nevis the Imperial Slavery Abolition Act, 1833, was passed on January 23rd, 1834, with the title “ An Act to provide for the Maintenance, Protection and Good Government of Apprenticed Labourers, and to settle the Jurisdiction and Authority of Special Magistrates ”. This Act was amended by a further Act passed on October 16th, 1835.

An Order in Council was issued, dated January 16th, 1836, declaring that adequate and satisfactory provision has been made by law in Nevis for giving effect to the Imperial Act for the Abolition of Slavery.

St. Helena.

By a Proclamation of August 17th, 1818, it was proclaimed that, from and after December 25th, 1818, all children born of slaves should be free.

As a result of various proclamations and resolutions passed to abolish the system of slavery, all persons who, on May 1st, 1836, were slaves in the Island of St. Helena became, on that date, emancipated and free.

On May 27th, 1839, an Ordinance (No. 24 of 1839) was passed which, after reciting the above facts, referring to the fact that the Imperial Act of 1833 did not extend to St. Helena and stating that it was desirable to remove all doubts as to the existence of slavery in the colony, enacted as follows : “ That . . . all and every the persons, who on the day of the promulgation of this Ordinance, (if any such there be), shall be holden in slavery within the Island of St. Helena, shall become, and be to all intents and purposes, free and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted ; and that the children thereafter to be born to any such persons, and the offspring of such children, shall, in like manner be free from their birth ; and that, from after the promulgation of this ordinance, slavery shall be, and is hereby utterly and for ever abolished, and declared unlawful within this colony ”.

St. Lucia (one of the Windward Islands).

An Order in Council was passed, dated June 5th, 1834, " for giving effect in the Island of St. Lucia to the Statute 3 and 4 Wm. IV, c. 73 for the Abolition of Slavery ".

A further Order in Council was passed, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made in St. Lucia for giving effect to the Imperial Act for the Abolition of Slavery.

St. Vincent (one of the Windward Islands).

An Act was passed on April 2nd, 1834, entitled " An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and Good Conduct of the Manumitted Slaves ". This Act was amended by a further Act passed on July 30th, 1835.

An Order in Council was passed on November 20th, 1835, declaring that adequate and satisfactory provision had been made in St. Vincent for giving effect to the Imperial Act for the Abolition of Slavery.

Sarawak.

Orders dated June 24th, 1868, November 14th, 1882, and August 24th, 1883, relating to slavery and to the gradual abolition of debt-bondage were repealed by Order No. S-2 (slavery) 1928, dated July 16th, 1928, and published in the *Sarawak Gazette* of that date. This order, after referring to the earlier orders, to the fact that the legal status of slavery no longer existing in Sarawak the earlier order had fallen into desuetude, and to the fact that it is the right of every man to be free, declares in Section 2 that, from the date of the publication of the order in the *Government Gazette*, every person in the State of Sarawak should be free. Under Section 3 of the order no person is permitted to do any act which involves or implies any right of ownership over the person or property of another person or to use the word " slave " in respect of any other person. Any infringement of this Section can, under Section 5, be severely punished.

The Sarawak Penal Code — Order No. P-10 (Penal Code) 1934 — is based upon the Indian Penal Code. Sections 367, 370 and 371 of the Sarawak Penal Code deal with the punishment of slavery offences. These sections make similar provision for the punishment of slavery offences to that made by the corresponding sections of the Indian Penal Code, except that, in Section 367, whipping is added to the punishments to which an offender is liable and the punishment of transportation for life is omitted from Section 371. (For the provisions of the Indian Penal Code with regard to slavery, see under Aden.)

The Mui-Tsai Order — Order No. M-3 (1931) — makes similar provision to that made in Hong-Kong by the Female Domestic Service Ordinance, 1923 (Ordinance No. 1 of 1923), as amended, except that, in the definition of Mui Tsai in the Sarawak order, the words " under 18 years of age " are inserted after the words " domestic servant " in line 1 of Sections (i) and (ii) of the definition and the provision in Section 5 of the Hong-Kong Law relating to the employment of female domestic servants is omitted from the Sarawak order. Section 5 of the Sarawak order reads " On and after the 1st day of January, 1934, no person shall take into his employment any Mui Tsai or dispose of or attempt to dispose of any woman or girl as a Mui Tsai ".

Seychelles.

A dependency of Mauritius at the time of the liberation of the slaves, the laws applicable to Mauritius at that time would also apply to the Seychelles.

Sierra Leone Colony and Protectorate.

Colony. — Imperial Acts : In Section 6 of the Act establishing the Sierra Leone Company — 31 Geo. III, c. 55 (1791) — it is enacted that " it shall not be lawful for the said company, either directly or indirectly, by itself or themselves, or by the agents or servants of the said company, or otherwise howsoever, to deal or traffic in the buying or selling of slaves, or in any manner whatsoever to have, hold, appropriate or employ any person or persons in a state of slavery in the service of the said company ".

The Sierra Leone Company's charter was revoked by Act 47 Geo. III (Session 2), c. 44 (1807). It is declared in Section IV of this Act that " it shall not be lawful for any person or persons whatsoever inhabiting or being, or shall at any time inhabit or be within, the said Peninsula or Colony of Sierra Leone, either directly or indirectly to deal or traffick in, buy or sell, or to aiding or assisting in the dealing or trafficking in the buying or selling of slaves, either within the said peninsula or elsewhere ".

Colony. — Local Acts : An Act was passed on December 31st, 1831, entitled " An Act to explain and render more clear an Act of the British Parliament passed in the Fifth Year of the Reign of His Late Majesty King George the Fourth, intituled ' An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade ' ". This Act was passed in order to inflict the punishments prescribed in the Imperial Act for slave dealing on persons

who had purchased or acquired natives of Africa, not being subjects of His Majesty, as slaves, under cover of their being domestic servants.

An Act was passed on January 3rd, 1832, entitled " An Act to extend the Provisions of an Act of the British Parliament passed in the Fifth Year of the Reign of His Late Majesty King George the Fourth, intituled ' An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade ' to Persons not British Subjects who shall commit Certain Offences against British Subjects within the Jurisdiction of the Colony of Sierra Leone ".

These measures evidently proved effective as they were omitted from the first consolidation of the laws of the colony in 1857.

There is at present no local legislation with regard to slavery or the slave trade, but English Statutes of general application which were in force on January 1st, 1880, apply.

Protectorate. — The legislation with regard to slavery was formerly contained in :

1. The Protectorate Ordinance (Chapter 167 of the Laws of the Colony and Protectorate of Sierra Leone, 1925). Part II of this ordinance dealt with slave dealing offences and their punishment.

2. The Protectorate Courts Ordinance (Chapter 169 of the Laws of the Colony and Protectorate of Sierra Leone, 1925). Section 4 of this ordinance enacted that no claims for or in respect of any slave would be entertained or recognised by any of the courts established by the ordinance.

3. The Legal Status of Slavery (Abolition) Ordinance, 1927 (Ordinance No. 24 of 1927). This ordinance was enacted in consequence of an unexpected hiatus in local slavery legislation.

All the above ordinances have now been repealed and the whole of the protectorate law relating to slavery is now contained in Part III of the Protectorate Ordinance, 1933 (Ordinance No. 32 of 1933). The first section of this part (Section 8 of the ordinance) declared that the legal status of slavery and slavery in any form whatsoever is abolished throughout the protectorate. The second section (Section 9 of the ordinance) deals with the punishment for dealing in slaves. This section is similar, although rather more comprehensive, than Section 449 of the Gold Coast Criminal Code (see under Gold Coast, where the latter section is reproduced in full). The third section (Section 10 of the ordinance) deals with the punishment of accessories.

Somaliland Protectorate.

It is declared and enacted in Section 2 of the Affirmation of the Abolition of Slavery Ordinance (Chapter 14 of the Laws of the Somaliland Protectorate, 1931 — formerly Ordinance No. 14 of 1930) that " slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist ".

The Indian Penal Code was applied to the Somaliland Protectorate by paragraph 7 (b) of the Somaliland Order in Council of October 7th, 1899, and continued in its application by paragraph 16 (II) of the Somaliland Order in Council of December 17th, 1929. (For the provisions of the Indian Penal Code with regard to the punishment of slavery offences, see under Aden (Colony).)

Straits Settlements.

The Indian Slavery Act, 1843 (Act. No. 5 of 1843), formerly applied to the Straits Settlements, but was repealed as being obsolete and as having had its effect by the Repeal Ordinance, 1907, of the Straits Settlements (Ordinance No. 33 of 1907).

The Straits Settlements Penal Code is based upon the Indian Penal Code. Sections 367, 370 and 371 of the Straits Settlements Penal Code (Chapter 20 of the Laws of the Straits Settlements, 1936) deal with the punishment of slavery offences. These sections make similar provision for the punishment of slavery offences to that made by the corresponding sections of the Indian Penal Code, except that in Section 371 of the Straits Settlements Code the words " penal servitude for life " are substituted for the words " transportation for life ", appearing in Section 371 of the Indian Code. (For the provisions of the Indian Penal Code with regard to slavery offences, see under Aden (Colony).)

The Mui-Tsai Ordinance (Chapter 34 of the Laws of the Straits Settlements, 1936, formerly Ordinance No. 5 of 1932) makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Swaziland.

There are no local laws about slavery in Swaziland. The laws in force in the Transvaal at the date of the Swaziland Administration Proclamation, 1904 (October 15th, 1904), were, by Section 1 of the proclamation, put in force in Swaziland. There appears to be no law in the Transvaal about slavery. It was agreed however by the fourth article of the Sand River

Convention of January 17th, 1852 (under which the British Government recognised the right of the Boer farmers beyond the Vaal River to manage their own affairs), that no slavery should be permitted or practised in the country to the north of the Vaal River. This article was confirmed by Article 15 of the Pretoria Convention, 1881, under which complete self-government, subject to the suzerainty of Her Majesty, was accorded to the Transvaal, and further confirmed and renewed by Article 8 of the London Convention of 1884.

Tanganyika Territory.

The Involuntary Servitude (Abolition) Ordinance (Chapter 26 of the Laws of the Tanganyika Territory, 1929, formerly Ordinance No. 13 of 1922) provides in Section 2 that, after the commencement of the ordinance, no person in the territory may detain any person against his will in service as a slave, and in Section 5 that any person doing so is liable for each offence to a fine not exceeding £50, or to imprisonment of either description for any term not exceeding two years, or to both such fine or imprisonment. Sections 3 and 4 of the ordinance are similar to Sections 2 and 3 respectively of the Indian Slavery Act, 1843 (see under Aden (Colony)).

Sections 238, 241 and 242 of the Tanganyika Territory Penal Code (Ordinance No. 11 of 1930) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

Tobago (now part of the Colony of Trinidad and Tobago).

The following laws were passed in Tobago to implement the Imperial Statute for the abolition of slavery :

1. " An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled, ' An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the Manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves ' " (passed May 2nd, 1834).

2. Two Acts to amend the above-mentioned Act were passed on May 29th, 1834, and December 28th, 1835, respectively.

An Order in Council was issued, dated April 13th, 1836, declaring that adequate and satisfactory provision had been made by law in Tobago for giving effect to the Imperial Act for the abolition of Slavery.

Togoland under British Mandate.

See Gold Coast.

Tonga.

The present constitution of Tonga was granted by King Tubou I on November 4th, 1875, and has been amended from time to time. In paragraph 2 of the Constitution, it is declared that : " No person shall serve another against his will except he be undergoing punishment by law and any slave who may escape from a foreign country to Tonga (unless he be escaping from justice being guilty of homicide or larceny or any great crime or involved in debt) shall be free from the moment he sets foot on Tongan soil, for no person shall be in servitude under the protection of the flag of Tonga " .

Trans-Jordan.

See Palestine and Trans-Jordan.

Trengganu (one of the Unfederated Malay States).

On the 1st day of Jemadi-al-awal, 1337, corresponding to February 2nd, 1919, an enactment entitled " An Enactment for the Extinction of the Debts of Debt-slaves " (Enactment No. 1 of 1337) was passed and came into operation on the same date. Section 2 of this Enactment provided that, within six months from the date of coming into force of the enactment, every debt-owner must appear in Trengganu before the Committee, or in any district of Trengganu before a district officer, and declare the names of his debtors and the amount of their debts, in order that enquiry might be made and a correct statement obtained from both parties. Section 4 provided that, on the expiration of the six months mentioned, the making or acceptance of any agreements for debt-slavery was absolutely prohibited. Section 6 provided for the extinction of existing debts by instalments.

By Section 2 of the Penal Code Enactment, 1352 (Enactment No. 6 of 1352), which came into force on the 24th Shaban, 1352 (corresponding to December 11th, 1933), the penal code for the time being in force in the Straits Settlements was declared to be in force in Trengganu. The provisions of the Straits Settlements Penal Code relative to the punishment of slavery offences are shown under Straits Settlements.

The Mui-Tsai Enactment, 1354 (No. 1 of 1354) which came into force on the 12th day of Muharram, 1354, corresponding to the 15th day of April, 1935, makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Trinidad.

An Order in Council was passed, dated June 5th, 1834, " for giving effect in the Island of Trinidad to the Statute 3 and 4 Wm. IV, c. 73, for the Abolition of Slavery ".

A further Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made in Trinidad for giving effect to the Imperial Act for the Abolition of Slavery.

Turks and Caicos Islands.

At the date of the passing of the Slavery Abolition Act in 1833, the Turks and Caicos Islands formed part of the Colony of the Bahamas for the purposes of Government. They were annexed to Jamaica in 1873.

Uganda Protectorate.

Sections 248, 252 and 253 of the Uganda Penal Code (Chapter 128 of the Laws of the Uganda Protectorate, 1936 — formerly Ordinance No. 7 of 1930) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

Virgin Islands.

See also Leeward Islands.

The local act for implementing the provisions of the Slavery Abolition Act of the United Kingdom was passed on April 11th, 1834, and entitled " An Act for regulating the Division of Apprenticed Labourers into their Respective Classes, and for providing for the Dissolution of the Apprenticeship by Contract or otherwise ". An Act amending this Act was passed on October 5th, 1835.

Zanzibar.

The most important measures which preceded the Slavery Decree in 1909 are as follows :

1868 : Decree by the Sultan, Majid bin Said, prohibiting any trade in slaves with the Arabian coast and the sale of slaves to Arabs other than subjects of the Sultan of Zanzibar.

1873 : Treaty signed by the Sultan, Barghash bin Said, prohibiting the export of slaves from the African mainland, whether for transport from one part of the Sultan's dominions to another, or for transport to foreign ports. This treaty also provided for the closing of all slave markets in the Sultanate.

1875 : Treaty signed by the Sultan, Barghash bin Said, declaring that all vessels carrying slaves, other than those in attendance on their masters or engaged in navigation, could be seized by His Majesty's ships and condemned by a competent authority.

1876 : Three proclamations issued by the Sultan, Barghash bin Said, abolishing slavery on the Benadir coast and in the region of Kismayu, prohibiting the transport of slaves from the interior and their sale at the coast for conveyance to Pemba and prohibiting the fitting-out of slave-caravans by Sultan's subjects.

1876 : The Slave Trade (Suppression) Act, 1876, of the United Kingdom 39-40 Vic., c. 76. Under Section 1 of this Act, it was provided that Her Majesty (the late Queen Victoria), by Order in Council, might specify portions of Asia and Africa within which any subject of Her Majesty or of any allied Indian State committing any of the offences defined in Sections 367, 370 and 371 of the Indian Penal Code should be dealt with as if they had been committed in British India.

1877 : Imperial Order in Council of April 30th, 1877. Under this Order in Council Her Majesty applied the above Act to the territories of the Sultan of Zanzibar and to the sea and islands within ten degrees of latitude or longitude from the coast.

1885 : (i) Proclamation issued by the Sultan, Barghash bin Said, confirming his previous orders and prohibiting all exportation of slaves from his dominions.

(ii) Proclamation by the same Sultan prohibiting any sale of slaves which involved the separation of husband and wife or parent and child.

1888 : Proclamation issued by His Majesty's Agent and Consul-General prohibiting the hire of slaves by British Indians by means of contracts made with their masters.

1889 : Agreement, dated September 13th, 1889, between Sultan, Khalifa bin Said and Her Majesty's Agent and Consul-General at Zanzibar that all persons born in his dominions after January 1st, 1890, should be free.

1889 : Proclamation by the Sultan, Khalifa bin Said, granting to Great Britain and Germany a perpetual right of search over all local dhows in Zanzibar territorial waters and providing that all persons entering the Sultan's dominions after November 1st, 1889, and all children born therein after January 1st, 1890, should be free.

1890: Decree by the Sultan, Ali bin Said, under the provisions of which all exchange, sale or purchase of slaves, domestic or otherwise, was prohibited; only the lawful children of a slave-owner could inherit his slaves at his death, such slaves otherwise becoming free; any person found ill-treating a slave or in possession of raw slaves was made liable to severe punishment, and, in flagrant cases, to the forfeiture of all his slaves; freed slaves were debarred from holding slaves themselves; freed slaves were given the right of prosecuting claims or complaints in the local courts; and every slave was given the right of self-redemption.

July 1890: The General Act of the Brussels Conference, to which the Sultan of Zanzibar was a party, provided for the surveillance of routes used for the slave trade in the interior of Africa, and for the search of native vessels on high seas and the liberation of slaves found on them; for the issue of national flags to such vessels; for the forfeiture of vessels proved to have been engaged in the slave trade and the punishment of the guilty parties; for the prohibition of the importation, transit and exportation of slaves in countries in which the existence of domestic slavery was recognised; for the protection of liberated slaves; and for the institution of an International Maritime Bureau at Zanzibar, where all information respecting the slave trade could be centralised and held at the disposition of the responsible authorities.

1897: Decree by the Sultan, Hamoud bin Mohammed, providing that the courts should decline to enforce any alleged rights over the body, service or property of any person on the ground that such person was a slave. Compensation to slave-owners was also provided for.

The Slavery Decree, 1909 (Decree No. 11 of 1909) dated July 6th, 1909, finally and totally abolished the status of slavery in the dominions of the Sultan of Zanzibar. It provided, *inter alia*, that from the date of the commencement of the decree (July 6th, 1909) the Zanzibar courts should not recognise the status of slavery in Zanzibar and Pemba. It provided for the payment of compensation, in certain circumstances, to slave-owners, but limited to December 31st, 1911, the time for making claims. It also made special provision for the emancipation of concubines; their rights and their children's were adequately safeguarded. The relevant parts of the Slavery Decree are still preserved in the current Statute book as Chapter 55 — *i.e.*, Chapter 55 of the Laws of the Zanzibar Protectorate, 1935.

Sections 247, 251 and 252 of the Zanzibar Penal Code (Chapter 9 of the Laws of the Zanzibar Protectorate, 1935 — formerly Decree No. 24 of 1934) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

III. MEMORANDA COMMUNICATED BY THE MEMBERS OF THE COMMITTEE.

ANNEX 21.

C.C.E.E.171(1).

HISTORICAL SURVEY OF THE ABOLITION OF THE SLAVE TRADE AND SLAVERY IN PORTUGAL AND THE PORTUGUESE COLONIES.

By M. José d'ALMEIDA.

[*Translation.*]

In the Iberian Peninsula, slavery between people of the same race had disappeared by the eleventh century. At the time when Portugal rose to be an independent nation, slavery in the form of personal service had become obsolete. At the most, there were serfs who were bound to the soil, or who were deprived of the right to dispose of their property. But it was the custom for prisoners of war to be made slaves, and numbers of Moors were reduced to servitude in this way. In the fifteenth century, the free Moors were expelled, but it was only in the seventeenth century, under Spanish rule, that the possession of Moorish slaves was prohibited in Lisbon and several other Portuguese towns (March 23rd, 1621). This prohibition was renewed on June 1st, 1641, immediately after the restoration of independence. Although slave labour was uneconomic, the period of the great sea voyages brought with it an increasing demand for labourers and thousands of African negroes were brought into Portugal from the fifteenth century onwards. A census of the population of Lisbon in 1551 (quoted by Fortunato DE ALMEIDA, "História de Portugal", Volume III, page 319) gave the number of negro slaves at that date as 9,900 in a total population of 100,000.

The fate of these negroes was not always a cruel one, judged by the standards of the time. They were more or less well treated, like the "clients" of Roman families. They enjoyed certain advantages. If they had talent they were educated in schools. Some of

them were pampered. Often they were set free by the terms of a will. The monastic and religious orders mitigated the cruelties to which they were subjected — for example, the Order of the Holy Trinity undertook the work of freeing slaves (Fortunato DE ALMEIDA, "História de Portugal", Volume III, page 622), and the Order of St. Benedict had the right to redeem negroes sold by their masters out of vengeance or any who were cruelly treated (Provisão of November 29th, 1776).

The severity of the prison system was relaxed in the seventeenth century. Prisoners were not to be chained more closely than was necessary for security (September 30th, 1693). The same measure was renewed by Pombal by the Royal Order of October 30th, 1758.

The Law of September 19th, 1761 (POMBAL), put an end to the importing of negro slaves into Portugal. According to the preamble of the law, the abuses were "shameful". Any negroes who landed became free men *ipso facto* and were to be sent back to their homes at the expense of their former masters. The latter had to pay fines, besides losing their slaves. Free negroes entering Portugal had to be in possession of identity papers. This remarkable law dealt a fatal blow to the slave trade with Portugal and had very important economic consequences. The outcry against the Marquis of Pombal is easily explained in so far as it originated with those who were ruined or impoverished by this radical measure.

The grandsons of slaves, born in Portugal, as well as the sons of slaves, born after the promulgation of the law of January 16th, 1773 (POMBAL), were free and could hold all public or other offices and obtain all honourable distinctions. The Marquis de Pombal said that every reference to slavery was to be removed from the identity papers of these freedmen;¹ this was contrary to the provisions of Roman law.

The French occupation and the political troubles which followed interrupted the advance towards the abolition of negro slavery in Portugal.

The first Portuguese political Constitution (1820) reproduces the Declaration of the Rights of Man, and the Constitutional Charter of 1826 grants Portuguese citizens every freedom.

In the Azores, abolition was decreed in 1832 (BICKER, volume XXVI, page 373) and the Law of November 25th, 1857, further prescribed that any slaves landing in Portugal, Madeira and the Azores would be free whether their master was Portuguese or not. Freedom was also granted them if they entered Portugal by land.

* * *

In the colonies, the problem was much more complicated. The situations in West Africa, East Africa, Brazil, India, Macao, and the Timor Islands were not only totally different from each other but varied at different times. The occupation and organisation of Africa are of recent date. During the time when the great wealth of Brazil and India was flowing to Lisbon, it was there that the attention of the rulers was concentrated, Africa was a reservoir of labour but not a place for settlement with the exception of the Zambesi region.

The possessions in China and Oceania had a political rather than an economic value. Labour problems never had the importance there that they assumed in Brazil, all the more so since neither in Macao nor in Timor was there a large enough population to attract slave traders. Since the races were fundamentally unlike and the climates completely different, the countries offering the greatest economic advantages naturally attracted attention, and it was principally Angola which, by its geographical position and the docility of its population, was best suited for the slave trade with Brazil, a trade which lasted from the sixteenth to the nineteenth century.

The natives were more or less everywhere enslaved or in a condition of servitude. Primitive habits and customs existed and were even exploited by traffickers of all kinds.

The European authorities interfered hardly at all with the life of the natives as long as they paid their taxes and did not rebel. The slave trade was the most lucrative of all trades for Europeans. In the seventeenth and eighteenth centuries, it was not yet offensive to the European conscience.

The *assientos*, which were simply contracts under which holders of concessions pledged themselves to the King of Spain to supply the labour needs of certain colonies, existed for centuries.²

At that time, there was nothing dishonourable in entering into a contract with the Government or in receiving money under *assientos* or similar contracts or in levying Customs duties on slaves on their entry into the home country or the colonies.

Portugal occupied in this respect a highly privileged position, for by the Papal Bull issued by Alexander II on May 4th, 1493 (Treaty of Tordesilhas), Spain and Portugal divided up Africa and America in such a way that the Portuguese share included both Angola and Brazil, and Spain was obliged to have recourse to the negroes of Portuguese Africa to supply her labour needs in America. France and Great Britain took part in slave-dealing in the same way as Portugal and Spain.

At the beginning of the eighteenth century, the great European nations were engaged in disputes over the monopoly of the slave trade. A century later, there was no international treaty in which the abolition and the suppression of the trade did not appear as an essential condition of all relations with Great Britain, the country which deserves the credit for having finally stigmatised the slave trade as a crime unworthy of civilisation.

¹ Most of these laws are to be found in the "Collection of Portuguese and Other Diplomatic Documents", BICKER, Volume XI, Part I, page 363 *et seq.*

² The privileges granted to the British were abolished by the Treaty of Madrid of October 5th, 1750, on payment of an indemnity to which Great Britain laid claim (Count DE GARDEN, "Traité de Paix", Volume II, page 322).

The stirring of opinion which resulted in the abolition of the slave trade was the result of many factors, both economic and moral. It might have been predicted from the legislative action — inspired either by the teaching of the Church¹ or by economic and political considerations — which was taken in more or less every country from the sixteenth century onwards.

For example, on September 10th, 1611, the King of Portugal (Philip of Spain) proclaimed the freedom of Brazilian slaves and declared them equal "to all other men, whether they had been converted to the Faith or not". Infringements of this measure were severely punished. A Royal Order (Alvará) of February 19th, 1624, proclaimed the same freedom for Asiatics as for Brazilians, and forbade their enslavement. This measure was renewed on April 1st, 1680.²

The "Alvará" of February 26th, 1689, protests against the barbarous manner in which the negroes of Angola were treated during the crossing to Brazil.

In the seventeenth century, slavery was abolished at Macao, which had never been a centre of the slave trade but more of an entrepôt. The Chinese who came to sell children there, were disappointed at finding no buyers. Convents and religious institutions were obliged to offer a reward for children brought to them.

In Brazil, at the end of the seventeenth century, a Jesuit priest,³ a remarkable man from every point of view, fought against the cruelties of slavery and thereby incurred the hatred of slave traders and owners. In the mission stations, the slaves were perfectly free and were paid for their work.

In the eighteenth century (1741), Pope Benedict XIV forbade the clergy to own and trade in slaves.

The Law of June 6th, 1755 (POMBAL), declared the freedom of the natives of Brazil. This law renews the provisions of the Law of 1611 on the same subject. But, since the law removed the Brazilian Indians from the care of the missionaries on June 7th, 1755, and forbade them to work in the mission stations, even for wages, the Indian villages fell into ruin and many natives died of hunger for want of proper attention.

The condition of the Indians was regulated by the Decree of May 3rd, 1757, which was made applicable to the whole territory of Brazil on August 17th, 1758. Henceforward the Indians could take a surname; but they were obliged to work six months of the year with white planters for wages. The natives paid 10% of the produce of their lands to the State. The regulation prescribed that officials of high moral character should be chosen and it entrusted the spiritual welfare of the natives to secular priests. In each village two schools were built for the two sexes, and theoretically everything seemed to be perfect.

Unfortunately, the driving out of the Jesuits (September 3rd, 1759) ruined the Indian villages and many of the natives died.

Forced labour was abolished for the Brazilian natives in 1799.

As the Government had the diamond monopoly, it set free any enslaved natives who gave information about gems secretly withheld by their masters.

The general picture of slavery in the Portuguese colonies at the end of the eighteenth century is therefore far from clear. In Brazil, the natives were free but, at the same time, obliged to work for the whites; negro slavery existed, but more civilised customs and legal measures combined to soften the hardships of the slave's life. In Western and Eastern Africa,⁴ the slave trade was carried on, its brutalities diminished by laws passed in Europe under the influence of Christian doctrines and the teaching of the Encyclopædists. In the Indies, slavery never existed legally and, as a human market, it never attracted the attention of slave traders, particularly since from the time of the Treaty of 1661 (marriage of the Infanta Catherine of Braganza with Charles II of England) the East India Company was all-powerful in this part of the world. At Macao, there was no slavery or slave trade recognised by law. The laws and regulations of this period give proof of the abolitionist movement,⁵ but material interests still prevailed over theories and European morality.

* * *

With the nineteenth century a new age begins. Great Britain⁶ took the lead in abolishing the slave trade as unworthy of a civilised people, and then extended her action further to the abolition of legal slavery everywhere where it did or could exist.

The Anglo-Portuguese Treaty of Alliance of 1809 laid down the principle of the abolition of slave trading with foreign nations (Article XXVIII), a proof that the trade with foreign nations and on behalf of foreigners still existed at that time. By the Treaty of Alliance with Great Britain of February 19th, 1810 (Article X), Portugal promised Great Britain to

¹ In a brief of May 29th, 1537, Pope Paul II, addressing the Archbishop of Toledo, advocated the humane treatment of slaves. The Quakers began their abolitionist campaign in Great Britain in 1761. The Wesleyans followed their example in 1766, and, in 1772, the British courts granted freedom to all slaves who landed in Great Britain. Abolition was proposed in the British Parliament in 1776 (BANDINEL: "Some Account of the Trade in Slaves", page 68).

² In a brief of April 1639, Pope Urban VIII, addressing the Apostolic Chamber of Lisbon, condemned the Catholics who "dared to reduce to slavery the Indians (of Brazil) and buy, sell, give away and exchange them, separate them from their wives and children, steal their land and goods, transport them to other places, deprive them of their freedom . . ." In 1570, the capturing of Brazilian natives was forbidden except in war and, in 1609, the freedom of Brazilian natives was proclaimed and confirmed in 1611. The "Alvará" of 1650 (CACHEN) recommends that the natives of Guinea should be humanely treated and the Regulation of 1666 for Angola shows a humanitarian interest rare at that time.

³ Father Antonio VIEIRA.

⁴ The export of slaves from Mozambique was permitted in 1645, during the Dutch occupation of Angola. (Andrade CERVO: "As provincias ultramarinas", Vol. II, page 57).

⁵ All the British people demanded abolition at the end of the eighteenth century. La Fayette and Condorcet in France were great propagandists for liberty. The British towns demanded abolition in 1788 and were supported by the universities, the Churches and the Board of Trade (BANDINEL, *op. cit.*).

⁶ On August 16th, 1805, a Royal Proclamation forbade slave trading by British subjects in British colonies. Pitt died in 1806. The importing of slaves into British colonies was prohibited on March 31st, 1806 (see, on this subject, BANDINEL, *op. cit.*, page 102). Denmark prohibited slave trading by Danish subjects in 1792 (KELTIE, "Partition of Africa").

co-operate with her in the gradual abolition of the slave trade everywhere but in her possessions south of the equator. Portugal was the first country to co-operate with Great Britain for this purpose, as is shown by the law (Alvará) of November 24th, 1813 (BANDINEL, *op. cit.*, page 125). Later, in Vienna, the Portuguese plenipotentiaries at the Congress signed a Convention with Great Britain (January 21st, 1815) whereby a sum of £300,000 was to be used by Great Britain to compensate the owners of Portuguese ships seized by British warships before June 1st, 1814, as suspected of carrying on the slave trade.

Slave trading was forbidden to Portuguese subjects north of the equator. Great Britain undertook not to interfere with the trade south of the equator. The two Powers pledged themselves mutually to conclude a treaty on slavery. Ships used for the slave trade outside the Portuguese possessions were forbidden to fly the Portuguese flag. Three secret articles were appended to this Convention. One dealt with the restoration by Great Britain of French Guinea, one with the abolition of the Inquisition in the Portuguese colonies, and the last with the right of claiming reparation for damages done by British cruisers as long as slave trading was not definitely abolished north of the equator.

These details are necessary for an understanding of the situation. At that date, it must be recalled, the political and economic difficulties in Portugal were acute. The country had just undergone the French invasion; the British army was still occupying the fortified places; the Court was in Brazil; trade was suffering and was hampered by all sorts of petty difficulties which British supervision did not tend to diminish.

In Annex XV of the Treaty of Vienna (1815), the Powers declared that "the commerce known by the name of the 'Slave Trade' has been considered by just and enlightened men of all ages as repugnant to the principles of humanity and universal morality"; that "the particular circumstances from which this commerce has originated and the difficulty of abruptly arresting its progress, may have concealed to a certain extent what was odious in its continuance, but that, at length, the public voice in all civilised countries calls aloud for its prompt suppression . . . the plenipotentiaries declare themselves to be animated with the sincere desire of concurring in the most prompt and effectual suppression" of the slave trade. Each Power reserved the right of deciding the date which would be most proper for putting that declaration into effect.

On July 28th, 1817, a new Convention was concluded in London between Portugal and Great Britain with the object of abolishing the trade and of prohibiting the use of the Portuguese flag in that trade outside the Portuguese colonies. It prohibited traffic in slaves on behalf of British subjects or persons of any other nationality. Two Mixed Commissions were set up to judge cases arising out of the trade. Portugal undertook to decree penalties against traders and once more to prohibit the importation of slaves into Brazil under any other flag than the Portuguese. The right of search by the British fleet was regulated by the Convention. The first payment of £300,000, promised at Vienna in 1815, was made on August 28th, 1818.

On January 26th, 1818, the penalties to which slave traders north of the equator were liable were laid down. They consisted in confiscation of ships, liberation of the slaves, banishment of the persons implicated and imposition of fines (BICKER, Vol. XIX, page 269).

At the Congress of Aix-la-Chapelle in 1818, although Portugal was not represented there, the Portuguese observer was requested to fix the date on which slavery should be finally abolished. At that time, it was thought possible that such a measure might cause a revolt in the colonies (BICKER, Vol. XIX, page 231, and Papers on Slave Trade, 1819). A revival of the trade had been observed north of the equator. The documents laid before the British Parliament in that respect are well worthy of study. Great Britain had fixed the year 1820 as the final date for the abolition of the trade. The five Powers concerned presented memoranda on the slave trade in which they expressed the hope that it would be shortly abolished and the European sovereigns approached the King of Portugal requesting him to abolish it. The King of Portugal, in his reply, said that abolition of the trade would have an unfortunate effect on Brazilian economy, for the white population could not work in the fields (BICKER, Vol. XIX, page 312). "It is most disagreeable to be placed between two evils" said the King, "one of which would hinder industrial development, while the other, coming into conflict with a habit formed during two centuries, would shock opinion among owners and might perhaps unsettle the minds of the slaves."

Correspondence between Great Britain and Portugal shows how strong the abolitionist movement had become: for Great Britain even promised to lend its support in the case of a revolt by the colonies. The separation of Brazil was accepted, as a fact in London in 1822 (BICKER, Vol. XX, page 230), when it was proposed to proceed against ships engaged in the trade flying the Portuguese flag and making for Brazil, as if they were making for a foreign country.

The establishment of the constitutional regime, the separation of Brazil, the struggle between the two claimants to the Portuguese throne and other economic and political disturbances prevented the Government from following an abolitionist policy through which it would have incurred serious enmities.

A message from the British Parliament in 1835 drew the attention of the King to the slavery situation and requested him to approach allied countries with a view to prevailing upon them to observe the treaties. Negotiations with Portugal were soon opened and by a Decree of December 10th, 1836, the trade was abolished in all Portuguese possessions as from the date on which that decree should be published in the colonies.¹

¹ Pope Gregory XVI, in his brief of December 3rd, 1839 (BICKER, Vol. XXXVIII, page 604), condemned the trade and slavery itself and recalled all the condemnations pronounced by his predecessors.

The use of the Portuguese flag was reserved for ships built in Portugal (Decree of January 16th, 1837).

The Treaty of July 3rd, 1842, between Portugal and Great Britain provided for the abolition of the trade in all Portuguese possessions. The most severe penalties were laid down for slave traders. Rules were drawn up for the right of search of ships on the open sea. Arrangements for the Mixed Commissions, which were to be competent to enquire into cases of slave trading, were agreed upon and the treatment of freed slaves determined.

This was the last treaty between Portugal and Great Britain on the subject of the slave trade, but it was not the last of the negotiations on this matter. On June 26th, 1847, Lord Palmerston again informed the Portuguese Government that more than 42,000 negroes had been introduced into Brazil. British cruisers were then authorised to enter Portuguese ports, where no authorities existed, for the pursuit of ships employed in the trade. The transition period was prolonged. The same efforts, however, were being made in colonies all over the world, and it is unnecessary to refer to facts mentioned in the "Slave Trade Papers" or the "Slave Trade Reports". The Mixed Commissions were abrogated by the Anglo-Portuguese Convention of July 18th, 1871 (see "State Papers"), for the slave trade properly so called had been finally abolished. Isolated incidents were reported during a number of years, but since the Portuguese colonies have become politically organised, since their economy has developed and communications facilitate police work — that is to say, for some time past — slavery and the slave trade have disappeared.

* * *

Legislation relating to the abolition of slavery in the colonies¹ dates from the decree of December 14th, 1854, making the registration of slaves compulsory, under the penalty of the liberation of any who should be omitted from the register and laying down the right of slaves to demand their emancipation on payment of compensation to their master. Liberated slaves had to work ten years for their former master, who had to pay them wages. Slaves belonging to the State were liberated, but they were required to work for seven years for the State in return for wages. A commission for the protection of liberated slaves was set up. In the law, it was stated that it was still necessary to tolerate the evil so long as the principles of equality and liberty embodied in the constitution were not applicable. Emancipation could be demanded by religious institutions at the time of baptism if any person paid a sum of 5,000 reis, as compensation to the master. The curators of prisoner-slaves (1852) were members of the protecting commissions under the presidency of the bishops. Emancipated slaves were placed under guardianship. It is interesting to note that this law freed slaves who possessed a university or academic degree, priests, members of the scientific academy, military and naval officers, elementary school-teachers and professors in secondary and higher-grade schools, judges, judicial officers, municipal councillors, mayors, wholesale dealers, landed proprietors, land stewards and factory directors. All these positions might therefore be filled by slaves, which is significant of the treatment slaves received in Portugal and in some of the colonies.

It was forbidden to raise the bidding at the sales of slaves, or to separate husband from wife and a mother from her children under seven. The children of slaves were free. The new regime was enforced by severe penalties.

Importation of slaves into Portugal by land routes was prohibited on December 14th, 1854. At Cape Verde, slavery was abolished on October 20th, 1854. Later (1855), two ordinances established protection for prisoner-slaves and forbade the application of certain forms of punishment. In Macao (December 23rd, 1856), slavery was declared abolished. The slave-owners spontaneously met and renounced their rights, making a declaration before the judge that they considered their slaves as free. A formal note, dated October 11th, 1856, was taken of this fact. This is the only collective declaration by masters in favour of the liberty of slaves of which I am aware.

Slaves entering Portugal, the islands of Madeira and the Azores, India and Macao were declared to be *ipso facto* free (Law of August 18th, 1856). Former laws had been open to wilful misinterpretations and were not so categoric. Children of slaves born in the colonies were thenceforward free and enjoyed all rights of citizenship. They nevertheless had to serve their parents' master, until they reached the age of 21, in return for food, lodging and education.

Slaves of the churches and religious orders were emancipated by the Decree of July 25th, 1856.

During that transition period, however, abuses still existed, and it was necessary to prohibit the exodus of natives from Mozambique into French colonies under the description of free settlers (order of July 30th, 1856). It was further necessary to punish as pirates traders describing themselves as passengers in slave ships (Order of August 14th, 1856).

In the trading stations of Angola it was forbidden to keep slaves or liberated slaves without registering them or to keep them in chains, subject to fines and imprisonment (Order of September 27th, 1856).

Slaves who could not obtain their freedom remained in servitude until the Law of April 29th, 1858, granted them complete liberty as from April 29th, 1878 — that is to say, twenty years later. The same decree established immediate liberty for slaves in Macao, the Cape Verde Islands and in the district north of the River Lifune in Angola.

This regime was modified by the Decree of February 25th, 1869, which abolished the state of slavery and considered the slaves as free. At the same time, it required them to continue to serve until April 29th, 1878.

¹ Abolition in the colonies is due to the efforts of the Marquis de Sà de Bandeira.

A great change was about to take place in colonial economy ; the problems of free labour and wages arose.

The complete liberty of slaves emancipated in 1869 was accorded to them by the Law of April 29th, 1875, which declared labour to be free in the colonies.

Such has been the Portuguese contribution towards the abolition of slavery.

* * *

Abuses have existed at all times and throughout the world.¹ The higher authorities had to combat the passive resistance of native usage and custom and the interests of none too scrupulous Europeans.

The disguised forms of slavery tend to disappear even where they may still be in existence, for the contact of the native with the white man, the influence of missions, the development of trade, the political occupation, the network of roads permitting of rapid travel by the authorities, education — in a word, the civilisation of the native — is overcoming his warlike habits out of which, to a large extent, the system of slavery arose.

In the Cape Verde Islands, there are no survivals of slavery. In Portuguese Guinea, tribal warfare has been brought to an end long ago, the organisation of native services is good and no abuse against freedom has been noticed. It must be added that the population of Guinea cultivates the soil and raises cattle. Scarcely any European undertakings exist there, and contact with Europeans is limited to the trade in oil-bearing products.

In the Islands of Sao Thomé and Principe there are no vestiges of slavery. Native workers have their contracts and are under the protection and superintendence of the Curator, who is a qualified magistrate. Their life is governed by the Native Labour Code. The health services for native workers are excellent, and the percentage of workers returning after their repatriation in Angola shows that the treatment they receive in the islands is to their liking. The autochthonous inhabitants are fairly advanced. They are doctors, lawyers, clergymen, landowners, etc. They only work in plantations belonging to them.

The Colony of Angola has an area of 1,260,000 square kilometres. Its native population is estimated to be about 3 millions. It includes many races, tribes, religion or sects, languages, etc. Four railways, of which one traverses the whole colony from Lobito to the Belgian frontier, and 35,000 kilometres of magnificent roads allow of the circulation of some 4,000 motor vehicles and facilitate the policing of the colony. The intellectual and moral level of the different peoples varies. The exploitation of the Lunda diamonds places thousands of natives in contact with the white population. The railway from Lobito to the Belgian Congo draws natives into trade, and prospecting for petrol by Americans has similarly carried civilisation into a large number of places. The natives on the coast-line are completely assimilated. No further vestiges of slavery exist. Abuses either by the coloured population among themselves, or by the white population on the coloured, are punished immediately if they come to the knowledge of the authorities. The trade in rubber, which was once a source of serfdom, no longer exists. Nevertheless, at Camaxilo in 1930, two natives accepted two boxes of powder from a native of the Congo region in payment for a child of ten, which they had stolen from its mother while she was fetching water from the river. As soon as the authorities had knowledge of the fact the guilty persons were arrested, the child was restored to its mother, thanks to the co-operation of the Congo police, and the natives implicated were punished. At Ganda, in 1931, it was discovered that a native trading in palm oil was stealing children and selling them for oxen and pigs. The children were restored to their parents, but some young girls preferred to remain where they were. In 1921, at Quibala, four women were bequeathed by will as slaves. In the centre and south of the colony, the natives pledge, as security for the execution of contracts arranged verbally between them, young girls under age, who are retained by the pledgee until the contract has been executed. The child regains her liberty so soon as she becomes conscious of her position and sometimes she has recourse to the authorities. The emancipation of persons pledged in this way as security makes these contracts unattractive, all the more since the authorities are exercising an increasingly strict supervision over the natives. Propaganda carried out by the authorities and missions, impressing upon the natives that they are completely free, has borne fruit and very few natives are ignorant of their rights.

Slavery is no longer an anxiety for the authorities, for it no longer exists. A crime may be committed here and there, but the custom has disappeared in Angola.

The Governor-General of the Colony remarks in his last report (1936) that the descendants of the former slaves are despised by the tribal members who were the masters of their parents. They are accepted in the family like others, but they are treated differently. In Lunda, the conquering Quiocos enslaved the natives, and it is still customary in their language to refer to the latter as slaves. The description, however, in no way corresponds to the present position : it is a class distinction such as exists throughout the world.

Although the tribal system is not recognised by law, natives perform gratuitous services for those whom they consider as their chiefs. The authorities are not aware that these chiefs exercise any pressure to force the natives to perform the work ; it is a voluntary and spontaneous form of co-operation.

In Mozambique, there are no remnants of slavery, and no case of slavery has been reported for many years. The Governor-General stated in his report for last year, that when, 26 years

¹ See " Slave Trade Reports " and the action of the British fleet in the repression of the trade, and the interesting work of ZIMMERMANN, " Kolonial Politik ". In 1850, Great Britain had contracted twenty-four treaties for the abolition of the slave trade with European and American countries and forty-two with native States (" Report on Slave Trade Treaties ", 1850, page iii).

ago, he arrived in Mozambique, natives existed who still considered themselves as the slaves of certain chiefs, but that there is now no longer any trace of such a state of affairs. Native chiefs have no longer the right to demand services even from their own subordinates.

In Portuguese India, there has never been traffic in slaves, nor any form of slavery. There have been forms of serfdom, as in all primitive societies.

Adoption of children is governed by the Code of Native Customs in Goa of December 16th, 1880, by the Code of Uses and Customs in Damão of August 31st, 1854 (Order of the Governor-General), as modified by Colonial Order No. 164, of April 19th, 1912, and by the Code concerning Uses and Customs of the Christians of Diu, approved by Colonial Order No. 24, of January 10th, 1894. Adoption makes the child a full member of the family and gives him rights of succession and otherwise as if he had been born into the family on the date of the adoption. He loses all connection with his natural family.

Pledging of a person for debt is prohibited and punished by law. There is no domestic serfdom, but "temple serfs" are still to be found. This is no compulsory servitude, but a voluntary one customary in certain families. Services rendered in the temples may be subject to remuneration (Colonial Law No. 645, March 30th, 1933). These "temple serfs" enjoy the use of houses belonging to the temple, and also the rents attaching to them (Articles 234 *et seq.* and Article 432). A survival of predial servitude might be found in the relations between landowners and their tenants (*mundcar*). These legal relationships are governed by the Decree of August 24th, 1901. The *mundcar* lives in a house which may or may not belong to him, on the estate of the landowner (*balcará*). From the latter, he may receive either a money subsidy or gifts in kind (*munda*). A *mundcar* cannot be compared to a serf bound to the soil, and still less to a European agricultural labourer, who is entitled to nothing but his wages.

At Macao, the Mui Tsai system is the only restriction upon individual liberty still tolerated by custom. This custom, which has existed for centuries throughout China, is not recognised by Portuguese law. Once the authorities become aware that a Mui Tsai is discontented with her lot, they intervene to restore her to her family, when this is known, or to place her in a convent, in which she is educated until she reaches her majority. If there is any evidence of ill-treatment, the persons responsible are brought before the criminal court. The Mui Tsai of Macao live peacefully with their adopted families and work inside the house. They can recover their liberty as soon as they wish. Only in very few cases have Mui Tsai appealed to the authorities, and on no occasion have they failed to obtain satisfaction. There are no special laws governing the matter.

In Timor, the present political organisation makes the enslavement of inferior castes impossible. The island is small. The roads make access to the interior easy. The petty kings no longer enjoy any authority. Wars between the tribes have ceased, and slavery was a consequence of such wars. It was never made the object of a contract. In former days a slave in Timor lived on a footing of equality with his master, whose daughters he might marry if he recovered his liberty.

Survivals of serfdom might be detected in the *lutuum* or the obligation of working the lands of the king; but the latter had no right to sell his servants, and the land itself did not belong to him, but to the kingdom. The king enjoyed only the usufruct. The chiefs still possess at the present time sufficient authority to require the co-operation of their subjects in the development of their land; but such co-operation is voluntary, and persons performing this service are given food in return.

Slave raids have been brought to an end. The sale of arms and powder to the natives is absolutely prohibited. In consequence, that source of offences against individual liberty has disappeared.

Such are the survivals of earlier forms of servitude as contrasted with the individual liberty of natives in Portuguese colonies.

The Chinese system of child adoption has not had, it is said, the unfortunate consequences in Macao which have been noted elsewhere. The district is too small, and supervision by the authorities is easy.

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The picture which has just been broadly sketched is far from being complete. It seems unnecessary to quote any further instances, to reproduce what has been published on the question of slavery and the slave trade, or to make any comparison between the efforts made by Portugal and those made by other colonial powers. In this study, therefore, only one facet of the problem appears. That cannot be too much emphasised.

Nevertheless, it would appear that laws can have effect only if they correspond to the sentiments of the population. As regards slavery, one might refer to the measures adopted under the influence of the philanthropic doctrines of the eighteenth century, which could not be put into actual execution until a century later, when means of supervision and of the enforcement of police measures became available. The economic factor has also played a preponderant rôle in this matter. The traffic did not cease until Brazil was separated from Portugal. The slave market no longer existed, or was no longer of any interest. Many settlers returned from Brazil and established themselves in Angola, where labour had become necessary, and in the British and Spanish colonies in America the watchfulness of the British, French and other fleets made contraband in slaves impossible or difficult. The closing of the slave markets dealt a mortal blow to the trade.

A radical transformation in the economic life of the colonies came about gradually as slave labour was replaced by free labour. Until the middle of the nineteenth century, it

was not thought possible that labourers would freely come to offer their services in agriculture, the ruin of which was predicted by the anti-abolitionists. The change took place, nevertheless, and the material prosperity of the colonies has not diminished.

The indirect system of native administration has not been adopted in the Portuguese colonies. They have been divided into districts or administrative areas, under the supervision of an administrator, subject in his turn to another superior magistrate, who is immediately subordinate to the Governor. Thanks to this system, the natives are under the control of the superior authorities. The telegraph, the telephone, roads, railways and motor vehicles make police work easy, and facilitate direct contact between the native peoples and civilised Europeans. This contact has had a decisive influence in regard to slavery. The natives are aware of their rights to freedom; the tribal chiefs have scarcely any remaining influence; wars between tribes have been stopped; the State controls trade in powder, spirits and fire-arms; produce is transported almost exclusively by mechanical means. The causes of the slave trade and of slavery itself have therefore disappeared. Buying and selling of natives have become crimes against public morals, and they are immediately punished if by any chance they are ever committed. Such is the logical conclusion of the study which I have the honour to submit to you.
