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LEAGUE OF NATIONS

SLAVERY

REPORT OF THE ADVISORY COMMITTEE OF EXPERTS

SECOND SESSION OF THE COMMITTEE

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

CONTENTS.

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Notes by the Secretariat of the League of Nations:

[1] This document is kept in the archives of the Secretariat of the League of Nations.

[2] This Treaty is contained in the League of Nations *Treaty Series*, Vol. LXXI, pages 153 to 158.

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 re-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 Convention [1] is not yet binding.

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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.

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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]

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[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 Ethiopia [1] 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,

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[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.

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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

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[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.

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[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 documents [1] 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

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[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. [3]

28. As regards raids carried out by Ethiopians outside the Empire, the official documents of the Sudan Government refer to an incursion made in 1932 [3] 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, 1934 [4] 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.

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[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 wonder 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.

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[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

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[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.

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[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 1932 [4] prohibits the keeping of Mui Tsai unless the master recognises

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[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 regime 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 considerably [1].

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.

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[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 view [2] 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, deplores 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

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[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 sytem, 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] $83^1/_3$ per cent of the persons pledged had been set at liberty; as regards the remaining

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[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 1925 [1] 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;

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[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.

C.C.E.E.43.

ANNEX 1.

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.

C.C.E.E.14.

ANNEX 2.

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
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)
} (see Appendix 7, page 59);
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 arealso 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 Masarva.

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 impracticabe " 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 10*s*. to 20*s*. 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 Marsawa 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 Marsawa 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 Tshekedi 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.

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[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.

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[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.

* * *

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.

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[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 staeted 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 paragraphe 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
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 Muit 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, *alias* 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, *alias* 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 45*a* 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
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	259

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	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	241

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	243

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.

1. 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 of 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.

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[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.

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[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. 1 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. 1 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 Abedd 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.

* * *

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.

* * *

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] [NorthernRhodesia] [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.

(Signed) P. E. Mitchell.

April 26th, 1930.

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 10*s*. The woman heard of this and applied to the court, who made him hand over 5*s*. 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 5*s*. 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 11 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 11, 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.

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[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
24th	,,	,,	Ankober
25th	,,	,,	Awache
26th	,,	,,	Ada-Bishoftou
27th	,,	,,	Ennemor-Ennekor
28th	,,	,,	Cambata
29th	,,	,,	Kaffa-and-Maji
30th	,,	,,	Conta
31st	,,	,,	Coullo
32nd	,,	,,	Walane-Seddo
33rd	,,	,,	Wallaga-Lakamt
34th	,,	,,	,, Lalokele
35th	,,	,,	,, Arjo
36th	,,	,,	,, Kéllem
37th	,,	,,	,, Yloubabor
38th	,,	,,	,, Goudrou
39th	,,	,,	Wallisse-Ambo
40th	,,	,,	Walamo
41st	,,	,,	Walle
42nd	,,	,,	Warra-Ylou
43rd	bureau,	province of	Yédjou
44th	,,	,,	Yfat
45th	,,	,,	Debré-Bérhan
46th	,,	,,	Djandjere
47th	,,	,,	Djimma
48th	,,	,,	Gamou-Belta
49th	,,	,,	,, Coddo
50th	,,	,,	,, Chencha
51st	,,	,,	,, Goumay
52nd	,,	,,	Goumma
53rd	,,	,,	Guéra
54th	,,	,,	Guidim-Efrata
55th	,,	,,	Golla-Assagui
56th	,,	,,	Gondar
57th	,,	,,	Gojam
58th	,,	,,	Gofa
59th	,,	,,	Tecour-Medir
60th	,,	,,	Chellia
61st	,,	,,	Chertcher
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 1924 [1] and 1931 [2] 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.

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[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.

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[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 Coppet, 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 Permanant 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.

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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

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[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, howevet, 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 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 though 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 feats 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.

Clothing:	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
	120

Total expenses: 1,105.50 lire.

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
	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
	100
Total income	1,007.50
Total expenses	1,105.50
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.

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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 1*s.* 6*d.*, 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.

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[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.

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1 Document A.17.1924.VI, page 2, or *Official Journal*, October 1924, page 1395.