

Geneva, May 15th, 1936.

LEAGUE OF NATIONS

SLAVERY

REPORT OF THE ADVISORY COMMITTEE OF EXPERTS

THIRD (EXTRAORDINARY) SESSION OF THE COMMITTEE

Held in Geneva, April 15th to 24th, 1936.

Note by the Secretary-General :

The Council decided, on May 13th, 1936, in accordance with Article 15 of the Rules of Procedure of the Advisory Committee of Experts on Slavery, to authorise the publication in full of the report of the Committee and the documents annexed thereto. In taking this decision, the Council made all necessary reservations in respect of those parts of the report and documents to which Article 16, paragraph 2, of the said Rules apply, and expressed no opinion upon them.¹

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¹ Text of Article 16, paragraph 2 :

" If a communication relating to slavery and concerning any country is submitted by the Government of another State, the Committee shall forward it to the Council with a view to its transmission to the Government of the country concerned, so that the latter may be enabled to submit its observations." (See *Official Journal*, February 1934, page 222.)



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¹ See document C.159.M.113.1935.VI.

² This document was communicated to the Council and the Members of the League, and published under document C.340.M.171.1935.VII.

A. REPORT TO THE COUNCIL.

INTRODUCTION.

1. The Advisory Committee of Experts on Slavery met at Geneva from April 15th to 24th, 1936, for its third (extraordinary) session. All the members of the Committee took part in the work. M. Louwers, the Belgian member, was unable to attend the last three meetings.

The Committee paid a tribute to the memory of its Chairman, M. Gohr, who died on April 7th, 1936, shortly before the session opened.

M. Marchand, Vice-Chairman, took the chair.

2. The Committee had before it documents supplied or communicated by the Governments of Belgium, the United Kingdom, China, France, India, Iraq, Italy, the Netherlands and Portugal concerning the question of slavery in the territories under their authority.

It examined these various documents, reproduced as annexes, in accordance with Article 13, paragraphs (a) and (b), of its Rules of Procedure (see *Official Journal*, February 1934, page 222), which read as follows :

“ During each ordinary session, the Committee :

“ (a) Will study and examine the documents supplied or transmitted by the Governments since its last session ;

“ (b) Will study, on the basis of such documents and of the special knowledge of its members, the facts and institutions mentioned in Article 1 of the Convention of 1926 and their rôle in the social system.”

3. The Committee also took note of three documents from the Italian Government — namely, two notes dated respectively March 2nd and April 14th, 1936 (see pages 83-90), and a letter dated April 18th, 1936 (see page 90), laying before it the memorandum submitted to the Council by the Italian Government on September 4th, 1935, concerning the situation in Ethiopia (see document C.340.M.171.1935.VII). Apart from the passages which deal with the Italian colonies and which are analysed elsewhere in the present report, the notes of March 2nd and April 14th announce the general freeing of slaves in the Ethiopian territories — adjacent to Eritrea and Somaliland — which have been occupied by the Italian troops. They refer to the situation which the Italians found in Ethiopia in the matter of slavery. As regards the memorandum of September 4th, 1935, this deals, in Part II, Chapter IV, paragraph A, with the question of the attitude of Ethiopia to the special engagements assumed by that country towards the League of Nations in regard to slavery. This part of the memorandum ends, on page 56, with the following conclusions, which are here reproduced in full :

“ (a) That Ethiopia recognises slavery as a legal condition ;

“ (b) That raids for the capture of individuals for purposes of slavery are continuing on a large scale, especially in the southern and western regions of Ethiopia ;

“ (c) That the slave trade is still practised ;

“ (d) That the Ethiopian Government participates directly in the slave trade by accepting slaves in payment of taxes and allowing detachments of regular troops to capture new slaves ;

“ (e) That, in addition to slavery proper, there exists the institution known as ‘ gebbar ’, to which the populations of non-Ethiopian regions are subject and which is a form of servitude akin to slavery ;

“ (f) That the Ethiopian Government has taken no account of the recommendations made to it by the Committee of Experts on Slavery, more particularly as regards the abolition of the legal status of slave, as appears further from the report submitted to the League of Nations in May 1935.”

In regard to those parts of the notes of March 2nd and April 14th, 1936, and of the above-mentioned chapter of the memorandum of September 4th, 1935, which relate to Ethiopia, the Committee decided that these texts should be transmitted to the Council, in accordance with Article 16, paragraph 2, of its Rules of Procedure, which paragraph reads as follows :

“ If a communication relating to slavery and concerning any country is submitted by the Government of another State, the Committee shall forward it to the Council with a view to its transmission to the Government of the country concerned, so that the latter may be enabled to submit its observations.”

4. The Committee also noted the replies of certain Governments to the Secretary-General's circular letters (see page 99).

5. It further examined a number of studies and memoranda prepared by its members, more particularly by Sir George Maxwell. In addition, it noted two resolutions adopted by the Council for the Representation of Women in the League of Nations and a communication from the London Missionary Society concerning the Masarwa in Bechuanaland, which were communicated by the United Kingdom Government.

Certain Governments — viz., those of the United Kingdom, China, India and Italy — sent the Committee texts of laws and regulations enacted for the suppression of slavery. This

material was supplemented by certain legislative texts submitted to the Committee by its Belgian, British, French, Italian and Netherlands members.

6. The Committee had been asked by the Council to submit all necessary proposals designed to bring its Rules of Procedure into line with the General Regulations on the Committees of the League of Nations adopted on January 24th, 1936. This question forms the subject of a special report by the Committee to the Council (document C.187.1936.VI).

7. In connection with suggestions made in the Council and Assembly, the Committee was led to consider the question of a possible extension of its mandate. In view more particularly of the fact that the session was an extraordinary one, the Committee thought it advisable not to express an opinion on this subject for the moment.

8. In framing its report, the Committee has felt it necessary, for practical considerations, to depart from the plan of the previous report, which followed that adopted by earlier Committees. To facilitate comparison between the present report and previous reports, a table is given below showing both the old and the present schemes.

9. Referring to the conclusions reached in its 1935 report (document C.159.M.113.1935.VI, page 19), the Committee would confirm, after perusal and examination at the present session of the further information communicated by Governments, that the various systems based on the giving of "dowry", such as "Lobolo", etc., have no features entitling them to be regarded as forms of slavery within the meaning of the 1926 Convention. The Committee consequently proposes to refrain from dealing with the subject in future, as it is clearly outside its powers unless subsequent documentary material necessitates a reversal of this decision.

10. As at its last session, the Committee must point out that several Government communications have reached it too late for them to be profitably utilised in the framing of its report. To meet this drawback, the Committee expresses the hope that the documents which it is called upon to examine will be sent to the Secretariat by Governments as early as possible and as soon as they are ready.

SCHEME OF THE COMMITTEE'S REPORTS.

1935 REPORT.	1936 REPORT.
<i>Chapter I.</i> — Status and Legal Status of Slaves.	<i>Chapter I.</i> — The 1926 Convention ("Status and Legal Status of Slaves" is now dealt with under Chapters II and III).
<i>Chapter II.</i> — Slave-raiding and Similar Acts : (a) Raids. (b) Inter-tribal Wars. (c) The Capture of Individuals.	<i>Chapter II.</i> — Slave Raids, Slave Trade and Captured Slaves.
<i>Chapter III.</i> — Slave Trade.	<i>Chapter III.</i> — Born Slaves.
<i>Chapter IV.</i> — Slave - dealing (including Transfer by Exchange, Sale, Gift, Inheritance, or Occasional Sale of Persons previously Free).	<i>Chapter IV.</i> — Other Institutions : (a) Debt Slavery, Pawning and Peonage. (b) Mui-tsai System. (c) Quasi-adoption of Children. (d) Serfdom.
<i>Chapter V.</i> — Practices restrictive of the Liberty of the Person : (a) Acquisition of Girls by Purchase disguised as Payment of Dowry. (b) Enslavement of Children disguised as Adoption. (c) Pledging of Third Persons. (d) Pledging of the Debtor Himself.	<i>Chapter V.</i> — Conclusions.
<i>Chapter VI.</i> — Domestic or Predial Servitude.	(Questions relating to "Domestic or Predial Servitude" are dealt with under Chapter III — Born Slaves.)
Conclusions.	

CHAPTER I. — SLAVERY CONVENTION OF 1926.

(a) As to the accession to or ratification of the Slavery Convention, the situation is as follows :

(1) Afghanistan is the only State which has acceded to the Convention since the Committee's 1935 report.

(2) The Convention¹ is now binding upon forty-three States. It is not binding upon thirty-one States, of which eight have not yet ratified the signatures to the Convention, one has acceded subject to ratification, and twenty-two have not accepted the invitation to accede to it.

(3) Twenty-eight States have ratified the Convention. They are : Australia, Austria, Belgium, United Kingdom, Bulgaria, Canada, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, India (with reservation),² Italy, Latvia, Liberia, Netherlands, New Zealand, Norway, Poland, Portugal, Roumania, Spain (with reservation),³ Sweden, Union of South Africa, Yugoslavia.

(4) Fifteen States, which had not been signatories to the Convention, have acceded to it. They are : Afghanistan, Ecuador, Egypt, Haiti, Hungary, Iraq, Irish Free State, Mexico, Monaco, Nicaragua, Sudan, Switzerland, Syria and Lebanon, Turkey, United States of America (with reservation).⁴

The Dominican Republic has also acceded, subject to ratification.

(5) The eight States which signed the Convention but have not as yet ratified it are : Albania, China, Colombia, Ethiopia, Iran (with reservation),⁵ Lithuania, Panama, Uruguay.

(6) The twenty-two States which have not accepted the invitation to accede to the Convention are : Argentine, Bolivia, Brazil, Chile, Costa Rica, Free City of Danzig, Guatemala, Honduras, Iceland, Japan, Liechtenstein, Luxemburg, Nepal,⁶ Paraguay, Peru, Salvador, Sa'udi Arabia, San Marino, Siam, Union of Soviet Socialist Republics, Venezuela, Yemen.

(b) As to the action taken by the Secretary-General, the situation may be summarised as follows :

(1) In accordance with Article 11, paragraph 2, of the Convention, States which had not signed it, including States non-members of the League, were invited in 1927 by the Secretary-General to accede to the Convention. A similar invitation was sent in 1928 to Iraq, at the request of the mandatory Power, and in 1935 to Nepal and Yemen, at the request of the Council.⁷

(2) No. I of the Assembly resolution of October 3rd, 1930, provides that the Secretary-General of the League of Nations should, *each year*, request any Member of the League or non-member State which has signed any general convention concluded under the auspices of the League of Nations, but has not ratified it before the expiry of one year from the date at which the protocol of signature is closed, to inform him what are its intentions with regard to ratification.

The request was sent for the first time in 1930 to the eight States mentioned above under (a) (5), and each year since that time.

The Albanian Government replied in 1932 that it was completing the necessary formalities for ratification.

The Colombian Government replied in 1931 that the National Congress would be asked to ratify at the next ordinary session.

The Iranian Government replied in 1931 that the Convention was being examined.

The Government of Panama replied in 1934 that the National Assembly, which was to meet in September 1934, would be asked to approve the Convention.

The Uruguayan Government replied in 1935 that it intended to ratify as soon as the necessary legislative approval had been received.

(3) No. II of the Assembly resolution of October 3rd, 1930, provides that the Secretary-General shall, at such times as seem suitable in the circumstances, request any Member of

¹ See document C.210.M.83.1927.VI.

² "Under the terms of Article 9 of this Convention, the signature is not binding as regards the enforcement of the provisions of Article 2, sub-section (b), Articles 5, 6 and 7 of the Convention upon the following territories : in Burma, the Naga tracts lying west and south of the Hukawng Valley bounded on the north and west by the Assam boundary, on the east by the Nanphuk River and on the south by the Singaling Hkamti and the Somra tracts ; in Assam, the Sadiya and Balipara frontier tracts, the tribal area to the east of the Naga Hills district, up to the Burma boundary, and a small tract in the south of the Lushai Hills district ; or on the territories in India of any Prince or Chief under the suzerainty of His Majesty. Further, it is not binding in respect of Article 3 in so far as that article may require India to enter into any convention whereby vessels, by reason of the fact that they are owned, fitted out or commanded by Indians, or of the fact that one-half of the crew is Indian, are classified as native vessels, or are denied any privilege, right or immunity enjoyed by similar vessels of other States signatories of the Covenant, or are made subject to any liability or disability to which similar ships of such other States are not subject."

³ "For Spain and the Spanish colonies, with the exception of the Spanish Protectorate of Morocco."

⁴ "Subject to the reservation that the Government of the United States, adhering to its policy of opposition to forced or compulsory labour except as punishment for crime of which the person concerned has been duly convicted, adheres to the Convention except as to the first subdivision of the second paragraph of Article 5 (forced or compulsory labour)."

⁵ "Ad referendum and interpreting Article 3 as without power to compel Iran to bind herself by any arrangement or convention which would place her ships of whatever tonnage in the category of native vessels provided for by the Convention on the Trade in Arms."

⁶ For the reply of Nepal, see *Official Journal*, March 1936, page 287.

⁷ See *Official Journal*, June 1935, page 608.

the League which has neither signed nor acceded to a convention concluded under the auspices of the League within a period of five years from the date on which the convention became open for signature to state its views with regard to the convention — in particular, whether it considers there is any possibility of its accession to the convention or whether it has objections to the substance of the convention which prevent it from accepting it.

The Secretary-General sent this request for the first time on March 5th, 1935, to the following States : Afghanistan, Argentine, Bolivia, Chile, Guatemala, Honduras, Japan,¹ Luxemburg, Paraguay, Peru, Salvador, Siam, Union of Soviet Socialist Republics, Venezuela.

Afghanistan replied acceding to the Convention on November 9th, 1935.

The Union of Soviet Socialist Republics replied in 1935 that accession was not contemplated.

The Government of Venezuela replied, also in 1935, that the Republic offered no possibility of slave traffic and that the Government did not propose to accede.

(c) *Conclusions.*

(1) Perusal of the lists (see (a), paragraphs (3) and (4) above) of the forty-three States which are parties to the Convention shows that, in a number of cases, there is no question of slavery existing in those States at the present time. They have acceded for the sole purpose of giving their moral support to the general principles of the Slavery Convention — namely, the suppression of slavery in the countries in which it may still exist. It is beyond all doubt that the great majority of the thirty-one States which are not yet parties to the Convention are as free from slavery in all its forms as are the States which are parties.

The Council of the League, by its resolution of May 22nd, 1935, recommended that States which have signed the Slavery Convention of September 25th, 1926, or acceded to it subject to ratification but have not yet ratified it, should ratify the said Convention at an early date. It also expressed the hope that such of the Members of the League and of the non-member States invited at the time to accede as are not yet parties to the said Convention would consider the possibility of acceding thereto.

The Committee trusts most sincerely that all those States will, without further delay, become parties to the Convention.

(2) As regards *India*, the Committee, in No. 9 of its 1935 report, expressed the hope that the Government of India would be good enough to consider the advisability of withdrawing for Burma the reservation accompanying its signature of the Convention.

In its communication of March 31st, 1936 (see page 82), the Government of India stated that this reservation was in respect of the Naga tracts. The Secretary of State for India had taken up with the Government of India and the Government of Burma the question of withdrawing this reservation for Burma, and it was hoped to be able to report definite decisions in time for the present session of the Committee. The Secretary of State for India is still in active correspondence with those Governments on the subject, and he much regrets that there must be some further delay before definite conclusions can be reached.

The Committee noted with satisfaction the information furnished by the Government of India. The remarks in No. 9 of its 1935 report referred solely to the Naga Hills tracts. Although — as stated in the note from the Government of India — administration has not been extended to these areas, they nevertheless form, in the opinion of the Committee, part of the British Empire and are covered by the Imperial Law of 1833 relating to the abolition of slavery. All that the Committee asked in No. 9 of its last report was that the Government of Burma should apply that Imperial Law. The Committee notes with satisfaction the above-mentioned statement of the Government of India and hopes that the negotiations in progress will shortly be brought to a successful conclusion.

(3) In No. 9 of its 1935 report, the Committee asked whether it might be possible to consider the desirability of obtaining from the *Indian States* under the suzerainty of His Britannic Majesty, in which slavery may still exist, a declaration of their intention of taking action as soon as possible for its suppression in their territory. A declaration on the part of the Indian States which have already taken steps in that direction, mentioning the nature of those steps, would, in the Committee's opinion, be of the greatest value.

The Government of India, in their communication of March 26th, 1936 (see page 80), state that, for constitutional and other reasons, they have not found it possible to call upon individual Indian States to make specific declarations on the lines suggested by the Committee. The Government of India had already, after the conclusion of the Convention, taken steps to bring its provisions to the notice of all Indian States with a view to their working steadily towards the position as accepted for British India. Active steps have since been taken to ensure that Indian States which have not already done so shall enact legislation for the suppression of slavery on the same lines as the legislation in force in British India. The Government of India are confident that the advice which they have given to the Indian States will be complied with. They consider that, if the States were advised to adopt more elaborate machinery, this would only lead to delay and prove to be less effective than the measures which have already been taken.

¹ Japan has ceased to be a Member of the League since March 27th, 1935.

As regards the reservation in respect of four articles of the Slavery Convention, the Committee would like to know whether the signature of the Convention implies the accession of all the native Indian States, except as regards the articles in respect of which special reservations have been made.

CHAPTER II. — SLAVE-RAIDS, SLAVE TRADE AND CAPTURED SLAVES.

1. In bygone centuries, slavery was a feature inherent in former civilisations or in the conditions of life in certain countries in Europe, Asia and Africa. In modern times — and even since the abolition of the slave trade to the American colonies — it has been the sad privilege of the “Black Continent” to retain this hideous scourge.

There are practically no slave-raids at the present day except in certain parts of Africa; and it may now be said of nearly every country in Africa that, if a raid ever takes place, it is in the nature of a frontier foray between hostile tribes or an act of brigandage by a few desperate men. Such raids and captures in these countries must be regarded as isolated crimes, against which the Governments take every precaution and for which they inflict the heaviest penalties.

2. In support of this general statement, and in exemplification of the exceptions to it, we recapitulate briefly the information supplied by the various Governments on the subject of slave-raids, the slave trade and captured slaves. The information concerning “born slaves” will follow in Chapter III.

It will be convenient to mention, in alphabetical order, first the self-governing countries, and then the colonies of the European Powers and the mandated territories.

AFRICA.

Egypt.

The law prohibits slavery throughout the Kingdom, and offences in this connection are punished with penalties varying from a fine up to the death sentence (see document A.10.1926.VI, or *Official Journal*, August 1926, page 1035). This statement was confirmed in a recent communication from the Egyptian Government (page 99).

The Committee would be glad to know what steps are taken to prevent any secret transit of slaves to Arabia.

Ethiopia.

It appears from the documents that Ethiopian legislation on slavery is as follows :

An Edict dated September 15th, 1923, after reciting the earlier Edicts of Menelik II, which prohibited the purchase and sale of slaves, proclaimed that, except in time of war and in cases when the King's permission had been obtained, any person who enslaved another would be punished by death, and contained severe penalties for provincial governors and local chiefs in case of negligence in suppressing the slave traffic.

On March 31st, 1924, an Edict was issued for the suppression of slavery (document C.209.M.66.1924.VI). The greater part of it relates to “born slaves” and is mentioned in Chapter III. In Articles 31 and 32 of the Edict, severe punishments are provided for buying and selling slaves and for “enticing away a liberated slave with a view to enslavement”. Article 10 provides that slaves “captured on expeditions” shall be liberated on the death of their masters.

In 1927 (document A.37(b).1927.VI), and again in 1928 (see *Official Journal* of the League of Nations, Special Supplement No.70 (1928), page 36), the Ethiopian Government supplied lists of persons sentenced to imprisonment for offences under the Edict.

A report from the Ethiopian Government, dated August 15th, 1934 (see page 93 of document C.159.M.113.1935.VI), stated that, during the period September 1933 to August 1934, bureaux for the abolition of slavery had convicted 293 persons of offences against the Slavery Laws. Further mention of these bureaux is made in Chapter III, page 18. The same report stated that the development of motor transport in recent years and the disposition of military forces in many parts of the country had made it easier to stamp out the slave-trade. This subject was referred to in paragraph 33 of the Committee's last report.

The material communicated by the Italian Government with regard to Ethiopia is dealt with above in the introduction to the Committee's report.

Liberia.

Article 1, paragraph 4, of the Constitution contains a provision to the effect that :

“There shall be no slavery within this Republic; nor shall any citizen of this Republic, or any person resident therein, deal in slaves either within or without this Republic, directly or indirectly.”

In 1932, the Liberian Government reported (see document A.16.1933.VI, page 1, or *Official Journal*, January 1933, page 155) that there had been no slavery in the Republic during the current year and that the laws of the Republic in connection therewith had been strictly applied.

Since that date, no new document with regard to slavery has been sent in from the Liberian Government (see also Chapter III, page 18).

Sudan.

The annual reports show the remarkable change that has taken place in this country since its reoccupation. Strict legislation has been passed, the rigorous enforcement of which has made it possible gradually to reduce slave-trading to a minimum. The documents regularly submitted by the Sudan Government to the League of Nations throw full light on the action of the authorities dealing with the suppression of the traffic, and even go so far as to cite concrete cases. In the last report, mention is again made of the help of the tribal authorities in the suppression of these occasional crimes and of the deterrent effect of the punishments upon conviction (page 98).

The Committee would be glad to receive information as to such sporadic cases as may occur of secret embarkation of slaves for Arabia on the Sudanese coast of the Red Sea.

Union of South Africa; Mandated Territory of South West Africa.

The Government of the Union reported in 1922 (document A.18.1923.VI, page 11) that neither in the Union nor in the mandated territory of South West Africa was any slavery practised.

Basutoland, Bechuanaland Protectorate, Swaziland.

The United Kingdom Government reported in 1924 (see document A.25(a).1924.VI) that no slavery was known to exist in these territories.¹

Belgian Congo.

The Belgian Government's report of 1924 (see document A.25.1924.VI, pages 3-14) shows how formidable a task confronted the authorities in 1890, when they undertook the suppression of the slave-trade. The report gives an account of the measures taken for the purpose. Since 1897, no further cases of slave-dealing have been mentioned.

The 1930 report (document A.17.1930.VI, page 4, or *Official Journal*, September 1930, page 1133) recorded that no act which could be regarded as slave-trading had been observed and that the extreme vigilance of the Government made any such act practically impossible.

The last report of the Belgian Government (see page 29) accordingly contains no mention of any slave-raids, slave-trade or even of individual acts of kidnapping. There is the definite statement that inter-tribal warfare has, for several decades, ceased to be a source of slavery. It is also stated that different tribes in the colony used formerly to carry on a trade in slaves, who were offered for sale in organised markets at regular dates. This no longer exists — "subject to the reservation, as regards sale, that there may still be clandestine transactions, though these are assuredly rare". The report of the Royal Belgian Colonial Institute, from which this information has been taken, is mentioned in Chapter III, page 19, of the present report.

Ruanda-Urundi under Belgian Mandate.

It appears from the Belgian Government's reports that the slave-trade was quite unknown in the territory at the time when Belgium accepted the mandate (document A.17.1930.VI, page 5, or *Official Journal*, September 1930, page 1133). A Decree-Law, dated March 28th, 1923, makes any person guilty of enslaving a native liable to imprisonment.

African Territories under British Administration.

No slave-raids have ever been reported.

Nigeria.

The report of the Government of Nigeria submitted by the United Kingdom Government (see page 64) states that the slave-traders are mainly Shuwa Arabs, Kanembus and Mandaras, who sell their victims to the inhabitants of the Lake Chad region and to merchants of Wadai, Kanem and Tibesti. The slave-route starts from Mandara in the Cameroons under French mandate and goes to Lake Chad. The French and Italian members of the Committee gave an account of the measures taken to effect the virtual abolition of this traffic.

¹ The relations between the Bamangwato and the Masarwa are mentioned in Chapter IV (d), under the heading of "Serfdom".

It appears from the report that a certain recrudescence of slave-trading activities was reported in 1933 from the Northern Provinces of Nigeria ; but it is said that the position had considerably improved by 1935. As the result of the vigilance of the administrative and native authorities and the co-operation of the French Administration, the traffic has been greatly reduced. In the Southern Provinces of Nigeria, there is no organised slave traffic. On the other hand, the United Kingdom Government's report refers to traffic in children. In the Benue Province, during the last five years, forty-two persons were convicted of offences connected with slave-dealing, and nineteen persons freed. In the Plateau Province, in 1933, there was an extensive trade in pagan children, who were sold by their parents as a result of financial distress. A number of persons were convicted and fifteen children liberated. This appears to have stopped the traffic. In this colony, during the first six months of 1935, thirty-five persons were convicted of slave-dealing offences. The Government has information of the principal sources from which the children are obtained, of the route taken by the dealers and of the areas of greatest demand. This information is being usefully employed in suppressing the traffic. The report shows that, in spite of most energetic action by the administration, it is difficult to stamp out the practice among a primitive people living in very thickly wooded country. It is stated that the system is not truly slave-dealing, but the adoption of children by purchase ; that the children are bought by middlemen from their parents, and sold in a district where there is a demand for them ; that children who have been recovered have always been well treated and content ; that they often refuse to leave their " masters " or adoptive parents ; and that they always resent being described as slaves.

Cameroons under British Mandate.

The mandatory Power has communicated information in its annual reports to the League of Nations since 1922. The reports are evidence of the marked progress accomplished. It was stated in the annual report for 1922 that, before that date, the slave-trade was in an " active state ". The 1923 report said that slave-raids were frequent. The reports draw attention to the vigilant activities of the authorities, their co-operation with the French authorities in neighbouring territories, and the growing support of the population. The annual reports for the years 1929-1934 show that cases of slave-trading are rare.

The 1934 report refers to the vigilance of the police, the establishment of five new police-patrol posts for intercepting the traffic, and the arrangements for even closer co-operation with the French authorities for frontier control. One source of the trouble is the custom of pagans in one territory selling their children to pagans in another, for small sums, in the guise of marriage. The report explains that often — as, for instance, when there is a famine — the parents are actuated by the best motives.

Tanganyika under British Mandate.

The report of the United Kingdom Government (see pages 28 to 30 of document C.159.M.113.1935.VI) shows that " compulsory slavery " is non-existent.

Togoland under British Mandate.

The annual report of the mandatory Power for 1923 stated that all the inhabitants of the country were fully aware that a revival of slavery would be severely punished, and there is no mention in any subsequent report of any offence of child-stealing, or any similar offence.

French African Colonies.

The French Government supplied full information in 1935 (see pages 95 to 98 of document C.159.M.113.1935.VI) and in 1936 (see page 78). From these it appeared that, in the colonies administered by France, all necessary steps had been taken against the last slave-traders who may still exist. The Committee has received detailed statistics of the sentences passed since 1930 in each territory for slave-trading offences. In French Equatorial Africa, in conjunction with the British authorities in Nigeria and the Sudan and the authorities in French West Africa and the Cameroons, a close watch is kept on the main routes formerly followed by bandits or slave-traders.

The Committee trusts that the French and Spanish authorities will succeed in arranging co-operation in the Sahara area on the same lines as the British and French authorities in the Cameroons and the Italian and French authorities in Tibesti.

In Somaliland and Madagascar, no slave-trading has been discovered.

Cameroons under French Mandate.

The annual reports stress the constant watch for slave-trading kept by the authorities. The 1934 report shows that, in co-operation with the neighbouring British authorities and local

chiefs, a number of notorious traffickers were arrested. This co-operation, moreover, has been organised along all the frontiers by means of patrols.

Togoland under French Mandate.

The annual report of the mandatory Power for 1929 stated that slavery no longer existed and the slave-trade had entirely stopped. According to the reports for subsequent years, no case of trading has since been discovered.

Italian Colonies.

The Committee published, as an annex to its 1935 report, the information received from the Italian Government. It may be summarised as follows :

Libya. — Even before the Italian occupation, slavery in the strict sense of the term, where the slave is regarded as a chattel (*mamlúk*), had been officially forbidden, but had actually continued in a clandestine form. Its complete disappearance, due to the Italian occupation, created no difficulties. The Italian occupation has also marked the final cessation of raiding for Sudanese negroes, and even of clandestine raiding.

Cyrenaica. — In Cyrenaica (forming part of Libya), the slave-trade stopped immediately, on the occupation of the territory in 1911-12 by the Italian Government, in the districts under its direct authority, but continued in the hinterland, where it received its death-blow through the occupation of the oases of Jarabub, Aujila, Jalo and Marada, and the final break-up of the Senussi organisation in January 1932.

Eritrea. — The slave-trade and the last trace of slavery have long since disappeared.

Somaliland. — Slave-trading and slavery are completely and effectively abolished.

The Italian Government's 1936 report (see page 83) confirms that slavery no longer exists throughout the whole of Libya, Eritrea and Somaliland.

North-African Territories under Spanish Sovereignty or Protectorate.

The Spanish Government's report (see document C.159.M.113.1935.VI, page 93) states that, in the northern zone, which has been under protectorate since 1913, slave-dealing, the slave-trade and the slave-markets have disappeared. Abductions and seizures are now punishable offences and may be said to be non-existent. With regard to the southern territories, the military occupation is of recent date, and the authorities have been instructed to collect information.

The 1926 Convention does not apply to the Spanish Protectorate of Morocco, owing to a reservation made by the Spanish Government when signing that instrument. The report in question points out that it may be assumed that in this unadministered territory slavery still possesses a legal status in virtue of Mohammedan law.

Portuguese Colonies.

The situation has been described in reports from the Portuguese Government in 1931 (document A.29.1931.VI, pages 2 and 3, or *Official Journal*, September 1931, page 1609), in 1935 (document C.C.E.E.35, or paragraph 6 of the 1935 Committee's report) and in 1936 (see pages 91-96).

Cape Verde Islands. — Slavery does not exist.

Guinea. — As a result of action by the authorities and pressure exercised on the chiefs, there have for some time past been no slaves.

São Thomé and Príncipe. — No case of slavery or slave-trading has been discovered.

Angola. — The Curator of Natives emphasises the fact that, during the last thirteen years, only two cases of slavery have occurred.

Mozambique. — No case of slavery has been reported.

3. The official documents briefly referred to above show the important change which has occurred in Africa during the present century. The legal status of slavery still exists certainly in Ethiopia and perhaps in the Spanish Protectorate of Morocco. There is no recent information concerning the interior of Liberia. On the other hand, as regards all other areas in Africa, the Committee is convinced that the "slave-trade" has completely disappeared, that the acts of brigandage and kidnapping which occur constitute isolated offences that no longer threaten the security of the population as a whole, and, lastly, that Governments are taking all possible precautions to prevent their recurrence, and that, where necessary, they deal most energetically with them.

At the same time, the work is far from finished, since there are still captured slaves in Ethiopia and Arabia, and isolated cases of trading across the Red Sea still occur.

SURVEILLANCE OF THE RED SEA.

4. The United Kingdom Government's report of 1935 (see page 25 of document C.159.M.113.1935.VI) mentions that the British Navy has for many years maintained two sloops in the Red Sea for duty as an anti-slavery patrol. The sloops carry interpreters on board and inspect suspicious dhows. Between January 1st, 1931, and December 31st, 1933, these two vessels covered a distance of approximately 38,060 miles and examined 126 dhows. According to the information supplied by the United Kingdom in 1936 (see page 58), the situation remains unchanged. Between January 1st, 1934, and June 30th, 1935, these vessels covered 19,647 miles and examined 20 dhows, with no result. More than thirteen years have passed since a negro dhow was captured.

5. The French member of the Committee emphasised the fact that a closer watch was now kept on traffic crossing the Red Sea and along the Somaliland coast by means of air patrols.

6. The Italian Government's report for 1935 (see page 98 of document C.159.M.113.1935.VI) states that, even if it is established that a certain limited traffic in slaves between Ethiopia and Arabia still continues, despite the intensified vigilance of the European Powers, it may be affirmed with certainty that not the slightest portion of that traffic takes place in Italian territory. The report mentions the vigilance of the police and Customs posts and the lighthouse personnel, the cruises carried out by the Royal Navy, and co-operation with the vessels of other European Powers in the Red Sea.

7. The Italian member of the Committee drew attention to the compulsory registration of all sambuqs in Italian Eritrea — a measure which reinforces the close watch kept on traffic in the Red Sea.

8. The Committee is gratified to note the efficacy of the action taken by the European Powers. It would like to receive information regarding the efforts made by the Egyptian and Sudanese authorities to prevent clandestine embarkation and transit in the ports of the northern Red Sea coast, so far as such incidents may occur.

9. Moreover, the Committee refers to the hope it expressed last year (No. 37 of the report), and, without going so far as to recommend the conclusion of an international convention, would welcome special agreements providing for still closer co-operation between the European Powers concerned.

ASIA.

Sa'udi Arabia and Yemen.

As mentioned in Chapter I, these two countries have not accepted the invitation to accede to the Slavery Convention. In paragraph 34 of its last report, the Committee referred to Article 7 of the Treaty of September 17th, 1927, concluded between Sa'udi Arabia and the United Kingdom Government, providing for full co-operation in the suppression of the slave trade. In the same paragraph it mentioned the undertaking given by the Yemen Government to the United Kingdom Government, in notes exchanged in connection with the Treaty of February 11th, 1934, to prohibit the importation of slaves from Africa. At the same time, the Committee expressed the wish to know whether any proclamations had been published or laws enacted on this subject, whether any arrests had been made or prosecutions instituted for slave-trading and whether, in reality, the importation of slaves from Africa or elsewhere had been effectively prevented.

The Committee has received no new information on this subject.

Aden Protectorate.

This area lies to the north and east of the small British territory of Aden (where slavery does not exist) (document A.25(a).1924.VI). It includes Hadramaut, which runs eastward up to the frontier of Muscat, and inland as far as the frontiers of Yemen and Sa'udi Arabia. The Protectorate is divided into a certain number of sultanates and sheikhdoms which are not administered by the United Kingdom Government.

In reply to the request made in paragraph 34 of the Committee's last report, the United Kingdom Government communicated various particulars (see page 60). The assurance is given that the importation of fresh slaves is probably an occurrence of the utmost rarity and that importation *by sea* has been completely abolished.

The United Kingdom Government has also communicated to the Committee (see page 75) a proclamation, dated March 7th, 1935, of the Sultan of Lahej, forbidding, on pain of punishment, the importation of slaves from the sea and their sale and purchase.

The Aden Resident has been invited by his Government to take an early opportunity of negotiating further agreements with the local chiefs in order to secure their co-operation in preventing the introduction of further slaves into their territories.

Persian Gulf Area.

In its 1936 report (see page 72), the United Kingdom Government deals with the States situated on the eastern and south-eastern coasts of Arabia — namely, Koweit, Bahrein, Trucial Oman, Qatar and Muscat. The report asserts that the slave-trade in the Persian Gulf practically no longer exists; although there is no treaty for the suppression of the slave-trade in *Koweit*, the Sheikh has apparently, within the last few years, entirely stamped out the sale of new slaves, however secretly imported. In *Bahrein*, the slave-trade is said to be extinct, and in *Trucial Oman* and *Qatar* there is no longer anything in the nature of a slave-market (as there was before the British Treaties), and, though slaves sometimes change hands, there is no really extensive buying or selling. The British sloops detain and search dhows regularly. As no slave has been discovered in recent years, it is believed that traffic by sea must be negligible.

Every possible opportunity is taken of impressing on the sheikhs the necessity of trying to suppress the traffic. The coast of *Muscat* is specially watched by British vessels, but here again no slave has been discovered in recent years; the Sultan is well disposed to the suppression of the slave traffic.

China.

In a communication of March 25th, 1936 (see page 75), the Chinese Government stated that slavery did not exist in China. The Chinese Constitution provides that all citizens are equal before the law. Moreover, the new Chinese Penal Code, which came into force on July 1st, 1935, strengthened the relevant provisions of the previous Penal Code. The new Code lays down that any person reducing another to slavery, or to a state similar to slavery, shall be punished by imprisonment for a term of not less than one year or more than seven years. Attempts to commit this offence shall also be punishable.

Iraq.

The Government reported in 1935 that the slave-trade was prohibited long ago, when Iraq was part of the Ottoman Empire, and that for many years it has ceased to exist. As there is no legislation specifically forbidding traffic in slaves, the Government has drafted a Bill which is at present under consideration (see page 83).

Netherlands Colonies.

Every trace of slavery has long since disappeared.

French Indo-China.

The French Government's report states that no case of the slave-trade or slavery has been reported (see page 79).

Portuguese Colony of India; Macao.

There has not been the slightest trace of slavery in any form whatsoever for two centuries past (see page 93). The Portuguese member of the Committee informed it that slavery had never existed in Macao.

Portuguese Colony of Timor.

Slave-raids have ceased owing to the natives being disarmed and the free traffic in arms prohibited (see page 96).

THE RIGHT OF MANUMISSION.

10. In paragraph 32 of the report of the Committee of Experts for 1932, and in paragraph 40 of the 1935 report of the Committee, mention was made of the right of manumission exercised in Sa'udi Arabia by the United Kingdom Government through His Britannic Majesty's Legation at Jedda. The United Kingdom Government regularly supplies the information collected from slaves who ask to be manumitted regarding the means by which they have been brought to Arabia, the route followed and the agents who have acted in the matter. Between January 1st, 1930, and April 30th, 1935, 136 persons claiming to be slaves took refuge at the British Legation; between May 1st and October 31st, 1935, the corresponding figure was nine (see pages 37-39).

The Committee noted with interest the information supplied by the United Kingdom Government and its assurance that it would be regularly supplemented.

The statistics of manumissions at the British Legation at Jedda (see page 37) show that the slaves have been brought from a great number of places, and conveyed by many different routes and by various methods of transportation.

11. The *Sudan* Government's 1936 report (see page 98) states that the arrangements made on behalf of slaves repatriated from Jedda to the Sudan after being manumitted at Jedda continue to operate satisfactorily.

12. The United Kingdom Government has supplied information regarding manumissions in the *Persian Gulf* area (see page 73). The right of manumission is exercised by the British representative at Muscat, Bahrein and Shargah (in Trucial Oman), and statistics are given of the manumissions effected in each of these localities for the six years 1929 to 1934. The number is relatively small.

* * *

13. In order to achieve the object of the 1926 Slavery Convention, a clear distinction must be drawn between the question of "captured slaves" and that of "born slaves".

14. It is desirable that, in the few districts where legislation has not yet succeeded in absolutely preventing individuals from being enslaved as a result of abduction, capture or any other action, suitable steps should be taken by the competent authorities.

15. As regards the liberation of captured slaves, the first step which it would seem necessary to recommend is the enactment of legislation making it an offence liable to very severe punishment for anyone knowingly to keep as a slave a person who has been enslaved under the above conditions. If the Committee, which has already had occasion to stress this point in its previous report, feels it necessary to revert to it, the reason is that it would seem clear that the supply of slaves — that is, their capture and sale — is dependent on the demand of purchasers. The slave-trade will therefore disappear as soon as an end is put to this demand by making it a punishable offence to own a captured slave.

16. The second measure is the effective liberation of captured slaves. Clearly, the liberation of such slaves as were captured before the legislation referred to might be accompanied by certain measures of compensation, such as grants paid by the authorities.

17. It may be well, in conclusion, to point out that captured slaves are in a special category entirely different from all other categories of slaves. Their liberation would not be prejudicial to the social and economic life of the country. Moreover, the emancipation of persons who were formerly free men is no more than an act of elementary justice and cannot be delayed.

CHAPTER III. — BORN SLAVES.

1. By "born slaves" are meant the descendants of captured slaves, who are slaves for the reason that their parents (or forefathers sometimes over many generations or centuries) had been enslaved. Theoretically, they are "absolute" slaves in that they are completely the property, or the chattels, of their owners, who have full rights of ownership over their persons and can sell or dispose of them in any way at their will. In some countries, the owners' rights are still in full force, on the principle that the offspring and the parents are *ejusdem generis*. In other countries, as the result of more humane ideas, the theoretical rights have diminished to such an extent that the power of sale has completely disappeared and that the curious condition of "voluntary slavery" is all that remains. It is permissible to attach some importance to the fact that these humane ideas have been introduced by external influences and that they were accepted and developed by local opinion. These "voluntary slaves" differ from "serfs" and persons in various forms of predial or agrarian servitude whose relationship to their masters is connected with some system of tenure of land for agriculture or for pasturage. Although it is possible that in some places the distinction is occasionally not very clear because, in the course of many centuries, the descendants of captured slaves have become more or less like "serfs", yet, in the majority of countries where born slaves are still to be found, their status is essentially different from that of the "serfs", which is dealt with below in Chapter IV.

2. It will have been seen in Chapter II of the report regarding captured slaves that, according to information from Governments, no kind of slavery now exists in certain African countries, colonies and mandated territories. Taking them in the order in which they appear in Chapter II, we note that the following are entirely free from it — namely, Egypt, the Union of South Africa, the mandated territory of South West Africa, and all the Italian and Portuguese colonies.

3. In respect of the other countries, the situation, as shown in the communications from Governments summarised below, is as follows :

AFRICA.

Ethiopia.

Ethiopia is the only country in Africa in which the legal status of slavery still exists.

On March 31st, 1924, the Ethiopian Government issued an edict for the suppression of slavery (document C.209.M.66.1924.VII). It was based on the assumption that "the simultaneous liberation of all slaves would disturb public peace" (Article 1), and it aimed at suppression of slavery by the prohibition of the sale or transfer of a slave, the liberation of children born of slave parents after March 31st, 1924, the liberation of slaves seven years after the death of their masters, the liberation of slaves baptised under the masters' sponsorship or educated by their masters, and the liberation of slaves who leave their masters, unless they are claimed within eight days. Slave-judges for the liberation of slaves were appointed.

A note prepared by the Ethiopian Ministry of the Interior (document A.37(b).1927.VI, or *Official Journal*, November 1927, page 1564) and dated August 16th, 1927, contained a list of slaves liberated under the Edict of March 31st, 1924, and mentioned a "Welfare Association" for general assistance to liberated slaves and for education of their children. Three more lists of liberated slaves have been supplied: one in 1928 and two in 1930 (see *Official Journal*, Special Supplement No. 70, page 36; document A.13(b).1930.VI, or *Official Journal*, February 1930, page 1830; document A.13(c).1930.VI, or *Official Journal*, January 1931, page 11).

A decree dated July 15th, 1931, amended the Edict of March 31st, 1924, by additional provisions concerning the liberation of slaves (*Official Journal*, Special Supplement No. 99, page 43).

In a letter dated August 15th, 1934 (see page 93 of the Committee's last report), the Ethiopian Government forwarded a report upon slavery for the period September 1933 to March 1934. It stated that a special bureau, set up in August 1932, for the abolition of slavery had established sixty-two local bureaux (of which the names were supplied); that slave-judges were attached to them; and that the bureaux, which had liberated 3,647 slaves during the period mentioned, worked regularly and well. This is the last information received from the Ethiopian Government.

In the Introduction and in paragraph 2 of the previous chapter, the Committee mentioned the statements made by the Italian Government.

In paragraph 33 of its last report, the Committee set out briefly the information which it had received and indicated the information which it lacked. It emphasised the importance to the Ethiopian Government of keeping the League informed of the measures which that Government was taking and the obstacles it was encountering.

No information was supplied by the Ethiopian Government in the years 1932, 1933 and 1935 in response to the resolutions of the League of Nations. It might be well to remind the Ethiopian Government that, when it applied for admission to the League of Nations, it declared itself ready to furnish the Council with any information the latter might require.

Liberia.

In 1924, the Liberian Government supplied information on slavery (document A.25.1924.VI). In 1931, it forwarded a proclamation concerning domestic slavery and a law concerning pawning, which had been issued after the report of the Christy Commission,¹ and stated that "the little slavery which existed in this Republic has been abolished" (document A.13(a).1931.VI, or *Official Journal*, September 1931, page 1792). In 1932, the Liberian Government forwarded a report (document A.16.1933.VI, or *Official Journal*, January 1933, page 155). It was as follows:

"There has been no slavery in the Republic of Liberia during the present year. The laws of the Republic were rigidly enforced in connection therewith.

"Immediately after the President's Proclamation of 1930 ordering the release of pawns was published, at least 83¹/₃ % of the pawns took their freedom. The remaining 16²/₃ % are being freed through the Departments having jurisdiction."

In its last report, the Committee asked for information regarding the measures adopted by the Liberian Government in application of its legislation and on their effects from the social and economic point of view. No particulars have so far been received.

Sudan.

A memorandum published in 1926 (Papers relating to Slavery in the Sudan, Command 2650, page 13) explains the Government policy in detail. The most drastic action was taken to stamp out the capture and subsequent sale and purchase of slaves. The status of slavery was not recognised, and every slave of every kind had the right, not only to leave his or her master, but also to obtain Government assistance in so doing. Every slave could obtain, upon application, a "Freedom Paper", which was the Government certificate of his or her emancipation. Further than this the Government did not go: it did not compel the slaves to leave their masters. There was always the danger of a slave failing to earn a livelihood when he (or she) left the master's household, and becoming a source of trouble to the community. In their own interests, it was not desirable to encourage them to leave, unless

¹ Report of the International Commission of Enquiry in Liberia (document C.658.M.272.1930.VI).

they could earn a living elsewhere. It is definitely stated in the memorandum that, in the majority of cases, "the slaves were living contentedly with their masters, enjoying a large measure of freedom, and indeed, in many cases, a freedom which is practically complete". The memorandum concluded with the following words :

"The question is really one of the pace at which it is desirable to proceed ; but no justifiable measure will be neglected which is likely to bring nearer the day on which the eventual result will have been achieved."

The annual reports for subsequent years contain particulars of the issue of "Freedom Papers", especially to "immigrants" from Ethiopia. The report for 1929 (document A.17.1929.VI, or *Official Journal*, May 1929, page 833) mentioned that, though the relations between the Arab and the negroid were generally those of "master and man", the "man" is always free to go elsewhere if he chooses, and that the "master" knows it too and behaves accordingly. The later reports contain information of the manner in which Arabs and negroids are now living peacefully side by side in the same villages. The report for 1934 (see page 97) contains this illuminating paragraph :

"The class of domestic serfs of the old 'family retainer' type, who are content to live with their former masters and have no wish to change their status, is gradually dying out ; simultaneously, employers who had previously relied on serf labour are beginning to realise that hired labour is, in the end, less expensive."

The last report adds that the gradual disappearance of the system continues uninterrupted (see page 99).

The evolution, although seemingly gradual and almost imperceptible, has actually been amazingly rapid. There appears to have been no discontent amongst the "master" class, all of whom are Mohammedans, and no unrest amongst the "slave" class. Doubtless it was because the Government was content to "hasten slowly" that it has had the support of a sympathetic public opinion and an awakened public conscience.

Belgian Congo.

In Chapter II of its 1924 report (document A.25.1924.VI), the Belgian Government distinguished very clearly between the captives of the slave-trade and the "domestic slaves". There was good reason to believe that, in the great majority of cases, the slaves had nothing to complain of and that they were treated as members of the family. Immediate emancipation would have been dangerous : it would have imperilled the food-supply of the population, which was mainly provided by servile labour ; it might have provoked the armed resistance of the owners ; and, temporarily, at any rate, it would have been harmful to the slaves themselves. The Government's policy was to transform servile labour gradually into free labour. The status of slavery was never recognised legally. A master could not keep a slave against his will and could not recover a fugitive slave. There is at present a demand for free labour, and domestic slavery, as a result, is dying out. Persons thoroughly cognisant of conditions in the colony declare that domestic slavery has now completely disappeared in many parts of the Congo. It appears from the 1936 report of the Belgian Government (see page 29) that, as a general rule, the children of captured slaves were slaves, but that the grandchildren either were not slaves or were liberated on reaching adult age.

The report to which reference has just been made is, in fact, a memorandum prepared by the Belgian Government, summarising the conclusions reached as a result of the enquiry concerning slavery in the Congo undertaken by the Royal Belgian Colonial Institute.

The memorandum in question shows that slavery, even in the form of a social institution (domestic slavery), is continuously decreasing in the Belgian Congo.

The Belgian member of the Committee added that ethnologists even deny that this institution still exists in any tribe whatsoever. In their view, the institutions which some people are inclined to regard as slavery do not present the specific characteristics of that social phenomenon.

The enquiry by the Royal Belgian Colonial Institute, to which the latter is endeavouring to give the highest possible scientific value, is being continued. The Committee would be glad to be informed of the results of this further work.

Ruanda-Urundi under Belgian Mandate.

Domestic slavery had become extremely rare even before Belgium's acceptance of the mandate. The native communities were more highly developed than those of the Congo, and the Royal Commissioner, knowing that he could rely upon the influence of the powerful chiefs, issued on March 28th, 1923, a decree-law abolishing domestic slavery. Such a measure would have been premature in the Congo (document A.17.1930.VI, or *Official Journal*, September 1930, page 1133).

British African Colonies and Dependencies.

Gambia. — The information examined by the Committee shows that, in 1924, domestic slavery was “practically unknown” (document A.25(a).1924.VI). The legal status of slavery was abolished by law in 1930 (document A.13(a).1931.VI, or *Official Journal*, March 1931, page 584) by an ordinance which declared and enacted that slavery in any form whatsoever was unlawful and that the legal status of slavery did not exist.

Gold Coast Colony. — An ordinance for the emancipation of slaves was passed in 1874 and carried into full effect. It was reported in 1924 that there had been very few prosecutions for offences connected with children imported from outside the colony in doubtful circumstances (document A.25(a).1924.VI) and that slavery no longer existed. In 1930, an ordinance known as “The Reaffirmation of the Abolition of Slavery Ordinance, 1930” was issued, enacting that slavery in any form whatsoever was unlawful and that the legal status of slavery did not exist (document A.13.1931.VI, or *Official Journal*, April 1931, page 726). In 1935, “domestic slavery” existed to a small extent, but it could not be accurately described as, and was not indeed comparable to, predial servitude or serfdom. The so-called “domestic slaves” were never addressed as such; they were at liberty to leave their masters at any time and were well aware of the fact. They were the descendants of former slaves (see page 28 of the Committee’s 1935 report).

Gold Coast: the Colony of Ashanti and the Northern Territories Protectorate. — When Ashanti became part of the British territories in 1901, and when effective jurisdiction was established in the Northern Territories Protectorate, a declaration of the abolition of the status of slavery would have created serious internal disorganisation and might have provoked disturbances. The report for 1924 (document A.25(a).1924.VI) explains in detail how the same object was attained in another way. There were many men and women who twenty years before had been slaves and who, if questioned, would, with their low mentality, say that they were still slaves. Their status had nevertheless undergone a very real and great change: in the past they had been mere chattels; their service had then become a voluntary one and in many ways their status was indistinguishable from that of the free-born. The agricultural and economic development of the country had been due to the exertions of a large number of small proprietors; servile labour and paid labour could not exist side by side when both were performing the same class of work.

The Ashanti Ordinance No. 10 of 1930 and Northern Territories Ordinance No. 6 of 1930 reaffirmed and declared that slavery in any form whatsoever is unlawful (document A.13.1931.VI, or *Official Journal*, April 1931, page 726).

Kenya. — The status of slavery was abolished by law in 1907. Claims by the former masters for compensation were admitted. They were finally settled in 1916, when a grant by the British Government was expended in liberating 7,683 slaves. The grant was £40,000, but only £30,500 was required. The freed slaves were established as cultivators in settlements, and the Government provided poor-relief for the aged and infirm. Even so long ago as 1924, their numbers were fast diminishing (document A.25(a).1924.VI).

Nigeria. — In the Southern Provinces and the pagan districts of the Northern Provinces, the status of slavery was not recognised in 1924. There were, however, persons of servile origin who were still regarded by native societies (and by the persons themselves) as slaves. They knew quite well, however, that, if they wished to leave, they could do so. As a rule, ex-slaves have merged into the general population.

In the Northern Provinces, it was the intention and the policy of the Government not to interfere with the relation of master and slave, so long as that relation was voluntarily maintained by both parties in the districts which recognised Mohammedan law and were under the jurisdiction of the Mohammedan courts. Though the slave status remained, these persons could not be retained against their will and could not be bought or sold. If they ran away, their return could not be enforced by any court. Any native tribunal could grant them certificates of freedom if they had acquired freedom according to Mohammedan law. The masters recognised the position and were ready to acquiesce in the methods of liberation approved by native law and custom. In many cases, especially those of the older people, the slaves were unwilling to leave families (document A.25(a).1924.VI).

In 1935, “domestic slaves” still existed in the Mohammedan States, but they were well aware that they could procure a certificate of freedom. In some instances, they preferred to obtain the certificate on payment of a small fee. (See page 28 of the Committee’s 1935 report.)

In 1935, consideration was being given to the question whether the time had not arrived for an amendment to be introduced so as to include, in the declaration of freedom contained in Section 3 of Ordinance 35 of 1916, *all persons* in the Northern Provinces, and not only those “born in or brought within” those provinces after March 31st, 1901 (see page 63).

Northern Rhodesia. — An Ordinance of 1930 declares that slavery in any form whatsoever is unlawful (document A.13.1931.VI, or *Official Journal*, March 1931, page 584).

Nyasaland. — Slavery has never been practised by the inhabitants (document A.25(a).1924.VI). An Ordinance of 1929 enacts that slavery in any form whatsoever is unlawful (document A.13.1931.VI, or *Official Journal*, March 1931, page 585).

Sierra Leone Colony. — Slavery does not exist (document A.25(a).1924.VI).

Sierra Leone Protectorate. — In 1924, domestic slavery in a very mild form existed to a considerable extent, but was gradually dying out. These “domestics” were in most cases treated considerately and the majority of them had the means to purchase their freedom if they wished to do so (document A.25(a).1924.VI). Certain steps were taken to accelerate the abolition of domestic slavery, and, as a result, it was abolished by Ordinance No. 9 of 1926 (document A.37.1927.VI, or *Official Journal*, September 1927, page 1070). The Legal Status of Slavery (Abolition) Ordinance came into force on January 1st, 1928 (document A.24.1928.VI, or *Official Journal*, September 1928, page 1365). The effects of this legislation are described in the 1929 report (document A.17.1929.VI, or *Official Journal*, December 1928, page 1958). In the Northern Province, the great majority of former slaves remained with their former masters and worked for them as before, except that there was no compulsion. They worked for a return in the shape of a lodging, a plot of land, food, or some such consideration — as, indeed, in most cases they had done before. A very small proportion of the ex-slaves left their chiefdom and settled in unpopulated areas elsewhere. Some of them were beginning to drift back, but not necessarily to their former masters. In the Central Province, slavery had been abolished *de facto* long before, and abolition *de jure* made no difference. In the Southern Province, over 80 % of the ex-slaves remained where they were, cultivating the same land as before but being absorbed into the ranks of the free-born. Other ex-slaves moved to the other chiefdoms, but some of them came back again, being unable to better themselves elsewhere. The unsettlement which had been expected did not materialise. In 1935, these people became independent farmers tilling the land or took employment in the mines (see page 22 of the Committee’s 1935 report).

Somaliland Protectorate. — Slavery was never a recognised institution and there is no legislation on the subject. The slaves owned by the Mullah were released when his power was crushed and settled on the land (document A.25(a).1924.VI). An Ordinance of 1930 enacts that slavery in any form whatsoever is unlawful (document A.13.1931.VI, or *Official Journal*, March 1931, page 584).

Uganda. — Since the advent of the British Government, slavery has been non-existent (document A.25(a).1924.VI). Two judgments by the courts confirm that the legal status of slavery does not exist (document A.13.1931.VI, or *Official Journal*, March 1931, page 585). In view of these judgments, legislation was considered to be unnecessary (document A.13(a).1931.VI, or *Official Journal*, August 1931, page 1608).

Zanzibar. — In 1897, the Sultan, by a decree, enabled domestic slaves to obtain their freedom upon application. During the next decade, 11,071 domestic slaves obtained their freedom by application and 6,222 were emancipated by their masters. A decree in 1909 abolished entirely the status of slavery. Domestic slavery no longer exists (document A.25(a).1924.VI).

Territories under British Mandate.

Cameroons. — In 1922, the status of “domestic slavery” was recognised by “public opinion”, but not by the Government. The domestic slaves were not badly treated, but suffered the ignominy of their status. Although the Government issued a certificate of freedom to every applicant, the slaves, as a general rule, felt that, until they had repaid their masters, they were still “slaves” in public opinion. In the emancipation of slaves, the native Mohammedan courts were dealing with the cases fairly and discreetly. (See 1922 annual report of the mandatory Power.) The legal status of slavery was abolished in 1925. Nevertheless, the slaves’ sense of a moral obligation to their masters was so strong that the practice was for them to apply to the local native court for an order fixing the amount which they should pay before gaining their liberty. A slave’s offer to redeem himself could not be refused by the master, and, if the latter was unreasonable, the court declared the applicant to be free, on the principle of Mohammedan law that it was a pious duty to promote emancipation. When the slave had thus, in accordance with his own expressed wishes, freed himself from the social stigma of slavery, he was given a certificate of freedom by the court. This was then a greatly treasured document. Apparently, however, the number of cases heard annually by the native courts in this manner was not very great. (See 1924 and 1925 annual reports of the mandatory Power.)

In 1928, villages which in former years had been composed entirely of slaves still existed in various parts of the territory as “stranger villages”, but little stigma, if any, attached to the inhabitants. (See 1928 annual report of the mandatory Power.)

In the past ten years (1925-1934), the total number of manumissions of domestic slaves has been only thirty-five in the Adamawa District and seventy-five in Dikwa. Of these, by far the greater number took place in the first five years of the decade, for in the last five years there have been only two manumissions in Adamawa and twenty-one in Dikwa. (See annual reports of the mandatory Power for the period 1925-1934.)

Togoland. — In 1922, survivals of domestic slavery were still met with in the remote parts of the country. In 1923, it was stated that domestic slaves in former days had been treated like dependants in the family, and particulars were given of "voluntary slavery". In 1924, in the Southern Section, there was no slavery, and in the Northern Section — which at one time had been a great centre of slavery — the descendants of the slaves had intermarried with the local people and lived on equal terms with them. The ruins of slave villages could still be seen. In 1930, the legal status of slavery was abolished throughout the territory. There is no mention of slavery in the later annual reports. (See annual reports of the mandatory Power for the period 1922-1934.)

Tanganyika. — The Involuntary Servitude (Abolition) Ordinance, 1922, declared that "no person should detain any person against his will as a slave". According to the 1935 report, compulsory slavery has ceased to exist. There have been no prosecutions under the Ordinance during the past five years. The number of former slaves still living with their masters because they are unable to support themselves, and regarding themselves as slaves, must be very small; and any condition which could properly be called slavery is non-existent. (See page 28 of the Committee's last report.)

The United Kingdom Government refers to a statement in its report for last year, to the effect that slavery may still exist in a remote district, and states that recent reports show that slavery — in the accepted sense of the word — does not exist there and has not existed for many years. It explains that the prevailing system of feudal land tenure has undergone certain modifications during the last few years, and appears to be evolving into a system of individual holdings. It concludes that the term "slavery" is no longer applicable to any of the conditions of life obtaining among the natives of the territory. (See page 60.)

Spanish African Colonies.

There appears to be no information regarding domestic slavery.

French African Colonies.

According to the reports of the French Government for 1935 and 1936 (see page 95 of the Committee's 1935 report and page 78 of the present report), the situation is as follows :

French West Africa. — Domestic slavery has gradually disappeared. It had never been irksome, and in consequence cases constantly occur of freed men preferring to remain in the household of their former masters.

French Equatorial Africa. — The character of domestic slavery is gradually evolving towards its total disappearance. Notwithstanding the measures taken for liberation (such as exemption from taxation for a year, and a gratuity paid by the former owner), most of the persons concerned never think of demanding their liberty and would refuse it if it were imposed upon them.

Somaliland. — No cases have been reported since 1931.

Madagascar. — Slavery, even in a disguised form, does not exist.

Territories under French Mandate.

Cameroons. — Proclamations were issued by the Government in 1923 declaring that the status of slavery was not recognised and that all persons were free. According to the 1936 report of the French Government, there is nothing further to state (see page 79).

Togoland. — In 1923, proclamations had been issued informing the natives that the status of slavery was not recognised and that all persons were free (document A.18.1923.VI). Before 1929, already slavery in every form had ceased to exist (annual report of the mandatory Power for 1929, page 7). There is nothing further to report in 1935 (see page 79).

This completes our survey of the conditions in Africa. Outside the African continent, born slaves exist only in the continent of Asia.

ASIA.

Arabia.

It is well known that there are born slaves in Sa'udi Arabia, the Yemen, the Aden Protectorate and certain sultanates and sheikhdoms. The first two countries are not parties

to the Convention of 1926, and the Committee has received no information regarding them, except the reports of the United Kingdom Government concerning its power of manumission in Sa'udi Arabia (see Chapter II, page 16).

Aden Protectorate.

In 1924 domestic slavery existed, especially in the wealthier households in the territories of the Sultan of Lahej and the Sultan of Shihr and Mukalla. These slaves were born in slavery and are employed in domestic and agricultural work. They are well treated. If they were discontented, it would be easy for them to escape into British territory, where they would be automatically free and would run no danger of being handed back to their masters. It is impossible to interfere actively for the suppression of this form of slavery. Moreover, interference would probably be resented by the slaves themselves (document A.25(a).1924.VI).

The Protectorate is not administered by the British Government : the legal status of slavery still exists under Mohammedan law ; nevertheless, many tribes or States have no slaves ; in the rest of the area, there are not less than 4,000-5,000 slaves. As a general rule the slaves are well treated. They do not rank as the lowest class of the community. Sometimes they rise to the highest positions such as Governors of Districts. The majority are soldiers. Others are domestic servants and cultivators.

In the Sultanate of Lahej, the number of slaves has decreased, and is now probably not more than one hundred. The enlightened policy of the Sultan is referred to by the Committee in Chapter II.

The Sultan of Shihr and Mukalla himself owns about 800 slaves, who are his soldiers. They are well treated and cost him a great deal more than the freemen. The Sultan relies on these men to support his authority : otherwise, he would be glad to be relieved of the expense of maintaining them. Their children are specially trained in the Cadet Corps and are very well looked after.

It is the policy of the United Kingdom Government, in agreement with the local rulers, to abolish all the abuses of slavery, and eventually slavery itself, but the process must be a gradual one (see page 60).

The Persian Gulf Area.

The United Kingdom Government has supplied information in response to the application in the Committee's last report (see page 72). This information may be summarised as follows:

Koweil. — In 1930, the number of slaves was estimated at 2,000, but it must actually be much smaller : very many slaves have been freed in recent years and there are no new slaves (see Chapter II, page 16). About a hundred slaves are engaged in pearl-fishing, but they keep the proceeds of their work on the same terms as other divers. The great majority of the slaves are household domestics. Any slave with a grievance can, at any time, go for justice to the Sheikh, who, if he cannot settle the matter, frequently buys the slave's freedom. The Sheikh has for long been a real protector of born slaves.

Bahrein. — Slavery is for practical purposes extinct and it has long ceased to be recognised by the courts. It is a mistake to say that Bahrein pearl-divers are slaves ; formerly, there were abuses connected with a system of indebtedness, but the present rules ensure the independence of the divers.

The Trucial Oman and Qalar. — This desolate coast depends almost entirely on the pearl trade, and the number of slaves employed in pearl-diving is estimated at some thousands. This region is relatively untouched by European influence.

Muscal. — Household and industrial slavery are understood still to exist. It is estimated that about 500 slaves are employed in pearl-diving. The estimated number five years ago was one thousand.

Concerning the conditions of " household " and " industrial " slavery in this area, it is claimed that, partly because it is easy for a slave to escape to some British agency, partly as the result of the frequent visits of British sloops, and partly as the result of the right of manumission, the slaves, in general, are well treated. Broadly speaking, no one need remain a slave on the Arab coast against his will.

THE RIGHT OF MANUMISSION.

The question of the manumission of slaves at the British Legation at Jedda and in the Persian Gulf Area is dealt with above in Chapter II, pages 16-17.

Iraq.

The information supplied by the Iraq Government shows that slavery does not exist, and that the personal liberty of all Iraqis is guaranteed by Article 7 of the Constitution. Some persons of negro blood, descended from slaves, remain, of their own free will and entirely as free agents, in the service of certain aristocratic families (see page 83).

4. Official documents show that all the Governments parties to the 1926 Convention¹ have abolished the status of slavery, simultaneously with the capture, trade in and sale of slaves. They also show, however, that domestic slavery is an institution of a special character, corresponding in most cases to local circumstances for which allowance must still be made.

5. Thus, as the documents studied show, even if the legislation of these countries forbids all forms of slavery, the authorities, for practical reasons, are obliged, in the very interest of the domestic slaves emancipated *de jure*, not to force the latter to break the customary bond connecting them with their masters, though such rupture is always legally possible.

6. In the majority of cases, these people remain where they are because there are real ties of habit between them and their employers, because they are well treated, and because they would not go elsewhere or do anything else. On the other hand, it would be wrong to assume that a person's remaining with his or her former owner in a condition of slavery, however nominal, necessarily means that person is, in fact, content to do so. There may be some practical reasons, over which the person has no control, which prevent him or her from leaving and finding employment elsewhere. First, they may be afraid of persecution or oppression if they avail themselves of the law. Secondly, the system of land tenure in the country may make it impossible for them to obtain any land which they can cultivate and thereby earn their own living; the land tenure system of some countries in which "debt-slavery" still exists is almost entirely, if not entirely, the cause of the continuance of this situation. Thirdly, even in the countries where Government land is available, they may be prevented by their abject poverty from obtaining the implements with which to cultivate the soil or to build a house. Furthermore, the mental helplessness of a depressed class, as the almost inevitable result of the conditions in which they live and their forefathers lived, may sometimes present a practical obstacle of great difficulty.

7. The Committee would point out that the Council, in its resolution of December 11th, 1923, had under consideration the economic and social situation of emancipated slaves. The Committee trusts that Governments will make a careful investigation of the situation of these slaves with a view to such remedial measures as may be appropriate, and report to it the results obtained. It would be glad if Governments which have made loans to newly emancipated slaves or have settled them in special villages would supply information on this subject.

8. As regards certain Mohammedan areas outside European colonies where the status of slavery still exists, there is reason to hope, in view of the local economic and religious conditions, that a favourable evolution may occur. The Committee is accordingly convinced that the present trend of Mohammedan thought, which tends to place ever-increasing emphasis on the liberal attitude of the Koran and tradition (Sunnah) to slavery, warrants the belief that the change desired by the Committee will be effected in course of time.

9. As the Committee pointed out in paragraph 25 of its 1935 report, the Mohammedan religion very largely encourages the liberation of slaves. Liberation (*ylq*)² is a highly meritorious act (*Qurba*) and the system (*Mukâtaba*)² seems to afford a suitable method for slaves to win their emancipation. Liberation may also be effected by a declaration known as *Tâdbir*.

10. Furthermore, it is to be observed that in essentially Mohammedan countries — Egypt, Afghanistan, Morocco, Tunisia, Iraq, etc. — the liberal nature of Mohammedan doctrine has been reinforced by widespread application.

CHAPTER IV. — OTHER INSTITUTIONS.

(a) DEBT SLAVERY, PAWNING AND PEONAGE.

1. In theory, at least, debt slavery is only a temporary form, for the assumption is that the slavery ends as soon as the debt is repaid. In practice, however, the conditions in which the debt-slave lives are often of such a nature that repayment is an impossibility and the debtor is therefore a slave for life. Even worse than this may sometimes happen, for in some systems there are cases in which the debt is "hereditary" and, after the death of the debtor, is transmitted to his children and children's children. It is right, perhaps, that one should

¹ See Chapter I above for the special situation of each country in regard to the Convention.

² Note by the Secretariat. — These two terms are variants of the forms *Ataq* and *Kitabat*, which are found on page 11 of the Committee's 1935 report.

realise quite clearly that the system — whatever form it may take in different countries — is not “slavery” within the definition set forth in Article 1 of the 1926 Convention, unless any or all of the powers attaching to the right of ownership are exercised by the master.

Nigeria.

The memorandum of January 1936 from the Government of Nigeria (see page 66) points out that in certain provinces forms of pawning (*i.e.*, of the debtor himself and of a third person) have been reported. The pawns were informed that they were free and that their debts were extinguished. Future offenders will be severely punished.

Belgian Congo.

The communication from the Belgian Government, dated March 2nd, 1936, gives very valuable information regarding the various practices which were formerly current in the Belgian Congo (see page 30). This communication states that at the present time there is very little genuine debt-slavery, except in two tribes. The enquiry on the subject has not yet been completed, and the Committee would be glad to be informed of the final results as soon as they appear.

French West Africa.

A communication from the French Government of 1936 (see page 78) shows that in certain districts of French West Africa there was a revival of this custom due to the economic depression, and the question formed the subject of very exhaustive enquiries in 1935, the results of which are not yet known.

Liberia.

As the Committee pointed out in paragraph 18 of its report for 1935, pawning was declared illegal in Liberia by a Law of December 19th, 1930. The Committee had at that time requested the Government to furnish further information on the measures taken to carry out this legislation. No information has been received up to the present.

Netherlands East Indies.

The efforts made by the Government of the Netherlands East Indies to abolish slavery and debt slavery are set forth in the communication of the Netherlands Government dated November 16th, 1934 (page 105 of the Committee's report for 1935). The method generally followed has been to register the debtor and the amount of the debt, to determine the value of the labour which is credited monthly to the debtor, and to fix a date by which the debt must be paid off. By these means debt slavery has been abolished, not only in the directly-governed territories, but throughout the Netherlands Indies, with the exception of certain remote and almost inaccessible districts in the interior of Borneo and New Guinea.

India.

The Government of India, in its communication of 1936 (see page 80), has transmitted to the Committee regulations for abolishing the practice known as “bhagela”, which were put into force on February 10th, 1936, in the State of Hyderabad. An officer, whose services have been borrowed from the Bombay Presidency, has been specially charged to investigate the working of the regulations and to supervise the enforcement of their provisions. The Committee would be glad to obtain information as to the results of these measures.

* * *

2. Although the information on the subject of the various forms of debt slavery is very imperfect, it would appear that the existence of two classes of slavery can be admitted :

- (a) Household and domestic debt slaves ;
- (b) Agricultural debt slaves.

The liberation of slaves of the first class is a comparatively simple matter, but, in countries where this class prevails to such an extent as to form an important part of the social system, the change should be gradual, for there is a very real danger of social and economic dislocation during and after liberation. The method of gradual liberation (where, for any reason, a proclamation of immediate liberation is inadvisable) must depend upon local circumstances. The adoption of legislation with penal clauses and effective administrative action should prevent any free person from becoming a debt slave.

3. The problem of the agricultural debt slaves is exceptionally difficult. The root of the trouble perhaps lies in the system of land tenure, under which a few favoured persons own most of the land and the peasantry are landless folk dependent upon them for permission to cultivate the soil. In some places, it may well be that the system is almost indistinguishable from serfdom, and, in such cases, it may be difficult to say whether the persons are in debt because they are serfs, or whether they are serfs because they are in debt. It is possible that there

is more human misery as the result of debt slavery than there is anywhere as the result of domestic slavery.

4. In conclusion, the Committee considers that, if pawning is a cloak for various forms of slavery, it is for the Governments concerned to see that this state of affairs should gradually disappear.

5. The Committee observed in paragraph 51 of its report for 1935 that there is a possibility of other measures being taken against the debtor, if he does not pay his debt, which oblige him to work for his creditor whether he wishes to or not. The system of peonage which appears to be found in most States of Central and South America was mentioned in the reports for 1925 and 1932 of the former Committees.

6. This question appears to come within the scope of a study made recently by the International Labour Organisation. A Labour Conference of the American States Members of the International Labour Organisation, held at Santiago de Chile and attended by seventy delegates, adopted on January 14th, 1936, a resolution which requested the Governing Body of the International Labour Organisation to instruct the Office to complete its investigations into the truck system, and to prepare a proposed text for a draft Convention or recommendation on the subject, special account being taken of the peculiar needs of the American continent.¹

7. The same Conference at the same time adopted another resolution,² which asked for an enquiry into the conditions of the life and labour of the indigenous populations of American countries.

8. It appears to the Committee that both these investigations are likely to involve the collection of information on the subject of "peonage". The Committee will follow with the greatest interest the progress of these two investigations, and hopes that they will not reveal the existence of any practices which may be inconsistent with the Slavery Convention.

(b) MUI TSAI SYSTEM.

9. In paragraph 43 of its report for 1935, the Committee expressed a desire that the Chinese Government should furnish more detailed information on certain points which it had raised.

10. In its communication of 1936 (see page 75), the Chinese Government stated that the letters of May 6th, 1933 (see document A.16.1933.VI, or *Official Journal*, June 1933 (Part 2), page 738), and July 13th, 1934 (see document C.159.M.113.1935.VI, page 92), from the Chinese delegation accredited to the League of Nations had already emphasised the fact that the Mui Tsai system was not slavery, and had mentioned the satisfactory results already obtained. Fresh regulations, which were put into force on January 22nd, 1936, prohibit the keeping of Mui Tsai. Article V of these regulations provides that, "after registration, all Mui Tsai shall immediately and unconditionally recover their liberty"; Article VII makes it possible for liberated Mui Tsai who have attained civil majority "to be employed by their former employers".

11. It appears that all Mui Tsai who have not attained civil majority must be returned to their families or entrusted to local relief homes.

12. The Chinese Government has promised to furnish statistical data on the results of registration and on the application of the regulations. The Committee considers that, in these circumstances, it is advisable to adjourn any observation on these regulations.

13. In its previous report, the Committee drew attention in paragraph 44 to a note by the British expert, published as an annex to the report, stating what measures might be adopted with regard to the Mui Tsai system, especially in the International Concessions of Shanghai and Kulangsu. The Committee has not yet been informed of the opinion of the municipal authorities whom these suggestions concern. It hopes that, at its next session, it will be put in possession of this information.

14. In paragraph 45 of its report for 1935, the Committee noted that, in Hong-Kong, the application of the laws was effective and the system was working satisfactorily. The report of a Committee set up by the Governor in 1934 to study the Mui Tsai system was forwarded to the Slavery Committee by the United Kingdom Government.³ The latter stated that the measures to be taken as a result of the recommendations of the Committee appointed by the Governor would be submitted to it within a few weeks (see page 62 of the present report).

15. The Committee in question states in its report that, in its opinion, a fresh enquiry into the entire problem is urgently needed. On March 18th, 1936, therefore, the Secretary of State for the Colonies informed the House of Commons that he had appointed a commission to proceed to Hong-Kong and Malaya to study the entire question.

¹ *Official Bulletin of the International Labour Office*, Vol. XXI, No. 1, April 15th, 1936, pages 67, 68.

² *Ibid.*, page 53.

³ This report has not been reproduced and is kept in the archives of the Secretariat of the League of Nations. It has been published as Command Paper No. 5121.

16. In these circumstances, the Slavery Committee considers that it would be preferable to postpone any observations on this subject until the report of the new commission has been received.

17. In paragraph 46 of the report for 1935, the Committee expressed a desire to receive information on the methods to be employed in the Malay States for the application of the laws, especially as regards the appointment of inspectors. In addition, it pointed out that, owing to the extent of these territories and the number of towns which they contained, the inspection would probably be more difficult to carry out than at Hong-Kong.

18. According to a communication from the United Kingdom Government of 1936 (see page 61), three lady assistant inspectors have been appointed in the Federated Malay States as from April 1st, 1935, and tours of inspection will be organised in the Unfederated Malay States.

19. It appears from a communication from the Netherlands Government of 1936 (see page 91) that, before 1919, "slave-boys" and "slave-girls" were imported from China into the Netherlands Indies by Chinese immigrants who claimed to be their parents, and, in this way, these children paid no entrance tax. Since then, control has been made more effective, and this control, together with the levy of an immigration tax of 150 florins for every person entering the country who is not strictly a member of the family, has rendered this practice virtually impossible. The Mui Tsai system is unknown among the Chinese already domiciled in the Netherlands Indies. Moreover, there is no reason for the existence of this system in view of the economic position of the Chinese there. It is quite easy to obtain native female servants at very low wages. Moreover, the regulations and supervision are sufficient to prevent any abuse.

(c) QUASI-ADOPTION OF CHILDREN.

20. According to the United Kingdom Government report of March 7th, 1936 (see page 62), the question of the adoption of children in Ceylon has been the subject of study since 1930. In 1935, the report of a sub-committee, which has been communicated to the Slavery Committee by the Government, was published.¹ This report was adopted in principle by the Government of Ceylon and a draft Bill embodying the recommendations in the report is in course of preparation. The United Kingdom Government states that it hopes the Slavery Committee will concur in the opinion that child-adoption in Ceylon is not a matter which concerns it.

21. It appears to the Committee that, if the recommendations are enforced by legislation and executive action, the system will be deprived of any objectionable features. When the proposed legislation is introduced, the Committee will greatly appreciate information regarding it and the results obtained from it.

(d) SERFDOM.

22. It is possible to have a fairly clear impression that "serfdom" is quite different from "slavery", without having any idea where the difference lies. Broadly speaking, we may say that a "slave" is a person who is either the victim — or else is the descendant of a victim — of an act of personal violence, resulting in capture and subsequent detention and use as an article of property; and that the services rendered by a "serf" are connected sometimes with the relationship between one tribe and another, sometimes with the fact that his lot is bound up with that of agricultural land or grazing grounds, occasionally with employment in or around the household of a "master", and, in some cases quite possibly, are a curious medley of all three. It is true that the treatment of "born slaves" — as the result partly of the growth of humane ideas in the country, partly of the progress in the social and economic development of the people and partly of an awakening desire for freedom amongst the "slaves" themselves — has, in many places, become so mild that they are nearly indistinguishable from "serfs". It is important, however, to keep the fundamental distinction clearly in mind, and to realise that the status of "serfdom" is a condition "analogous to slavery" rather than a condition of actual slavery, and that the question whether it amounts to "slavery" within the definition of the Slavery Convention must depend upon the facts connected with each of the various systems of "serfdom".

23. As an instance of tribal serfdom, mention may be made of the relationship, in the Bechuanaland Protectorate, between the dominant tribe of the Bamangwato and the subservient tribe of the Masarwa. This was the subject of a report in October 1931 by Mr. E. S. B. Tagart (see page 30 of the Committee's last report).

24. In its report of March 7th, 1936 (see page 60), the United Kingdom Government points out that a European officer has been specially detached to take charge of the interests of Masarwa, and, *inter alia*, to make a census of these natives, in accordance with the recommendation made in the Tagart report. A proclamation affirming that slavery in any form is unlawful in Bechuanaland has been drafted, as well as another proclamation making

¹ This report has not been reproduced and is kept in the archives of the Secretariat of the League of Nations.

further provision for the protection of native labourers. The issue of these proclamations has been authorised, subject, in the case of the latter, to the clearing-up of certain points.

25. A report by the United Kingdom Government of 1936 (see page 61) shows that there is a curious system of servitude in the State of Sarawak. Though "slavery" is stated in the report to be non-existent in Sarawak, tribes known as Muruts and Kalabits admit individual ownership of "ulun", a word which may be translated as "lower class". It is stated that an "ulun" may not be transferred, nor kept against his will, and that there is, in fact, very little difference between an "ulun" and his master. Amongst the Kayans and Kenyahs — two other tribes — the system is that the "ulun" owes his allegiance to a family and not to an individual. The Government regard the system as a modified form of the mediæval feudal system, and believe that both parties benefit from it. It is reported that cases of ill-treatment are so rare as to be negligible, and that the villages are constantly visited by Government officers. In the opinion of the Government, the system works very satisfactorily, and any attempt at interference would be unwise.

* * *

26. The Committee hopes that the Governments of all countries in which any form of serfdom still exists will be good enough to supply information on the subject. The publication of detailed information would be of value, because frank disclosure of the facts would sometimes enable the remedy to be found, and because the example of one country would be an encouragement to every other country.

CHAPTER V. — CONCLUSIONS.

The Committee,

(a) Reiterates the hope that the Slavery Convention of September 25th, 1926, may be ratified without further delay by those States which, having signed or acceded to it, subject to ratification, have not yet ratified, and likewise expresses the hope that such States as have been invited to accede and are not yet parties to the Convention will consider the possibility of acceding thereto;

(b) Expresses the hope that the Governments will continue to supply information as full and as accurate as possible, in accordance with Article 7 of the 1926 Convention and the various resolutions of the Assembly;

(c) Calls the Council's attention more particularly to the suggestions formulated in the present report on the basis of Article 16, paragraph 1, of the Committee's Rules of Procedure, for obtaining such further light as it deems desirable on points arising in connection with the examination of the documents supplied by the Governments;

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

B. ANNEXES.

ANNEX 1.

C.C.E.E.87.

COMMUNICATION, DATED MARCH 2ND, 1936,
FROM THE BELGIAN GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation.*]

The Department of Foreign Affairs and Foreign Trade has the honour to transmit to the Secretary-General of the League of Nations, in accordance with his note dated October 5th, 1935 (C.L.154.1935.VI), the enclosed report containing information regarding slavery.

* * *

With reference to the investigation arranged by the Royal Belgian Colonial Institute to which attention was drawn in the communication, dated April 26th, 1934,¹ from the Belgian Government to the Secretary-General of the League of Nations, a number of studies have now reached the Belgian Colonial Department. Although the investigation is not yet complete, the studies already received relate to a considerable part of the Colony and to many important tribes, as will readily be seen from the particulars on the enclosed ethnographical map.

In this sphere there has been a profound evolution, accentuated year by year, during the period of European occupation in the equatorial territories under Belgian influence. Clear and striking evidence of this evolution is provided by the studies collected by the Institute, a comprehensive survey of which gives some idea of its scope.

CHAPTER I. — SOURCES OF SLAVERY.

A. WAR.

There are various sources of slavery, one of which — war — has now completely vanished for several decades. Before the “Pax Belgica” was introduced and its beneficial effects had spread to the farthest confines, the whole country was laid waste by inter-tribal and inter-clan wars. The vanquished tribes were reduced to a state of slavery and were divided among the conquerors or notables, as with the Bambole and the Wabembe, or were bestowed upon the chiefs, as with the Banianbunu.

It was therefore only the children, women and old men who became slaves, vanquished warriors being massacred for the festival of the conqueror : that was the custom in many tribes — the Baluba, the Bashilele, the Bayaka, the Bwaka and the Gombe.

Barbarous customs of this kind were not widespread, however. The Bambala and the Munji liberated their prisoners on payment of a ransom, and natives captured by the Azande were not reduced to slavery, but were absorbed into the tribe and treated as equals.

There have been no wars for a long time. But, though slaves are no longer obtained directly from this source, can its effects be said to continue through the maintenance in a state of slavery of the descendants of the original slaves ? Even from this aspect, there is no longer any trace of it. The enquiry has shown that, while the offspring of two slaves retain the status of slavery — except in the Abandia and Azande tribes, where, as stated, captives are treated as equals — their children, or at any rate their grandchildren, became free. On the other hand, in patrilineal tribes, such as the Kundu, the Mongo and the Bena-Lulua, a child born of a free man and a slave woman was freed, while in matrilineal tribes, such as the Baluba and the Bayaka, the offspring of a free woman and a slave was born free.

War must therefore be ruled out even as a remote source of slavery.

B. DEBT.

Should a debt not be met in the usual way by the payment of the amount agreed upon — and this is the only form of settlement recognised by the Azande, the Bwaka, the Booli, the Kundu and the Ngbandi — it is customary with the Badinga, the Bambala, the Basalampasu,

¹ See document C.159.M.113.1935.VI, page 21.

the Bateke, the Bayaka, the Gombe and the Bena-Lulua for the debtor to offer to work for the creditor until the debt is discharged, and the latter decides when he has been indemnified. With the Bateke, the Bayaka and the Mayumbe, it is customary to imprison recalcitrant debtors in order to induce them to pay.

The debtor need not pay in person; in many tribes, he is allowed to send the creditor a member of his family as hostage — his sister, niece or nephew in matrilineal tribes, his daughter or son in patrilineal tribes. Again, the taking possession of a hostage is not always possible at the will of the creditor. The intervention of the authorities — viz., the chief or the assembly of notables, or both — is necessary among the Azande, the Bwaka, the Gombe, the Bena-Lulua, the Lalia, the Mangbetu, the Munji and the Ngbandi. Yet, in all these cases, all that is involved is constraint of the person, the debtor being required to work in the Bambole, Gombe and Mongo tribes, while with the Bwaka he patiently awaits release, his feet held by a block of wood, so long, of course, as this treatment does not come to the knowledge of the European authorities.

With the Azande and the Baluba, a creditor may not have intimate relations with a woman held as a hostage. Should he marry her, the debt is extinguished in accordance with custom in the Azande, Bango-Bango, Bateke, Bahavu and Wabembe tribes.

Although it is only a matter of providing a pledge, a creditor in the Basalampasu, Ngbandi, Bayeke and Baushi tribes had formerly full rights over the hostage, including the right of life and death, while with the Bwaka, the Gombe and the Munji, his only rights were those of a creditor holding a pledge.

Generally speaking, only when the debtor was definitely unable to pay his debt did he or the hostage he had given pass into a condition of servility and the creditor acquire the right to dispose of him to another owner. With the Mayumbe, a debtor could offer himself as a slave to another native in payment of his debt.

At the present time, there is very little genuine debt slavery, except in the Bakuba and Dengese tribes.

The Azande and the Balunda have always considered that the work of a debtor or his hostage was not very profitable, and, on the other hand, that debt was not a sufficient reason for turning a free man into a slave. They therefore thought that the equivalent of the debt ought to be paid and that the family or the clan ought to have joint responsibility if the debtor was insolvent.

In the Bankutshu tribe, a notable guarantees payment of the debt; he gives the creditor a spear as security pending settlement of the debt by the debtor.

C. CRIMES AND OFFENCES.

With the Bambala, the Bambole, the Bango-Bango, the Basonge, the Basalampasu, the Bateke, the Bayaka, the Bayeke, the Bambunda, the Bwaka, the Kundu, the Lalia, the Mayumbe, the Mangbele, the Mbole, the Munji and the Ngbandi, slavery was formerly the penalty for murder, adultery, theft and assault. With the Gombe, the Bena-Lulua and the Mongo, slavery was enforced only when the offender was unable to compensate the victims for the damage done.

The slaves usually belonged to the family of the victim or to the person injured; this was the case in particular with the Boyela, the Bwaka, the Gombe, the Lalia, the Bena-Lulua, the Mangbele and the Mbole. With the Basonge, the offender became the slave of the chief. With the Bashilele and the Dengese, a woman was handed over to the family of the victim of a murder.

The Azande did not regard murder as a ground for slavery, but it was recognised that the offender could escape capital punishment by handing over a woman. She lived on a footing of equality with the other women, moreover, and her children were not in a position of inferiority.

In Bakuba territory, only adultery with the wife of a chief was punishable by slavery, whilst, with the Abandia, not only was the adulterer put to death, but one or more women were handed over to the injured native.

For the murder of a notable, the Bambole and the Boyela imposed only one penalty — death. The Bayaka treated a native guilty of adultery with the wife of the chief in the same way.

At the present time, crimes and offences are punishable under the penal provisions of written law and not by customary penalties. Except for serious infringements which are brought before the European courts, the native courts recognised by the authorities co-operate, under strict supervision, in passing sentence on the basis of custom, provided that this is not contrary to general public order. That is to say, the former barbaric customary punishments, such as slavery, have had their day.

D. MARRIAGE.

It is not possible to become a slave by marriage; on the contrary, marriage frequently means liberation. The only exception to this rule seems to be confined to Baluba, in Albertville Territory, where a free man himself became a slave on marrying a woman slave, unless her owner released her and was satisfied with the payment of a dowry.

E. PRESENTS, DOWRIES.

The custom of tendering slaves in payment of dowries, which was formerly widespread among the Baluba, the Bambole, the Bosaka, the Gombe, the Lalia, the Mangbele, the Mangbetu, the Mbole, the Mongo and the Ngbandi, is now rarely found, except with the Mongo of Boende and the Mbole. It is not a source of slavery, however.

The giving of presents affects only children. With the Bayaka, for instance, the child of a free man was sometimes offered to the chief as tribute, and with the Bayeke a native medicine man who had made a woman fertile received a child if the mother had already at least four. With the Bayeke also, a family would give a child to a rich native whose generosity had saved them from starvation during a famine.

F. BIRTH.

With the Bakuba, the Bakusu, the Bambala, the Bankutshu, the Bayaka, the Bosaka, the Boyela, the Dengese, the Gombe, the Mabudu, the Mayumbe, the Mangbetu, the Mbole, the Mongo, the Munji and the Ngbandi, only the children of natives reduced to slavery were themselves slaves. More often than not, their children were not slaves. With the Munji, the first generation of descendants of slaves were liberated on reaching adult age. Except with the Mongo, the children of slaves were not members of the clan; the whole of their dowry was paid to the owner.

The children of natives who were slaves were free with the Azande, the Basala-Mpasu and the Bena-Lulua; they were usually absorbed into the clan. Nevertheless, their owner received the whole or the larger part of the dowry paid by a native marrying a girl belonging to this social class.

G. VOLUNTARY SACRIFICE OF LIBERTY.

Apart from the case of the Mayumbe, where, as mentioned above, an insolvent debtor offers himself as a slave in payment of his debt, there are no slaves whose status is due to voluntary abandonment of personal liberty. With most tribes, of course, orphans, persons repudiated by their families for incest, insolvent debtors anxious to escape personal constraint and abductors fleeing with the abducted woman place themselves under the protection of the head of a family. But, except in political affairs, they have the same rights as free men; if need be, their patron presents them with a woman and they are even free to leave him if they wish. The characteristics of this status are those of a "client" and not a slave.

H. VARIOUS SPECIAL CASES.

Formerly, during the great famines, the Bahavu and the Wabembe used to sell their children in order to obtain funds. This, of course, is now no more than a memory of the past.

It still happens — as, for instance, among the Bayake — that an unlucky player may pledge his person, after his property. Persons capable of casting evil spells were formerly sold as slaves among the Badinga, the Boyela, the Gombe and the Bena-Lulua. Such was also the fate, among the Baluba of Albertville, of any individual who was unfortunate enough to destroy the chief's fetish.

Among the Bwaka, a native reputed to possess the evil eye used to place himself under the protection of the owner of a powerful fetish.

CHAPTER II. — TREATMENT AND CONDITION OF SLAVES.

In the majority of tribes, slaves have, on the whole, been humanely treated by their masters, to whose advantage it was to be sparing of the potential labour which they represented. Among the Baluba, the Bambole and the Mangbele, they were even regarded as members of the family.

Slaves were not distinguished by any external mark, clothing, ornament or tattooing from the free men, whose work they usually shared: the building of huts, clearing of the bush, gathering of palm fruit, manufacture of palm wine, fishing and hunting fell to the men; the women were responsible for looking after the crops and preparing the food. Among the Lalia, the Mangbele, the Mbole, the Mongo and the Ngbandi, however, they alone were responsible for menial work such as gathering fuel and fetching water.

The married slaves lived in separate huts, not far from the master's dwelling; the unmarried slaves lived together in a compound or shared the dwelling of the master's sons.

The slaves were given the same burial as free men and were often mourned like the master's own children. Among the Baluba, the Bayaka and the Ngbandi, they were buried in a special cemetery; but among the Bambole and the Mabudu, those who had given grounds for complaint during their lifetime were cast into the bush or thrown into the river.

The master's civil responsibility was generally involved by reason of crimes or offences committed by a slave; this was the custom among the Bwaka, the Mayumbe and the Ngbandi. The custom did not prevail among the Balendu, the master not being liable for any form of reparation.

Theoretically, in many tribes, the master possessed the right of life and death over his slaves; this was the case among the Bambala, the Bambole, the Bankutshu, the Bakuba, the Basuku, the Boyela, the Dengese, the Gombe, the Balunda and the Mongo. Among the Bayaka, a master who had killed his slave without due cause was required to pay a fine to the chief.



PEUPLADES TRIBE	REPÈRES SUR LA CARTE MAP REFERENCE	PEUPLADES TRIBE	REPÈRES SUR LA CARTE MAP REFERENCE
ABANDIA	b. 24	BATEKE	j. 16
AZANDE	b. 25-26. C. 27. 28.	BAUSCHI	p. 29
BABUNDA	k. 20	BAYAKA	i. 17
BADINGA	j. 20	BAYEKE	p. 26
BAHAVU	h. 29	BENA-LULUA	i. 22
BAHUNDE	g. 29	BOOLI	j. 20
BAKUSU	j. 26	BOYELA	h. 24
BAKONGO	i. 14	BUDJA	c. 22
BAKUBA	k. 22	BWAKA	b.c. 20
BAKUMU	f. 27	DENGESE	i. 22
BALUBA	n. 26	GOMBE	b.d. 20 - e 19-23
BALENDU	e. 30	LALIA	g. 23
BALUNDA	o. 23	MABUDU	d. 28
BAMBALA	k. 18	MANGBELE	c. 29
BAMBOLE	f. 25	MANGBETU	c. 28
BANGANDU	f. 23	MAYUMBE	k. 13
BANIANBUNGU	i. 29	MONGO incl. DONKO	e. 22
BANKUTSHU	i. 24	MUNJI	f. 21
BANGO-BANGO	k. 28	NGBANDI	c. 22
BASAKATA	i. 18	NKUNDU	g. 20
BASALAMPASU	m. 23	WABEMBE	j. 29
BASHILELE	k. 20	WAREGA	i. 27
BASUKU	i. 18	WAZIMBA	j. 27
BASUNDI	k. 14		



ANGLO-EGYPTIAN
S U D A N

UGANDA PROT.

TANGANYIKA

N. R H O D I A

S. D. N. 6100

In the Bakuba, Bayeke, Bena-Lulua, Balunda and Munji tribes, a slave who was dissatisfied with his master could ask him to transfer him to another. The master generally granted this request, to prevent the slave from running away.

Among the Badinga, Baluba, Bambole, Bosaka, Boyela, Gombe, Lalia and Mbole tribes, a dissatisfied slave who had run away and been caught was subjected to corporal punishment. In the case of a repetition of the offence, he was sold.

Native public opinion troubled very little about the ill-treatment of slaves, and still less about their sale. Among the Bayaka, however, free natives sometimes shielded the flight of slaves who were trying to escape from a cruel master. Similarly, among the Bena-Lulua, the chief and notables in council obliged a bad master to pay a fine to the community if he had been guilty of personal cruelty to his slave; in the event of a repetition of the offence, the slave might be removed from his ownership and handed over to the head of the family.

No slave was ever denied the right to marry; the master procured a female slave for him. Except among the Baluba, the Bambole, the Bankutshu, the Boyela, the Dengese and the Kundu, he can even marry a free woman, in which case the master pays the dowry.

Except among the Bahunde, Bambole, Bakusu, Basonge, Baushi, Mangbele and Mangbetu tribes, slaves have generally had the right of possession: they are given a field like other natives; they can also sell for their own benefit any objects or utensils they may make. Among the Baluba, the Bakumu, the Bena-Lulua and the Balunda, however, they are required to hand over to the master the firstfruits of their crops, and, among the Bashilele, to give him part of the game they have killed.

Slaves always form part of the estate of the deceased. In the Mangbele region, when there is no heir, they pass to the chief, who can do as he pleases with them.

The Bambunda and the Mongo tribes allow the master to designate a slave to succeed to his title and property when there is no heir.

As a rule, on the death of the slave, his property reverts to the master, who hands over part of it to the children of the deceased.

The different tribes in the Colony used formerly to carry on a trade in slaves; the latter were offered for sale in markets organised in various places at regular dates. They were paid for in "croisettes" (small copper ingots in the form of a cross), in woven mats called "madiba", in goats or in knives; a woman was worth twice as much as a man, her value at that time being about 300 francs in our currency. Such transactions have now ceased, under the administration of the European authorities. There are certain indications from which it would appear that among the Bakusu, the Bakuba, the Dengese and the Baluba they still occur occasionally, though in a clandestine manner.

Formerly, among the Bambole, the Basonge, the Bwaka, the Lalia, the Mangbele and the Mongo, slaves were prohibited from concluding contracts. But this was not the case among the Bakuba, the Bakusu, the Bambala, the Bankutshu, the Bateke, the Bayaka, the Dengese, the Gombe, the Bena-Lulua and the Ngbandi and in certain Bakuba groups.

While slaves, as a rule, enjoyed no political rights, they were allowed, in a number of tribes, to take part in public life: they participated in rejoicings, feasts and dancing. Their testimony was accepted before the judicial assembly and their opinion was even asked, on occasion, in tribal discussions.

Formerly, when slavery existed as the result of war, many slaves feeling homesick in the early days of their captivity sought to regain their liberty by running away. But insensibly the good treatment extended to them led to acceptance of their new life, first in a spirit of resignation and later without effort, so that after their liberation they used to remain in their new environment, in which they had married and their children had been born.

CHAPTER III. — CAUSE OF THE CESSATION OF SLAVERY.

Except among the Baboma and the Mangbele, slaves — at all events, those in whose case the ground of servitude was a debt — could generally obtain their liberty on payment of the money they had saved. Often, however, owing to the inadequacy of their earnings or because the latter belonged entirely to the masters, they had to be redeemed by their family. This was the case more particularly among the Bambala, the Bashilele, the Dengese, the Mbole, the Bosaka, the Boyela, the Lalia, the Mangbetu, the Mongo, the Ngbandi and the Nkundu.

A master could liberate his slaves as a reward for having saved his life (Bakusu, Boyaka) or in recognition of their good services and devotion (Bahavu, Baluba, Bayeke, Mangbetu, Balendu).

Among the Ngbandi, for example, the maker of a particularly successful xylophone might win his liberty in return for his labours.

In the Bayaka and Wabembe region, the death of the master entailed *ipso facto* the liberation of all his slaves. Among other tribes, liberation ensued — as a result of death — only when there had been an express desire to this effect on the part of the master, who, when he had no heirs, generally declared that, on his death, his slaves should recover their liberty; this was the case more particularly among the Bakongo, the Baluba, the Bambala, the Basonge, the Gombe, the Bena-Lulua, the Balunda, the Mangbetu and the Munji.

Among the Bashilele and the Bateke, a slave who, as a result of the death of the free men of the family, remained the sole male representative of the latter was liberated and could even acquire the dignity of chief of the social group.

As noted above, marriage is a form of liberation. Among the Basalampasu, the Basuku, the Boyela, the Bwaka, the Lalia, the Bena-Lulua, the Mangbele, the Mangbetu, the Mongo

and the Munji, marriage with a free person involved the liberation of the slave, whereas, among the Bateke, the Bosaka and the Ngbandi, husband and wife retained their respective status. The Bambole prohibited marriage between a free person and a slave, the prohibition being restricted among the Gombe to the marriage of a slave with a free woman.

As a general rule, the descendants of slaves are liberated only in the second generation. Among the Balunda, however, the belief that a dead person might be reincarnated in the body of a new-born slave sometimes led to the liberation of children, who were then incorporated in the family.

Among the Bena-Lulua, the children of a man reduced to slavery became free on attaining the age of adults, and the father was liberated at the same time.

CONCLUSION.

The enquiry instituted by the Royal Belgian Colonial Institute brings fresh confirmation of the conclusions embodied in previous statements : slavery as the result of war or through birth, and interpreted as conferring on the master the right of life or death over the slave, the right to make him undergo mutilation or torture or merely the right of sale, no longer exists in the Belgian Congo — subject to the reservation, as regards sale, that there may still be clandestine transactions, though these are assuredly rare.

There no longer exist any but attenuated forms, to which some people think that the term "slavery" cannot be applied.

The institution, which no longer possesses its particularly odious character and implies no scorn of the human person, has practically as its sole cause the execution, by the creditor on the person of the insolvent debtor or a person appointed by the latter as his substitute, of rights derived from a claim invariably relating principally to property or securities. Natives living in this state are well treated, and there is no longer anything unbearable in the way in which the inferiority of their condition is signified.

None the less, the institution, notwithstanding its family character, still constitutes an attack on the rights of the individual. While no longer in the nature of bodily constraint, it cannot legitimately persist in this form unless it is purified and purged of all that differentiates it from such constraint : the creditor's rights can be based only upon a judicial decision and can be exercised only within authorised and hence legitimate limits. This is the continuous aim of the occupying Power ; the enquiry enables the results obtained to be determined, since it may be concluded from the data available that slavery, which is on the decline in the greater part of the Colony, has completely disappeared among the Bahavu, the Baunde, the Bakumu, the Baluba, the Bambole, the Banianbungu, the Basonge, the Bayeke, the Boyela, the Bayaka, the Lalia, the Mangbele, the Mangbetu, the Mbole, the Wabembe and the Balendu.

In regions where, while assuming the attenuated form in which it does exist, the institution still exhibits certain features incompatible with the notion of universal public order, it is doomed to extinction. Apart from the energetic and continuous action of the authorities on positive lines, the mere enforcement of administrative regulations tends automatically to break down what vestiges of slavery may remain ; for the administration, ignoring any difference in social conditions, in all matters affecting the natives, places the latter on a footing of strict equality, whether in regard to fiscal, military or administrative obligations, such as the census or the various rights conferred on the natives.

The European authorities have found a powerful adjutant in their activities in the customary tribunals, whose revival was sanctioned and ensured in a Decree of 1926. The Government recognises these tribunals, attaches to their verdicts the same value as to those of its own courts and ensures the execution of such verdicts by lending them the assistance of its police ; these customary courts are popular among the natives. They are competent to settle all disputes between private individuals, and it is only in the matter of punishable offences that particularly serious cases are withdrawn from their competence. They judge with reference to customs, under strict supervision, which eliminates from the latter anything that may be contrary to universal public order.

In view of these circumstances, the institution of slavery can only persist in a form contrary to public order with the assent of those submitting to it, as the master must inevitably lose in any dispute that may arise ; hence, being devoid of interest in that it is devoid of guarantees, it is bound to be transformed and to disappear in so far as it assumes a form approximating to that of slavery.

ANNEX 2.

COMMUNICATION, DATED SEPTEMBER 19TH, 1935,
FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE
SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to paragraph 41 of the report for 1935 of the Advisory Committee of Experts on Slavery,¹ I am directed by His Majesty's Principal Secretary of State for Foreign Affairs to inform you that His Majesty's Government in the United Kingdom are prepared to furnish you in future, for transmission to the members of the Committee of Experts on Slavery, with any information supplied to His Majesty's Legation at Jedda by applicants for manumission, which might be useful to the Committee as an indication of the manner, agency or route by which the slaves in question reached Arabia.

2. This information will be forwarded, when available, in monthly reports. The first of these reports was prepared for the month of May last and a copy is enclosed herein. No slaves took refuge at His Majesty's Legation during the months of June, July and August last, and no reports are accordingly forwarded in respect of these three months.

3. I am further to transmit to you the accompanying copy of a memorandum, prepared by His Majesty's Legation at Jedda, which summarises information contained in the archives of the Legation in regard to slaves manumitted during the period January 1st, 1930, to April 30th, 1935, and will doubtless be of interest to the members of the Committee of Experts.

4. The Secretary of State will be grateful if you will be so good as to circulate the documents enclosed herein to the members of the Committee of Experts on Slavery and to inform them at the same time of the fact that no slaves took refuge at His Majesty's Legation at Jedda in the months of June, July and August last.

(Signed) G. W. RENDEL.

Appendix I.

NOTE ON SLAVES WHO TOOK REFUGE IN THE BRITISH LEGATION, JEDDA, FROM MAY 1ST TO MAY 31ST, 1935, WITH SPECIAL REFERENCE TO THE MANNER AND DATE OF THEIR ENSLAVEMENT AND TO THE AGENCY OR ROUTES BY WHICH THOSE NOT BORN IN SA'UDI ARABIA ARE BELIEVED TO HAVE REACHED THIS COUNTRY.

Four persons claiming to be slaves took refuge during the period under review. Of these, one could give no useful information as to how he had been enslaved. The following notes summarise the main facts elicited by questioning the remainder, but it must be remembered that, in almost all cases, the recollection of such persons regarding dates is very uncertain :

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1. Surur Ibn Rajab, Abyssinia.	Jimma Bajifar, 1921.	Dhow to Tajurri.
2. Said (alias Araro), Abyssinia.	Shingilla, 1916.	Dhow to Jedda.
3. Feruz (alias Aggafari), Abyssinia.	Shingilla, 1915.	Dhow to Medi.

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI.

Appendix II.

NOTE ON SLAVES WHO TOOK REFUGE IN THE BRITISH LEGATION, JEDDA, FROM JANUARY 1ST, 1930, TO APRIL 30TH, 1935, WITH SPECIAL REFERENCE TO THE MANNER AND DATE OF THEIR ENSLAVEMENT AND TO THE AGENCY OR ROUTES BY WHICH THOSE NOT BORN IN SA'UDI ARABIA ARE BELIEVED TO HAVE REACHED THE COUNTRY.

One hundred and thirty-six persons claiming to be slaves took refuge during the period under review. Of these, twenty-nine had apparently been born in slavery in this country; eight could throw no light on their origin; and forty-one could give no useful information as to how they had been enslaved or how they had been imported. The following notes summarise the main facts elicited by questioning the remainder, but it must be remembered that, in almost all cases, the recollection of such persons regarding dates is very uncertain:

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1930.		
1. Jaber Ibn Muhammad Ab-bashir. Wadai, French Equatorial Africa.	On pilgrimage, 1906.	On pilgrimage with uncle.
2. Jamula Bint Muhammad, Berber, Sudan.	Berber, 1892.	Stolen with mother.
3. Khairullah Ibn Qasam, Dongola, Sudan.	Dongola, 1895.	Stolen from his home.
4. Said Ibn Yahya, Abyssinia.	Medi, Yemen.	Son of freed slave, sold on father's death and brought to Mecca.
5. Saad Ibn Abdulkhair, Tokar, Sudan.	Tokar, 1910.	Stolen with parents.
6. Abdullah ibn Bilal, Gawo, Gasbeiro, Nigeria.	Medina, 1922.	Came on pilgrimage 1912 and stayed in Medina.
7. Mubarak, Gala, Abyssinia.	Abyssinia, 1904.	Stolen and brought to Hejaz <i>via</i> Medi and Rabegh.
8. Ahmad, Addis Ababa.	Abyssinia, 1920.	Sent to Hejaz <i>via</i> Medi.
9. Saadullah, Aden.	On pilgrimage, 1904.	Came on pilgrimage.
10. Maryam Bint Ash-Sheykh, El Fasher, Sudan.	El Fasher, 1890.	Stolen when a child.
11. Farajullah, Khartoum, Sudan.	Khartoum, 1896.	Stolen as a child.
12. Khadija Bint Hasanain, Suakin, Sudan.	Suakin, 1911.	Stolen by a Nigerian and brought to Medina.
13. Abdullah Ibn Hamid, Bargo, Wadai. French Equatorial Africa.	Borgo, 1910.	Brought to Hejaz <i>via</i> El Fasher.
1931.		
14. Amman ibn Alwad Ali, Galla, Abyssinia.	Galla, 1916.	Stolen and brought to Mecca <i>via</i> Lith.
15. Baraka bin Muhammad Ahmed, Abyssinia.	Qanta, Abyssinia, 1921.	Brought to Hejaz <i>via</i> Suakin.
16. Abdullah Ahmed ibn Bashir, El Obeid, Sudan.	El Obeid, 1890.	Stolen and brought to the Hejaz <i>via</i> the Farsan Islands.
17. Marzûq Ibn Gano, Addis Ababa, Abyssinia.	Addis Ababa, 1921.	Stolen and brought to Rabegh <i>via</i> Togorro and Medi.
18. Abdullah ibn Muhammad, French Equatorial Africa.	Dar Sila, French Equatorial Africa, 1914.	Stolen by Nigerians and brought to Lith.
19. Saida Bint Farajallah, El Obeid, Sudan.	El Obeid, 1900.	Brought to the Hejaz <i>via</i> Qunfidha.
20. Aman Ibn Taufiq, Abyssinia.	On pilgrimage, 1931.	Sold at Mecca.
21. Fatima bint Mustafa, Dar Sila, French Equatorial Africa.	Dar Sila, French Equatorial Africa, 1914.	Stolen and sold at Gimmeiza. Lived as a slave in Sudan. Came to Hejaz by steamer, 1931.
22. Rasha bint Salim, Yemen.	Santa, 1921.	Brought to Medi, whence by sambuq to Qunfidha.
23. Mubarrak ibn Abdul Monin, Sudan.	Sudan, 1878.	Stolen and brought by sambuq <i>via</i> Massawa to Qunfidha.
24. Salama bint Tajjamash, Abyssinia.	Shangand, Abyssinia, 1908.	Sold in Addis Ababa, brought to Tajura, whence to Qunfidha.
25. Haroun ibn Hayn, Yola, Adamawa, Nigeria.	Mayo Faran, Nigeria, 1902.	Lived with master in Nigeria until brought on pilgrimage in 1930 <i>via</i> Massawa and Al Qalim.
1932.		
26. Sa'dullah Ibn Abdurrahman, Kassala, Sudan.	Kassala, 1875.	Taken to Tokar and Hitaim and then by sambuq to Lith.
27. Jaber Ibn Darraj Abu Anja, Sudan.	Khartoum, 1892.	Taken to Suakin, whence by sambuq to Jedda.
28. Sa'ida Bint Huseyn, Sudan.	Khartoum, 1924.	Brought from Khartoum to coast, whence by sambuq to Hejaz.

(a) Name and supposed country of origin 1932.	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
29. Said Ibn Bakhit, Sudan.	Dongola, 1900.	Brought up the Nile to Omdurman, whence to Port Sudan (? Suakin) and by sambuq to Jedda.
30. Jamila Bint Mubarak, Abyssinia.	Sidamo, Abyssinia, 1916.	Sambuq to Qunfidha.
31. Jamila Bint Bakhit, Abyssinia.	Sana', 1910.	Came with family <i>via</i> Massawa and Hodeyda. Stolen in Sana'; sold in Abu Arish, whence came eventually to Lith.
32. Hassan ibn Abdullah, Abyssinia.	Kabeina, Abyssinia, 1911.	Sambuq to Medi, whence to Buraida.
33. Said Ibn Dabulu, Abyssinia.	Dabulu, Abyssinia, 1911.	Sambuq Jibouti to Qunfidha and Jedda.
34. Jabir Ibn Abdullah, French Equatorial Africa.	Abbash, Wadai, French Equatorial Africa, 1900.	Sold at Dar Sila, taken to Suakin, whence by sambuq to Jedda.
35. Saad Ibn Fayisa, Abyssinia.	Gofa, 1910.	Sold in Addi Ababa. Came eventually to Jibouti and Medi, whence to Mecca.
36. Musa Ibn Nanlubi, Sudan.	Nuba Mountains, 1892.	Brought to Khartoum, Tokar and sambuq to Jedda.
37. Murjan, Abyssinia.	Addis Ababa, 1917.	Sold in Addis Ababa, brought to Tajura, whence to Medi.
1933.		
38. Abdul Faraj Ibn Abdurrahman, French Equatorial Africa.	Dar Sila, French Equatorial Africa, 1913.	Brought to El Obeid and Omdurman, thence by train to Suakin and steamer to Jedda.
39. Said Ibn Zudius, Abyssinia.	Addis Ababa, 1923.	Sambuq from Tajura to Medi.
40. Aman Ibn Ashana, Abyssinia.	Ashana, Abyssinia, 1927.	Sambuq to Medi.
41. Mubarak, Aden.	(?) Aden, 1917.	Taken to Hudeyda, whence to Mecca.
42. Faraj, French Equatorial Africa.	Abeshr, French Equatorial Africa, 1901.	Taken to Gedaref and Suakin, whence by steamer to Jedda.
43. Olulu Ibn Sakallu, Abyssinia.	Sifayo, Abyssinia, 1928.	Taken to Jibouti, whence by steamer to Jedda.
44. Abdullah Ibn Faraj, Nigeria.	Bornu, 1893.	Brought to El Obeid and Omdurman, whence to Suakin by railway and Jedda by steamer.
45. Musa, Nigeria.	Yarwa, Bornu, 1900.	Brought to Darfur, El Obeid, whence by railway to Khartoum; overland to Suakin and by steamer to Jedda.
46. Jaber Ibn Idha, Sudan.	Nuba Mountains, 1903.	Sambuq to Lith.
47. Ali ibn Adam, Sudan.	Darfur, Sudan, 1900.	Sambuq from Suakin.
1934.		
48. Itir Bint Mabruk, Abyssinia.	(?) 1914.	Sambuq to Medi and Lith.
49. Saad Ibn Salem, Sudan.	Omdurman, 1898.	Brought with 35 other slaves to Tokar and by sea to Jedda.
50. Abdul Razzaq Ibn Bakhit, Sudan.	Dongola, 1894.	Sold at Berber, taken to Suakin, whence by dhow to Jedda.
51. Johar ibn Al Hilu, Abyssinia.	Deseh, Abyssinia, 1921.	Dhow from Jibouti to Medi with 20 other slaves.
52. Hasina Bint Hamad, Abyssinia.	Addis Ababa, 1914.	By sambuq from Tajura to Hudeyda.
53. Khairullah Ibn Abdulaziz, Abyssinia.	Gojam, Abyssinia, 1912.	Dhow from Tajura to Qunfidha.
54. Jabir Ibn Idha, Sudan.	Nuba Mountains, 1904.	Taken to Hitaim, whence by sambuq to Lith.
55. Abdullah Ibn Muhammad, Sudan.	Khartoum, 1920.	By dhow to north of Yanbu'.
1935.		
56. Abdulkheyr, Abyssinia.	Addis Ababa, 1915.	Taken to Somaliland and to Lith by sambuq.
57. Jamila Bint Abdullah, Abyssinia.	Suakin, 1910.	Married to a Sudanese in Abyssinia, came to Suakin, where stolen and taken by dhow to Hudeyda.
58. Salem, Abyssinia.	Addis Ababa, 1920.	Kidnapped and taken by train to Jibouti, whence by dhow to Tajura, whence to Hudeyda.

ANNEX 3.

COMMUNICATION, DATED OCTOBER 18TH, 1935, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

NOTE ON SLAVES WHO TOOK REFUGE IN THE BRITISH LEGATION, JEDDA, FROM SEPTEMBER 1ST TO 30TH, 1935, WITH SPECIAL REFERENCE TO THE MANNER AND DATE OF THEIR ENSLAVEMENT AND TO THE AGENCY OR ROUTES BY WHICH THOSE NOT BORN IN SA'UDI ARABIA ARE BELIEVED TO HAVE REACHED THE COUNTRY.

Two persons and a child claiming to be slaves took refuge during the period under review. The following notes summarise the main facts elicited by questioning them, but it must be remembered that in almost all cases the recollection of such persons regarding dates is very uncertain :

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1. Bakr Ibn Hamza (<i>alias</i> Faraj), British West Africa.	On pilgrimage during the reign of Sherif Hussein, <i>circa</i> 1923.	Came on pilgrimage <i>via</i> Sudan.
2. Halima Bint Mabruq Oqqash and daughter Zahra, Yemen.	Born in slavery at Medi (Yemen).	Sold to a native of Jedda about 1928.

C.C.E.E.64.

ANNEX 4.

COMMUNICATION, DATED NOVEMBER 22ND, 1935, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

NOTE ON SLAVES WHO TOOK REFUGE IN THE BRITISH LEGATION, JEDDA, FROM OCTOBER 1ST TO 31ST, 1935, WITH SPECIAL REFERENCE TO THE MANNER AND DATE OF THEIR ENSLAVEMENT AND TO THE AGENCY OR ROUTES BY WHICH THOSE NOT BORN IN SA'UDI ARABIA ARE BELIEVED TO HAVE REACHED THE COUNTRY.

Three persons claiming to be slaves took refuge during the period under review. Of these, one had apparently been in slavery in this country. The following notes summarise the main facts elicited by questioning them, but it must be remembered that in almost all cases the recollection of such persons regarding dates is very uncertain :

(a) Name and supposed country of origin	(b) Place and approximate date of enslavement	(c) Means by which brought to this country
1. Saida Binti Ali, Sudan (al Fasher).	Al Fasher (Sudan), 1894, when 9 years old.	Traded across the Sudan to Suakin, whence by dhow to Jedda about 1914 (?).
2. Aman Ibn Omar, Abyssinia.	Kidnapped from (?) Dauro, Abyssinia, 1902, when 5 years old.	Taken to Tajura (Fr. Somaliland) and then by dhow to Jedda.

ANNEX 5.

COMMUNICATION, DATED JANUARY 25TH, 1936, FROM THE
GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS

London, January 25th, 1936.

I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, two copies of each of the following documents :

- (a) Two reports by the Governor of Hong-Kong on the Mui Tsai system for the half-years ended November 30th, 1934, and May 31st, 1935, respectively ;
- (b) Two returns showing the registration of Mui Tsai in Malaya on December 31st, 1934, and June 30th, 1935, respectively ;
- (c) The following legislation relating to Mui Tsai in the Unfederated Malay States :
 - Kelantan Enactment No. 3 of 1935 ;
 - Perlis Enactment No. 5 of 1935 ;
 - Trengganu Enactment No. 1 of 1935.

(Signed) R. DUNBAR.

Appendix I.

REPORT BY THE GOVERNOR OF HONG-KONG ON THE MUI TSAI SYSTEM FOR THE HALF-YEAR ENDED NOVEMBER 30TH, 1934 (WITH TABLE ATTACHED).¹

The number of Mui Tsai on the register on November 30th, 1934, was 2,291.

2. On May 31st, 1934, the number of Mui Tsai still remaining on the register was 2,508. Between that date and November 30th, 1934, there was a further decrease of 217, made up as follows :

(i)	Died	3
(ii)	Returned to parents or relatives	43
(iii)	Absconded	16
(iv)	Left Colony permanently	54
(v)	Married	32
(vi)	Entered domestic service	28
(vii)	Left employer to earn own living	11
(viii)	Handed to care of Secretary for Chinese Affairs	10
(ix)	Written off the register (see paragraph 4 (a))	20

217

¹ See footnote 1 on following page.

3. A table classifying the girls by ages has been compiled from the register. A copy of the detailed table is appended¹ to this despatch, but the figures may be summarised as follows :

Under 15	975
Between 15 and 18	1,031
Over 18	285
	2,291

4. (a) The careful checking of the register entailed in the compilation of the above table of ages has revealed a numerical error which, in order to preserve the continuity of the figures given in these six-monthly reports, has now been rectified by “ writing off ” twenty hypothetical girls from the register (item (ix) in paragraph 1 above). The error arose in the addition of those figures in the register on the basis of which the total of “ Mui Tsai registered but never visited ” was stated in the fifth paragraph of Mr. (now Sir Thomas) Southorn’s despatch No. 321 of June 28th, 1932,² to have been 299. This figure should rightly have read 279, and the figures in subsequent despatches should have been reduced accordingly. The untraced girls in this category now number eighty-four — namely, ninety-two (erroneously given as 112 in a previous report) less eight traced during the period now under review.

(b) Of the 300 girls in the category “ Mui Tsai registered and visited at least once ”, who were reported as still untraced in the same despatch, a further nineteen have been traced up to November 30th, 1934, leaving 281 (300 less 19) still missing. I have also to record that, up to November 30th, 1934, there was a further increase of eighteen girls in the category “ Mui Tsai reported by the inspectors as not to be found when addresses shown on the register were visited ”. As pointed out in previous reports, the number of girls in this category, though it changes from day to day, tends to show a gradual increase. On November 30th, 1934, it stood at 360, as compared with 342 on May 31st, 1934, a net increase of eighteen.

(c) The total number of Mui Tsai on the register whose addresses were unknown at the end of the period under review — *i.e.*, on November 30th, 1934 — was therefore 725 (84 plus 281 plus 360).

5. (a) During the period under review, there have been thirty-three prosecutions under Ordinance 1 of 1923,³ involving thirty-one defendants and thirty-two Mui Tsai. Of these, eighteen prosecutions were for keeping unregistered Mui Tsai, two were for bringing unregistered Mui Tsai into the Colony, ten were for failing to notify change of address, two were for failing to pay wages to registered Mui Tsai and one was for assault.

¹ A Table of Ages of Registered Mui Tsai ranging from 4 to 29 Years up to November 30th 1934.

Ages of registered Mui Tsai	Total
4	4
5	10
6	15
7	28
8	50
9	65
10	60
11	136
12	144
13	230
14	233
	975
15	322
16	264
17	256
18	189
	1,031
19	145
20	69
21	38
22	16
23	13
24	1
25	1
26	1
29	1
	285
	2,291

² Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, page 52.

³ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, page 62.

(b) In the eighteen cases of keeping unregistered Mui Tsai, one defendant was fined \$250; two defendants were fined \$150; three defendants were fined \$100; one defendant was fined \$75 and \$150 on an additional charge of assault; three defendants were fined \$50; two defendants were fined \$25; one defendant was fined \$10 on a charge of keeping an unregistered Mui Tsai, a second charge of keeping another unregistered Mui Tsai being withdrawn on proof that the latter girl was a relative of the employer; two defendants were fined \$10; one defendant was discharged by the magistrate on the girl concerned admitting that she was a domestic servant and not a Mui Tsai; one defendant was discharged on account of the fact that the girl's mother, who, at the Secretariat for Chinese Affairs, had stated that the girl was a Mui Tsai, gave another version at the police court; and one charge was withdrawn because the employer had left the Colony.

(c) In the two cases of bringing an unregistered Mui Tsai into the Colony, one defendant was fined \$25 and one defendant was fined \$20.

(d) In the ten cases of failing to notify change of address, one defendant was fined \$20, one defendant was fined \$15 and cautioned (with an order to pay) on an additional charge of failing to pay wages, four defendants were fined \$10, one defendant was fined \$5, and three defendants were cautioned.

(e) In the remaining case of failure to pay wages, the defendant was cautioned and ordered to pay the amount outstanding.

(f) In most of the cases of keeping an unregistered Mui Tsai, the girls concerned were restored to their parents or other relatives or the usual arrangements were made for their well-being by the Secretary for Chinese Affairs. In three such cases, however, the girl was allowed to remain with the employer as a paid domestic servant, and in another case the girl was found employment elsewhere as a domestic servant. In the two cases of bringing an unregistered Mui Tsai into the Colony, one girl was restored to her mother and the other girl was allowed to remain with her employer as a domestic servant. In the cases of failure to notify change of address, the girls were generally allowed to remain with their employers.

(g) It is noteworthy that there were no prosecutions for the ill-treatment of registered Mui Tsai by their employers.

6. Since my last report, forty-four of the Mui Tsai who were recorded as attending school have been removed from the register, but a further twelve have been noted as attending. This brings the total number of girls attending school to 109 (141 less 44 plus 12).

7. (a) Of the three Mui Tsai who are mentioned in paragraph 2 as having died during the period under review, one died in hospital from natural causes, whilst the deaths of the other two were attended by circumstances which deserve special mention as follows:

(b) One Mui Tsai, 21 years of age, committed suicide by jumping from the first floor of her employer's residence. About two years ago she was betrothed by her mistress, but the engagement was broken off after a year or so on account of the illness of the prospective husband. Later, she was betrothed again to a hairdresser, but this man was unable to marry her at the appointed time because he lost his money in the bankruptcy of his employer's business. The deceased girl was upset and depressed after this second disappointment and it appears that she deliberately threw herself from the verandah of the first floor. A coroner's enquiry was held into the girl's death, and the jury returned a verdict of suicide while of unsound mind, with a rider to the effect that the girl had not been ill-treated in any way by her employer. She had, in fact, been in the service of her employer for twelve years, and appeared to have been exceptionally well treated.

(c) The other Mui Tsai, aged 16, either jumped or fell from the roof of her employer's residence. The day before her death, the girl was visited by one of the lady inspectors, and was asked about the amount of wages which she received from her employer. She stated that she had received only \$4 in wages since her registration, but that she did not mind whether any wages were paid or not. The employer, when interviewed, stated that she had not saved up the girl's wages, but that she intended to pay the arrears to the girl on her marriage at some future undetermined date. The lady inspector told the employer that this method was not in order, and instructed her to attend with the girl at the Secretariat for Chinese Affairs on the following day. According to the evidence of the employer and another servant employed in the same household, the girl, who was usually happy and cheerful, appeared to be worried at the thought of the impending visit to the Secretariat for Chinese Affairs, and early the next morning she was found lying in the garden in circumstances suggesting that she had fallen or jumped from the roof. At the coroner's enquiry, the jury returned a verdict to the effect that death was due to injuries received from a fall, but that there was insufficient evidence to indicate how deceased came to fall. There is little doubt, however, that the girl committed suicide.

8. During the six months under review, a total of 1,570 visits were made by the two lady inspectors to registered Mui Tsai and to ex-Mui Tsai who have obtained situations as domestic servants. The work of the inspectorate, not only in the supervision of Mui Tsai but in the protection of children in general, may perhaps be illustrated by the following extract from the latest report of the Hong-Kong Society for the Protection of Children. Referring to the arrangements made for the welfare of children, the report says :

“ In this branch of the Society’s work, your Committee cannot speak too highly of the unfailing sympathy and co-operation of the officers of the Secretariat for Chinese Affairs. Only those who are in close contact with the work of the senior officers, of Sub-Inspector Fraser and of the women inspectors of the Secretariat can sufficiently appreciate the value of their efforts on behalf of the more unfortunate children of the Colony.”

Appendix II.

REPORT BY THE GOVERNOR OF HONG-KONG ON THE MUI TSAI SYSTEM FOR THE HALF-YEAR ENDED MAY 31ST, 1935, WITH TWO ANNEXES.¹

The number of Mui Tsai on the register on May 31st, 1935, was 2,122, being a decrease of 169 on the figure for November 30th, 1934, which was 2,291.

2. The decrease is made up as follows :

(i) Died	1
(ii) Returned to parents or relatives.	49
(iii) Absconded and untraced	12
(iv) Left Colony permanently	27
(v) Married.	39
(vi) Entered domestic service	25
(vii) Left employer to earn own living	9
(viii) Handed to care of Secretary for Chinese Affairs.	6
(ix) Convicted of larceny	1
	169

3. (a) In addition to the twelve Mui Tsai noted in paragraph 2 as “ Absconded and untraced ”, one Mui Tsai absconded and returned to her employer a few weeks later. I have also to record that one of the girls who was reported as having absconded during the six months ending on November 30th, 1934, returned to her employer during the period under review and was handed over to the care of the Secretary for Chinese Affairs.

(b) One Mui Tsai, aged 15, was removed from the register subsequent to her conviction before a magistrate. She absconded from her employer’s house, taking with her jewellery to the value of \$274, the property of the employer. She was ultimately traced and found to be living with a man and woman, who were arrested with her. The Mui Tsai was charged with “ Larceny by servant ”, and ordered nine months’ detention in the Salvation Army Home, which has, under Section 19 of the Juvenile Offenders Ordinance, No. 1 of 1932, been appointed to be a place of detention for the purposes of the Ordinance. The man and woman were charged with receiving stolen property, but were discharged owing to lack of evidence.

¹ Footnote ¹, page 44, and footnote ¹, page 46.

4. A detailed table classifying the girls by their ages is appended.¹ The age of each girl has been advanced by one year since the compilation of the table accompanying Sir William Peel's despatch of January 10th, in view of the fact that the Chinese year commenced on February 4th, 1935. The table may be summarised as follows :

Under 15	719
Between 15 and 18	987
Over 18	416
	2,122

5. (a) Of the eighty-four girls remaining on November 30th, 1934, in the category " Mui Tsai registered but never visited ", a further fifteen were traced in the period under review, and the figure now stands at sixty-nine.

(b) In the category " Mui Tsai registered and visited at least once ", the figure for which stood on November 30th, 1934, at 281, a further eleven girls have been traced, leaving 270 still untraced on May 31st, 1935.

(c) There has been an increase during the period under review in the number of " Mui Tsai reported by the inspectors as not to be found when the addresses shown on the register were visited ". The figure, which stood on November 30th, 1934, at 360, is now 377, representing an increase of seventeen.

(d) The total number of Mui Tsai on the register whose addresses were unknown on May 31st, 1935, was therefore 716 (69 plus 270 plus 377), as compared with 725 on November 30th, 1934.

6. (a) During the period under review, sixty-four prosecutions, in addition to those mentioned in paragraph 7, were instituted against fifty-one individuals for offences against Ordinance No. 1 of 1923.² The number of girls involved was sixty-three.

(b) These cases may be classified as follows :

(i) Keeping unregistered Mui Tsai	25
(ii) Bringing unregistered Mui Tsai into the Colony	4
(iii) Failing to report the death of the employer of a Mui Tsai	1
(iv) Failing to report change of address	13
(v) Failing to report the intended marriage of a Mui Tsai	6
(vi) Failing to report the intended removal from the Colony of a Mui Tsai	9
(vii) Failing to pay wages	6
	64

(c) Out of the twenty-five prosecutions for keeping unregistered Mui Tsai, involving twenty-one defendants, eighteen were successful. One defendant was fined \$150; three defendants were each fined \$100; three defendants were each fined \$75; two defendants were each fined \$50; one defendant was fined sums of \$50, \$25 and \$25 in respect of three different

¹ Table of Ages of Registered Mui-Tsai ranging from 5 to 30 Years up to May 31st, 1935.

Ages of registered Mui Tsai	Total
5	4
6	9
7	15
8	28
9	48
10	63
11	60
12	133
13	140
14	219
	719
15	222
16	294
17	237
18	234
	987
19	166
20	132
21	58
22	30
23	14
24	12
25	1
26	1
27	1
28	1
29	1
30	1
	416
	2,122

² Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, page 62.

girls ; one defendant was fined \$30 ; four defendants were each fined \$25, and one defendant was fined \$10. Five defendants were discharged, two being charged with having two Mui Tsai each.

(d) In the four cases of bringing unregistered Mui Tsai into the Colony, two defendants were each fined \$25. A third defendant who was summoned in respect of two girls was discharged.

(e) One prosecution was brought under Section 9, Sub-section 2, and was the first of its kind. It was alleged against the defendant that he had become the actual employer of a Mui Tsai in consequence of the death of the former employer, and had failed to report the fact within one week. A fine of \$10 was imposed.

(f) All the prosecutions brought for failure to report change of address were successful. Two defendants were each fined \$25 ; four defendants were each fined \$20 ; three defendants were each fined \$10 ; two defendants were each fined \$5 ; one defendant was fined \$2, and one defendant was fined \$1.50.

(g) In the six cases of failure to report the intended marriage of a Mui Tsai, one defendant was fined \$50 ; one defendant was fined \$10 ; two defendants were each fined \$5 and one defendant was fined \$2. The remaining case was adjourned *sine die*, the defendant having left the Colony.

(h) All nine prosecutions for failing to report the intended removal of a Mui Tsai from the Colony were successful. One defendant was fined \$50 ; one defendant was fined \$25 ; one defendant was fined \$20 ; three defendants were each fined \$10 ; one defendant was fined \$5 ; one defendant was fined \$2 and one defendant was fined \$1.50.

(i) Six prosecutions were brought against employers for failing to pay wages. One defendant was fined \$10 and ordered to pay the arrears of wages ; and four defendants were ordered to pay the arrears of wages, no fines being inflicted. One defendant was discharged, as the Mui Tsai, when she appeared in court, stated that her mother had received her wages on her behalf. In two of the successful cases, the defendants were too poor to pay the full amounts of wages due ; the magistrate thereupon reduced these amounts to sums which they were able to pay, and the girls concerned were restored to their relatives.

(j) There were again no cases of cruelty to or ill-treatment of registered Mui Tsai.

(k) The usual arrangements were made for the welfare of the girls concerned in the successful prosecutions for keeping unregistered Mui Tsai and for bringing unregistered Mui Tsai into the Colony. Two girls, who were manifestly attached to their respective employers, were allowed to remain with them as paid domestic servants. Two of the girls concerned in the unsuccessful cases were taken into the care of the Secretary for Chinese Affairs. One of these girls was only 6 years of age, and a conviction would possibly have been obtained against her employer but for the fact that, in court, the child was too frightened even to answer to her name ; the other girl was found on premises which were suspected, although no definite proof was obtainable, of being used for immoral purposes.

(l) In cases concerning registered Mui Tsai, the girls were given their choice as to whether they wished to leave their employers or not. They almost invariably elected to remain. This option was not conceded in the cases where full payment of arrears of wages was not forthcoming. These cases have already been referred to in paragraph 6 (i).

7. (a) In addition to those mentioned in the last paragraph, there were a further twelve prosecutions with which I have preferred to deal separately. These may conveniently be summarised as four similar cases, each involving one girl and two defendants.

(b) The girl in each case was a registered Mui Tsai. It was found by the inspectors that she was not residing with her employer, but living and working at another address. The registered employer was summoned on two counts : (A) For transferring a Mui Tsai to another employer, contrary to Section 9, Sub-section 1 ; and (B) for failing to report the change of address of the Mui Tsai. The person with whom the Mui Tsai was staying summoned for (C) taking a Mui Tsai into his employment.

(c) The first case to be heard was successful, the defendants pleading guilty and admitting that the transfer was intended to be permanent. The first defendant was fined \$10 on each of the charges (A) and (B), and the second defendant was fined \$25 in respect of charge (C).

(d) The second and third cases of this kind came up for hearing together, and the defendants were discharged on all counts. The facts of the case were admitted, but the magistrate held that, inasmuch as there was no evidence to show that a *permanent* transfer was intended, he could not see his way to convict on either charge (A) or charge (C). With regard to charge (B), he held that the wording of the regulation was not such as to compel an employer to report a temporary change of address.

(e) The advice of the law officers of the Crown was sought, and the magistrate was upheld on both points. The fourth case of this kind, in which the circumstances were similar to those of the last two, was then withdrawn by permission of the magistrate.

(f) In view of these cases, it has been considered desirable to alter Regulation 5 (1) (d), and a new regulation in its place has been approved by the Executive Council whereby " any change, whether temporary or permanent, in the address at which the Mui Tsai or the employer resides " must be reported. This regulation¹ has now been published as Government Notification No. 424 in the *Government Gazette* of May 31st, 1935.

(g) Of the four girls concerned in these cases, two elected to remain with their registered employers, one was restored to her parents, and one, at her own request, was allowed to remain with her new employer as a domestic servant.

8. Since my last report, seven of the Mui Tsai who were recorded as attending school have been removed from the register, but a further ten have been found to be studying. The number of girls on record as school pupils on May 31st, 1935, is thus 112, as compared with 109 on November 30th, 1934.

9. (a) Inspector Fraser left the Colony on home leave on May 18th, 1935, and his place is being filled by Acting Inspector O'Connor, who has been lent to the Secretariat for Chinese Affairs by the Police Department.

(b) The two lady inspectors paid a total of 1,622 visits to registered Mui Tsai and to ex-Mui Tsai who have obtained employment as domestic servants. They have, in addition, spent a great deal of time, in company with the male inspector, preparing the cases for prosecution, and following up the reports which frequently come to them in the course of their visiting as to the existence of alleged unregistered Mui Tsai. Their work has been responsible for the great majority of the prosecutions.

(c) Inspector Fraser's work has again been of a very high standard. He has brought the register system and the inspection routine to a high pitch of efficiency and has conducted the prosecutions with marked ability.

(d) The inspectorate staff generally seem to have acquired the confidence of the girls to a remarkable extent, and cases are common in which girls, ex-Mui Tsai and others, who have long passed out of the care of the Secretary for Chinese Affairs, return to the office of the Inspector of Mui Tsai to give an account of their progress and to seek advice.

¹ HONG-KONG. — *Ordinance No. 1 of 1923 (Female Domestic Service)*.

In exercise of the powers conferred by Section 12 (1) of the Female Domestic Service Ordinance, 1923, the Governor in Council further amends the regulations set forth in Government Notification No. 568 published in the *Gazette* of November 8th, 1929, as follows :

Amendments.

- (1) The following is substituted for paragraph (d) of Regulation 5 (1) :
 - (d) Any change, whether temporary or permanent, in the address at which the Mui-Tsai or the employer resides.
- (2) In Appendix A :
 - (i) " Address at which the Mui-Tsai resides " is substituted for " address of Mui-Tsai ".
 - (ii) " Address at which the employer resides " is substituted for " address of employer ".

Appendix III.

RETURN SHOWING THE REGISTRATION OF MUI TSAI IN MALAYA AS ON DECEMBER 31st, 1934.

	Straits Settlements					Federated Malay States					Unfederated Malay States ¹		
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Kedah	Total
Number registered on June 30th, 1934	589	492	249	2 ³	1,332	448	457 ⁴	203	64 ⁵	1,172	150	97	247
Cancelled :													
Returned to parents . .	6	2	—	—		2	1	—	1		—	2	
Left Settlement or State	9	3	—	—		—	2	2	—		—	—	
Married	31	11	9	—		10	8	8	1		3	2	
Ceased to be Mui Tsai.	1	2	1	—		6	3	9	1		5	—	
Admitted to P.L.K. . .	7	—	—	—		1	1	—	—		—	—	
Miscellaneous	4	—	—	—		1	3	—	—		—	—	
Total cancelled	58	18	10	—		20	18	19	3		8	4	
Added to register on transfer from another Settlement or State	1	1	—	—		4	—	—	1		3	—	
Total on register on December 31st, 1934. . .	532	475	239	2	1,248	432	439	184	62	1,117	145	93	238

¹ No returns for Brunei and Perlis. ² Figure in last return, 246. ³ No further information received. ⁴ Figure in last return, 463. ⁵ Figure in last return, 63.

Appendix IV.

RETURN SHOWING THE REGISTRATION OF MUI TSAI IN MALAYA AS ON JUNE 30th, 1935.

	Straits Settlements					Federated Malay States					Unfederated Malay States ¹		
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Kedah	Total
Number registered on December 31st, 1934 . .	532	475	239	2	1,248	432	439	184	62	1,117	145	93	238
Cancelled :													
Returned to parents . .	4	2	—	—	6	1	2	—	—	3	—	—	—
Left Settlement or State	9	2	1	—	12	—	6	2	—	8	4	1	5
Married	23	11	5	—	39	10	9	6	—	25	3	—	3
Ceased to be Mui Tsai.	24	7	1	—	32	10	15	—	—	25	4	—	4
Admitted to P.L.K. . .	3	4	4	—	11	2	—	—	—	2	1	—	1
Miscellaneous	1	1 ³	2 ³	—	4	—	1 ³	—	1	2	—	—	—
Total cancelled	64	27	13	—	104	23	33	8	1	65	12	1	13
Added to register on transfer from another Settlement or State	2	2	3	—	7	1	3	—	—	4	2	—	2
Total on register on June 30th, 1935.	470	450	229	2	1,151	410	409	176	61	1,056	135	92	227

¹ No returns for Perlis, Kelantan, Trengganu and Brunei. ² Absconded. ³ Died.

Appendix V.

LEGISLATION RELATING TO MUI TSAI IN THE UNFEDERATED MALAY STATES.

(a) KELANTAN ENACTMENT NO. 3 OF 1935.

1. This Enactment may be cited as "The Mui Tsai Enactment, 1935", and shall come into force on the 19th day of February, 1935.
2. In this Enactment, unless there is something repugnant in the subject or context :
"Employer" means a person who has acquired the custody, possession, control or guardianship of a Mui Tsai ;
"Mui Tsai" means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the State of Kelantan, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt : Provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of eighteen years or on marriage, whichever shall first happen ;
"Place of safety" means such place as may either generally or for particular cases be directed by His Highness the Sultan to be a place of safety for the detention of Mui Tsai ;
"Protector" means the Commissioner of Police, Kelantan.
3. No person shall, after the commencement of this Enactment, acquire the custody, possession, control or guardianship of a Mui Tsai.
4. (i) Every person who at the commencement of this Enactment shall have a Mui Tsai in his custody, possession, control or guardianship in the State of Kelantan shall register such Mui Tsai in the prescribed manner within six months after such commencement.
(ii) It shall be lawful for the Protector, in his absolute discretion, to refuse to register any particular Mui Tsai and to remove any particular Mui Tsai from the register.
5. Subject to the period allowed for registration and subject to the provisions of Section 9, no person shall have in his custody, possession, control or guardianship an unregistered Mui Tsai.
6. No person shall, after the commencement of this Enactment, bring or cause to be brought into the State of Kelantan any Mui Tsai unless such Mui Tsai :
(a) Has previously been in the State of Kelantan and has been registered under this Enactment ; or
(b) Has been registered as a Mui Tsai under the law for the time being in force in the Colony of the Straits Settlements or in some other British Colony or in a British Protectorate or in a Malay State under British protection.
7. (i) No employer of a Mui Tsai shall overwork or ill-treat a Mui Tsai.
(ii) Every employer of a Mui Tsai shall provide such Mui Tsai with wages at a rate not less than such minimum rate as may be prescribed, and with sufficient food, clothing of a reasonable kind and, in case of illness, proper medical attendance.
8. (i) In the event of any dispute arising between a Mui Tsai and her employer concerning the payment of wages, the Protector may enquire into and decide such dispute and make such order as he may deem just.
(ii) Any order made by the Protector under Sub-section (i) may be enforced by the court of a magistrate of the first class in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the protector.
9. (i) No Mui Tsai shall, after the commencement of this Enactment, be transferred from one employer to another without the previous sanction of the Protector : Provided that upon the death of the employer of any Mui Tsai the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.
(ii) Every person who, after the commencement of this Enactment, shall become the employer of a Mui Tsai by reason of the death of the former employer of such Mui Tsai, or for any other reason, shall report such fact in the prescribed manner within one month after he shall have become the employer of such Mui Tsai.
10. (i) Any Mui Tsai who wishes to be restored to the custody of her parent or natural guardian, and any Mui Tsai whose parent or natural guardian wishes such Mui Tsai to be restored to his custody, shall, without any payment whatsoever, be restored to such custody unless the Protector shall see some grave objection in the interest of such Mui Tsai to such restoration.

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

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

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

13. His Highness the Sultan in Council may by notification make rules for and in respect of all or any of the following purposes or matters :

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

(b) The inspection and control of Mui Tsai ;

(c) The care, detention, temporary absence and maintenance of Mui Tsai detained under this Enactment ;

(d) Any matter which under this Enactment is required or permitted to be prescribed ;

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

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

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

15. (i) All offences against this Enactment or any rule made thereunder shall be cognisable by the court of a magistrate of the first class : Provided that no prosecution shall be instituted in respect of any such offence without the previous sanction of the Protector.

(ii) The court of a magistrate of the first class may, notwithstanding anything contained in the Courts Enactment, 1925, impose the full punishment prescribed by this Enactment in respect of any offence.

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

17. In every prosecution under this Enactment or any rule made thereunder, it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

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

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

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder ;

(b) Any extract from any such register which purports to have been certified as correct by the Protector ;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment.

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

(iii) If any such finger-prints appear to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular

Mui Tsai, it shall be presumed until the contrary is proved that the finger-prints in question are the finger-prints of the Mui Tsai indicated by the said serial number.

20. (i) The Protector or any person generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry, the Protector or such person as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask, and for the purposes of such further enquiry as may be deemed necessary the Protector or such person as aforesaid may remove any such Mui Tsai to a place of safety to be there detained until her case is further enquired into.

(ii) The Protector or any person generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(iii) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such person as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such person, shall be guilty of an offence against this Enactment.

21. (i) If the Protector has reasonable cause to suspect that any girl has after the commencement of this Enactment been purchased or otherwise acquired in or out of the State of Kelantan with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the State of Kelantan without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(ii) Any person who fails to produce such girl when so required under Sub-section (i) shall be guilty of an offence against this Enactment.

(iii) In default of such photographs being furnished or such security being given, the Protector may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (i) Whenever a Mui Tsai has been detained in or removed to a place of safety under Section 11 or Section 20 or Section 21 of this Enactment and it appears to His Highness the Sultan to be expedient in the interests of such Mui Tsai that she should be removed from such place of safety and transmitted to the Colony of the Straits Settlements for detention in a place of safety established in the said Colony under Ordinance No. 15 of 1930 (Women and Girls Protection), he may cause a representation to be made under Sub-section (i) of Section 16A of the said Ordinance, and upon issue of a warrant by the Colonial Secretary as in that sub-section provided His Highness the Sultan may by order under his hand direct that such Mui Tsai shall be removed to the place of safety specified in such warrant.

(ii) Any order made under Sub-section (i) shall be sufficient authority for the removal of the Mui Tsai named therein.

(iii) Any Mui Tsai removed under this Enactment to a place of safety in the Colony of the Straits Settlements shall, if she so desires, on being discharged from such place of safety, be returned to Kelantan and shall not be subject to the provisions of the Indigent Alien Immigration Enactment, 1914, or of the Aliens Enactment, 1933.

23. (i) Whenever the Protector is of opinion that it is in the interests of any such girl as is referred to in Section 21 that such girl should be permitted to leave the State of Kelantan, the Protector may grant such permission upon being supplied with such photographs as he may require and upon such security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of Government within such period and at such destination in the Colony of the Straits Settlements or in a Malay State under British protection as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from the State of Kelantan,

unless the officer of Government referred to in Sub-section (i) of this section obtains fresh security in the manner specified in Section 21.

(iii) A certificate under the hand of the officer of Government referred to in Sub-section (i) of this section that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect, unless the court requires such officer to be called as a witness.

24. Whenever in accordance with the provisions of this Enactment a Mui Tsai is detained in a place of safety, such Mui Tsai may, subject to the provisions of this Enactment, be detained in such place of safety until she attains the age of nineteen years, if she has not married and if such arrangements for her welfare as the Protector deems necessary have not been made.

25. The Protector and every person generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of " The Penal Code, 1930 ".

(b) PERLIS ENACTMENT NO. 5 OF 1953.

1. This Enactment may be cited as " The Mui Tsai Enactment, 1953 ", and shall come into force on the 23rd day of Jemadilawal, 1353.

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

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

" Mui Tsai " means a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the State of Perlis, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt :

Provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of eighteen years or on marriage, whichever shall first happen ;

" Protector " means the officer appointed by the President of the State Council under Section 13 (1) to be the Protector.

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

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

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

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

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

(a) Has previously been in the State of Perlis and has been registered under this Enactment ; or

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

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

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

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

(2) Any order made by the Protector under Sub-section (1) may be enforced by the court of the chief magistrate in the same manner as a judgment of such court, and all necessary processes may be served by such court on behalf of the Protector.

9. (1) No Mui Tsai shall, after the commencement of this Enactment, be transferred from one employer to another without the previous sanction of the Protector.

Provided that upon the death of the employer of any Mui Tsai the Protector may, subject to the provisions of Section 10, make any order which he may think fit regarding the transfer of such Mui Tsai to a new employer.



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

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

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

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

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

13. (1) The President of the State Council may appoint any person either by name or office to be the Protector and may make rules in respect of all or any of the following purposes or matters :

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

(b) The inspection and control of Mui Tsai ;

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

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

(2) All such rules shall be published.

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

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

15. All offences against this Enactment or any rule made thereunder shall be cognisable by the Senior Court.

Provided that no prosecutions shall be instituted in respect of any such offence without the previous sanction of the Protector.

16. In any prosecution under Section 7 it shall be lawful for the court to convict of voluntarily causing hurt under Section 323 of the Penal Code if it finds that the offence of voluntarily causing hurt was committed but does not find that the girl in question was a Mui Tsai.

17. In every prosecution under this Enactment or any rule made thereunder it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

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

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

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder ;

(b) Any extract from any such register which purports to have been certified as correct by the Protector ;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment ;

(2) If any such photograph appears to have a serial number, and if the said serial number appears in some part of any such register as apparently assigned to some particular

Mui Tsai, it shall be presumed until the contrary is proved that the photograph in question is the photograph of the Mui Tsai indicated by the said serial number.

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

20. (1) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry the Protector or such officer as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask.

(2) The Protector or any officer generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(3) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such officer as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such officer, shall be guilty of an offence against this Enactment.

21. (1) If the Protector has reasonable cause to suspect that any girl has, after the commencement of this Enactment, been purchased or otherwise acquired in or out of the State of Perlis with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the district in which she then is without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(2) Any person who fails to produce such girl when so required under Sub-section (1) shall be guilty of an offence against this Enactment.

(3) In default of such photographs being furnished or such security being given the Protector may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (1) Whenever the Protector is of opinion that it is in the interest of any such girl as is referred to in Section 21 that such girl should be permitted to leave the district in which she then is, the Protector may grant such permission upon being supplied with such photographs as he may require and upon security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of Government within such period and at such destination as may be specified in the bond.

(2) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from the district.

(3) A certificate under the hand of the officer of Government referred to in Sub-section (1) that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect, unless the court requires such officer to be called as a witness.

23. The Protector and every officer generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of the Penal Code.

(c) TRENGGANU ENACTMENT No. 1 OF 1354.

1. This Enactment may be cited as "The Mui Tsai Enactment, 1354" and shall come into force on the 12th day of Muharram 1354 corresponding to the 15th day of April, 1935.

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

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

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

“ Place of safety ” means such place as may either generally or for particular cases be directed by His Highness the Sultan to be a place of safety for the detention of Mui Tsai ;

“ Protector ” means the Commissioner of Police, Trengganu.

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

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

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

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

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

(a) Has previously been in the State of Trengganu and has been registered under this Enactment ; or

(b) Has been registered as a Mui Tsai under the law for the time being in force in the Colony of the Straits Settlements or in some other British Colony or in a British Protectorate or in a Malay State under British protection.

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

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

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

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

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

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

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

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

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

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

13. His Highness the Sultan in Council may by notification make rules for and in respect of all or any of the following purposes or matters :

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

(b) The inspection and control of Mui Tsai ;

(c) The care, detention, temporary absence and maintenance of Mui Tsai detained under this Enactment ;

(d) Any matter which under this Enactment is required or permitted to be prescribed ;

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

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

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

15. (i) All offences against this Enactment or any rule made thereunder shall be cognisable by the court of a magistrate of the first class ; Provided that no prosecution shall be instituted in respect of any such offence without the previous sanction of the Protector.

(ii) The court of a magistrate of the first class may, notwithstanding anything contained in the Courts Enactment, impose the full punishment prescribed by this Enactment in respect of any offence.

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

17. In every prosecution under this Enactment or any rule made thereunder, it shall be presumed until the contrary is proved that the girl in question was a Mui Tsai in the custody, possession, control or guardianship of the accused at the time of the alleged offence, and this onus shall not be deemed to be discharged by mere proof that the girl was described in any transaction by some term other than Mui Tsai.

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

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

(a) Any register or any part of any register which purports to have been kept under this Enactment or any rule made thereunder ;

(b) Any extract from any such register which purports to have been certified as correct by the Protector ;

(c) Any photograph or finger-prints which purport to have been taken for the purpose of any such register or under any provision of this Enactment.

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

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

20. (i) The Protector or any person generally or specially authorised in that behalf in writing by the Protector may visit any place in which any Mui Tsai resides or is believed to reside, and may inspect any such place, and may enquire into the condition of any such Mui Tsai and her wages, food and living conditions generally. For the purposes of such enquiry the Protector or such person as aforesaid may require the employer or any adult member of his household to answer any such questions as he may think proper to ask, and for the purposes of such further enquiry as may be deemed necessary the Protector or such person as aforesaid may remove any such Mui Tsai to a place of safety to be there detained until her case is further enquired into.

(ii) The Protector or any person generally or specially authorised in that behalf in writing by the Protector may enter, and for that purpose may use force if necessary, and search any vessel, house, building or other place where he has reasonable cause to suspect that an offence against this Enactment or any rule made thereunder has been or is being committed, and may remove to a place of safety any girl in respect of whom he has reasonable cause to believe that any such offence has been or is being committed, to be there detained until her case is enquired into.

(iii) Any person who obstructs or hinders, or attempts to obstruct or hinder, the Protector or any such person as aforesaid in the exercise of the powers conferred by this section, or who refuses to answer any question put to him by the Protector or such person, shall be guilty of an offence against this Enactment.

21. (i) If the Protector has reasonable cause to suspect that any girl has, after the commencement of this Enactment, been purchased or otherwise acquired in or out of the State of Trengganu with a view to being placed in the custody, possession, control or guardianship of any person as a Mui Tsai, he may require any person in whose custody, possession, control or guardianship she appears to be to produce such girl and to furnish copies of her and such person's own photographs and to give security to the satisfaction of the Protector that such girl will not leave the State of Trengganu without the previous consent in writing of the Protector, and will not be employed as a Mui Tsai, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

(ii) Any person who fails to produce such girl when so required under Sub-section (i) shall be guilty of an offence against this Enactment.

(iii) In default of such photographs being furnished or such security being given the Protector may, by warrant under his hand, order such girl to be removed to a place of safety and there detained until she can be returned to the place from whence she was brought or until other proper provision can be made for her protection.

22. (i) Whenever a Mui Tsai has been detained in or removed to a place of safety under Section 11 or Section 20 or Section 21 of this Enactment and it appears to His Highness the Sultan to be expedient in the interests of such Mui Tsai that she should be removed from such place of safety and transmitted to the Colony of the Straits Settlements for detention in a place of safety established in the said Colony under Ordinance No. 15 of 1930 (Women and Girls' Protection), he may cause a representation to be made under Sub-section (i) of Section 16 A of the said Ordinance, and upon issue of a warrant by the Colonial Secretary as in that sub-section provided His Highness the Sultan may by order under his hand direct that such Mui Tsai shall be removed to the place of safety specified in such warrant.

(ii) Any order made under Sub-section (i) shall be sufficient authority for the removal of the Mui Tsai named therein.

(iii) Any Mui Tsai removed under this Enactment to a place of safety in the Colony of the Straits Settlements shall, if she so desires, on being discharged from such place of safety, be returned to Trengganu and shall not be subject to the provisions of the Aliens Enactment, 1351, or of the Government Proclamation Nos. 10 and 13 of 1349.

23. (i) Whenever the Protector is of opinion that it is in the interests of any such girl as is referred to in Section 21 that such girl should be permitted to leave the State of Trengganu, the Protector may grant such permission upon being supplied with such photographs as he may require and upon such security being given to his satisfaction that the person in whose custody or control such girl appears to be will bring such girl before such officer of Government within such period and at such destination in the Colony of the Straits Settlements or in a Malay State under British protection as may be specified in the bond.

(ii) The giving of such further security shall not relieve any person who gave the security required by Section 21 from any obligation under the conditions of the bond entered into under that section, other than the condition relating to departure from the State of Trengganu, unless the officer of Government referred to in Sub-section (i) of this section obtains fresh security in the manner specified in Section 21.

(iii) A certificate under the hand of the officer of Government referred to in Sub-section (i) of this section that such girl has not been brought before him shall in any legal proceedings be conclusive evidence to that effect unless the Court requires such officer to be called as a witness.

24. Whenever in accordance with the provisions of this Enactment a Mui Tsai is detained in a place of safety, such Mui Tsai may, subject to the provisions of this Enactment, be detained in such place of safety until she attains the age of nineteen years, if she has not married and if such arrangements for her welfare as the Protector deems necessary have not been made.

25. The Protector and every person generally or specially authorised in writing under Section 20 shall be deemed to be public servants within the meaning of "The Penal Code".

THE MUI TSAI ENACTMENT, 1354.

Rules under Section 13.

In exercise of the powers conferred by Section 13 of " The Mui Tsai Enactment, 1354 ", His Highness the Sultan in Council hereby makes the following rules with effect from the 12th day of Muharram 1354 corresponding to the 15th day of April, 1935.

1. Registration of Mui Tsai shall be effected at the office of the Protector or at any other office visited by the Protector for the purpose of registration.

2. An application for registration of a Mui Tsai shall be in the form set out in Schedule A and shall contain the particulars specified in that schedule so far as they can reasonably be ascertained, and shall be signed by the employer, who shall certify the correctness of the particulars. Such particulars shall be entered in the register of Mui Tsai which shall be kept by the Protector.

Every application for registration shall be accompanied by two photographs of the Mui Tsai for whose registration application is made and the finger-prints of the Mui Tsai may be recorded in the register.

3. As soon as may be after registration, identification tickets shall be given to the employer of every Mui Tsai and to every Mui Tsai so registered. These identification tickets should be produced in connection with any subsequent application or report in connection with the Mui Tsai.

4. The employer shall make and sign a report to the registering officer upon :

- (a) The death of a Mui Tsai ;
- (b) The disappearance of a Mui Tsai ;
- (c) The intended removal of a Mui Tsai from the State of Trengganu ;
- (d) Any change of address of a Mui Tsai or of her employer ;
- (e) The intended marriage of a Mui Tsai ;
- (f) Any change in the actual employer of a Mui Tsai.

5. The employer of any Mui Tsai shall produce such Mui Tsai whenever called upon to do so by the Protector, at any time and place specified by him.

6. Every Mui Tsai under the age of 15 years shall be paid wages at the rate of not less than \$2 a month. Every Mui Tsai of or over the age of 15 years shall be paid wages at the rate of not less than \$3 a month.

SCHEDULE A.

Application for Registration of a Mui Tsai.

Enactment No. 1 of 1354.

Serial number Date

Name of Mui Tsai

Age and date of birth

Place of birth

Names and addresses of any known relatives of Mui Tsai.....

Name of employer

Address, occupation and nationality

Details and date showing when the Mui Tsai came into the custody, possession, control or guardianship of the employer

Address where Mui Tsai is living if different from that of employer.....

Signature of employer

Certified correct,

.....

ANNEX 6.

COMMUNICATION, DATED FEBRUARY 20TH, 1936, FROM THE
UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS (WITH TWO APPENDICES)

With reference to Foreign Office letter of January 25th, 1936,¹ I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, two copies each of the undermentioned documents :

- (1) Report from His Majesty's Government in the United Kingdom on measures taken to combat the slave trade in the Red Sea ;
- (2) Report from the Governor of Southern Rhodesia on slavery.

(Signed) H. J. SEYMOUR.

1. REPORT ON MEASURES TAKEN TO COMBAT THE SLAVE TRADE IN
THE RED SEA.

Nothing has occurred to suggest that the general conditions in the Red Sea, as described in paragraph 25² of the memorandum from His Majesty's Government in the United Kingdom on various questions dealt with in the report of the Committee of Experts on Slavery (League document C.618.1932.VI), have in any way changed. The only additional information that can be offered is that between January 1st, 1934, and June 30th, 1935, the Red Sea sloops have covered 19,647 miles and have examined twenty dhows, with no result.

2. REPORT FROM THE GOVERNOR OF SOUTHERN RHODESIA ON SLAVERY.

Slavery does not exist in Southern Rhodesia to-day.

C.C.E.E.91.

ANNEX 7.

COMMUNICATION, DATED MARCH 7TH, 1936, FROM THE UNITED
KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS

With reference to Foreign Office letter W. 1330/154/52, of February 20th, I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, a memorandum prepared on behalf of His Majesty's Government in the United Kingdom on various questions dealt with in the last report³ of the Committee, together with six appendices thereto.⁴

(Signed) P. LEIGH-SMITH.

¹ See page 40.

² See page 25 of document C.159.M.113.1935.VI.

³ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI.

⁴ Note by the Secretariat of the League of Nations. — Appendices 5 and 6 are not reproduced here and are kept in the archives of the Secretariat. Appendix 5 has been published as Command Paper No. 5121.

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MEMORANDUM FROM HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM
ON VARIOUS QUESTIONS DEALT WITH IN THE REPORT OF THE ADVISORY
COMMITTEE OF EXPERTS ON SLAVERY (1935).¹

1. Copies of the Advisory Committee's report were circulated to the Governments of all the territories administered under the authority of His Majesty's Government in the United Kingdom with the request that they would make a careful study of the report and would furnish their observations on any matters with which they were concerned and also any information which they thought might be of interest to the Committee.

2. The replies received from the large majority of these Governments indicate that, although the report has been studied by them with great interest, they find that there is little or nothing that they can usefully add to the information previously supplied, which was embodied in the memorandum submitted last year to the League of Nations by His Majesty's Government in the United Kingdom (Annex 3 to the Advisory Committee's report). In many cases, of course, the conditions to which the Advisory Committee have drawn special attention do not obtain.

3. The present memorandum summarises the information which has been furnished by the remaining Governments, classified under the same chapter headings as were adopted in the report of the Advisory Committee. A memorandum by the Government of Nigeria, which deals at considerable length with the questions at issue, has been included as an Appendix to the memorandum (Appendix 1).

“ CHAPTER I. — STATUS AND LEGAL STATUS OF SLAVERY. ”

4. In paragraphs 14 and 18 of their report, the Committee of Experts refer to the existence of the legal status of slavery in the Hadramaut. The Hadramaut forms part of the Aden Protectorate, an area extending from the mouth of the Red Sea opposite the island of Perim on the West, to the boundary of Muscat on the East, and inland to the frontiers of the Yemen and of Sa'udi Arabia. This area is divided into a number of semi-independent Arab Sultanates and chiefdoms with which His Majesty's Government have treaty relations but which are not administered by His Majesty's Government.

5. The legal status of slavery still exists throughout the Aden Protectorate, as it does in most Islamic countries where the Shar'ia Law is the law of the land. There are, however, certain tribes or States which have no slaves — viz., the Quteibi, the Sultanate of Upper Yafa, the Mausatta, Dhubi, Maflahi, Hadhrami and Saqladi. In the rest of the Protectorate it is estimated that there are not less than some 4,000 to 5,000 persons in a state of slavery. By far the greater number of these are in the eastern part of the Protectorate, where it is estimated that the number is at least 3,000.

6. It may be stated as a general proposition that the slave in the Aden Protectorate is well treated and often a favoured member of his owner's family. Slaves occupy the position of soldiers, domestic servants and cultivators, but the majority are soldiers. The slaves do not rank as the lowest class of the community, and it is known that, in the eastern areas, slaves have risen to the highest positions in the State and often form the most trusted section of a ruler's population. The following detailed information in regard to slavery in the larger Sultanates of Lahej and Shihr and Mukalla serve to illustrate the above statements. The question of the slave trade is dealt with in Chapter III below.

7. In Lahej, since 1924, there has been a decrease in the number of domestic slaves, and the actual number is now probably no more than 100. This has been brought about by the fact that the children of a slave, by a wife who is a free woman, are free, and that it is common to grant freedom to a slave who marries a free woman and has children by her. The Sultan asserts that this practice has resulted in the liberation of a considerable number of slaves and that the process is still continuing.

8. The Sultan of Shihr and Mukalla himself owns about 800 slaves. These men are extremely well treated and are the most favoured and trusted of his soldiers. Their children are specially trained in the Cadet Corps and are very well looked after. The Sultan has long expressed his desire to free his slaves, as their liberation would relieve him of considerable expense for housing and feeding them. The slave soldiers cost the Sultan a great deal more than the freemen. The Sultan's failure so far to carry out his expressed desire to liberate his slaves is due to the fact that, like some other Oriental rulers, and like some of the Protectorate chiefs in the past, he relies on his slaves to support his authority against

¹ Document C.159.M.113.1935. VI.

refractory tribesmen whom he would otherwise have difficulty in controlling. His slaves, in fact, form a large and trustworthy element in his military forces, and they sometimes provide him with his most reliable Governors of outlying districts.

9. The abolition of the institution of slavery in this particular area accordingly presents a difficult problem. The circumstances of the Protectorate are exceptional, and it is not at present the policy of His Majesty's Government to attempt direct administration. At the same time, it is the aim of His Majesty's Government to bring about, in agreement with the local rulers, the abolition of all abuses connected with the institution of slavery and ultimately the institution itself; but the process must necessarily be a gradual one, more especially in those districts which are remote from the influence of Aden.

10. In paragraph 23 of the Advisory Committee's report, reference is made to the natives in the Bechuanaland Protectorate known as the "Masarwa", regarding which a report by Mr. E. S. B. Tagart, C.B.E., formed Appendix 2 to the previous memorandum furnished by His Majesty's Government in the United Kingdom. The present position as regards this matter is that a European officer has been specially detailed to take charge of the interests of the Masarwa and has taken up his duties, which include the taking of a census of these people, as recommended in the report referred to above. A proclamation affirming that slavery in any form is unlawful in the Protectorate and a proclamation making further provision for the protection of native labourers have been drafted and their issue has been authorised, subject in the case of the latter to the clearing up of certain points.

11. The Government of Tanganyika Territory has taken the opportunity to refer to the statement made in paragraph 3 of Appendix 1 (c) of His Majesty's Government's earlier memorandum relating to the Bugufi area of the Biharamulo district. The passage in question referred to the view expressed by a Provincial Commissioner that slavery might still be in existence in this remote district. Enquiries at the time had failed to reveal any trace of slavery in Bugufi; and the Tanganyika Government now report that the situation in this area has been carefully watched, and that a recent report from the Acting District Officer confirms that slavery in the accepted sense of the term does not exist there and has not existed for many years. The prevailing system of feudal land tenure has undergone certain modifications during the last few years and appears to be evolving of itself into a system of individual holdings. The Tanganyika Government accordingly concludes that the term "slavery" is no longer applicable to any of the conditions of life obtaining among the natives of Tanganyika Territory.

12. The Tanganyika Government further adds that, since August 1934, no prosecutions have been instituted under the Tanganyika Territory Involuntary Servitude (Abolition) Ordinance (Cap. XXVI of the Laws), but there have been five prosecutions under Sections 233 and 235 of Cap. XXV of the Penal Code for offences against the liberty of the person. In four of these prosecutions, the accused was acquitted, while in the fifth, although the accused was convicted of kidnapping and sentenced to three months' imprisonment with hard labour by the First-class Subordinate Court, the High Court, in exercise of its revisional jurisdiction, quashed both the conviction and the sentence.

" CHAPTER II. — SLAVE-RAIDING AND SIMILAR ACTS. "

13. In paragraph 10 of His Majesty's Government's earlier memorandum, it was stated, *inter alia*, that it became necessary to issue old-pattern rifles to specially selected tribesmen in the Northern Frontier District of Kenya in order to secure the defence of individual villages against armed marauders from a neighbouring country. It should, however, have been made clear that the rifles in question are on issue to enlisted auxiliaries of the tribal police in the Northern Frontier District and not to private individuals.

" CHAPTER III. — SLAVE TRADE. "

14. As mentioned in paragraph 34 of the report, treaties for the prevention of the slave trade were concluded many years ago with certain sheikhs of the Aden Protectorate. The sheikhs in question are the Lower Aulaqi Sultan and the Naqibs of Mukalla and Shihr, the Sultan of Shihr and Mukalla having succeeded to the two latter.

15. While no treaty for the suppression of the slave trade has been concluded with the Sultan of Lahej, His Highness is in complete accord with His Majesty's Government and the British authorities in Aden, in the desire to prevent the importation of new slaves from Africa or elsewhere into his territory, and he is determined to take effective steps against such a practice if any instance of it comes to his knowledge. As a proof of this, the Sultan has forbidden the trade and stated that anyone indulging in it will be punished and the slaves confiscated and sent to Aden.

16. Importation of fresh slaves into the Protectorate is probably an occurrence of the utmost rarity. Unconfirmed reports are sometimes received regarding the importation of a slave, and it is possible that a few cases may occur in the eastern portion of the Protectorate, which is more remote from the influence of Aden.

17. It can, however, be said that the importation of slaves into the Aden Protectorate is now confined to isolated cases, and that, so far as the introduction of slaves by sea is concerned, the measures taken by His Majesty's Government have resulted in a complete suppression of the trade. Nevertheless, the Resident is being invited to take an early opportunity to negotiate further agreements with the chiefs of the Protectorate to secure their co-operation in the prevention of the introduction of further slaves.

“ CHAPTER VI. — DOMESTIC OR PREDIAL SERVITUDE.”

18. In paragraphs 2 and 3 of the memorandum by the Government of Nigeria, a copy of which forms Appendix 1 to this memorandum, mention is made of the existence of domestic slaves in the Moslem States of the Northern Provinces of Nigeria. It will be seen that it has been the policy of the Government from the earliest days not to interfere with the relation of master and slave in this area so long as the relation was voluntarily maintained by both parties, and that to-day it may be said that, in the Moslem States, there are no slaves who are not well aware that they can assert their freedom if they choose. The position of these people bears no resemblance to slavery in the ordinary sense of the term. Nevertheless, consideration is being given to the question whether the time has not now arrived for the legislation relating to slavery in Nigeria to be amended so as to include in the declaration of freedom contained in Section 3 of Ordinance No. 35 of 1916 *all* persons in the Northern Provinces, and not only those “ born in or brought within ” those provinces after March 31st, 1901.

19. Slavery is non-existent in Sarawak, but among the Kayans, Kenyahs and kindred tribes, as well as among the Muruts and Kalabits, there is a type of service on which the following remarks may be of interest.

Muruts and Kalabits admit individual ownership of “ ulun ”, though it should be noted that this word as used to define the status of these persons cannot correctly be rendered as “ slaves ”; “ lower class ” would be a more accurate translation. In actual fact, “ ulun ” are invariably addressed by their proper names. They may not be transferred, nor may any owner keep a “ ulun ” against his will. There is, in fact, little, if any, difference between a “ ulun ” and his master.

The custom with Kayans and Kenyahs is different. The “ ulun ” owe allegiance, not to the individual, but to the room, which is the family unit of the long-house, or communal village. A Kayan or Kenyah room may, in fact, be regarded as a house within this village. The family rarely split up, as in the case of Sea-Dayaks, and there may be as many as thirty people in a room, the senior of these having authority. No property may be inherited by anyone living in another room, and it therefore sometimes happens that only “ ulun ” are left in a room, the heir having married and joined his wife's family. In this case, the “ ulun ” keep up the room and look after the property, and the heir has no authority over them unless he moves back into the room.

There is no difference in the dress, food or standard of living of “ ulun ” and their masters, and it is usually impossible for a stranger to distinguish between the two. As in the case of Muruts and Kalabits, no “ ulun ” can be held against his will; but, in spite of this, it is rare for one to wish to leave the family to which he is attached.

This form of service, in fact, may be regarded as co-operative service, in which both servant and master owe certain mutual obligations to, and derive mutual benefits from, each other. It resembles to some extent a modified form of the mediæval feudal system, and can rightly be regarded merely as a variant of institutions established and recognised by civilised people. It would be unwise to attempt any interference with this system, which works very satisfactorily. Native villages are constantly visited by European district officers and native officers, who can ensure that “ ulun ” are not ill-treated. In actual fact, cases of ill-treatment are so rare that they may be regarded as negligible.

The Mui Tsai System.

20. With regard to paragraph 46 of the Advisory Committee's report, legislation regulating the Mui Tsai system has now been enacted in all the Unfederated Malay States, and copies of the enactments introduced in the States of Kelantan, Trengganu and Perlis have recently been communicated to the Advisory Committee,¹ together with two further half-yearly reports furnished by the Government of Hong-Kong for the half-years ended November 30th, 1934, and May 31st, 1935,¹ and of statements by the Malayan Government showing the number of Mui Tsai registered on December 31st, 1934, and June 30th, 1935.¹ A further report and statement have since been received — namely, a report from the Governor of Hong-Kong for the half-year ended November 30th, 1935, and a statement showing the registration of Mui Tsai in Malaya on December 31st, 1935. Copies of these are annexed (Appendices 2 and 3 respectively). A copy of a memorandum by the Acting Secretary for Chinese Affairs giving details of inspections of Mui Tsai which have been made by direction of the Protectorate authorities throughout Malaya is also annexed (Appendix 4).

¹ See pages 40-57.

In order to ensure that the Government's policy as set out in the laws of the Straits Settlements and the Malay States is effectively enforced, early provision of an increased staff of whole-time lady inspectors is to be made for service in the areas of Malaya not at present fully covered by such staff.

21. In 1934, the Governor of Hong-Kong appointed a Committee to consider and report upon suggestions which had been made in a memorandum prepared by Sir George Maxwell on the Mui Tsai system. The Committee has recently submitted its report, of which a copy forms Appendix 5 to this memorandum. The recommendations are under the consideration of the Governor of Hong-Kong, whose conclusions as to the measures to be taken are expected to be submitted to His Majesty's Government within the next few weeks.

22. In North Borneo, the number of Mui Tsai on the registers as at December 31st, 1935, was only seven, as compared with eighteen on the coming into operation of the Female Domestic Service Ordinance, 1930. No prosecutions were instituted under the Ordinance during the second half of 1935. The Mui Tsai remaining on the registers reside in the towns of Sandakan, Jesselton and Beaufort in communities which are by no means large and where potential employers of Mui Tsai are few. The remaining urban areas of the State are of no importance, and in the rural areas the Chinese population is mainly composed of Hakkas of the peasant class, among whom the practice of employing Mui Tsai does not obtain.

When registration of Mui Tsai became compulsory under the Female Domestic Service Ordinance, 1930, each Mui Tsai and her mistress were interviewed upon registration, and it was explained to them that the Mui Tsai had the right at any time to complain to the Secretary for Chinese Affairs or his deputy should she so desire. In addition, in every place where Mui Tsai are registered, the mistress is required to bring her Mui Tsai to the Secretariat for Chinese Affairs (or to the district office, as the case may be) twice a year in order that it may be established that her treatment and wages accord with the law. Communications within the State are such that it is never difficult for the officers of the Secretariat for Chinese Affairs to keep in touch with Mui Tsai and their mistresses. Ample powers are given to the Department to search places where the existence of an unregistered Mui Tsai is suspected, and it has not been found necessary to employ any inspectors.

Communication between the State and China is through Hong-Kong, and the importation of unregistered Mui Tsai into the State is rendered very difficult, in so far as all deck passengers leaving Hong-Kong pass through the hands of the Secretariat for Chinese Affairs in that colony, any suspects being detained there for further enquiry before being allowed to leave, while every ship bringing immigrants into the State from Hong-Kong is met on arrival, the Chinese passengers passing under the inspection of the police and of an officer of the Secretariat for Chinese Affairs prior to disembarkation.

In a comparatively undeveloped country with a small population like North Borneo, the opportunities for successful evasion of the law controlling Mui Tsai are so few that the employment of inspectors for the specific purpose of ensuring that the law is observed would serve no useful purpose.

23. The Mui Tsai system is almost unknown in Sarawak, and the condition of Chinese women and children generally throughout the State gives little cause for concern. Legislation, however, was enacted in 1930 in Sarawak to deal with the system as in other States under British protection in Borneo.

Child Adoption in Ceylon.

24. Reference is made to this subject in this memorandum in view of the frequent and unfounded allegations of slavery in regard to it.

In 1930, the Government of Ceylon had under consideration the subject of the employment of children in the island, and in August of that year there was published a measure designed to regulate and control the practice of adoption of children, under which children were handed over by their parents or guardians to others to be maintained and employed in domestic service. The custom, although of old standing, and of mutual advantage in some cases, was alleged to have developed into a regular traffic in children and to require action on the part of the Government for the protection of the children. The second reading of the measure was passed, and a Select Committee was appointed later to report on the draft Ordinance; but shortly afterwards the Ceylon Constitution was changed and the draft Ordinance automatically lapsed.

In 1933, however, the matter was raised again in the State Council, and a Joint Sub-Committee of the Executive Committees of Home Affairs and Education was appointed. The report of the Sub-Committee was published in February 1935 as Sessional Paper 11 of 1935, of which a copy is annexed (Appendix 6). Attention is directed to Section 6 of Chapter VII of the report, which may be quoted :

“Ordinance No. 20 of 1844, which is the result of voluntary action by the people of Ceylon, provides for the total abolition of slavery in Ceylon, and Section 361 of the Ceylon Penal Code makes it an offence, punishable with imprisonment extending to seven years, to import, export, buy, sell or accept any person as a slave. It is, however, doubtful whether any person handing over an ‘unwanted’ child to a third party for a money consideration

could be construed to have contravened any of the above provisions of law. Since one or two transactions . . . appear to amount to the sale of children, even though these are the only incidents of the kind that came to our knowledge, we think it desirable that the matter should be placed beyond doubt, and such transactions should be made punishable with imprisonment for a period not less than two years."

A summary of the Sub-Committee's conclusions and recommendations is contained on pages 36-40 of the report.

The Ceylon State Council has passed a resolution accepting the report in principle, and a draft Bill embodying the recommendations in the report is in course of preparation and will shortly be introduced into the new State Council. It is hoped that the Slavery Committee will concur in the opinion that child adoption in Ceylon is not a matter which concerns it.

Appendix 1.

MEMORANDUM, DATED JANUARY 1936, ON THE SITUATION IN NIGERIA AND THE CAMEROONS UNDER BRITISH MANDATE IN RELATION TO THE INTERNATIONAL SLAVERY CONVENTION, 1926.

" CHAPTER I. — STATUS AND LEGAL STATUS OF SLAVES. "

The first Ordinance prohibiting slave-dealing in the protectorate was enacted in 1874, though the traffic in slaves had been declared illegal before that date. Various enactments have since been made culminating in the Slavery Ordinance No. 35 of 1916, the provisions of which applied to the whole protectorate and were extended to the Cameroons under British mandate by the British Cameroons Administration Ordinance No. 1 of 1925. Sections 2 and 3 of the Slavery Ordinance, with Ordinance No. 1 of 1925, declared that :

" 2. The legal status of slavery is hereby declared to be abolished throughout the protectorate.

" 3. All persons heretofore or hereafter born in or brought within the Southern Provinces or those portions of the Cameroons under British mandate included in the Northern Provinces, and all persons born in or brought within the Northern Provinces (other than those portions of the British Cameroons included therein) after March 31st, 1901, are hereby declared to be free persons."

2. The effect of this section was to liberate every slave in the Southern Provinces and the Cameroons under British mandate, where slavery was not an institution recognised by any regular code of native law. In the Moslem States of the Northern Provinces, the situation was somewhat different. There, generally speaking, the intention and policy of the Government had been, from the earliest days, not to interfere with the relation of master and slave so long as the relation was voluntarily maintained by both parties ; but careful instructions were laid down with the object, on the one hand, of eradicating slavery and, on the other hand, of avoiding such hasty and ill-considered action as would dislocate the whole social framework. The result is that to-day it may be said that, in the Moslem States, there are no slaves who are not well aware that they can assert their freedom if they choose ; that the masters recognise these facts and are ready to acquiesce in the methods of liberation approved by native law and custom and accepted without any coercion whatever by the slave ; and that the native courts administer the law freely, impartially and liberally, under the ready guidance of the native authorities. Moreover, all persons of 35 years or less are automatically free, by virtue of Section 3 of the Ordinance quoted above.

3. With regard to the social status of these so-called slaves, the position is as stated in the fourth paragraph of the memorandum from His Majesty's Government which formed Annexure No. 3 to the Advisory Committee's report dated April 10th, 1935. Their position bears no resemblance to slavery in its ordinary sense, and perhaps the term " domestic serfdom " most adequately describes their condition.

4. Offences relating to slavery are provided against by Chapter XXXI of the Criminal Code of Nigeria.

" CHAPTER II. — SLAVE-RAIDING AND SIMILAR ACTS. "

5. The importation and possession of arms are rigorously controlled. The native population is unarmed except for the possession of the most primitive weapons. No incursions into or from foreign territory have been recorded, nor have any armed bands made raids within Nigeria or the Cameroons under British mandate.

“ CHAPTER III. — SLAVE TRADE.”

6. There is a slave-trading route which passes through the north-eastern corner of Bornu Province. The main recruiting area for the slave traffic is the Mandara country in French Cameroons, inhabited by Wula pagans. The agents are chiefly Shuwa Arabs, Kanembus and Mandaras, who sell their victims to the inhabitants of the Lake Chad area and to dealers from Wadei, Kanem and Tibesti. The route followed is from Mandara northwards through the western part of Dikwa and along the western shores of Chad. The traffickers travel by night, leaving the slaves hidden in the bush by day, thus making detection difficult. Although there are cases of abduction by force, the majority of the victims are children sold willingly by their parents, the chief reason for their action being shortage of food in their own country.

7. Increased activity in the slave trade owing to bad harvests was reported in 1933, but the situation has considerably improved in the last year. Unremitting vigilance by administrative officers and native authorities in Dikwa, aided by the close co-operation of the French authorities, appears to have been successful in suppressing the traffic to a great extent. It is satisfactory to note that the administration receives active assistance from village headmen and even from private individuals. In 1934, a meeting took place between the District Officer in charge of Dikwa Division and French officers from neighbouring districts, and measures of co-operation between the French military patrol and the mounted native administration police patrols in Dikwa were discussed.

8. Whereas, in the years 1931 to 1933, a number of cases of trafficking in slaves were discovered, during the last two years only three cases of attempted child-stealing — by Arab horsemen in broad daylight — have been brought to light. This may be partly due to increased vigilance in Dikwa and Bornu and to close co-operation with the French authorities, but the position has probably been affected by better harvests in Mandara country. Any return to famine conditions would probably result in attempts to revive the traffic, owing to the natural desire of the pagans to provide their children and themselves with food and to the readiness of the dealers to take advantage of their victims' distress. The present position may be said to be satisfactory, and the trade appears to have been, at least temporarily, checked; but, in the event of any shortage of food in the Mandara district, it would be necessary to ensure that attempts were not made to revive it.

9. Traffic in slaves occurs also along the Adamawa. French Cameroons border and similar steps as in Dikwa have been taken to deal with it. There has been a notable decline in the traffic in the past five years, and it has been a subject of constant exhortation to district and village headmen and unceasing propaganda by administrative officers in the course of their touring.

10. Close co-operation has been maintained with the officials of the French administration in neighbouring territory, and this resulted recently in the capture and extradition of an alleged offender from French territory. No actual case of slave-trading in the Adamawa Province has been brought to light during the past year, a situation which may be ascribed to the vigilance of district administrations and to widespread knowledge of the certain penalties attaching to discovery.

11. There is no organised slave trade in the Southern Provinces other than the traffic in children described in Chapter IV below.

12. The scheme for the care of Nigerian pilgrims travelling to Mecca, which was described in paragraph 21 of His Majesty's Government's memorandum (Annexure No. 3 to the report of the Advisory Committee dated April 10th, 1935), worked smoothly during its first year of trial; but the number of pilgrims taking advantage of it was disappointingly small. A very large number of the poorer class of pilgrims continued to travel by dhow across the Red Sea from Eritrea, carrying no passports. It is hoped, however, that more pilgrims will avail themselves of the facilities offered when the advantages of the scheme become known.

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

13. In most of the Northern Provinces, slave-dealing is practically non-existent. Cases do occur, however, from time to time in the areas bordering the Southern Provinces, most frequently in the Idoma Division of the Benue Province. A district officer writes :

“It has been said that every Idoma is a potential slave-dealer, and there is much truth in the statement. Female children are generally regarded solely as financial assets and the ‘ bride-prices ’ to be received from them on marriage are matters of deep family concern. From ‘ bride-price ’ to slave-price is but a short step. Similarly, boys who have no marriageable value may be turned to profit in the slave market at times of financial crisis.”

During the period of economic depression in 1931-32, there was a revival of the child-stealing trade between the western districts of Idoma Division and Eha Amufu in the Nsukka Division of the Southern Provinces. The two routes known to be used for the purpose

were watched, and, after prolonged investigation, twenty-three persons were convicted between 1931 and February 1933, and eleven persons were freed as the result.

14. In 1934, several cases of slave-dealing were brought to light in Nasarawa Emirate, Benue Province. The cases were tried in the High Court in 1935 and resulted in the conviction of nine persons and the release of five persons from slavery. Here, too, the offence took the form of traffic in children intended for sale in the Southern Provinces. In Idoma, it was formerly not uncommon for illegitimate children to be sold into slavery.

15. In Benue Province, during the last five years, forty-two persons have been convicted of offences connected with slave-dealing, and nineteen persons have been freed as the result. Sentences ranging from two to fourteen years' imprisonment have been inflicted, apparently with some deterrent effect.

16. Touring officers are continually on the alert for evidence of the traffic, and all complaints suggesting that this offence has been committed are carefully investigated. It is very difficult, however, to stamp it out entirely among primitive people living in very thickly wooded country. In the absence of strong native public opinion against the practice, the Administration must perforce rely on the efforts of its officers to suppress the traffic. Frequently cases have come to light through direct complaint by the mothers of children who have been sold.

17. In the Plateau Province, in 1933, it was discovered that an extensive slave traffic was being carried on in the Pankshin Division, pagan children being sold by their parents to nomad Fulani as a result of the economic depression. A number of persons were tried and sentenced in the provincial court, and fifteen children were released from slavery. The action taken appears to have had the effect of stopping this traffic.

18. In the Southern Provinces, slave-dealing of this kind is more prevalent. In November 1933, an Assistant Commissioner of Police was specially detailed to investigate slave-dealing and child-stealing in the South-Eastern Provinces, and the investigation continues. The evidence which has been obtained points to the conclusion that children are occasionally kidnapped in parts of the Owerri and Onitsha Provinces. Childless persons — often retired prostitutes — especially in the Obubra and Ikom Divisions of the Ogoja Province, are ready to purchase boys and girls in order to adopt them and bring them up as their own children, and thus the kidnappers are able to dispose of their captives.

19. The police campaign has encouraged the parents of stolen children to lodge complaints with the authorities, and as many as sixty complaints of kidnapping have been made in a single month. The number of complaints is not, however, a reliable index of the prevalence of the offence; many prove on investigation to be due to domestic quarrels regarding the guardianship of a divorced wife's children, and many concern children stolen many years before. The police have obtained several convictions, and these appear to have had the effect of discouraging the practice.

20. It is a well-known fact that, in the Owerri and Onitsha Provinces, parents occasionally sell their children either under economic pressure or because the child is regarded as an abomination. A physical defect, an unusual manner of birth or a peculiarity in its early development may result in a child being looked on as an abomination. Such children in former days were invariably killed. The people have learnt that the Government will not tolerate the murder of these children, but, fearful of offending their gods, they think to escape detection by selling them.

21. During the first six months of 1935, thirty-nine persons were convicted of slave-dealing offences. Information has been obtained of the principal sources from which children are obtained for sale, of the route taken by the dealers and of the areas of the greatest demand. This information is being usefully employed in the suppression of the traffic.

22. The information obtained by administrative and police officers leads to the conclusion — which is confirmed as regards some of the tribes inhabiting the Cross River, the area of greatest demand, by the researches of Professor Daryll Forde — that, once the children reach their ultimate owners, they are treated as members of the family and in no sense as slaves. In some districts, indeed, the "slave" children inherit their owner's property, while his own children are inherited by their mother's family, who become responsible for their maintenance. The system is not truly slave-dealing, but the adoption of children by purchase, the children being bought from their homes by middlemen and sold again in the district where there is a demand for them. This demand, in the case of the Cross River tribes, is fostered by a low birth rate due to the nomadic habits of the women. Children who have been recovered by the authorities have always been found to have been well treated and are generally content with their lot. They often refuse to leave their "masters" or adoptive parents and always resent being described as slaves.

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

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

23. The dealers referred to in the notes on Chapter IV above sometimes disguise their purchases as payment of dowry. Such cases imply, of course, conspiracy between the dealer and the parents, and may arise from a desire to obtain money quickly, without the lengthy formalities of a proper dowry transaction, or from some physical or mental defect in the girl, such as would make regular marriage impossible.

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

24. Mention has been made in the notes on Chapter IV of the practice of adopting children obtained by purchase. It would not be accurate to describe this practice as “enslavement”, since the children are not held in a subservient position.

25. In the Nsukka Division of the Onitsha Province, girls are sometimes dedicated to a fetish. Two cases were recently brought to trial, but the accused persons in both cases were acquitted, as there was no evidence that the children were held as slaves. Such girls are brought up by the fetish priest, and, on coming of age, become his wives. They are not ill-treated, nor do they perform any duties of a servile nature. They are at liberty to run away if they wish, but they are usually contented with their lot, since the fetish priests are invariably well-to-do and keep good establishments. In any case, their families would not receive them back.

26. There is a somewhat similar system in the Owerri Province, where a person may be dedicated to a fetish. Such a person is named an “Osu”. An “Osu” is the servant of the ju-ju to which he or she is dedicated. If he marries or has sexual intercourse with a non-Osu — a practice which is forbidden — that person would also become an “Osu”. He has certain privileges, but he cannot ever be freed from his dedication, and his children are “Osus” also. Consequently, the number of “Osus” is increasing; but the spread of education and Christianity is weakening the rules which bind them, and it is anticipated that the system will die out of itself in the course of a generation or so. The Government is considering how best to accelerate its disappearance.

(c) and (d) *Pledging of Third Persons and of the Debtor himself.*

27. In the Northern Provinces, in 1932, the existence of both of these forms of pawning was discovered on a large scale among the Nupe in the Bida Division of Niger Province. Although pawning is contrary to Mohammedan law, it is a long-established custom with the Nupe, and the Emir and senior native administration officials acquiesced in it. As soon as it was discovered, steps were taken to inform the pawns that they were free and that the debts were extinguished. Warnings were given that future offenders would be dealt with severely.

28. In 1934, it was discovered that pawning was still prevalent in the Pategi and Lafiagi Emirates of Ilorin Province. Similar action to that taken in Niger Province was taken in this case. It is now realised by the peasantry that pawning is illegal, and no further instances have been reported.

29. In many parts of the Southern Provinces it has been the custom in the past to pawn children as security and interest for debt, but the practice has long been forbidden and cases are severely dealt with. Fifteen cases were brought to the notice of the Government in the five years previous to 1931 and none has been reported since. The practice of a debtor pledging himself was also widespread and has not yet completely died out, although it is known everywhere that the Government does not tolerate it. Every year cases become more and more rare, since the debtor's person can no longer be regarded as safe security.

“ CHAPTER VI. — DOMESTIC OR PREDIAL SERVITUDE.”

30. In some of the Moslem States in the Northern Provinces, there may still be persons, particularly of the older generation, who regard themselves, or are regarded by others, as domestic slaves or “serving-men born in the house”, but they are becoming less numerous every year, and they are perfectly well aware of their right to assert their liberty. Such persons are not found elsewhere in the Protectorate or in the Cameroons.

Appendix 2.

**REPORT BY THE GOVERNOR OF HONG-KONG ON MUI TSAI REGISTRATION
FOR THE HALF-YEAR ENDED NOVEMBER 30TH, 1935.**

The number of Mui Tsai remaining on the register on November 30th, 1935, was 1,952, being a decrease of 170 on the figure for May 31st, 1935.

2. The decrease is made up as follows :

(1) Died	2
(2) Returned to parents or relatives	40
(3) Absconded	12
(4) Left colony permanently	32
(5) Married	34
(6) Earning their own living	35
(7) Taken into the care of the Secretary for Chinese Affairs	15
	170

3. Both deaths occurred in hospital and were due to natural causes.

4. The usual detailed table classifying the girls by their ages is appended, and may be summarised as follows :

Under 15	690
Between 15 and 18	893
Over 18	369
	1,952

It may be remarked that the three girls aged 26, 27 and 30 respectively are among those whose addresses are unknown.

5. (a) Of the sixty-nine girls remaining on May 31st, 1935, in the category, " Mui Tsai registered but never visited ", a further five have been traced in the period under review, so that the figure now stands at sixty-four.

(b) On November 30th, 1935, the figure in the category, " Mui Tsai registered and visited at least once ", stood at 259, as compared with 270 on May 31st last, a further eleven having been traced.

(c) The figure for the category, " Mui Tsai reported by the inspectors as not to be found when the addresses shown on the register were visited ", shows an increase of six on that for May 31st, 1935, and is now 383.

(d) The total number of Mui Tsai on the register whose addresses were unknown on November 30th, 1935, is therefore 706 (64 plus 259 plus 383), being a reduction of 10 (5 plus 11 minus 6) on that for May 31st, 1935.

6. (a) During the period under review, fifty prosecutions were instituted against forty-five individuals for offences against Ordinance No. 1 of 1923. The number of girls involved was forty-seven.

(b) These prosecutions may be classified as follows :

(i) Ill-treatment of a Mui Tsai	2
(ii) Keeping an unregistered Mui Tsai	15
(iii) Bringing an unregistered Mui Tsai into the colony	1
(iv) Failing to report the death of the employer of a Mui Tsai	2
(v) Failing to report the disappearance of a Mui Tsai	1
(vi) Failing to report the intended removal from the colony of a Mui Tsai	10
(vii) Failing to report change of address	16
(viii) Failing to report the intended marriage of a Mui Tsai	2
(ix) Failing to pay wages	1
	50

(c) There was, in addition, one prosecution brought against the employer of a Mui Tsai under the Women and Girls Protection Ordinance, No. 4 of 1897. This employer, one of the few males registered as such, was charged with the rape of his Mui Tsai.

7. (a) The cases of ill-treatment are the first that have occurred since that mentioned in Sir William Peel's despatch No. 633, of December 28th, 1933 (Appendix 4 (h) to memorandum furnished by His Majesty's Government in the United Kingdom in February 1935). In each case the defendant faced a charge of keeping an unregistered Mui Tsai in addition to that of ill-treatment.

(b) The first prosecution was in respect of a girl of 9 years, who reported to the District Watch Force Headquarters that she was a Mui Tsai and that she had been ill-treated. The employer, a widow of 46 years, claimed that the girl was her niece and denied that she had

treated her cruelly. The mother of the girl was traced, and with her evidence the defendant was convicted on both counts. She was found guilty of "gross cruelty" and sentenced to two months' hard labour without the option of a fine; she was also fined \$100, with the alternative of a further two months' hard labour, for keeping an unregistered Mui Tsai. It was shown that both girl and employer had been in the colony for only a few months, having come here originally to see the Jubilee celebrations last May. The girl was restored to her mother at the conclusion of the case.

(c) The second case was brought to the notice of the Secretary for Chinese Affairs by a local Chinese resident. The girl concerned was 12 years of age, and her alleged employer, 31 years of age, was a professional dancing partner in a local dancing academy. The medical certificate in respect of the girl read as follows :

"She has numerous bruises and scars scattered all over her body and limbs. Some are old and some are recent. The scars fit in with the story that they have been caused by burns. She has two black eyes which appear to be old. She has a scar on her face which could have been produced, as she says, with a knife. The enormous number of bruises and scars and their varying ages suggests ill-treatment of a severe character extending over many months, or maybe years."

The defendant, on appearing before the magistrate, applied for bail. This application was opposed by the Secretary for Chinese Affairs, but the magistrate granted bail in the sum of \$2,000 cash, then the equivalent of £200 sterling, and remanded the case for one week. The defendant thereupon absconded. Her bail was estreated and a warrant has been issued for her arrest.

8. (a) Of the fifteen prosecutions for keeping unregistered Mui Tsai, two have been already mentioned in the last paragraph. In the remaining cases, one defendant was fined \$150; one defendant was fined \$100 on each of two summonses; one defendant was fined \$100; one defendant was fined \$75; three defendants were each fined \$50; one defendant was fined \$30; and one defendant was fined \$25. Another case was in respect of a girl who, with her employer, had been only a short time in the colony. The employer expressed her intention of leaving the colony at the earliest possible opportunity, and was therefore taken into custody and formally charged, after which, as she was in poor circumstances and had a baby daughter, she was released on bail of \$40, the utmost amount she was able to find. She did not appear in court when the case was called, and her bail was therefore estreated. The remaining two prosecutions were unsuccessful, although there is little doubt that the girls concerned were Mui Tsai. Failure was due to the fact that the witnesses in court gave evidence which was completely at variance with their statements made to the Mui Tsai Inspector before the proceedings.

(b) The one prosecution for bringing an unregistered Mui Tsai into the colony resulted in a fine of \$10. On the afternoon of the day on which the offence was committed, the employer brought the girl to the office of the Secretary for Chinese Affairs and applied to have her registered. In these circumstances, the magistrate was asked to deal leniently with the case.

(c) There were two cases in which the employer of a registered Mui Tsai died and the person who subsequently employed the girl failed to report the fact. A fine of \$5 was imposed on each defendant.

(d) One employer neglected to report the fact that her Mui Tsai had disappeared, and the circumstances of the case were only discovered by a lady inspector in the course of her visiting. A fine of \$10 was imposed.

(e) All ten prosecutions for failing to report the intended removal of a Mui Tsai from the colony were successful. One defendant was fined \$150; two defendants were each fined \$20; four defendants were each fined £10; and three defendants were each fined \$5. The extremely heavy fine in the first case mentioned was imposed after the defendant had stated in court that the girl had been married outside the colony, but, in reply to questions from the bench, was entirely unable to give the address of the girl or even the name of the husband.

(f) The sixteen prosecutions for failing to report changes of address were all successful. One defendant was fined \$115; one defendant, who was also the subject of the charge dealt with in paragraph 9, was fined \$20 on each of two summonses; five defendants were each fined \$10; seven defendants were each fined \$5; and one defendant was fined \$1. The heavy fine in the first case was the result of a deliberate flouting of the authority of the Secretary for Chinese Affairs by the employer concerned. Some time previously, she had reported to his office that the girl was about to be married. As, however, the girl had only just reached the age of 16, she was told that the marriage would not be permitted, but that the matter would be reconsidered after six months. Shortly afterwards, the girl, with her employer's permission, took up residence in her fiancé's house, where she was found living with him as his wife after a lady inspector had paid a fruitless visit to the employer's residence. The Crown Solicitor

advised that no action under the Women and Girls Protection Ordinance was possible, and the employer was therefore merely summoned for failing to report the girl's change of address. The girl was subsequently married to her fiancé at the office of the Registrar of Marriages, the Inspector of Mui Tsai being one of the witnesses. As the girl had no parents, the Secretary for Chinese Affairs, being legal guardian of the girl by virtue of Section 32 of the Women and Girls Protection Ordinance, gave the written consent necessary for the marriage of a minor.

(g) The two prosecutions for failing to report the intended marriage of a Mui Tsai resulted in fines of \$5 and \$2.

(h) The prosecution for failing to pay wages was successful, the defendant being ordered to pay the arrears. No fine was imposed, as she was at the same time fined for failing to report a change of address.

9. As mentioned in paragraph 6 (c), one employer was prosecuted on a charge of rape. He was the employer of two registered Mui Tsai and had moved from his registered address without making a report. The case came to light as the result of one of the girls running away and subsequently obtaining employment in the household of a European with a knowledge of the Cantonese dialect. This gentleman overheard a conversation among his servants, and communicated the details to the Anti-Mui Tsai Society. The Secretariat for Chinese Affairs was communicated with, and the employer — a tram-conductor — was arrested, the two Mui Tsai being taken to the Po Leung Kuk. The girl told a somewhat inconsistent but circumstantial story, corroborated in some details, of how she had been interfered with by her employer while his wife was away. The preliminary hearing of the case occupied four afternoons before the first police magistrate, who finally refused informations, remarking as he discharged the defendant: "I cannot possibly understand a girl being raped in the midst of a tenement house without raising a shriek. The girl was a consenting party all the way through. It is absurd." The defendant was, however, as mentioned in paragraph 8 (f), fined a total of \$40 for his failure to report the changes of address. Both girls have been removed for good from his custody.

10. In the case of bringing an unregistered Mui Tsai into the colony, and in one case of keeping an unregistered Mui Tsai, the girls concerned were allowed to remain with their former employers as paid domestic servants in accordance with their own requests. In all the other cases of keeping unregistered Mui Tsai, the girls were removed from their employers, and it was possible in seven instances to return them to their relatives immediately after the conclusion of the case. The girl concerned in the case of failing to pay wages was also removed from her employer and returned to her mother. Of the two girls concerned in the cases of failure to report the death of a registered employer, one was restored to her relatives and the other found herself a position in a local factory. The girls concerned in the remaining cases generally asked to remain with their employers, and were allowed to do so.

11. During the period under review, no less than fifty-one Mui Tsai who were attending school have been struck off the register. A further thirteen have, however, been found to be studying, and the present total for this category is now seventy-four, a nett decrease of thirty-eight compared with the total of 112 for May 31st, 1935. One of these fifty-one girls is now in the Italian Convent, one of the "refuges" appointed under the Women and Girls Protection Ordinance, where she is assured of further education. She was handed to the Secretary for Chinese Affairs by the employer on her death-bed, the desire being expressed that she should enter this institution.

12. (a) Acting Inspector O'Connor has deputised for Inspector Fraser during the whole of the period under review, and has discharged his duties most efficiently.

(b) The two lady inspectors paid a total of 1,552 visits to registered Mui Tsai and ex-Mui Tsai who have obtained employment as domestic servants. They have continued to give every satisfaction in their work, combining keenness with tact, and have shown marked ability in their work of tracing girls who have changed their addresses — a task which might be described as detective work.

13. The only feature of the Mui Tsai system which causes anxiety at the present time is the number of girls on the register whose addresses are unknown. Although the figure has been reduced from 716 to 706 during the six months under review, it will be observed that the percentage figure has actually increased from 33.74 to 36.17 because of the reduction in the total number on the register. There is little doubt that many of these 706 girls have long ceased to be Mui Tsai, indirect information to the effect that they have married, or left the colony, or found employment being frequently received from neighbours by the inspectors; but something more definite is required before the girls are written off. The Secretary for Chinese Affairs has given instructions to the inspectorate staff that more attention should be paid to tracing these Mui Tsai, and I trust that it may prove possible to record a large

diminution in the number of Mui Tsai whose addresses are unknown at the end of the next six-monthly period. I might add that no case discovered of a change of address without a report during the period under review has been excused; a prosecution has invariably been instituted whenever the employer has been found.

(Signed) A. CALDECOTT.

TABLE OF AGES OF REGISTERED MUI TSAI RANGING FROM 5 TO 30 YEARS UP TO NOVEMBER 30TH, 1935.

Age	Number	Age	Number
5	4	19	140
6	9	20	123
7	15	21	54
8	28	22	28
9	48	23	11
10	61	24	10
11	57	26	1
12	129	27	1
13	131	30	1
14	208		
	690		369
15	206	Total	1,952
16	269		
17	212		
18	206		
	893		

Appendix 3.

MUI TSAI REGISTRATION AS ON DECEMBER 31ST, 1935.

	Straits Settlements					Federated Malay States					Unfederated Malay States			
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Kedah	Perlis	Total
Number registered on June 30th, 1934	589	492	249 (a)	2	1,332	448	457 (b)	203	64 (c)	1,172	150	97	—	247
Cancelled :														
Returned to parents	11	4	—	—	15	3	3	—	1	7	—	3	—	3
Left settlement or State	24	8	1	—	33	9	12	7	—	28	4	6	—	10
Married	68	25	19	—	112	30	35	23	1	89	13	3	—	16
Ceased to be Mui Tsai	32	14	5	—	51	17	19	16	2	54	15	—	—	15
Admitted to Po Leung Kuk	13	4	8	1	26	6	3	—	—	9	1	—	—	1
Miscellaneous	6	4	7	—	17	2	5	1	1	9	3	—	—	3
Total cancelled	154	59	40	1	254	67	77	47	5	196	36	12	—	48
Added to register on transfer from another settlement or State	4	15	3	—	22	11	5	—	2	18	7	—	—	7
Total on register on December 31st, 1935	439	448	212	1	1,100	392	385	156	61	994	121	85	19 (d)	225

- (a) Figure in last return, 246, was incorrect.
- (b) Figure in last return, 463, was incorrect.
- (c) Figure in last return, 63, was incorrect.
- (d) Period of registration closed September 3rd, 1935.

Note. — There are no Mui Tsai registered in the States of Kelantan, Trengganu and Brunei.

Appendix 4.

MEMORANDUM, DATED JANUARY 9TH, 1936, GIVING PARTICULARS
OF INSPECTIONS OF MUI TSAI THROUGHOUT MALAYA.

STRAITS SETTLEMENTS.

Singapore. — A lady inspector of Mui Tsai was appointed on June 1st, 1933. The Mui Tsai in the settlement are inspected regularly once every ten weeks; in certain cases, where ill-treatment is suspected, the inspection is monthly. At the end of 1935, there were 439 Mui Tsai on the register, as against 709 at the beginning of registration. Sixty-seven are noted as untraced; the remainder have either ceased to be Mui Tsai or have left the settlement.

During the period of inspection, nineteen cases of ill-treatment have been discovered. In thirteen of these cases, the Mui Tsai have been removed to the Po Leung Kuk and the remaining six are being visited monthly.

Other unsatisfactory cases are : (a) dirty, 9; (b) underfed and neglected, 9.

Subsequent visits show steady improvement in health and general treatment in all but one of these cases; the remaining case is a Mui Tsai who is deaf, dumb and mentally deficient.

Penang. — A lady inspector of Mui Tsai was appointed on August 1st, 1933. Inspections were at first made quarterly, but are now made twice a quarter; suspected cases are visited monthly. Nineteen Mui Tsai are noted as untraced.

The lady inspector reports no case of ill-treatment. Eighteen cases are noted as dirty and two as underfed and neglected. Four Mui Tsai have been removed to the Po Leung Kuk.

Malacca. — Mui Tsai are inspected twice a year by the lady inspector, Singapore. She had noted eight cases of ill-treatment, three dirty and three underfed and neglected.

Nine Mui Tsai have been removed to the Po Leung Kuk, and other suspected cases are for more frequent revisits by the Protector.

FEDERATED MALAY STATES.

Inspections are made by the three Protectors and the two Assistant Protectors of Chinese.

Perak. — During 1935, 371 Mui Tsai have been seen in their homes, of whom 311 are reported as being well treated. The remaining sixty are noted as "below average" and will be inspected at more regular intervals. Since the close of registration, seven Mui Tsai have been admitted to the Po Leung Kuk.

Selangor. — The Kuala Lumpur Mui Tsai have been inspected. Of 241 seen, ten are noted as appearing unwell or underfed, overworked or unhappy. The inspection of the outstation Mui Tsai has not been completed; of the 112 seen, a few are noted as pale or dirty and are to be revisited at an early date. Three Mui Tsai have been admitted to the Po Leung Kuk.

Negri Sembilan. — The Protector has visited 162 Mui Tsai. He notes six cases as bad and four as very bad. A number of others were sent to infant welfare centres for treatment. The Protector writes :

"The majority of Mui Tsai are well treated and have quite a high status in the house. . . . My figures for ill-health and neglect, etc., are somewhat high, being swelled by malaria cases from Broga and Johol. In outstations, many of the children have skin diseases on their legs and feet, but, in spite of this, are in a fair condition. Their employers have been warned that proper medical attention must be given in future or the children will be removed."

One Mui Tsai has been admitted to the Po Leung Kuk.

Pahang. — No inspection has taken place yet.

UNFEDERATED MALAY STATES.

Johore. — Two inspections have been made by the Protector and his assistant during 1935. Of the 121 Mui Tsai now registered in the State, only one was missing. Only one case of ill-treatment was found. The girl was removed to the Po Leung Kuk. The Protector notes three cases of Mui Tsai whose treatment appears to be below the average. He adds :

“ The general standard of treatment is surprisingly high ; the cases quoted as being below the average do not imply harsh treatment. More frequent inspection will be made in these latter instances.”

Kedah. — Arrangements were made for the lady inspector of Mui Tsai, Penang, to inspect the Mui Tsai in the State. The inspection was made in September. Of the ninety Mui Tsai on the register, seventy-one were visited in their homes, fourteen were absent on visits and will be inspected later by the Protector, and five appear to be untraceable. There were no signs of ill-treatment.

Perlis. — The nineteen Mui Tsai in the State were inspected during December by the lady inspector, Penang.

Kelantan, Trengganu, Brunei. — There are no Mui Tsai in these three States.

(Signed) John BLACK,
Secretary for Chinese Affairs, Malaya.

C.C.E.E.92.

ANNEX 8.

NOTE ON CERTAIN ENQUIRIES MADE BY THE ADVISORY
COMMITTEE OF EXPERTS ON SLAVERY RELATIVE TO CERTAIN
STATES IN THE PERSIAN GULF, TRANSMITTED ON MARCH 7TH, 1936,
BY THE UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS.

The Advisory Committee of Experts on Slavery, in paragraph 34 of its report of April 1935,¹ asked for information about the steps taken by the rulers of certain Arab States, which have treaties with the United Kingdom Government for the prevention of the slave trade, to give effect to these treaties. In paragraph 39 of the report, the Committee asked for information about the conditions of slavery in the plantations, pearl fisheries and families, in these States.

This note deals with the States on the eastern and south-eastern coasts of Arabia — namely, Koweit, Bahrein, Trucial Oman, Qatar and Muscat.

I. SLAVE TRADE.

The slave trade as such in the Persian Gulf practically no longer exists.

There is no information of specific laws or proclamations in the States in question, nor of any formal prosecutions under them. The success which has attended efforts to suppress the slave trade has been due to the influence and executive action of the rulers concerned, to the influence of His Majesty's Government's representatives, and above all to the work of His Majesty's Navy in the Persian Gulf.

Koweit. — Although there is no treaty between this State and His Majesty's Government in regard to the suppression of the slave trade, His Majesty's Government's representative in Koweit states that the Sheikh has within the last few years entirely stamped out the sale of new slaves, however secretly imported, and has for long been a real protector of slaves born in slavery (see note on “ Conditions of Slavery ” below).

Bahrein. — Slavery is not recognised in Bahrein by the courts and the slave trade is extinct.

Trucial Oman and Qatar. — Although the British naval sloops in the Persian Gulf regularly detain and search dhows in these waters, there has been no case in recent years of slaves being discovered on board. This in itself shows that the traffic by sea must be negligible. His Majesty's Government take any opportunity of impressing on the sheikhs the necessity of their doing their utmost to suppress the traffic.

Muscat. — The Sultan's Government is well-disposed to the suppression of the traffic. The British vessels in the Persian Gulf pay special attention to this coast with a view to intercepting slaves, and no recent case has occurred of a vessel being found with a slave or slaves on board.

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI.

II. CONDITIONS OF SLAVERY IN PLANTATIONS, PEARL FISHERIES AND FAMILIES.

Slaves in these States fall into two categories : (a) Household, (b) " Industrial ".

The first category covers individuals employed as bodyguards to sheikhs, coffee-makers and domestic servants. The lot of slaves in this category often compares favourably with that of the free tribesman. The slave is assured of his livelihood in a region where nature makes this difficult to obtain and is frequently attached by sentiment to the family in which he serves.

The second category includes the date gardener and the pearl fisher. The latter class is far the more numerous, since the whole of the Arabian coast, to a large extent, lives on the pearl trade, while considerable date groves, except in Muscat, are few in number. The condition of the industrial slave is less satisfactory than that of the household slave, but this is largely due to the general economic depression at present obtaining in the territories concerned (caused by the collapse of the pearl market) which affects freemen, as well as slaves, employed in industry. Moreover, while the free pearl fisher, who enjoys the fruits of his labours, has to support himself between pearling seasons (*i.e.*, for about two thirds of the year), the slave, whose earnings (save in Koweit) go to his master, is supported by the latter between seasons in comparative idleness.

Taking the territories *seriatim* :

Koweit. — The condition of the remaining slaves in this State is good, largely owing to the enlightened rule of the Sheikh. There have been no new slaves at all for some time, and very many slaves have been freed in recent years. In 1930, the number of slaves was estimated at 2,000, but must now be much smaller. Those that remain are slaves born in captivity, and the large majority are employed in the household. Any of these who has a grievance can at any time go for justice to the Sheikh, who frequently buys the freedom of a slave if he is unable to compose the master's and slave's differences. It is estimated that only about 100 slaves are engaged in pearl fishing, which is the principal industry of the State. Even these, however, are not sent in the capacity of slaves, but go independently and keep any money they make from the sale of pearls on the same terms as other divers.

Bahrein. — Slavery has long ceased to be recognised in Bahrein, and is for practical purposes extinct. (The manumission statistics for Bahrein relate to slaves from the mainland.) It has often been erroneously stated that Bahrein pearl divers are slaves. The reason for this is that they were at one time employed under a system which placed them in debt to the boat-captains and their debts were passed on to their children, who similarly fell into the power of the captains. These abuses, however, have been reformed in recent years, and a system of rules laid down to ensure the independence of the diver.

Trucial Sheikhdoms and Qatar. — Slavery is still not uncommon in this region, and is largely " industrial ", since this desolate coast depends almost entirely on the pearl trade. There is no longer anything in the nature of a slave market (as in the days before the treaties referred to in paragraph 34 of the Committee's report) and no extensive buying or selling of slaves, though slaves occasionally change hands. The number of slaves employed in pearl diving is not known, but is estimated at several thousands. This region is still relatively untouched by European influences, but there is an Arab Agent of His Majesty's Government stationed at Shargah, on this coast, through whom any slave may apply for manumission to the Political Agent, Bahrein. The number so manumitted is small, and has decreased in recent years. This may well be due to the decline of the pearl trade and the difficulty experienced by the freed man in obtaining a livelihood, compared with the more secure position of the slave.

Muscat. — It is understood that in this Arab State, household and industrial slavery is still found. No estimate can be given of the number of slaves generally, but it is estimated that about 500 are employed in pearl diving. This compares with an estimate of 1,000 made about five years ago.

Facilities for Manumission.

The following important consideration should be borne in mind. No one, broadly speaking, need remain a slave on the Arab coast against his will. There are no gangs or overseers. The slaves are sent off to work by their masters and opportunities for escape are frequent. It is not difficult for a slave to reach one of the British authorities who has the right of manumission — *viz.*, the Agents at Muscat, Bahrein and Shargah — or one of the ports visited frequently by British sloops. This state of affairs is said to be perfectly understood both by masters and slaves. The result is that the slave is, in general, well treated, and the number of manumissions (of which statistics are attached) is relatively small. Thus

it will be appreciated that, not only has the virtual suppression of the slave trade been primarily due to the activities of the British Navy, but the presence of the representatives of the British Government, with their power of manumission, has also resulted in an amelioration of the slave's material condition in those Arab States where slavery still continues.

* * *

PERSIAN GULF MANUMISSION STATISTICS.

Slaves manumitted:

	1929	1930	1931	1932	1933	1934
Bahrein Agency	27	18	19	20	17	19
Muscat Agency	28	20	22	24	21	31
Shargah Agency	22	12	16	6	4	1
Totals	77	50	57	50	42	51

C.C.E.E.107.

ANNEX 9.

COMMUNICATION, DATED MARCH 26TH, 1936, FROM THE UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by Mr. Secretary Eden to refer to Foreign Office letter W.2067/154/98, of March 7th, enclosing a memorandum prepared on behalf of His Majesty's Government in the United Kingdom on various questions dealt with in the last report of the Committee of Experts on Slavery.¹

2. I am now to transmit to you herewith, for communication to the Committee of Experts, a note containing additional information in regard to the matters referred to in paragraphs 20 and 21 of the above-mentioned memorandum.

(Signed) H. J. SEYMOUR.

NOTE.

Three additional assistant lady inspectors have been selected for work in the Federated Malay States from among Chinese staff nurses in the Medical Department, who will assume duty on April 1st. In the Unfederated Malay States, Kedah and Perlis are already visited by lady inspectors from Penang, and the Government of Johore is being asked to allow visits by lady inspectors from Singapore.

2. A Commission of three persons has been appointed by the Secretary of State for the Colonies to investigate Mui Tsai and kindred questions in Malaya and Hong-Kong under the Chairmanship of Sir Wilfred Woods, K.C.M.G., late Financial Secretary to the Government of Ceylon. The terms of reference of this Commission are as follows:

“ To investigate the whole question of Mui Tsai in Hong-Kong and Malaya, and of any surviving practices in those territories of transferring women and children for valuable consideration, whether on marriage or adoption, or in any other circumstances, and to report to the Secretary of State on any legislative or other action which they may consider practicable and desirable in relation to these matters.”

C.C.E.E.117.

ANNEX 10.

COMMUNICATION, DATED APRIL 4TH, 1936, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to paragraph 15 of the memorandum enclosed in Foreign Office letter No. W.2067/154/52 of March 7th,² I am directed by Mr. Secretary Eden to transmit to you

¹ Note by the Secretariat of the League of Nations. — See page 58.
² Note by the Secretariat of the League of Nations. — See page 60.

herewith, for communication to the Advisory Committee of Experts on Slavery, a translation of a proclamation concerning the slave trade issued by His Majesty the Sultan of Lahej on March 7th, 1935.

(Signed) J. C. STERNDALÉ BENNETT.

* * *

PROCLAMATION BY HIS HIGHNESS THE SULTAN OF LAHEJ.

Be it known to all inhabitants of Lahej and every comer to it from outside that the importation of slaves from the sea and their sale and purchase is prohibited.

2. Whoever disobeys this will render himself liable to punishment. The slaves imported will be confiscated, and he will be held responsible for their repatriation expenses.

2nd Al Hijja 1353 (March 7th, 1935).

C.C.E.E.106.

ANNEX 11.

COMMUNICATION, DATED MARCH 25TH, 1936, FROM THE CHINESE GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation.]

With reference to your Circular Letter 154.1935.VI, dated October 5th, 1935, I have the honour, acting on my Government's instructions, to bring the following to your notice :

As you have already been informed by the letters from the Permanent Office of the Chinese delegation dated May 6th, 1933,¹ and July 13th, 1934,² slavery does not exist in China. The Chinese Constitution provides that " all citizens of the Chinese Republic are equal before the law, irrespective of their sex, race, religion or social rank ". The relevant provisions of the previous Penal Code have also been strengthened by the new Chinese Penal Code, which came into force on July 1st, 1935, and Article 296 of which provides that :

" Any person reducing another to slavery, or to a state similar to slavery, shall be punished by imprisonment for a term of not less than one year or more than seven years.

" Attempts to commit the offence referred to in the first paragraph shall also be punishable."

As regards the Mui Tsai system, it was emphasised in the above-mentioned two letters from the Permanent Office that this is not slavery, and information was furnished on the matter. The letters also gave an account of the measures taken by the Chinese Government to abolish this system, and mentioned the satisfactory results already obtained.

The Chinese Government has continued its efforts to put an end to this system, and, on January 22nd, 1936, promulgated regulations, a translation of which is attached, providing for the registration and immediate liberation of the Mui Tsai. These regulations, which are even more radical than the rules of September 1932,³ which they abrogate, will, in the Chinese Government's opinion, enable the Mui Tsai system to be completely abolished in cases where it is still practised, and make it possible to collect statistical data which that Government will duly communicate to the League of Nations.

(Signed) Hoo Chi-Tsai,
Director of the Permanent Office
of the Chinese Delegation accredited to
the League of Nations.

Appendix 1.

REGULATIONS PROHIBITING THE KEEPING OF MUI TSAI.⁴

(Promulgated on January 22nd, 1936.)

Article I.

The keeping of Mui Tsai under the guise of charity or adoption shall be prohibited under the present rules.

Notes by the Secretariat of the League of Nations :

¹ See document A.16.1933.VI, or *Official Journal* of the League of Nations, June 1933, page 738.

² See document C.159.M.113.1935.VI, page 92.

³ These rules are reproduced in document A.16.1933.VI.

⁴ The term " Mui Tsai " is not the translation of the Chinese term used in the regulations, but has been adopted here because it is commonly resorted to in the League documents (note by the Chinese Government).

Article II.

The authorities responsible for the enforcement of the present regulations shall be as follows :

In the capital : the Metropolitan Police Department ;
In the provinces : the respective public safety bureaux and district Governments ;
In the municipalities : the respective municipal public safety bureaux.

Article III.

All the responsible authorities shall, upon the receipt of the present regulations, make public the time-limit for investigation, and shall instruct their staff to ascertain the number of Mui Tsai with a view to registering them. The registration form¹ shall be provided for separately.

The duration of the above-stated time-limit of investigation shall be four months. In case of necessity, a prolongation of two months may be allowed. Only one prolongation is permitted.

Article IV.

Within the time-limit of investigation, all keepers of Mui Tsai shall report to the competent authorities for registration ; such registration may also be made by the Mui Tsai themselves, or they can register through the intermediary of another person.

Article V.

After registration, all Mui Tsai shall immediately and unconditionally recover their liberty. All minors who have no family or whose families cannot afford to receive and maintain them shall be sent to the local relief homes or other charity organisations.

Article VI.

Marriage of a liberated Mui Tsai who has no family to go to and who has attained the age of 16 may be arranged with her consent by the local responsible authorities.

Article VII.

Liberated Mui Tsai who have attained civil majority may be employed by their former keepers, provided it is agreeable to the two parties concerned. The responsible authorities shall fix her salary, taking into consideration the local standard of living.

The responsible authorities shall choose and designate the head of a local relief home or of any other charity organisation as guardian for a liberated Mui Tsai who is still under age and who has no family or whose family's whereabouts are unknown.

Article VIII.

Keepers of Mui Tsai who fail to register within the time-limit of investigation prescribed in Article III shall be compelled to register in addition to the payment of a fine not exceeding ten dollars.

The fine mentioned in the preceding paragraph shall be assigned to the fund of the local relief homes or other charity organisations.

Article IX.

Keepers of Mui Tsai who refuse to liberate them after registration shall be turned over to the judicial authorities for punishment, according to law.

Article X.

Every month, all municipal public safety bureaux and all provincial public safety bureaux and district Governments shall submit to the Ministry of the Interior for examination, through the municipal and provincial Governments respectively, a list of the registered Mui Tsai, the Metropolitan Police Department reporting the same to the Ministry of the Interior directly.

Article XI.

After the promulgation of the present regulations, the former " Rules prohibiting the Keeping of Mui Tsai " shall be deemed null and void.

Article XII.

The present regulations shall be effective from the date of their promulgation.

¹ Appendix 2.

Appendix 2.

MUI TSAI REGISTRATION FORM.

Submitted by { Municipality } District of { province } on the { } day
 of the { Bureau of } month of the { } year of the Republic of China.

Name of Mui Tsai	Age	Village	District and Province	or Municipality			
Name of Keeper	Age	Present address	Village	District and Province	or Municipality	Occupation	
Name of Mui Tsai's Relative	Age	Present address	Village	District and Province	or Municipality	Relations by blood	Able to support
Conditions under which the Mui Tsai is kept			Summary of contract which binds the Mui Tsai to her keeper				
by adoption			by charity				
How liberation was effected and what measures were taken for her relief ?							
Name of guardian	Age	Village	District and Province	or Municipality	Occupation		
Legal			Qualification of guardian :				
Remarks :							

Notes. — 1. In filling, all details must be stated clearly and accurately.

2. When answering the questionnaire in the present form, leave the right answer as it is, and cross out the other answer that is not necessary — e.g., in the column "able to support", if after investigation it is found that no support can be given, cross out the "Yes".

3. The length of this form is 0.4 metre and the width 0.3 metre. All provincial and municipal Governments shall print their own forms according to the size mentioned above and issue them to all responsible authorities under their jurisdiction for making reports.

ANNEX 12.

COMMUNICATION, DATED FEBRUARY 28TH, 1936, FROM THE FRENCH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation.*]

On October 5th, 1935, under No. 154, you informed my predecessor that the Chairman of the Advisory Committee of Experts on Slavery had fixed April 15th, 1936, as the date for the opening of the next session of that Committee. You requested him to forward to you in good time and not later than March 4th, 1936, any information relating to slavery that the French Government might wish to communicate to the Committee in application of the Council's resolution of May 22nd, 1935, and of the Assembly's resolution of September 27th, 1935.

I have the honour to inform you that, from the enquiries addressed to the Governors of the colonies concerned, it appears that no new slavery regulations have been issued since the report which the French Government submitted to the Advisory Committee of Experts in 1935.¹

The information supplied by the different colonies may be summarised as follows :

French West Africa.

No new texts have been issued on the subject other than those mentioned in the 1932 report.²

Offences are becoming more and more rare and are always severely punished. It is not so much a matter of suppressing cases of slave trading as of guiding the evolution of certain customs towards a truer conception of individual liberty ; this can only be the work of time and of judiciously calculated measures.

Two questions formed the subject of very exhaustive enquiry in 1935 : native marriage and the pledging of individuals as security for debt. The local Government carried out an investigation in an attempt to establish a formula reconciling native tendencies and canon law, as observed by Christians, in the matter of consent to marriage. The object was to accord the woman greater liberty without releasing her entirely from her parents' authority, since to do so would seriously upset the family institutions of the natives.

The pledging of individuals as security for debt raises a less delicate problem. This has been the subject of lengthy examination, but the results are not yet available. It seems, however, that this custom, which the economic depression revived in certain regions, will disappear of itself with a return to normal economic conditions.

All measures have been taken to track down the last slave traders who may still be found in the territory of the Federation.

French Equatorial Africa.

Apart from the cases brought before the courts, no fresh act has been reported in regard to slavery.

Domestic slavery (household captives) is making slow progress. Notwithstanding the measures taken with a view to the liberation of these captives (exemption from taxation for a year, gratuity paid by the former owner, etc.), the majority never think of demanding their liberty ; they would refuse it if it were imposed on them, being satisfied with their lot.

Close watch is kept on the main routes followed by bandits or slave traders, in conjunction with the British authorities in Nigeria and the Sudan and the authorities in French West Africa and the Cameroons.

Somaliland.

No fresh facts have been reported since 1935.

At the same time, an ex-slave, liberated by his owner in the Yemen, recently presented himself before the French Public Prosecutor with the object of denouncing a certain Ali Gouedi of Tajura, who, he alleged, had formerly carried him off into slavery in Arabia.

Although this act — if true — is not justiciable, being barred by limitation, the Public Prosecutor ordered an unofficial investigation in case slave trading might still be going on.

Madagascar.

The Governor-General points out that no disguised form of slavery exists in Madagascar. As noted in the report for 1935, the judicial authorities have not had to take action in the matter of the slave trade since 1930.

¹ See document C.159.M.113.1935.VI, pages 95-98.

² See document C.E.E.1, page 6.

Cameroons and Togoland.

The Commissioners of the French Republic in these territories have nothing to report concerning the slave trade or slavery.

I will communicate information relating to Indo-China in due course as soon as it reaches me.

(Signed) LAGARDE.

C.C.E.E.124(2).

ANNEX 13.

COMMUNICATION, DATED MARCH 10TH, 1936, FROM THE FRENCH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation.*]

Following my letter No. 18 of February 28th, 1936,¹ I have the honour to send you here-with statistics of the sentences passed since 1930 for slave-trading offences in the territories of French West Africa, French Equatorial Africa, the Somali Coast and the Cameroons. No sentence for slave-trading has been passed in Togoland during the last five years.

I would add that the report of the Governor-General of Indo-China mentions no regulations and no new facts concerning slave-trading or slavery.

(Signed) LAGARDE.

The statistics furnished by the local Governments contain the following information :

In French West Africa, for the year 1935, only one case was tried in Mauritania by the French court, six cases were tried by the native courts, involving a total of 16 years and 2 months' imprisonment and fines amounting to 2,500 francs.

In French Equatorial Africa, for the year 1935, three cases were tried by the French court, involving a total of 24 years and 3 months' imprisonment.

In the Cameroons, for the year 1934, eighteen cases were tried by the French courts, involving twenty-eight sentences totalling 260 years' imprisonment and fines of 5,500 francs.

C.C.E.E.108.

ANNEX 14.

COMMUNICATION, DATED MARCH 26TH, 1936, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Secretary of State for India in Council to refer to your Circular Letter 73.1935.VI, of June 6th, communicating a resolution relating to slavery adopted by the Council of the League on May 22nd.

In accordance with that resolution, I am to forward, for the information of the Advisory Committee of Experts on Slavery, a memorandum on the matters relating to the Indian States raised in paragraph 9 of the report of the Committee, dated April 10th, 1935 (document C.159.M.113.1935.VI).

I am to express regret that it was not found possible to forward the memorandum at an earlier date, and to say that it is hoped to communicate with you before the next meeting of the Advisory Committee in regard to the matters relating to Burma also raised in paragraph 9 of the Committee's report.

(Signed) E. TURNER.

* * *

¹ See page 78.

MEMORANDUM.

Careful consideration has been given by the Government of India to the suggestions relating to the Indian States contained in paragraph 9 of the report of the Advisory Committee of Experts on Slavery, dated April 10th, 1935.

The Committee recommended that the Indian States under the suzerainty of His Majesty in which slavery might still exist should be asked to declare their intention of taking action as soon as possible for its suppression in their territories. Further, the Committee attached value to the making of a declaration on the part of Indian States which had already taken measures in that direction as regards the nature of those measures.

The Government of India have not, for constitutional and other reasons, found it possible to call upon individual Indian States to make specific declarations on the lines suggested by the Committee. It has already been reported that, after the conclusion of the Slavery Convention, 1926, steps were taken by the Government of India to bring its provisions to the notice of all Indian States with a view to their working steadily towards the position as accepted for British India. Active steps have since been taken to ensure that Indian States which have not already done so shall enact legislation for the suppression of slavery on the same lines as the legislation in force in British India. The States concerned have been advised to adopt the legislation in force in British India because the States generally are familiar with British-Indian legislation as a model for their own enactments. The Government of India are confident that the advice which they have given to the Indian States will be complied with. They consider that, if the States were advised to adopt more elaborate machinery, this would only lead to delay and prove to be less effective than the measures which have already been taken.

With regard to the second form of declaration suggested by the Committee, the following action by the Government of His Exalted Highness the Nizam of Hyderabad is placed on record. Attention was drawn in an official Hyderabad State report (Economic Investigations in the Hyderabad State, 1929-30, Volume III, pages 13-14) to the maintenance by the big landholders in the northern portion of the Nizam's Dominions of persons known as "bhagelas" in the status of serfs — that is to say, in employment under traditional conditions which excluded a fair wage and freedom of contract — the position having usually originated on account of debts outstanding from the individuals to their masters. The Government of His Exalted Highness have enacted the Regulation reproduced below with a view to the suppression of the practices described in the report. The Regulation was brought into force with effect from February 10th, 1936. An officer, whose services have been borrowed from the Bombay Presidency, has been specially charged to investigate the working of the Bhagela Agreements Regulation and to supervise the enforcement of its provisions.

Appendix.

THE HYDERABAD BHAGELA AGREEMENTS REGULATION OF 1345 FASLI.

Received His Exalted Highness's Consent on 18th Isfandar 1345 F. (January 11th, 1936).

Whereas an emergency has arisen rendering it desirable to limit the period and regulate the terms of and otherwise to make provision regarding agreements for the performance of certain kinds of labour in the Dominions, H.E.H. the Nizam has been pleased to command as follows :

1. (1) This Regulation may be called the Hyderabad Bhagela Agreements Regulation, 1345 F. It shall come into force from the date of its publication in *Jareeda* and shall remain in force until such time as a suitable legislative enactment is passed to take its place.

(2) It shall extend to the whole of H.E.H. the Nizam's Dominions.

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

(1) "Advance" means an advance of money or in kind or partly of money and partly in kind, and includes any transaction which is, in the opinion of the court, substantially an advance.

(2) "Executant" means the party to Bhagela Agreement who undertakes that he or some other person under his guardianship shall perform labour.

(3) "Bhagela" means a person who, under the terms of a Bhagela Agreement, is to perform labour.

(4) "Bhagela Agreement" (a) means an agreement, written or oral, or partly written and partly oral, wherein the consideration for the performance of labour by any person is or includes one or more of the following — namely, an advance made or to be made to any person, the interest on such advance ; and (b) includes any transaction which, in the opinion of the court, is substantially such an agreement ; but (c) does not include :

- (i) An agreement to work entered into by a skilled workman ;
- (ii) An agreement to work outside the area to which this Regulation extends ; or
- (iii) An agreement to supply a cart and cartman.

(5) " Labour " means agricultural labour, and includes domestic service or labour, whether indoor or outdoor.

3. In respect of every Bhagela Agreement subsisting at the commencement of this Regulation, each of the following shall, if it has not previously occurred, be deemed on the expiry of one year from such commencement to have occurred :

- (a) All the stipulated labour to have been duly performed, and every obligation to perform labour or to provide a Bhagela to have been discharged ;
- (b) The advance, or principal and interest, to have been repaid ;
- (c) The debt and interest thereon to have been discharged.

4. (1) A Bhagela Agreement entered into after the commencement of this Regulation shall be wholly void :

(i) Unless the full terms of the agreement between the parties are expressed in an instrument duly stamped according to the law for the time being in force ;

(ii) Unless the person making the advance or to whom the debt is due delivers to the executant a counterpart of the said instrument at the time of the execution of the instrument ;

(iii) If the period expressed or implied during which the labour is to be performed exceeds, or might in any possible event exceed, one year ;

(iv) Unless it provides that, on the expiry of the period during which the labour is to be performed, all liability shall be extinguished in respect of any advance, debt or interest which is the consideration or part of the consideration of the agreement ;

(v) Unless it provides for a fair and equitable rate of remuneration for the labour and reasonable hours of service.

(2) No Bhagela Agreement which is void under clauses (i) to (v) of the Sub-section (1) of this section shall be admitted to *registration*.

5. The rate of interest recoverable under a Bhagela Agreement shall not exceed 6% per annum.

6. A Bhagela Agreement shall become void on the death either of the Bhagela or of the executant, or, if such Bhagela or executant is dead at the commencement of this Regulation, at such commencement ; and, notwithstanding anything to the contrary in the Bhagela Agreement or in any law, no liability to perform labour or in respect of the non-performance thereof shall survive against the estate or against any heir of the deceased, nor shall any suit be brought to enforce such liability.

7. Notwithstanding anything contained in the Hyderabad Contract Act VI of 1316 Fasli, when a Bhagela Agreement is void under Section 4 or otherwise, or becomes void under Section 6, no suit shall lie for restoration of or compensation for any advantage received by the executant, or, in particular, for the recovery of any advance, or debt, or interest which is the consideration or part of the consideration of the agreement.

8. (1) Except as provided in this section, no suit shall lie against the executant of a Bhagela Agreement or any other person in respect of non-performance of labour, or in respect of any advance, debt or interest which is the consideration or part of the consideration of the Agreement.

(2) If, during the period of a valid Bhagela Agreement, the Bhagela without just cause withholds the stipulated labour or does not perform it with reasonable assiduity, then, subject to the provisions of Section 5, and notwithstanding the provisions of Section 3 (a), a suit shall, if brought within three months after the termination of the period, lie against the executant for recovery of the net value of the labour so withheld or not performed ; but no decree shall be passed in such suit for a sum exceeding the principle of the advance, together with interest at a rate not exceeding 6% per annum.

9. In order to provide a cheap and expeditious procedure to ensure that the provisions of Sections 4 and 6 of this Regulation are observed, any Bhagela may apply to the Second Taluqdar of the Division for redress. The Second Taluqdar, after hearing the parties, if he is satisfied that the agreement is void under Section 4 or Section 6, may pass an order to this effect, and such order shall be a valid termination of the agreement, unless and until it is amended by a decree passed under Section 8.

10. Government may make rules to carry out the provisions of this Regulation.

ANNEX 15.

COMMUNICATION, DATED MARCH 31st, 1936, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Secretary of State for India to refer to paragraph 9 of the report of the second session of the League of Nations Advisory Committee of Experts on Slavery,¹ in which the Committee offered certain observations regarding the reservation of certain areas in Burma from the operation of Articles 2 (b), 6 and 7 of the Slavery Convention of 1926.² I am also to refer to your letter No. C.L.154.1935.VI, of October 5th, 1935, regarding the communication by Governments of the information requested on behalf of the Advisory Committee by the Council in its resolution adopted on May 22nd, 1935.

2. In reply, I am to inform you that there has been no change as regards slavery in Burma since the despatch of the letter from this Office No. E & O.7761/34, of January 9th, 1935.³ As was reported in that letter, the tracts known as the Hukawng Valley and the North and South Triangle have been brought under the direct administration of the Government of Burma. For this reason, and since slavery in these areas has ceased, the anti-slavery expeditions which formed the subject of the reports submitted to you annually from 1927 to 1933 have been discontinued. As the Advisory Committee is no doubt aware, no reservation was made regarding these areas when the Slavery Convention was signed on behalf of India.

3. It will be recalled that the reservation relating to Burma in the Slavery Convention is in respect of the Naga tracts, and that this reservation was made because administration had not been extended to these areas, and the Government of Burma was therefore unable to take effectual measures for the abolition of slavery. From 1926 to 1931, annual expeditions were undertaken with the object of freeing slaves, and in villages which were visited during these years slavery ceased for the time being. The reports of the expeditions went to show that the number of slaves remaining in the Naga Hills is very small. Unfortunately, these annual expeditions were costly, and in 1932, when the Government of India were forced to adopt a policy of retrenchment, these expeditions were suspended.

4. On receipt of the report of the second session of the Advisory Committee of Experts on Slavery, the question of withdrawing for Burma the reservation already referred to was taken up with the Government of India and the Government of Burma, and it was hoped to be able to report definite decisions in time for the next meeting of the Committee. The Secretary of State is, however, still in active correspondence with those Governments on the subject and he much regrets that there must be some further delay before definite conclusions can be reached. He will not fail to report further for the information of the Advisory Committee as soon as he is in a position to do so.

(Signed) E. TURNER.

C.C.E.E.65.

ANNEX 16.

COMMUNICATION, DATED NOVEMBER 21st, 1935, FROM THE GOVERNMENT OF IRAQ TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Baghdad, November 21st, 1935.

With reference to your Circular Letter 218.1934.VI, regarding the communication of information concerning slavery, I have the honour to supply you with the following information:

In the past the enforcement of international agreements under Ottoman laws dealing with slavery and traffic in slaves was imperative, since Iraq was a part of the Ottoman Empire. Consequently, slave traffic had long ceased and been entirely prohibited by the Proclamation of a Royal Decree in 1857, followed by the Law of December 4th, 1889, by which traffic in slaves was prohibited.

Notes by the Secretariat of the League of Nations:

¹ See document C.159.M.113.1935.VI.

² See document C.210.M.83.1927.VI.

³ See document C.159.M.113.1935.VI, Annex 10, page 98.

By an agreement concluded between the Ottoman and the British Empires both parties agreed to employ their respective navies to suppress slave traffic in Ottoman waters and punish slave traffickers.

The Ottoman Empire took part also in the West Africa Conference, held in Berlin in 1884, in which the basis for the Convention prohibiting Trade in Slaves was laid, and signed the General Act for the Brussels Conference on July 3rd, 1890.

There does not exist to-day in Iraq any slavery or any form of slave traffic. Some persons of negro blood, descended from slaves, are at present to be found in certain aristocratic families; they are simply domestic servants who are entirely free agents who have remained in the service of these families of their own free will.

Notwithstanding the fact that Iraq acceded to the Slavery Convention of 1926, it has no special legislation to prevent traffic in slaves as provided for in Article 6 of the said Convention. The slavery legislation, however, of the Ottoman Empire is still in force in Iraq. The Constitutional Law, moreover, under Article 7, guarantees the personal liberty of all Iraqis. But the Government, realising the paramount importance of a separate and modern legislation, has prepared a draft law, which is still under consideration.

For the Minister for Foreign Affairs :

(Signed) Masrat FARISI.

C.C.E.E.88.

ANNEX 17.

COMMUNICATION, DATED MARCH 2ND, 1936, FROM THE ITALIAN GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[Translation from the Italian.]

I have the honour to refer to the communication addressed to you on March 1st, 1935.¹

At the close of that communication it was stated that " the Italian Government can justly assert that, in the matter of slavery, its civilising influence has been not merely forcible and wholly efficient, but also . . . very rapid ".

Now that another year has elapsed, that conclusion is confirmed.

In Libya, there is no longer any slavery anywhere in the territory, from the coast to the furthest limits of the Libyan desert.

The same may be said of the territories of Eritrea and Somaliland. The only new features consist in the action that the Italian authorities have been called upon to take for the emancipation of numerous destitute slaves coming from Ethiopia who have applied to the Italian authorities for liberation and assistance. The slaves in question have fled from their masters in order to escape torture or maltreatment. Mention may be made of some of the cases that have been reported.

The District Commissioner for the Western Plain reported that about the middle of March 1935 two runaway slaves arrived at Barentu. The Residency there declared them to be free, assisted them, and found them paid employment so that they could earn a living.

About the end of the same month (March 1935), the Resident in the Western Plain also had to report the arrival of two more Ethiopian subjects: Ghebriet Ghebrekidane and the woman Woalate Mariam, who said that they were slaves of Mengesha Gebre Joannes and that they had run away on account of the maltreatment they had suffered from their master and had taken refuge in Italian territory in the hope of being able to live in freedom. These two slaves also were declared by the Resident to be free, and were settled in the village of Ducambia (see communication from the Italian Government dated March 1st, Section (d), Eritrea), where they remained until they had found paid employment.

* * *

The Italian Government thinks it desirable to make a brief reference to the discoveries that have been made in the matter of slavery in the Ethiopian territories occupied in consequence of the Italian military action due to the aggressive attitude of Ethiopia and also to the first measures taken.

In a general way, it should be observed that, in the occupied territories, confirmation has been found of the existence, in the matter of slavery, of the conditions which the Italian Government has already had occasion to report to the League of Nations in its memorandum on the situation in Ethiopia, submitted to the Council of the League on September 4th, 1935.² Reference is made in particular to Chapter IV, Section A, of Part II of the memorandum.

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, page 98.

² Note by the Secretariat of the League of Nations. — See document C.340.M.171.1935.VII, "Memorandum by the Italian Government on the Situation in Ethiopia", forming part of the dossier of the dispute between Ethiopia and Italy before the Council of the League.

Although the documentation supplied by the Italian Government in the memorandum is sufficient to demonstrate most fully — if any demonstration were needed — to what extent slavery is bound up with the economic and social life of Ethiopia, it may be worth while to mention the following typical fact, which confirms the impression that, notwithstanding numerous and repeated imperial edicts, the chiefs and officials regarded the institution of slavery as altogether legitimate and normal even quite recently. His Majesty's Consul at Adowa telegraphed on July 3rd last that a certain Lij Legese Fitaurari Mengesha, commanding the gendarmerie at the frontier post of Rama, presented himself at the Consulate and asked the Consul, in the most natural manner in the world, to use his influence with His Majesty's Government to secure the capture and restoration of a male slave aged 18 who had escaped to Adi Quala, in Eritrea.

According to reports received by the High Commissioner at Asmara, the number of slaves in the Tigre territories occupied by our troops may be put at roughly one-twelfth of the population. The forms of slavery involved bear all the essential aspects of the legal status of slavery — that is to say, the absence of legal personality, with the master's consequent right to sell, beat, or even kill the slave. The prevalent form is domestic slavery, the slaves being mainly employed in agricultural work on their masters' lands.

A few cases of barbarous treatment of slaves have been discovered; the corpse of one slave was found in a hut with shackles on the feet, and he had presumably been left to die of hunger, as there were no signs of a violent death. I enclose a photograph of the corpse in the state in which it was found.¹

Instruments for punishing slaves, such as fetters, whips and implements of torture, have also been found in Ethiopian houses; photographs are attached.²

A photograph is also annexed hereto showing a female slave found with her feet shackled.³

A Decree of the High Commissioner for East Africa, dated October 14th, 1935, No. 7373 (the text of which is appended), formally proclaims the abolition of slavery in all the territories of Tigre occupied by the Italian troops. This Decree grants freedom to some 20,000 former slaves.

The same Decree, however, merely forms the legal basis for the later application of a series of measures that are being put into effect as circumstances allow, for the purpose of organising the existence of these freed slaves without causing too great a perturbation in the economic life of the occupied territories.

It is too early yet to describe the effects of these measures. The civilising mission in the matter of slavery which Italy has rapidly accomplished in slavery-infested zones, as soon as she has been able to assert her control, is a sufficient earnest that the evil of slavery will soon be a thing of the past in all the Ethiopian territories controlled by Italy. This work will be facilitated by the rapid economic transformation towards which those territories are already heading.

With regard to the Ethiopian territories adjacent to Somaliland that have recently been occupied by the Italian troops, His Excellency the Governor of Somaliland has issued a Bando similar to the Decree promulgated by the High Commissioner at Asmara for Tigre. Further measures are being taken with a view to the gradual elimination of slavery in these territories.

In the territories of Ogaden and Galla Borana, the number of slaves encountered among the non-Amharic populations is relatively small. The slaves are found, not among the Somali and kindred tribes, but chiefly in the retinues of the Amharic chiefs who used to govern various localities in this region. On the other hand, it has been noted that slaves were very numerous among the Ethiopian troops. A few of these slaves have been taken prisoners — some ten in the fighting at Danyerei, Gorahai and Gabredarre; sixty — including twelve women — in the fighting which terminated at Negelli. From the statements of the prisoners themselves, however, it would seem that there were attached to Ras Desta's army alone, when it was setting out from Irgalem, about 10,000 slaves — men, women, and children — who had to do the heaviest work of transporting provisions and supplies. The fate of these slaves after the dispersion of Ras Desta's army is unknown. His Excellency the Governor of Somaliland has reported that the slaves taken prisoner are in a state of complete moral dégradation as a result of prolonged servitude. He has already made arrangements for a special staff to undertake the social re-education of these slaves (now free, as a result of the above-mentioned Bando), particularly the young men.

It will thus be seen that, in the Ethiopian regions adjacent to Somaliland which have now been occupied by the Italian troops, the work of civilisation destined to stamp out barbaric customs which have been tolerated too long in the only African territory not subject to the control of European civilisation is also making rapid progress.

(Signed) SUVICH,

Under-Secretary of State.

Appendices:

1. One copy of a decree.
2. Six photographs.

¹ See photograph No. 1 in Appendix 2.

² See photographs Nos. 2 to 5 in Appendix 2.

³ See photograph No. 6 in Appendix 2.

Appendix 1.

EAST AFRICAN DECREE, OCTOBER 14TH, 1935, No. 7373.

Abolition of Slavery in the Newly Organised Regions of Tigre.

[*Translation from the Italian.*]

We, General Emilio de Bono, Knight of the Grand Cross, Minister of State, Army Commander, Senator of the Realm, High Commissioner and Commander-in-Chief in the Colonies of East Africa ;

Whereas from information received from the commanding and other officers in the territory beyond the Mareb it appears that in Tigre some thousands of natives live in a state of slavery :

Decree :

Article 1.

In the newly organised regions of Tigre, slavery is abolished.

Article 2.

The legal status of slave is not recognised for any purpose.

Article 3.

All persons hitherto in a condition of slavery are henceforth free, and will receive full and final liberation from every kind of servitude.

Article 4.

Persons guilty in any way of acts directed against personal freedom shall receive the punishment provided for such offences in the Penal Code.

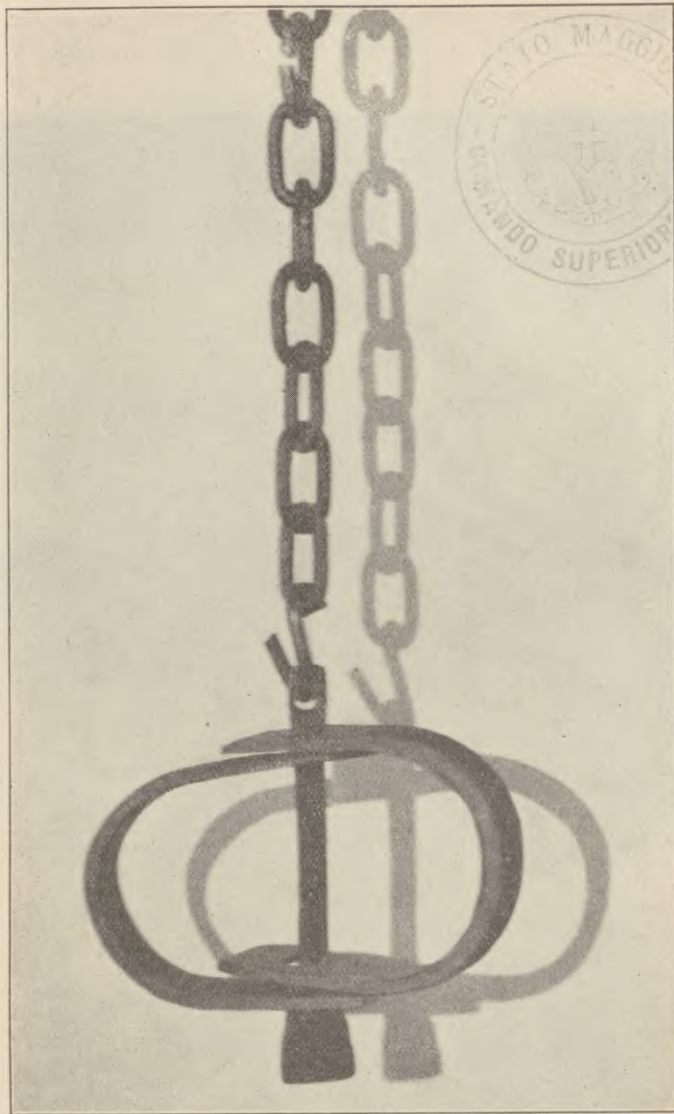
Article 5.

The present Decree shall come into force on to-day's date.

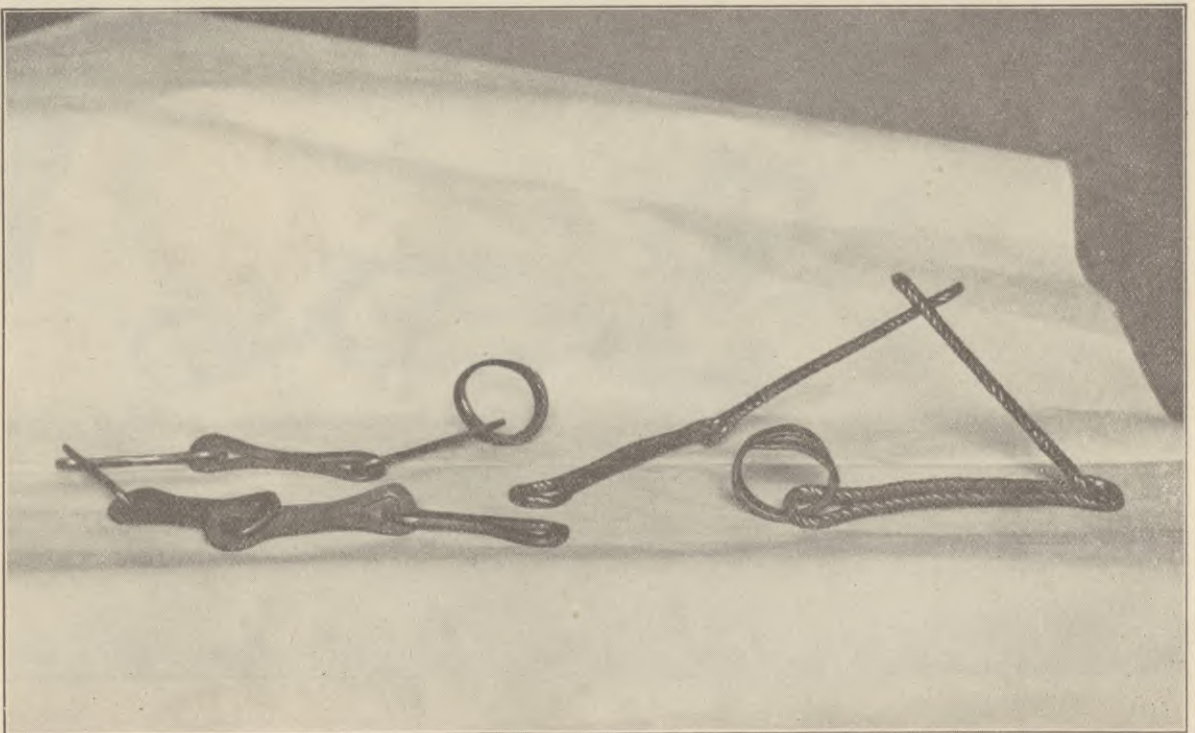
Asmara, October 14th, 1935.XIII.

(Signed) E. DE BONO.

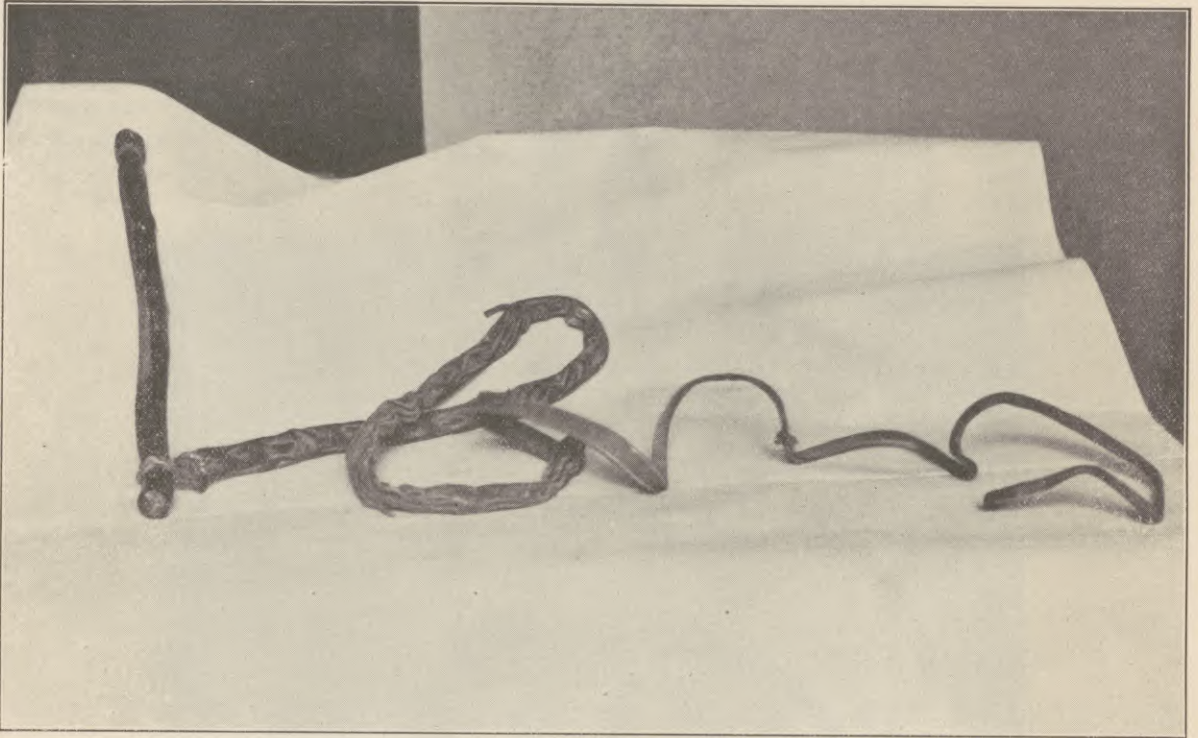
No. 2.



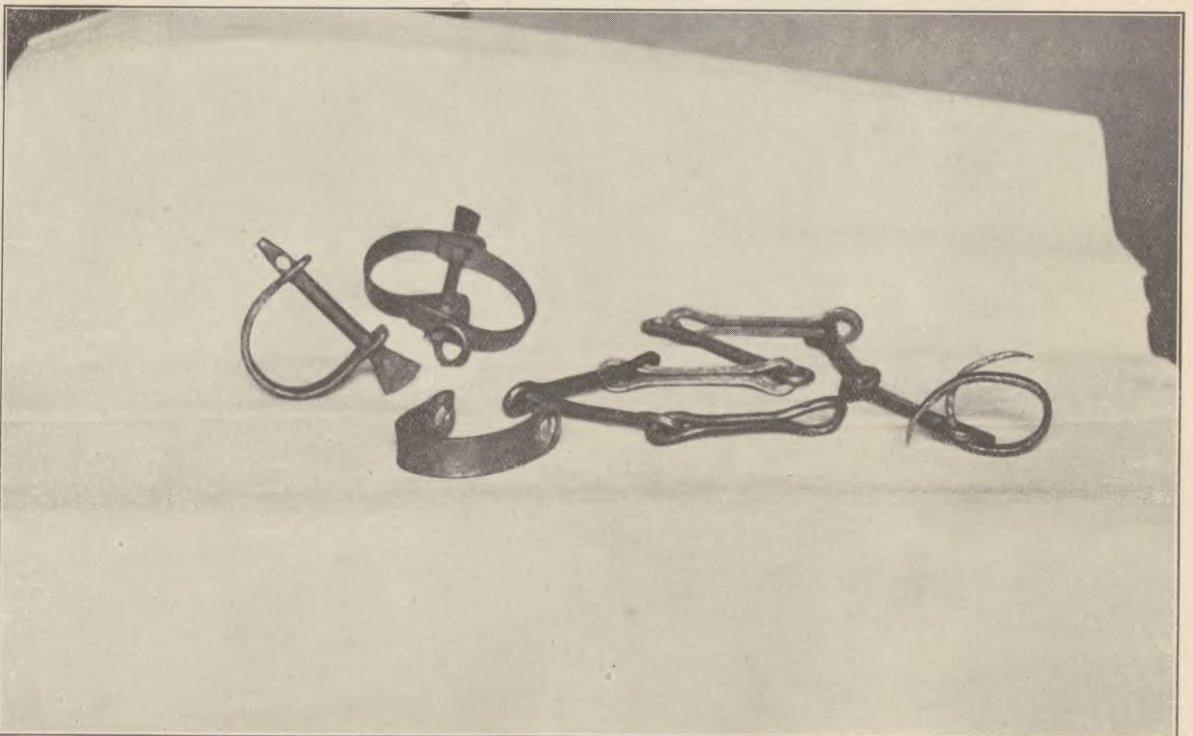
No. 3.



No. 4.



No. 5.



No. 6.



C.C.E.E.121.
(C.160.M.98.1936.VII.)

ANNEX 18.

COMMUNICATION, DATED APRIL 14TH, 1936, FROM THE ITALIAN GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation from the Italian.*]

In a letter dated March 2nd last,¹ the Italian Government already had occasion to inform the League of Nations of Decree No. 7373, issued by the High Commissioner for East Africa on October 14th, 1935, formally proclaiming the abolition of slavery in the territories of Tigre which, in circumstances that are well known, Italy has found it necessary to occupy. The same letter also gave notice of an edict to the same effect issued by His Excellency the Governor of Somaliland for the Ethiopian territories adjacent to Italian Somaliland and occupied in the same circumstances by Italy. In this connection, and further to the said communication, I have the honour to inform you that, on April 12th, His Excellency Marshal Badoglio promulgated at Makalle the following edict :

“ Peoples of the Tigre, Amhara and Godjam, listen : Slavery is a relic of ancient barbarism, and there can be no slavery where the Italian flag flies. Accordingly, in Tigre, Amhara and Godjam, wherever the Italian flag flies, slavery is abolished. I have prohibited the purchase and sale of slaves. The slaves who are in your territories are freed. Let those who need help apply to the Italian authorities : they will receive help and protection. Anyone disobeying the provisions of the present decree will be punished in accordance with law.”

I would ask you to be good enough to communicate the present telegram to all the Members of the League of Nations, the members of the Committee of Thirteen and the members of the Slavery Commission.

(Signed) SUVICH.

C.C.E.E.126(1).

ANNEX 19.

COMMUNICATION, DATED APRIL 18TH, 1936, FROM THE ITALIAN GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[*Translation from the Italian.*]

In its note, dated March 2nd, 1936, on slavery sent to the Secretariat of the League of Nations for communication to the Advisory Committee of Experts on Slavery, the Italian Government made an express reference to paragraph A of Chapter IV of Part II of the “ Memorandum on the Situation in Ethiopia ” submitted by it to the Council of the League on September 4th, 1935 (document C.340.M.171.1935.VII).

The Italian Government desires to point out that, in making this reference, it intended that the above chapter in the said memorandum, which dealt with slavery and similar institutions in Ethiopia, should be regarded as forming an integral part of its communication of March 2nd, 1936, in order that it should, simultaneously with the said communication, be submitted for consideration by the Advisory Committee of Experts on Slavery.

(Signed) ALOISI.

Appendix.

PARAGRAPH (A) OF CHAPTER IV OF PART II OF THE MEMORANDUM BY THE ITALIAN GOVERNMENT ON THE SITUATION IN ETHIOPIA, PRESENTED TO THE COUNCIL OF THE LEAGUE OF NATIONS ON SEPTEMBER 4TH, 1935.

[This document has been communicated to the Council and to the Members of the League, and published as document C.340.M.171.1935.VII.]

¹ See page 83.

ANNEX 20.

COMMUNICATION, DATED APRIL 18TH, 1936, FROM THE NETHERLANDS GOVERNMENT.

[*Translation.*]

In my memorandum of November 16th, 1934,¹ I mentioned that, in certain remote and almost inaccessible regions — in the interior of Borneo and New Guinea, for example — certain forms of servitude apparently continued to exist. It is not easy to say whether these cases are instances of compulsory servitude, or the voluntary continuance of a form of domestic slavery, or a form of service on account of debts contracted. I have already pointed out that the Government officials are endeavouring gradually to abolish these customs. Naturally, the task will be a lengthy one.

I have not received any information concerning Borneo which would tend to modify the above information.

With regard to New Guinea, according to information received in 1935, a kind of raid was carried out in the western portion of New Guinea for the purpose of capturing native girls. It is doubtful whether this is really a case of slave-raiding. It is far more probably an instance of inter-tribal warfare and the capturing of prisoners. A telegram dated December 3rd, 1935, informs us that the military police, immediately sent out to track down the warriors, arrested the guilty parties and released their prisoners.

It should be added that New Guinea is now being increasingly opened up. Missions are extending their beneficial influence to various parts of the island. Several large companies have obtained considerable concessions for prospecting for oil and gold. A systematic survey of the country has been begun, by means of aircraft and photography. Explorations are followed by the establishment in the interior of military and civil outposts. There is no doubt that this penetration will be of great assistance in gradually eliminating the last vestiges of ancient forms of domestic slavery, if any subsist.

The information contained in Sir George Maxwell's memorandum of April 2nd, 1935, concerning the Mui Tsai system (see page 108 of document C.159.M.113.1935.VI), together with the facts that this system still exists in countries adjacent to the Netherlands Indies, and that a relatively large number of Chinese have been resident for generations in the Netherlands Indies have prompted the holding of a fresh enquiry to ascertain whether this system is also practised in the latter territories.

According to information recently received, "slave-girls" and "slave-boys" were, previous to 1919, imported from China into the Netherlands Indies with their alleged parents, so that they paid no entrance tax.

Since 1919, more effective control and the increased immigration tax, now fixed at 150 florins for every person entering the country who is not strictly a member of a family, have made it practically impossible to introduce "slave-girls" and "slave-boys" into the country.

The Mui Tsai system is unknown among the Chinese already domiciled in the Indies. Their economic situation is generally such that parents are not forced to sell their children owing to poverty. It is quite easy to obtain native domestic servants at a very modest wage. There is, therefore, no reason for the existence of a Mui Tsai system. Moreover, the regulations and present form of supervision would be sufficient to combat the evil if it ever arose.

(Signed) DE GRAEFF.

C.C.E.E.115(1).

ANNEX 21.

COMMUNICATION, DATED APRIL 1ST, 1936,
FROM THE PORTUGUESE GOVERNMENT TO THE SECRETARY-GENERAL
OF THE LEAGUE OF NATIONS.

Acting on the instructions of my Government and with reference to Circular Letter 154.1935.VI, of October 5th, 1935, I have the honour to send you herewith the information transmitted by the Governments of the Colonies of São Thomé and Príncipe, Mozambique, the State of India and Timor.

(Signed) H. VIANNA,
Chargé d'Affaires.

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, page 105.

[*Translation from the Portuguese.*]

REPORT BY THE GOVERNMENT OF THE COLONY OF SÃO THOMÉ AND PRINCIPE,
DATED FEBRUARY 8TH, 1936.

No form of slave trade exists in the Colony of São Thomé and Príncipe. The workers from other colonies employed on the plantations are subject to the obligations laid down in their contracts, but the rights embodied therein and all the humanitarian principles proclaimed by the League of Nations are fully protected by the Native Labour Code for the Portuguese Colonies in Africa, approved by Decree No. 16199, of September 6th, 1928.

Direct supervision is exercised by the Curator and his agents, who see that these workers are duly protected and report any offence to me and the sentence passed in accordance with the law. The civilising programme of the Portuguese Government has been followed up by the provision of proper treatment, food, housing, medical and hospital assistance, the protection of pregnant women and babies, regulations relating to hours of work, leisure, holidays, respect for native customs, etc., and have been testified to both by nationals and foreigners visiting the plantations. As regards hospital treatment, no other colony in the world can equal São Thomé and Príncipe; although their area is less than 1,000 square kilometres, there are forty hospitals on the plantations alone. It must be perfectly clear to everyone that there is no slavery of any kind in São Thomé and Príncipe. If it existed in the case of native workers from other colonies, or if they were badly treated, there would not be the large number of renewed contracts that there are, nor would so many persons who have returned to the colony be anxious to take up new contracts. As regards the natives of the colony, the very possibility of the existence of any kind of slavery is absurd. They have made so much progress that to-day there are black doctors, advocates, agricultural experts, professors, priests, traders, landowners, officials of every grade, etc. If slavery existed on the plantations, the natives, who are naturally proud and jealous of their prerogatives and their state of assimilation, would certainly not seek to obtain work on the plantations for a daily wage, for the purpose of carrying out some specific job or even under contract. There is thus no trace of slavery of any kind in the Portuguese Colony of São Thomé and Príncipe, just as there are no slave-traders.

REPORT BY THE GENERAL GOVERNMENT OF MOZAMBIQUE, DATED DECEMBER 20TH, 1935.

There is no recent occurrence of any special importance to report, since the native population is free from the risks and uncertainties of slavery, which was abolished many years ago. The social and material circumstances of the natives of this colony have steadily improved year by year as a result of the successive measures taken for their welfare, covering education, relief, the administration of justice and the voluntary labour system.

* * *

We transcribe below the information furnished in 1931 :

There is no trace of slavery of any kind in the colony to-day, nor does any vestige remain of any form of it practised in bygone days. When I first came to the colony, twenty-six years ago, I heard of natives who still regarded themselves as belonging to certain old and influential families, because they were the descendants of former slaves. But to-day all this has disappeared. Not even the native chiefs were allowed to maintain the right accorded them by the old practices and customs to require their subjects to render them certain services. Indignant critics have sometimes, and without the slightest foundation, used the word "slavery" to define the social status of native women, forced labour or even purely voluntary labour carried out under contract, in which the natives are taken to their place of work and subsequently repatriated by special recruiting bodies approved by the Governments and placed under their supervision. The forced labour of individuals, in the form in which it was practised, expressly against the will of the natives, who were not free to choose either their job or their master and were obliged to work for wages and periods of time in the fixing of which they had no say, might to some extent rightly be compared to a temporary state of servitude; but this completely came to an end with the introduction of the Native Labour Code, which is being strictly enforced in the colony. Although the law still permits of the use of forced labour in certain cases for public works, this is no longer employed, the supply of labour having increased considerably, even in cases where a large number of workers are required — *e.g.*, for the construction of the Mozambique Railway. The situation has changed to such an extent that the administrative authorities in the interior find it difficult to provide work for all the natives who apply for it. Emigration to São Thomé or to the Union and Southern Rhodesia is exclusively voluntary; the natives are fully aware of the conditions under which they are going to work, these being laid down in contracts concluded under the supervision of the authorities. In the case of all these emigrants, the conditions as regards labour, food, housing, assistance and payment of wages leave nothing to be desired. They are supervised by the Curator-General of São Thomé and the branch Curator's offices maintained

by this colony at Salisbury and Johannesburg, which are excellently equipped — particularly the latter. This is a large office with a numerous and specially selected staff that keeps in close touch with the natives in the mines and affords them every assistance.

As regards the social status of the native woman, who is regarded by some people as her husband's slave, such an assertion can only be based on a very superficial observation of native practices and customs. It is a tradition among all African races that agricultural work should usually be done by the women. This cannot be regarded as a sign of slavery; it is merely the result of very primitive customs, which are only very slowly being modified by civilisation. In the south of the colony, the agricultural produce obtained by the women's labour — which, however, is on a very small scale — is consumed by the family or sold by the women, who keep the proceeds for themselves or their children. The men's share is to pay the taxes, buy clothes and meet other expenses. They obtain the money to do this by working inside or outside the colony, after they have performed the heaviest agricultural work — *i.e.*, breaking up the land. In the north, where there are fewer opportunities for obtaining money by working for colonists, it is more usual to find the men working side by side with the women on the land; they alone transport the produce, and in many cases carry it to places hundreds of kilometres away in order to sell it.

The well-known practice of "lobolo", which exists only in the southern districts of this colony, has been interpreted in the most varied ways by persons who have studied native questions, principally missionaries or the officials of the native administration; but no one has ever described it as a "purchase", whereby the woman remains dependent on her husband to such an extent as to be like a slave. It is true that, when translating into Portuguese, the natives say in their simple language "they are buying a woman", but they do not mean by this that they are buying a chattel which remains their property like anything else. Moreover, this would be incompatible with native law, which allows divorce. It is a curious fact that the grounds of divorce at the woman's request are very similar to those laid down in our laws. "Lobolo", if it is not a dowry, as some people have regarded it, is at any rate a guarantee of the stability of the native family. Both the man and woman are bound, the former to behave in such a way as not to lose the money paid by him to his wife's family, and the latter as not to make it necessary for her family to give back the money it has received. It is for this reason that all colonial administrations, finding it impossible to replace it by a more civilised practice, have allowed the use of "lobolo" where it exists. They rightly fear that, if they did away with it, serious disturbances would ensue in the native family and society. Thus, it has been observed that native family ties are much stricter in the south than in the north of the colony, where "lobolo" is practically non-existent.

REPORT BY THE GENERAL GOVERNMENT OF THE STATE OF INDIA,
DATED DECEMBER 11TH, 1935.

By the celebrated Law of April 2nd, 1761, the author of which was the eminent statesman, the Marquis de Pombal, Portugal, guided by lofty humanitarian sentiments and taking into account the stage of material and intellectual development reached by the inhabitants of her Asiatic dominions, declared the natives of Portuguese Asia to be equal in every respect before the law to Portuguese nationals born in the Kingdom. She thus completely abandoned the system of subjection in favour of full assimilation; distinctions of race and caste were swept away, and Portuguese nationals born in the mother-country and the natives of our Indian possessions were placed on an equal footing as regards rights and duties. Natives who did not embrace Christianity had their uses and customs, so far as they were not contrary to morals duly codified and guaranteed, while respect for their religious beliefs was also ensured. This fact alone is more than sufficient to enable us to state categorically, without the slightest fear of contradiction, that for nearly two centuries there has been no trace in this colony of the reprehensible institution of slavery in any form whatsoever.

Bearing in mind the noble aim of the report of the Advisory Committee of Experts,¹ which sets out in Chapter V all the facts that may involve or constitute practices restrictive of the liberty of the person, I will now refer to those practices in the order in which they are dealt with in the report.

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

In this colony, it is not the men who pay a dowry to the women, but the women's parents, whether they are Christians or not, who, by means of a pre-nuptial deed, pay a dowry to their daughters whom they wish to marry, so that they may not be in an inferior position to their husbands, thus also ensuring as far as possible a certain economic stability in the home that is to be set up.

This dowry is in every case proportionate to the amount of property owned by the bride's parents and the number of their daughters; it represents, as it were, an advance on account of the inheritance to which the girl would be entitled on her parents' death. Only among persons belonging to the "Curumbin" caste, who are descendants of the autochthonous Indians, and the majority of whom are Christians, is it the custom for the bridegroom to pay

¹ Note by the Secretariat of the League of Nations.— See document C.159.M.113.1935.VI, pages 17 and following.

a dowry to the girl, not as a purchase price, but with the praiseworthy desire to assure her well-being and future so far as possible and to guarantee his good conduct as a husband — as was rightly stated by the Belgian and French experts and also our own representative on the Advisory Committee.¹

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

The institution of adoption is duly regulated in the Code of Uses and Customs of the Hindus of Goa, approved by Decree of December 16th, 1880 ; in the Code of Uses and Customs of the non-Christian inhabitants of Damão, approved by Provincial Order of August 31st, 1854, amended by Provincial Order No. 164, of April 19th, 1912 ; and in the Code of Uses and Customs of the non-Christian inhabitants of Diu, approved by Provincial Order No. 24, of January 10th, 1894.

The legal provisions embodied therein safeguard the rights of adoptive children, who, after adoption, have nothing more to do with their parents' families, and enjoy in their adoptive families all the rights of the latter's legitimate children, to whom they are completely assimilated for all purposes, civil and religious. Under the Damão Code (Part 2, Article 25), except in the case of persons belonging to the "Banian" caste, adoptive children even take precedence over the natural heirs born after their adoption, according to their age, as the first-born and eldest for all purposes, civil and religious. As the result of adoption, they cease to belong to the family of their own father, with which they have nothing more to do.

Male children may only be adopted if their adoptive family has no son, and, as we have seen, they enjoy the same advantages as legitimate children.

The sole object of these rights and privileges, which Portugal has respected and confirmed, is to perpetuate the family and to ensure to the adoptive child, by reason of his new legal status, a better future and better conditions of life than those he would have had in his previous state.

(c) *Pledging of Third Persons.*

This situation, even if freely consented to by a third person who agrees to work for a certain creditor so as to help to pay off the debt of another person — a practice which is, however, unknown in this colony — whether the creditor exercises the right of constraint or the duration of the work is unspecified and the value to be assigned to it is not clearly indicated, is absolutely illegal, and makes the offender immediately liable to the severe penalties imposed by our criminal law for any restriction of the liberty of the person.

(d) *Pledging of the Debtor himself.*

All the considerations set forth in regard to the question dealt with in the previous paragraph likewise apply to such cases.

Domestic Servitude.

This condition does not exist. Labour in all its various forms is absolutely voluntary and subject to the conditions laid down in the verbal or written employment contracts regulated by the civil law, under which the rights of the contracting parties are fully guaranteed.

I should like to mention, in particular, a certain class of Hindus who serve in the temples of their faith and, for that reason, are known as "servers of the temples". This is not, however, a compulsory obligation, but, on the contrary, a right, vested in some families, to render certain specific services in the temples, with or without remuneration. This right was also preserved and regulated by Legislative Act No. 645, of March 30th, 1933. Legislation, whether of a general or a special nature, conflicting with these provisions, and, in particular, the regulations approved by Provincial Order No. 584, of October 30th, 1886, was abrogated, and the existing regulations relating to the "mazania" of the "devalaia" of the State of India were approved. The provisions of these regulations (Articles 234 to 244 and 432) confirm the various privileges guaranteed to these servers, including the usufruct of the lands or fixed allowances granted by the "mazania" in payment of the modest services rendered by the servers, under the conditions laid down in Article 432.

Predial Servitude.

Although predial servitude also does not exist in this State, I should like, in order to prevent any doubt arising in future, to clear up a matter which can appropriately be dealt with in its general aspects under this heading.

I refer to the uses and customs which have also been retained and which in this State regulate the rights and obligations of agricultural property owners and their "mundkar"; in the absence of any agreement to the contrary, these regulations are governed by the provisions of the existing Decree of August 24th, 1901. The "mundkar" is a person who resides permanently on someone else's farm chiefly for the purpose of cultivating it or watching over and looking after it, whether the house was built for his own account or for account of

¹ Note by the Secretariat of the League of Nations. — See document C.159.M.113.1935.VI, pages 17 and following.

the owner, and whether or not he receives from the latter any cash payment or provisions (means of subsistence) towards the construction of his dwelling and his establishment. Persons who pay rent to the owner for the houses they live in on his property or for the adjacent land which they are allowed to cultivate and exploit are also included in this category (see the above-mentioned Decree, Article 2, paragraph 1).

Contrary to what might be assumed, the "mundkar" can by no means be compared to the former *predial serf* who had very heavy obligations and whose rights were extremely precarious. It is only necessary to consult the legal provisions governing his status to see that his position is superior to that of the European agricultural labourer, who, with a few exceptions, merely has the right to a scanty daily wage, without any other privileges or compensation. Moreover, the mutual interdependence between the owner (batkara) and the "mundkar", created by the need they have of each other, establishes a natural equilibrium in their relations which is rarely upset.

Corporal punishment of any kind is strictly forbidden by law, and offenders are severely punished; and, as regards labour accidents, a system of pensions, compensation and medical assistance has already been established in accordance with Legislative Act No. 591, of August 25th, 1932, the relevant regulations being approved by Order No. 1567, of November 28th of that year.

REPORT BY THE GOVERNMENT OF THE COLONY OF TIMOR, DATED JANUARY 5TH, 1936.

We should like to state categorically that no slavery in the true sense of the term exists in Portuguese Timor, and that, moreover, in this colony it has never assumed the disgraceful aspects which it has taken on in other parts of the world.

The natives of the colony are no longer savages, as they were when our first missionaries came here at the beginning of the sixteenth century; for the most part, however, they are very primitive and hence are strongly attached to their uses and customs. The Portuguese authorities have endeavoured to convert them to Christianity by abolishing those of their uses and customs which are contrary to morals and hygiene and compromising to some extent in regard to all the others, which are not really reprehensible and will disappear in time.

We have already a considerable number of missionaries and schools, and the network of our authorities is steadily being drawn closer and is becoming more effective; the harmonious combination of the efforts of missionaries, teachers and authorities, with the legislative measures and instructions that are constantly being issued, represents the surest means of ensuring the absorption and assimilation of the natives in the near future.

To make it easier to understand what is happening to-day in Portuguese Timor, a slight historical digression is perhaps necessary. The first missionaries came to Solor and Timor at the beginning of the sixteenth century, when Alfonso de Albuquerque was Viceroy of India. The social organisation at that time, the best features of which we are endeavouring to preserve among the natives to-day, consisted of kingdoms, "sucos" and townships; the kingdoms were governed by "leorays", the "sucos" by "datos" and the townships by "tumungões". The kingdoms consisted of several "sucos" and the latter of several townships.

After the King came, in hierarchical order, the Lieutenant-Colonel of the Kingdom, the Camp-Commander, the Major, the Captain of the Township, the Major of the Guard, the Lieutenant and Second Lieutenant.

The kings were elected by the "datos", "tumungões" and officers, but to-day their nomination must be confirmed by the Government of the colony; they had *ex officio* the honorary title of Lieutenant-Colonel of the Second Line and also the right to sign themselves "Dom".

As can be seen, even at that epoch, the kingdoms were organised to some extent, and, although they had no written laws, they were governed by customs which have been rigidly preserved and handed down. The customs of Timor have approximately the same significance as the "adats" of the Malays.

What has been profoundly changed are the powers of the kings, who were formerly despotic and held absolute sway in the townships in which they resided; in the remaining townships, even in the "sucos" under their jurisdiction, the real rulers were the "datos".

The people of Timor were not divided into castes, as is still the case to-day in India, but there were three quite distinct social classes: the "datos", "tumungões" and officers, the people and the slaves if they can be so called, since the persons reduced to slavery were not the subject of any contract, nor were they bought; they were all prisoners captured in the wars frequently waged between the various kingdoms, which all strove to attain supremacy.

As soon as the Portuguese authorities began to intervene, it was quite possible and easy for slaves to recover their liberty, for which purpose they had only to begin to pay the sovereignty tax to the Government, then known as "finta". Slavery presented a curious aspect in Timor. The slave who recovered his liberty entered the same social class as his master and in some cases even married his daughters (except in the case of families of royal

blood). This is not surprising, because the slave lived with his master as if he were a member of the family.

Servitude.

There was one kind of slavery which merits special attention in view of Belgium's observations regarding the Belgian Congo to be found in the experts' reports.¹ I refer to the state of servitude, which may have some slight resemblance to slavery. Servitude is a better name for it. It existed in Timor under the name of "lutuun", its object being to provide labour for tilling the ground and tending the flocks of the kings. The serfs were simply servants attached to the land, who could not be sold by the kings benefiting by their labour. The land belonged to the kingdom and not to the king, who merely enjoyed the usufruct. This custom of the peoples of Timor has continued down to the present day, though in a very much attenuated and modified form.

To-day, since it is not possible for the native chiefs to attend to their lands, owing to the large number of functions they have to perform in the exercise of their authority, their subjects take it in turn to cultivate these lands. Indeed, there is something fundamentally just in this system : the chief who exercises the authority is at the same time the representative of his people, the interpreter of its desires and needs to the Portuguese authority. Are not his subjects under a moral obligation to assist their chief, who, because he is dealing with the affairs of all, is unable to look after his own interests? Moreover, this labour, which is performed freely and willingly, cannot be called slavery. The food of the helpers is always supplied by the chiefs. Nevertheless, although this situation may be regarded as just and defensible, the Government of the colony proposes to modify it.

It is at present studying the codification of native uses and customs, and as soon as this work has been completed it will be published. It will be divided into two main chapters : uses and customs common to all the peoples of Timor and uses and customs of each kingdom. Native legislation will be revised on the basis of this study and new laws will be promulgated in accordance with the provisions laid down in Article 36, No. 5, of the Organic Charter of the Portuguese Colonial Empire, which we are required to carry into effect : " To propose to the Minister of the Colonies changes in the political, civil and criminal statutes of the natives and in the other general laws relating to them ".

Marriages and " Barlaks ".

There are two forms of marriage contracts in Timor — marriages under Portuguese law and native marriages or " barlaks ". A man who marries in accordance with the native law sometimes has to pay a large sum, known as the " barlak ", to the bride's family. He thus gives proof of his resources and guarantees that he will ensure the material well-being of his future wife. Once he is married, he becomes part of the family, and the expenses he incurred before marriage are thus reimbursed.

A similar practice is mentioned in the experts' report,² which reproduces the communication from the United Kingdom to the Secretary-General of the League. We may endorse its conclusions — namely, that, generally speaking, the payment of a dowry (purchase of the bride, " barlak " in Timor) constitutes a guarantee of the proper treatment of the woman.

Slave-raids.

The former wars between the potentates of Timor might more properly be termed slave-raids. As a result of the general disarmament of the natives and the prohibition of trading in arms, all this has now come to an end.

C.C.E.E.60.

ANNEX 22.

COMMUNICATION, DATED APRIL 15TH, 1935, FROM THE GOVERNMENT OF THE SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Governor-General of the Sudan to furnish the following information, further to that contained in Khartoum despatch No. M.19 of April 16th, 1934,³ to which your letter No. 6.B/3863/1568 of May 25th, 1934, refers.

2. (a) There was only one incursion on the Abyssinian border during 1934 : a frontier brigand kidnapped eight persons in Sudan territory. They all escaped from him to their

Notes by the Secretariat of the League of Nations :

¹ See document C.159.M.113.1935.VI, page 19.

² See document C.159.M.113.1935.VI, page 17.

³ See document C.159.M.113.1935.VI, page 107.

homes within a month of being captured and, as the result of representations made to the Ethiopian Government, the brigand himself was shortly afterwards arrested by an Ethiopian officer.

(b) Again a number of refugees arrived from Abyssinia, the total of those who reported to the Sudan Government authorities being 189. As was pointed out in paragraph 7 (a) of this Government's report No. M.50 of May 29th, 1928,¹ it has hitherto been the practice to settle such persons not less than sixty miles from the Ethiopian frontier. In view of safer conditions on the frontier, it has recently proved feasible to modify this practice in order, where desirable, to allow the settlement of refugees among people of their own stock.

(c) One instance came to light of an attempt to return to Abyssinia an ex-slave who had escaped and crossed into Sudan territory; the offenders were apprehended and suitably punished.

3. The "freedom paper" system continues to receive a full measure of publicity. Some ninety papers were given to refugees from Abyssinia and approximately another 290 were issued to applicants formerly employed as domestic serfs in this country who desired to possess formal proof of their emancipation.

4. The class of domestic serfs of the old "family retainer" type who are content to live with their former masters and have no wish to change their status is gradually dying out; simultaneously, employers who previously relied on serf labour are beginning to realise that hired labour is, in the end, less expensive.

5. The continuation of investigation and preventive work has resulted in the discovery of a few cases of kidnapping, mainly among the nomad tribes of the Western Sudan. The persons involved in these cases have been punished under the Penal Code. In some instances, it was found that the actual abduction had taken place outside Sudan territory. In these cases, also, prosecutions were directed against any native of the Sudan who had failed to help in the pursuit and apprehension of known kidnappers, or who was suspected of concealing knowledge of the whereabouts of kidnapped persons.

The co-operation of tribal authorities was again enlisted for the suppression of this type of case.

For Civil Secretary :
(Signed) R. C. MAYALL.

C.C.E.E.105.

ANNEX 23.

COMMUNICATION, DATED MARCH 7TH, 1936, FROM THE GOVERNMENT OF THE SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Governor-General of the Sudan to furnish the following information further to that contained in my letter No. 60/A/1 of April 15th, 1935,² and in previous reports made by this Government, and thereby also to comply with the request made in the letter dated September 24th, 1935, from the Director of the Mandates Section.

2. The information is presented under the heads adopted by the Advisory Committee of Experts on Slavery in reporting on their second session to the Council of the League on April 10th, 1935, in conformity with the hope expressed in paragraph 10 of that report.³

STATUS AND LEGAL STATUS OF SLAVES.

3. Paragraphs 21 and 22 of the Committee's report well describe the position in this country, which remains unchanged. "Freedom papers", the nature and use of which has been fully described in the reports dated April 12th, 1927,⁴ and May 29th, 1928,⁵ continue to fulfil the purpose for which they are intended, and an approximate total of 245 papers were issued to applicants during the year 1935.

Notes by the Secretariat of the League of Nations:

¹ See document A.24.1928.VI, or *Official Journal*, League of Nations, August 1928, page 1223.

² See page 96.

³ See document C.159.M.113.1935.V1.

⁴ See document A.37.1927.V1, or *Official Journal*, League of Nations, June 1927, page 712.

⁵ See document A.24.1928.V1, or *Official Journal*, League of Nations, August 1928, page 1223.

SLAVE-RAIDING AND SIMILAR ACTS.

(a) *Raids.*

4. A report received from His Britannic Majesty's Consul at Maji in South-Western Ethiopia in May 1935 revealed that an Ethiopian poaching party, which had been operating in Sudan territory during the summer months of the previous year, kidnapped five boys of the Beir tribe from the Boma Plateau within Sudan territory. Diplomatic representations at Addis Ababa resulted in the boys being eventually returned to their homes by the leader of the poaching party, Ababa Tibtibu, on instructions from Dejazmach Regate, the Ethiopian Deputy Governor of Maji. The Consul was able to confirm their return by a visit to the Boma Plateau at the end of 1935. Though the names of the persons concerned in the poaching expedition were ascertained by His Britannic Majesty's Consul and communicated to the Ethiopian authorities, it is understood that no punishment has yet been awarded.

No other incursions occurred.

(b) *The Capture of Individuals.*

5. The number of refugees from Ethiopia whose arrival has come to the knowledge of the Government during 1935 is 226; of these, only a minority have taken advantage of the relaxation (to which paragraph 2 (b) of the preceding report refers) of the rule forbidding their settlement within sixty miles of the frontier.

6. Suitable sentences were imposed upon an Abyssinian for an attempt to remove a minor from Sudan and upon a "Watwati" who took an adult male servant to Ethiopia without permission.

(The origin and present activities of the debased Arab chieftains known as "Watawit" were fully described in the reports furnished by this Government on May 29th, 1928,¹ April 15th, 1929,² and March 13th, 1931.³)

7. Investigation of internal kidnapping, of which sporadic cases still occur principally among the nomad tribes of the Western Sudan, and the vigorous application of preventive measures, continue to be actively pursued, as the policy of Government dictates. Sixteen such cases were brought to light during 1935, and in all but four of these the guilty parties were arrested and convicted, heavy sentences under the Penal Code being inflicted upon them.

8. The practical success of the measures taken may be gauged by the revelation, made in the course of one of the trials referred to, that a tribesman had refused to buy a kidnapped girl on the ground that the ensuing punishment would be too heavy; though, on the other hand, the exceptional profits made towards the end of the year by the camel-owning tribes, owing to the demand for camels existing in Eritrea, gave rise to anxiety regarding the additional temptation which the ability to pay high prices for kidnapped children presents.

9. The help of tribal authorities in the suppression of these activities — of which paragraph 31 of the Committee's report records an outstanding example — continued to be sought and given, though in one instance a severe reminder of the policy of Government became necessary and proved effective.

SLAVE TRADE.

10. The report of the Committee records considerable anxiety regarding the conditions obtaining in the Red Sea, and it is reassuring to be able to report, so far as this Government is concerned, that the arrangements for the disposal of slaves repatriated to the Sudan by His Britannic Majesty's Minister at Jedda after the exercise of his right of manumission on their behalf continue to work satisfactorily. An interesting case occurred in October 1935, in which a Sudanese youth, enslaved years ago, managed to escape to His Britannic Majesty's Legation in Jedda after hearing that his mother had for some years regularly made the pilgrimage from this country with the object of finding him. The youth was repatriated and is now living with his mother in Kassala Province.

11. As regards the possibility of detention of Sudanese and other subjects as slaves in Arabia after their arrival to perform the pilgrimage there, the measures to obviate this, which were described in full in the report dated April 10th, 1935, continue completely to safeguard all pilgrims who travel by way of Suakin.

SLAVE-DEALING : PRACTICES RESTRICTIVE OF THE LIBERTY OF THE PERSON.

12. There is nothing to add under these heads to the information supplied in previous reports on this subject.

Notes by the Secretariat of the League of Nations :

¹ See document A.24.1928.VI, or *Official Journal*, League of Nations, August 1928, page 1223.

² See document A.17.1929.VI, or *Official Journal*, League of Nations, May 1929, page 833.

³ See document A.13.1931.VI, or *Official Journal*, League of Nations, May 1931, page 786.

DOMESTIC OR PREDIAL SERVITUDE.

13. The gradual disappearance of that form of domestic (not predial) servitude, to the existence of which in the Sudan attention was drawn by previous reports, continues uninterrupted.

Economic causes and the working of the Islamic law of inheritance have previously been shown to be militating against its survival; and, in pursuance of the declared intention of the Government that "no justifiable measure will be neglected which is likely to bring nearer the day" on which domestic servitude will entirely disappear, an instruction has recently been issued to the Mohammedan religious courts which prevents the official recognition of any alleged marriage between a female serf to her former master, or to any member of his household, unless the woman herself is present and consents to the marriage. Recovery by a pretence of marriage of female serfs who have left their masters is thereby rendered impossible.

14. The Committee, in paragraph 53 of their report, refer to an enquiry into this problem undertaken by the Royal Belgian Colonial Institute in the Congo, and record the view that similar enquiries, if undertaken in other territories, would be most useful. It is felt, however, that this Government cannot expound the problem as it affects the Sudan more clearly than has already been done in the memorandum sent with Sir Geoffrey Archer's despatch of July 18th, 1925 (which was published in League document A.69.1925.VI, and in a White Paper (Sudan No. 1, 1926, Cmd. 2650) by His Britannic Majesty's Government), and in previous reports in this series.

(Signed) J. A. GILLAN,
Civil Secretary.

C.C.E.E.83 (1).

ANNEX 24.

SUMMARY, DATED APRIL 15TH, 1936, OF THE INFORMATION RECEIVED FROM CERTAIN GOVERNMENTS IN REPLY TO THE CIRCULAR LETTERS OF THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

1. The Government of *Egypt* stated that it had no information to give, since the slave-trade was absolutely prohibited in that country.
 2. The Government of *Honduras* stated that slavery did not exist in that country, and that consequently there was no need for it to take any measures in the matter.
 3. The Governments of *Estonia*, *Finland* and *Venezuela* stated that they had no information to give in the matter of slavery.
 4. The Minister of State of *Monaco* stated that the Principality, while fully concurring in the measures approved and the resolutions adopted to put an end to slavery in every form, could not give any effective assistance in the abolition of such practices.
 5. The Government of *Poland* stated that it had no observations to make before the extraordinary session of the Advisory Committee.
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