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LEAGUE OF NATIONS

SLAVERY

REPORT OF THE ADVISORY COMMITTEE OF EXPERTS

FIFTH (EXTRAORDINARY) SESSION OF THE COMMITTEE

Held in Geneva, March 31st to April 5th, 1938.

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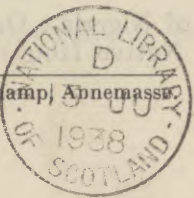
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¹ For the text of this Law, see document A.13(a).1931.VI, page 5, or *Official Journal*, September 1931, page 1793.

A. REPORT TO THE COUNCIL

INTRODUCTION.

1. The Advisory Committee of Experts on Slavery held its fifth session (extraordinary) at Geneva from March 31st to April 5th, 1938, under the chairmanship of M. MARCHAND.

The following members were present : Sir George MAXWELL (Vice-Chairman), M. LOUWERS, M. NEIJTZELL DE WILDE, Mme. DE PALENCIA.

2. M. d'Almada, who was prevented by illness from taking part in the work of the session, communicated to the Committee a historical review of the abolition of the slave trade and of slavery in Portugal and her colonies. This review, of which the Committee took note, is annexed to the present report (see Annex 21).

3. In accordance with the Rules of Procedure, based on the Assembly resolution of October 12th, 1932,¹ the documentation examined by the Committee consisted exclusively of official information supplied by Governments.

4. The Committee examined, in accordance with its Rules of Procedure, documents communicated by the Governments of the United Kingdom, France, India, Liberia and the Sudan, as well as a report submitted by the Municipal Council of Shanghai. These documents are annexed to the present report. The Committee desires to thank the Governments and authorities for supplying it with this documentation, which includes studies of the highest interest, and gives evidence of their great anxiety to put an end to anything in the slightest degree resembling slavery.

5. The Committee also took note of the replies from the Governments of Afghanistan, Australia, Egypt, Estonia, Finland, Hungary, Iraq, Monaco, the Netherlands and the United States of America to the Secretary-General's letter of June 16th, 1937, transmitting the observations and suggestions made by the Committee last year (see Annex 18).

6. In its 1936 report (page 8, paragraph 9), the Committee noted that the various systems based on the giving of "dowry", such as "Lobolo", etc., had no features entitling them to be regarded as forms of slavery within the meaning of the 1926 Convention. The Committee consequently decided to refrain from dealing with the subject in future, as it was clearly outside its powers, unless subsequent documentary material necessitated a reversal of that decision. Since then, the Committee has had no information that would lead it to modify that decision.

7. The Government of the United Kingdom, by letter dated February 2nd, 1938, transmitted to the Committee a memorandum dealing with legislation enacted in its non-self-governing colonies, protectorates and mandated territories on the subject of slavery and conditions analogous thereto (see Annex 20). This document contains the legislative texts applied in those territories prior to and subsequent to the signature of the Slavery Convention of 1926. The Committee was happy to take note of this information, and would be glad to receive similar communications from other Governments interested.

8. The Committee once more expresses the hope that the documents which it is called upon to examine will be sent to the Secretary-General by all Governments as early as possible after the date of their preparation.

CHAPTER I. — SLAVERY CONVENTION OF 1926.

A. POSITION IN REGARD TO RATIFICATIONS OF AND ACCESSIONS TO THE CONVENTION.

9. In paragraphs 9 to 12 of its 1937 report, the Committee indicated the position in regard to ratifications of and accessions to the Slavery Convention of 1926. Since that date, China has ratified the Convention, a fact which the Committee notes with satisfaction.

B. RESERVATIONS.

(1) *Reservations by the Government of India in respect of part of Assam.*

10. In paragraphs 16 and 17 of its 1937 report, the Committee recorded with satisfaction that the Government of India had reduced its original reservation to the Slavery Convention of 1926 in respect of certain areas in Burma and Assam in such a manner that the reservation was wholly withdrawn from the areas in Burma, and that, in Assam, the only area reserved, or exempted, from the Convention was the unadministered parts of the Sadiya and Balipara frontier tracts.

11. This year, the Committee notes with the greatest pleasure a further communication from the Government of India² reporting that, in the light of the observations in paragraph 17

¹ See document C.C.E.E.138, or *Official Journal*, March-April 1937, page 276.

² See page 88.

of the Committee's 1937 report, the Government of India had reviewed the reservation in respect of the unadministered parts of the Sadiya and Balipara frontier tracts, and, in view of the Committee's comments, had decided to withdraw it. The result of this decision is that the reservation is now entirely withdrawn from the area in Assam.

12. It will be observed in paragraph 27 of this report, and in Annex 10 to it, that the Government of Assam immediately followed up the withdrawal of the reservation in this area by despatching an expedition to announce the determination of the Government to suppress the practice of slavery. The successful results of that action are set forth in those parts of this report.

(2) *Reservation by the Government of India in respect of the Indian Native States.*

13. In reply to a question asked in the Committee's 1937 report, the Government of India declared that the obligation under Article 2 (a) of the Convention of 1926 to suppress the slave trade was not confined to international traffic and traffic between an Indian State and other parts of India. It added that the information supplied by the Government of India in 1937 was not intended to suggest that the slave trade existed in Indian States, or that, if it did arise, it could not, on account of the constitutional position of Indian States, be suppressed.¹

The Committee considers that the position is now perfectly clear and it is grateful to the Government of India for this satisfactory statement.

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

14. In the Cameroons under British mandate, there have been a few isolated crimes, which are mentioned in detail in the communication of the United Kingdom Government.² At one place, a child was stolen, and the offender was sentenced to nine years imprisonment. At another place, a boy was abducted; he managed to escape, and the search for the abductors was unsuccessful. In yet another place, three children were restored to their relatives after they had been rescued from slave-dealers by the French authorities, and a man wanted by the French authorities on a charge of slave-dealing was arrested.

15. A similar case is mentioned in the communication from the French Government.³ In the French Niger Colony, a party of nomads discovered in the bush an eight-year-old girl, a native of British Nigeria, who had been brought into the colony for sale by a British Nigerian. The man succeeded in escaping back to Nigeria. His description was given to the British authorities, and the girl was handed over to them. As the communication very justly remarks, this is a further proof of the police measures taken on both sides of the common frontier by the neighbouring French and British authorities.

16. In the Cameroons under French mandate, six cases relating to slavery or the slave trade were tried in the courts in 1937. In one case, the accused was arrested and convicted of an offence which he had committed seven years before.⁴

17. The reports of the French Government and the United Kingdom Government show that, in 1937, their African colonies have been entirely free from any cases of slave-raiding, enslavement of individuals or thefts of children.

18. From the Sudan Government, the Committee has two reports this year.⁵ The first did not reach the Committee in time for the inclusion in the 1937 report. In 1936, there were two incidents on the borders of South-West Ethiopia, involving Sudan tribes: in March, a section of the Beir tribe in the Sudan was raided by a tribe on the Ethiopian border, forty persons were reported to have been killed and sixty captured; and, in April, there was a counter-raid by the Beir into Ethiopian territory, when thirty men were reported to have been killed and forty captured. A certain number of the persons captured have since been recovered, and no further raids have taken place.

19. In 1936, four persons were convicted of slavery offences: one was a Sudanese who restored a refugee to his master in Ethiopia, and three were Ethiopians who attempted to secure a refugee who had entered the Sudan.

20. Elsewhere in the Sudan, there was only one suspected case of kidnapping in 1936 and four doubtful cases in 1937.

21. The Government considers that the improved state of affairs in the Western Sudan is largely due to the energetic co-operation of the tribal authorities, to which attention has already been drawn in its report for 1935,⁶ and mentions that the nomad Arabs are more friendly with their darker brethren and realise that slave labour is not economic.

¹ See page 87.

² See page 39.

³ See page 82.

⁴ See page 83.

⁵ See pages 90 to 92.

⁶ See page 97 of the Committee's 1936 report.

22. The Sudan Government has no evidence of any illicit trade across the Red Sea. Measures are in force to protect Sudanese and other pilgrims in Arabia, and additional protection is expected from the recent slavery legislation in Sa'udi Arabia.

23. The United Kingdom Government informed the Committee that, in the Red Sea, the sloops of the British navy engaged in anti-slavery duties covered 14,538 miles in the year 1937 and examined thirteen dhows without result.¹

24. The Committee notes with the greatest pleasure the action taken by the Sultan of Lahej in the Aden Protectorate. By a proclamation dated March 7th, 1935, the Sultan prohibited the importation of slaves from the sea, and their sale and purchase (1936 report, page 75). In paragraph 15, page 17, of the 1936 report, the Committee made some general observations applicable to all countries on enslavement, pointing out that the capture and sale of slaves are dependent upon the demand of purchasers, and that the slave trade would disappear as soon as it became a punishable offence to own a captured slave. Last year, the Committee was informed (1937 report, pages 10 and 36) that, in consequence of its observations, the Sultan was being invited to strengthen his proclamation. The Committee learns that the Sultan issued a proclamation on January 28th, 1937, providing severe punishment for anyone who knowingly keeps in his possession an imported or captured slave. Other sultans and sheikhs in the Aden Protectorate and Persian Gulf have bound themselves by treaties to prohibit the importation of captured slaves.² The Committee permits itself to express the earnest hope that the action taken by the Sultan of Lahej will come to their knowledge and that they will be led to follow his example.

25. During the year, an agreement was signed by the Sultan of Qishn and Socotra for co-operation in the prevention of importation of slaves.²

26. The slave trade as such in the Persian Gulf practically no longer exists. These words are quoted from the communication supplied by the United Kingdom Government and published as Annex 8 to the Committee's 1936 report. The statement is borne out by an analysis of the figures of manumission at three British agencies in the Persian Gulf during the six years from 1932 to 1937. Out of a total of 311 slaves manumitted during that period, 300 were born or domestic slaves who desired manumission, and only eleven were captured or imported slaves.³

This is a most encouraging fact, and the Committee thanks the United Kingdom Government for the trouble taken in preparing the analysis.

27. The Government of India has communicated a most interesting report on an action undertaken in a remote tribal area in the Naga Hills in Assam, with the object of making the headman realise that the Government was determined to suppress the practice of slavery.⁴ This action followed immediately on the withdrawal of the reservation mentioned in paragraphs 11 and 12 of the present report concerning the area. The village of Pangsha, with the assistance of other villages, had been raiding and destroying weaker villages, and holding their captives as slaves in defiance of warnings from Government. A force of considerable size was necessary. The difficulties and dangers of the operation are vividly described by Mr. J. P. Mills, Deputy Commissioner, Naga Hills, who was in charge of it. After seven days marching, they reached their advance base, where they received a truculent challenge from Pangsha, and heard that Pangsha had threatened to destroy any village that helped the expedition. After marching for another five days, the column met a large armed party, which it dispersed. The next day, there was severe fighting. Two days later, Pangsha sent a message admitting defeat, promised to stop slave-raiding and to return the slaves in their possession. The three villages concerned swore an oath of friendship, and received presents of salt from the Deputy Commissioner. The captured slaves have been returned, and the report ends with the words : " a reign of terror over a wide area has been ended, at any rate for some time, and possibly permanently ".

28. The Committee offers its congratulations to the Government of India upon the determination it has shown to stamp out slavery in this area, and upon the success of the action taken by it.

* * *

29. It will thus be seen that, apart from the very exceptional incidents in the Sudan and in Assam, which are not likely to recur, there has been no slave-raiding in the sense of an attack on a number of people. Great care has been taken by the Governments to supply the Committee with particulars of the crimes of capture of a man, a woman or a child with a view to enslavement. The present report shows how few they are and with what vigour action is taken against them.

30. The Committee has reason to believe that, in view of the information analysed above, this chapter of its report will, with each succeeding year, become of diminishing importance.

¹ See page 78.

² See page 39.

³ See page 78.

⁴ See page 83.

CHAPTER III. — BORN SLAVES.

31. The Committee thanks the United Kingdom Government for information concerning two sharply-defined sections of the community in one province of Nigeria¹ — namely, the free-born descendants of the original inhabitants and the descendants of slaves by purchase or capture in war. There is no restriction on the personal liberty of the latter : they are free to go to another part of the country if they wish ; or they may establish themselves as free men, acquiring a title to the land they farm, and all a free man's privileges for themselves and their children by paying a fee of twelve shillings to their "master". Some details of the system are set forth in the report, and the Committee agrees with the Government that there does not appear to be any reason to interfere with it.

32. Most interesting information concerning the circumstances of the ex-slaves in the different provinces of Nigeria and the social and economic effects of the abolition of slavery, is given at considerable length in paragraphs 12 to 27 of the same communication.² After an analytical study of the results to the ex-slaves and the ex-masters, the report sums up the situation with the statement that, since the abolition of slavery, the economic development of the country has been more rapid and more evenly balanced, with the ex-slaves working for themselves, than it was when they worked for a master.

33. This report is supplemented by further information in paragraph 10 of the communication³ from the United Kingdom Government, concerning the "house rule" system of the past. The report is of historical interest only, for the system disappeared rapidly as the result of legislation so long ago as January 1st, 1915. The Committee is obliged to the United Kingdom Government for its courtesy in thus adding to the information available regarding past systems.

34. The Belgian expert stated that the enquiry undertaken by the Royal Belgian Colonial Institute was proceeding, and there was reason to hope it would be possible at a relatively early date to draw conclusions therefrom ; the progress of the enquiry might seem slow, but it was being conducted on scientific lines.

35. The Committee is grateful to the French Government for an extremely valuable study of the status and general conditions of the "voluntary servitors" in French West Africa.⁴ The personal liberty of every native, whatever his origin and position, is strictly guaranteed by the local authorities, unconditionally and unreservedly. This liberty is his by right, and its recognition is not subject to any formality or proof of any kind. In this vast area, there is every kind of local condition. Everywhere, the social and economic environment brings its influence to bear on the position as a whole. In each individual case, the personal relationship between the two parties is a factor of great importance. In every case, the Committee is completely assured of two things : the genuineness of the voluntary nature of the system ; and the careful and sympathetic attention which the French authorities are bestowing upon the subject.

36. In the Sudan, 300 "freedom papers" were issued in 1936 and 111 in 1937.⁵ The Government refers to its detailed study of the subject of "voluntary slavery" in 1936⁶ and states that the number of these papers gives little or no indication of the pace at which the system is disappearing.

37. In the Aden Protectorate, the closest attention is being given to measures for the gradual emancipation of born slaves in the Sultanate of Mukalla and the Kathiri Sultanate. The United Kingdom Government hopes that, in due course, some regulations may be framed on the following lines : (1) Buying and selling of slaves is prohibited, and after a specified date a sale will not give a legal title ; (2) registration before a specified date, after which no title will be recognised ; (3) any slave who desires freedom should apply to the nearest Government representative ; (4) runaway slaves will not be restored ; (5) slaves who desire freedom will be given a paper, but may not then return to their masters ; (6) masters who give slaves their freedom should have the papers registered if the slaves wish to remain with them ; (7) self-mortgage as a slave is not recognised ; (8) the children of slaves belong to their parents⁷.

This is a development of the highest importance and the Committee will follow it with the greatest interest.

38. Emancipation of slaves is now further facilitated by the power of manumission recently conferred upon a British official. If the number of manumissions becomes considerable, some organisation will be necessary to find employment. This aspect of the case is discussed in paragraphs 6 to 9 of the communication, in which some very practical observations are made.

¹ See page 24.

² See pages 24 to 26.

³ See page 41.

⁴ See pages 81 to 82.

⁵ See pages 91 and 92.

⁶ See page 76 of the 1937 report of the Committee.

⁷ See pages 40 to 41 and 46 to 47.

39. Concerning the Persian Gulf, the Committee has information from the United Kingdom Government concerning the liberation of slaves under the various systems following the Mohammedan Law and the conditions of slave-labour in the pearl-diving industry.¹ The pearl-diving season lasts only for the four months from May till August : the conditions are necessarily somewhat hard, but no worse for the slaves than for the free men. In Koweit, only a few slaves are thus employed, and they keep all their earnings. In the Trucial Oman, the slaves generally receive at least half their earnings. No slaves are engaged elsewhere in this area in pearl-diving.

40. The Ruler of Bahrein, Hamad bin Isa al Khalifah, issued a Slavery Proclamation on August 11th, which is translated in the following words² :

“The public are reminded that it is forbidden to own slaves in Bahrein. Any person who imports, exports, buys, sells or owns any person as a slave is liable to punishment by imprisonment and fine.”

* * *

41. In Arabia, as the Committee has already stated on several occasions, Islam encourages the liberation of slaves. In the past, the effects of this religious influence have, to a large extent, been checked by economic, social and political factors. New economic phenomena have now arisen tending to eliminate the opposition to the abolition of slavery. In Sa'udi Arabia, the epoch-making anti-slavery regulations of October 2nd, 1936, which were summarised on page 9 of the Committee's 1937 report (the full text is reproduced on pages 47 and 48), will have far-reaching repercussions, and will very probably create in the public mind a new conception of the whole question, taking all these aspects into account. The beneficial effects of these Regulations should be known. In the Protectorate of Aden, regulations of the highest importance are now under consideration, and the Committee feels sure that the effects of any measure adopted in that territory will be followed with the keenest interest by the sultans and sheikhs of the Persian Gulf. Throughout the whole of Arabia, therefore, the situation is very encouraging. There is no evidence to suggest that outside Africa and Arabia there are still any born slaves.

* * *

42. The situation may be summed up as follows : In Africa, the age-long home of most of the slaves of the world, there is no reason for any disquietude concerning any of the colonies of the European Powers. In most of them, slavery in any form has now ceased to exist : in some, it lingers on, without legal status, as a social tie. Even as such, it is dying rapidly and painlessly.

CHAPTER IV. — OTHER INSTITUTIONS.

(a) PAWNING, PEONAGE AND DEBT-SLAVERY.

43. The Committee thanks the United Kingdom Government for two interesting reports on a “pawning” system, known as *Iwofa*, in the southern provinces of Nigeria.³ The first was written when investigations were proceeding, and the second after they had been concluded. Three forms of pawning are distinguished in the later report — namely, (a) adult self-pawning ; (b) child pawning ; and (c) female child pawning.

44. In regard to (a), the system is that a debtor voluntarily assigns himself to his creditor as a labourer until the debt is paid off. He receives some remuneration for his work. The Committee observes in the report that the system is rapidly declining with the increase in other facilities for obtaining money, and that a number of the chiefs are not in favour of the continuance of the practice. Pending a decision (mentioned below) on amending the law so as to make the practice illegal, it is proposed to prohibit any action in the native courts for recovery of debt when the debtor has served or agreed to serve as a pawn, and also to encourage pawns to appear before the courts, without payment of any fee, to have the amount of the debt fixed and payment by reasonable instalments arranged. A special effort is also being made by publicity to discredit the system, and the Government hopes for the early extinction of the practice.

45. In regard to (b), the practice of pawning a male or female child as a labourer still persists to some extent. The children must be not less than 16 years of age, and must give

¹ See page 77.

² See page 78.

³ See pages 23, 42 to 43 and 49-50.

their consent. They are always free to return to their parents, and their parents can withdraw them. An intensive campaign against the system is now being conducted, and there is hope of its entire suppression in the near future.

46. In form (c), the pawn is a young girl and the process is disguised as a marriage transaction. The Committee notes that it is most difficult to detect the cases; for the dividing-line between pawning and betrothal or marriage is often so fine that only the parties themselves can detect it.

47. To place or receive any person in servitude as a pledge or security for debt is, under Section 369 (3) of the Nigerian Criminal Code, tantamount to "slave-dealing" and is punishable with imprisonment for fourteen years.

The report explains, however, that it is questionable whether this section covers these three systems of pawning, since it is not possible to prove that "servitude" is involved. The Committee notes that this aspect of the case is being investigated with a view to an amendment to enable the law to prohibit forms of pawning in which "servitude" is not necessarily involved. The Nigerian Government expresses its confidence that, except in a few inaccessible areas, the pawning system will rapidly disappear.

The Committee is convinced that the methods of publicity and education, upon which the Government is already relying, will be useful in explaining to the people that it is the practice of pawning a girl under disguise of marriage or betrothal which is to be prohibited, and not the marriage or betrothal system itself.

48. In the Gold Coast, where no cases of pledging have come to light for several years, one case was reported in 1937. The case, which is mentioned in the communication from the United Kingdom Government,¹ was treated as one of slave-dealing, and the two offenders were sentenced to imprisonment.

49. In the communication from the French Government (Annex 11 to the Committee's 1937 report), mention was made of the pawning, by a Chief in French Guinea, of some marriageable girls, whom he had collected from villages under his control and assembled in a caravanserai, and of the measures taken in consequence. In its 1938 report,² the French Government states that steps have been taken to prevent the recurrence of such outrages, and to return the girls in question to their parents, unless they had freely consented to marriage in conformity with customary law.

50. In the communication from the Government of the Republic of Liberia, dated August 6th, 1937³ — the first received by the Committee since 1932 — it is observed at the outset that slavery does not exist in the territory of the Republic. It is further stated that the Act of December 19th, 1930, relating to the pawning system has had the effect of freeing the pawns among the aboriginal tribes. The Committee hopes to receive further information bearing on this problem in regard to the entire territory of the Republic.

51. Some interesting observations on a mild form of "pledging for debt" (*engagement pour delles*) in Cochin-China will be found in paragraph 3 of the French Government's report.⁴ There seems to be little objection to this system, provided that there is no compulsion and that there is fair remuneration. On the general subject of the hiring of services for the redemption of a debt, Articles 1150 to 1154 of the preliminary draft Annamite Civil Code of Cochin-China contain strict provisions for the prevention of abuse. It is with pleasure that the Committee notes the statement that the evolution in the condition of the person is less a matter of legislation than of a development in the mentality of the people.

* * *

52. In paragraph 67 of its 1937 report, the Committee mentioned that certain investigations which are being conducted by the International Labour Organisation would be likely to provide information as to the possible existence of the "peonage" system. The Committee has received no further information on this subject.

* * *

53. The Committee has examined with great interest the communication of the Government of India concerning the working of the "Baghela" Regulation in the State of Hyderabad.⁵ As was recorded on page 80 of the Committee's 1936 report, a special officer was appointed to investigate the working of the Regulation and to supervise the enforcement of its provisions. By determined effort, great difficulties have been overcome, and the

¹ See page 41 to 42.

² See page 81.

³ See page 89.

⁴ See page 79.

⁵ See page 86.

Committee notes that one or two years of further experience is necessary. The report ends with the following words :

“ His Exalted Highness's Government is satisfied that, with the sustained vigilance which the Regulation is attracting both from officials and non-officials, and after careful rules have been framed to implement the Regulation, this old-time hereditary service will altogether disappear, giving place to the annual wage contracts between the labourer and employer which already prevail over the greater part of the dominions.”

54. The success which has attended the Government's energetic action is regarded by the Committee as an example to every country in which forms of agricultural debt-slavery still prevail.

* * *

55. In its 1937 report, the Committee published in Annex 14 two reports on various forms of debt bondage prevalent in the Presidencies of Madras and Orissa, and, in paragraph 60 of the same report, it was suggested that the Government of India should furnish some information as to the remedial measures in contemplation. The Committee thanks the Government of India for its courtesy in forwarding this most interesting information.¹ The systems enumerated in the earlier report are many and diverse. The Committee observes that, on re-examination of the position, the Government of Madras is of opinion that it is not as serious as at first sight it appeared to be, and that the Government of Orissa appreciated the necessity of removing the more serious evils connected with the systems. Considerations of space permit two instances only to be mentioned. In one part of a district in the Madras Presidency “ the debt bondage system known as the Gothi system is strongly entrenched ”. The Committee entirely agrees with the opinion that “ so deep-rooted and long-standing an institution cannot be eradicated by a violent change ”. In mitigation of the evils of the system, the Government proposed, in its own words, to assign house sites and cultivable waste lands to the victims, and proposes further to examine the possibility of legislation.

In Orissa, where the Gothi and Kamia systems are recognised as containing the most serious abuse, practical difficulties are connected with the remoteness of the areas and the low mentality of the classes to which the victims belong. The remedies in contemplation are many : they include the spread of education, the improvement of communications and various methods of financial assistance.

The Committee would be glad to be informed of the effects of these measures.

(b) THE MUI TSAI OR PEI-NU SYSTEM.

56. Under this system, young girls are transferred by their parents to other persons for employment in domestic service until they reach an age when they can marry. When they are married, they are under no further obligation to their employers. In almost every case, some money is paid in consideration of the transfer. Occasionally, it happens that a child is transferred as a free gift. Sometimes there is an intermediary or broker, who takes the child from the parents and later transfers her to an employer. In some cases, the child or young girl is definitely sold ; in other cases, the parties to the transaction regard the money payment as a consideration for the transfer of the child's services in domestic employment.

57. As was stated in paragraph 70 of the Committee's 1937 report, “ Mui Tsai ”, which may be translated as “ little sister ”, is a colloquial or slang expression in the Cantonese dialect. This term is always used in the communications from the United Kingdom Government concerning the system in Hong-Kong and Malaya. The term “ Pei-nu ”, which is accurately translated as “ slave-girl ”, is used in the communications from the international settlements of Shanghai and Kulangsu. The Committee does not know what term was used in the Regulations issued by the Chinese Government on January 22nd, 1936, and has not at present received a reply to the observations on this point in its 1937 report.

1. In China.

58. It will be convenient to recall briefly the information supplied on this subject by the Chinese Government. At a meeting of the Sixth Committee of the Assembly on September 17th, 1931,² the Chinese delegate said that he wished to correct a statement made by the British delegation that slavery still existed in China. He said that the principles of Confucianism and of family morality in China made it impossible for the institution of slavery to exist. Traffic in children, he said, did not exist in China, and, in fact, could not co-exist with the Chinese traditions of filial piety and the well-known readiness of Chinese mothers to adopt other children in cases of disaster. On May 6th, 1933, the Director of the Permanent Office of the Chinese Delegation to the League of Nations reported³ that slavery had been

¹ See pages 88 and 89.

² *Official Journal*, Special Supplement No. 99, page 18.

³ Document A.16.1933.VI.

strictly prohibited for a long time and that this had been further stressed by Ministerial Orders of June 1928 and March 1931; that Article 313 of the Criminal Code contained provisions for the punishment of imprisonment for seven years for offences; and that in fact slavery in the technical sense of the term had long ceased to exist in any part of China. He stated that the Mui Tsai system, which sometimes, though erroneously, was assimilated to slavery, had been strictly prohibited since the Tsing dynasty, and that this prohibition had been reaffirmed in September 1932 by "Rules Prohibiting the Keeping of Mui Tsai". He supplied an English translation of these Rules.¹

59. At a meeting of the Sixth Committee of the Assembly on October 10th, 1933,² the Chinese delegate said that the Mui Tsai were not slaves; that their status was peculiar, the terms denoting merely a young servant-girl; that she was placed by her own parents, generally in return for payment, in the service of another family, where she remained until old enough to marry; that the master did not possess the absolute right of ownership over her, his relation to her being rather that of a guardian, and that she was looked upon as a member of the family. He said that he was not justifying the existence of such a system, but emphasised that it was incorrect and unfair to assimilate it to slavery. After saying that the system was disappearing with changed conditions, he urged that the problem should be considered in connection with child-welfare rather than with slavery. Reference is made to this interesting suggestion in paragraph 82 of this report.

60. A communication from the Chinese Government, dated July 13th, 1934, was published as Annex 5 to the Committee's 1935 report. It admitted the existence of the Mui Tsai system, but distinguished it from slavery. After mention of the Regulations of September 1932, it declared that efforts were being made to eradicate a system which was recognised as an anomaly.

61. On January 22nd, 1936, the Chinese Government promulgated new Regulations prohibiting the keeping of Mui Tsai, and supplied a copy of a translation with its letter of March 25th, 1936 (1936 report, Annex 11). This letter explained that the term Mui Tsai was not a translation of the Chinese term used in the Regulations, and that it had been adopted because it was commonly resorted to in League documents. In concluding the letter, the Chinese Government expressed the hope that it would be possible to collect statistical data of the liberations effected as the result of these regulations.

62. Thanks are due to the Chinese Government for its action. The Committee realises the difficulties involved by the task that has been undertaken; it would be grateful for any information which would keep it abreast of developments.

2. *In the International Settlements.*

(i) *Kulangsu.*

63. A most interesting communication from the Kulangsu Municipal Council was published as Annex 18 to the Committee's 1937 report. It was therein reported that Regulations for the registration of Pei-nu had been promulgated, that over 500 Pei-nu had been registered; that a house-to-house examination was being undertaken by a special officer to ensure the completeness of the registration; that the Council proposed to appoint an inspector of Pei-nu; and that the aim was a gradual but effective abolition of the system.

64. The Committee noted this encouraging commencement, and expressed the hope that it might receive another communication for its report this year³. At the time of its meeting, no communication had been received, but the Committee trusts that it may receive further information for its report next year.

(ii) *Shanghai.*

65. In its 1937 report, the Committee published, as Annex 18, a valuable communication from the Shanghai Municipal Council. This year it has received a further detailed communication of the greatest interest, and is most grateful to the municipal authorities for the care bestowed upon the preparation of this admirable study at a time when, as mentioned in the report, the outbreak of hostilities had caused an exodus from some areas and overcrowding in others.⁴

66. The Committee observes that Miss E. M. Hinder, Chief of the Industrial Section of the municipality, has been appointed "Supervisor of Mui Tsai" and assumes that, although this Cantonese expression is unknown to the Chinese population of Shanghai, it is more convenient than any other term. Throughout the Municipal Council's report the English expression "girl-slave" is used.

67. In compliance with a request expressed in the Committee's last report, particulars are given of the "homes" or "refuges" for rescued children. Six organisations and one private lady maintain nine institutions, which house approximately 2,100 women and girls. Some of them have been girl-slaves; others have been victims of cruelty, beggars, prostitutes and "unwanted" or lost children. The institutions are insufficient for the needs of Shanghai.

¹ Document A.16.1933.VI.

² See *Official Journal*, Special Supplement No. 120, page 58.

³ See paragraph 73 of the 1937 Report of the Committee.

⁴ See page 93.

Finance is of course a difficulty. The Municipal Council gives a generous subsidy, which, in present circumstances, it cannot afford to increase. In some thoughtful and wise observations on the part played by such institutions in the scheme of training girls, the report points out that they are a help but not a cure. Other means, it says, must be found as well : a plan for safeguarding girls by frequent visits of inspection, a plan for placing girls in families under proper supervision, and a plan for having children adopted in suitable homes.

68. The Committee entirely agrees with the opinion expressed in the Municipal Council's report that girl-slavery is a part of the larger problem of trafficking in girls. The report gives three categories of girls who, as it says, are passed from hand to hand for money and without their volition in many cases. First, there is the girl domestic slave, who becomes the property of the buyer. Secondly, there is the girl who is " mortgaged into a life of prostitution for a period of three years, in return for which either the parents or the trafficker receives a lump sum, often several hundred dollars ". The girls' earnings go to their owners, who often ill-treat them if they do not get enough. Thirdly, there is the " pao fan " (guaranteed rice) system of labour under " contract ". Cotton-mills in Shanghai employ women who are under contract. A middleman, in return for a payment of money to a girl's parents, is entitled to her full wages for a period of years, usually three. He provides her with a meagre subsistence, and to prevent her escape has her closely supervised as she goes to and from her work of a twelve-hour day or a twelve-hour night. The report endeavours to give a proper perspective of the whole picture of the transferred children of Shanghai. In the opinion of the social workers and police, there are many fewer domestic girl-slaves than there are girls who have been sold into a life of prostitution, and many fewer again than the victims of labour under " contract ". The report refrains from any comparison of the misery and degradation of these three categories, and the Committee will follow its example.

69. The Committee notices with some surprise that it is not an offence against the law to keep a girl-slave, and that, in consequence, the only cases that come into court are those which involve cruelty to a girl-slave and those in which there is a charge of trafficking in girl-slaves. The report explains that the reason is that the Chinese Government Regulations of January 22nd, 1936 (mentioned in paragraph 61 above), are a ministerial order and not a legislative act, and are not applicable, therefore, in the Shanghai court.

70. The report is a most valuable contribution to the study of child protection. Miss Hinder proposes to submit a further study to the Municipal Council at the end of the current year. The Committee hopes that it will be supplied with a copy for use in its report to the Council.

3. *In Hong-Kong and Malaya.*

71. The Committee thanks the United Kingdom Government for the following communications concerning the Mui Tsai system in Hong-Kong and Malaya :

(a) Report by the Governor of Hong-Kong on the Mui Tsai system for the half-year ending November 30th, 1936, with three Sub-Appendices (see Annex 1) ;

(b) Report by the Officer administering the Government of Hong-Kong on the Mui Tsai system for the half-year ending May 31st, 1937, with three annexes (see Annex 3) ;

(c) Report by the Governor of the Straits Settlements on the action taken in individual cases under the laws relating to children, Mui Tsai and girls' protection in the Straits Settlements, Federated Malay States and Unfederated Malay States during the year 1936 (see Annex 3, Appendix 2).

(d) Return showing the number of Mui Tsai remaining on the registers on June 30th, 1937, throughout the Straits Settlements, Federated Malay States and Unfederated Malay States (see Annex 4) ;

(e) Report on the Mui Tsai system in Malaya and Hong-Kong (see Annex 5, Appendix 5).

72. In paragraph 79 of its 1937 report, the Committee referred to the majority and minority reports of the Commission on Mui Tsai in Hong-Kong and Malaya.¹ The majority report recommended the continuation of the existing Mui Tsai legislation, subject to some minor amendments and some administrative improvements. The minority report (in the words of the communication of the United Kingdom Government²) expressed the opinion that the chief obstacle to the abolition of the Mui Tsai system lay in the difficulty of

¹ Colonial Paper, No. 125. — See also pages 16 and 46 of the Committee's 1937 report.

² See page 45.

disentangling it from the general system of transferences of girl children. It recommended the repeal of the Mui Tsai laws (which apply only to Chinese girl children), the abolition of the legal status of a Mui Tsai and the introduction of new legislation which would apply equally to all nationalities, as a measure of female child protection. This proposal has been accepted by the Straits Settlements Government, and the Governor of the Straits Settlements, who is also High Commissioner for the Malay States, has expressed the hope that the Governments of the Malay States will follow the action of the Straits Settlements. The Hong-Kong Government has not yet made its decision in the matter.

73. The minority report recommended that new legislation should provide that every transfer of a girl under the age of 12 from her parents to the custody of some person other than a near relative should be notified at the time to some duly-constituted authority. Immediate notification is the key-note. If the authority were satisfied that it was a case of genuine adoption, no further action would be necessary. Quasi-adoption would not be recognised. There would be provisions for registration of wards, temporary wards and domestic servants, and their supervision and protection. The Straits Settlements Government proposes to raise the age from 12 to 14 years, and to require that all transfers, except those for a period not exceeding three months, must be notified. The Protector is also to be empowered to take any action to secure the safety of a registered child. This new system of child protection will be brought into effect by re-casting the Children's Ordinance. The draft legislation is now being prepared.

74. The majority report referred, on page 41, to "the clouds of uncertainty in which the question of the unregistered Mui Tsai is enveloped". The Committee notes further that, in Hong-Kong,¹ the addresses of 790 registered Mui Tsai out of a total of only 1,474 were unknown on May 31st, 1937; and the Committee supposes that the number of children who were transferred at a tender age to persons other than near relatives is immeasurably greater than the number of registered Mui Tsai.

75. The following passages may be quoted from paragraph 14 of the minority report :

"The fact that the status of Mui Tsai is difficult to define creates a dangerous situation. That a transferred child stands in peril is abundantly clear. . . . We must abandon the attempt to define and legislate separately for the Mui Tsai and instead *apply the machinery of protection — i.e., notification and where necessary inspection — to all transferred girls under 12 years of age.* . . . *I am convinced that this intricate problem cannot be solved by compartments, and that unless such generalised protection is given, many of the old evils will crop up again and again in different categories under different forms.*"

76. The United Kingdom Government has suggested in paragraph 23 of its communication of February 10th, 1938,² that the Slavery Committee might wish to examine the reports, which are supplied annually to the Advisory Committee on Social Questions, on the working of the Women's and Girls' Protection legislation in Malaya, for the reason (in the words of the communication) that the work of protection of women and children is intermingled with the problems arising out of the Mui Tsai system.

77. In compliance with this suggestion, the Slavery Committee has examined a despatch, dated August 22nd, 1937, from the High Commissioner for the Malay States, transmitted by the Government of the United Kingdom to the Secretary-General of the League of Nations. It seems to the Committee to bear out fully the view expressed in the above-mentioned communication. The Committee has decided to refrain from any comment upon the cases mentioned, as that communication is under consideration by the Advisory Committee on Social Questions.

4. Other Countries.

78. As was stated in paragraph 82 of the Committee's 1937 report, the Mui Tsai system has completely disappeared from the Netherlands Indies as the result of measures taken by the Government.

79. A similar system, which is described in paragraph 4 of the 1938 communication from the French Government,³ exists in Cochin-China. It is quite distinct from civil adoption, which is carefully regulated by law. It is described in the communication as a type of adoption tolerated by custom which constitutes servitude, a sale more or less disguised, but it is considered to resemble pledging rather than an actual sale.

This is a most valuable addition to the Committee's information on the subject of transfers of young children. The Committee would be glad to learn whether this custom is practised

¹ See page 29.

² See page 44.

³ See page 80.

by the Chinese community as well as by the autochthonous inhabitants of Cochin-China, and also, if possible, whether it prevails in the large towns to such an extent that it may be regarded as a regular system of female domestic service.

80. The Committee has no official information as to the existence of this system in the Chinese communities in other countries.

81. The Committee thanks the Portuguese expert, M. d'Almada, for the following information he has kindly supplied in his personal capacity about the system in question as found in the Portuguese colony of Macao : ¹

“ At Macao, the Mui Tsai system is the only restriction upon individual liberty still tolerated by custom. This custom, which has existed for centuries throughout China, is not recognised by Portuguese law. Once the authorities become aware that a Mui Tsai is discontented with her lot, they intervene to restore her to her family, when this is known, or to place her in a convent, in which she is educated until she reaches her majority. If there is any evidence of ill-treatment, the persons responsible are brought before the criminal court. The Mui Tsai of Macao live peacefully with their adopted families and work inside the house. They can recover their liberty as soon as they wish. Only in very few cases have Mui Tsai appealed to the authorities, and on no occasion have they failed to obtain satisfaction. There are no special laws governing the matter.”

5. General Observations.

82. The Committee invites attention to the consensus of opinion that the Mui Tsai system is only one manifestation, out of many, in any system of transferring young children at a tender age from their parents to strangers. First, there is the considered opinion of the Chinese representative that the problem can best be considered as a part of the larger problem of child protection. Secondly, there is the opinion expressed in the report of the Shanghai Municipal Council, that it is necessary to consider the problem of the “ girl-slaves ” of Shanghai in proper perspective with the other two problems of girls transferred for prostitution and girls under “ contract ” transferred for labour in factories. Thirdly, there is the recommendation of the minority report of the Commission on Mui Tsai in Hong-Kong and Malaya, which has been accepted by the Straits Settlements Government. Lastly, the Committee has the opinion of the United Kingdom Government, mentioned in paragraph 76 above, that the work of protection of women and children is intermingled with the problems arising out of the Mui Tsai system.

83. The Committee has no hesitation in expressing its opinion that an overwhelming case has been made out for taking the larger view of the problem.

84. The outstanding merit of the system which has been adopted in principle by the Straits Settlements Government is its simplicity. No longer will there be any question whether the child has been transferred for adoption, or quasi-adoption, whether she is a ward, a servant, a labourer under “ contract ” or whether she is destined to become a prostitute. As soon as the new law comes into operation and is enforced by the necessary staff of inspectors, there will be only two questions, dreadful in their simplicity and directness, to be answered in any suspected case : at what age the girl was transferred from her parents, and whether the transfer was notified at the time to the proper authority. Unless the answers to these two questions are satisfactory, a conviction in the court will follow as a matter of course. It will be seen how this will strike at one of the roots of all transfers of young girls for purposes of being trained to become prostitutes.

85. In considering this larger aspect of the case, the Committee asks itself how the problem stands *vis-à-vis* the Advisory Committee on Social Questions. If the Slavery Committee understands the position correctly, the Social Questions Committee, within the limits of its competence, deals with the problem of the protection of children. On the other hand, it is quite clear that the powers of the Slavery Committee cover only cases of “ slavery ”, whether it be the slavery of a domestic servant, a prostitute or a labourer under “ contract ”. So long as the domestic servant, the prostitute or the labourer is a “ slave ”, she is the special concern of the Slavery Committee.

86. When a girl is only a victim of a transfer, and not necessarily a “ slave ”, she does not come under the Committee's notice. Often she is both a “ slave ” and a victim of a transfer. This is the point which the Committee wishes to establish. It is one of the greatest importance, for it sets in its proper perspective the special problem of the “ girl-slave ” with the far larger problem of the “ transferred child ”. The Committee is not in a position at present to do more than enunciate a proposition, which will require the most careful consideration.

(c) QUASI-ADOPTION OF CHILDREN.

87. The Committee referred to this system, as it exists in Ceylon, on pages 27 and 62 of its 1936 report, and on page 41 of its 1937 report. This year it is able to report ² that a draft ordinance to give effect to most of the recommendations of the Sub-Committee mentioned in

¹ See page 130.

² See page 46.

the Committee's earliest reports has been published in the *Ceylon Government Gazette* of December 3rd, 1937, and that a separate Bill to regulate the adoption of children is now in course of preparation.

(d) SERFDOM.

88. In paragraph 22 (page 27) of its 1936 report, the Committee offered the following observations on the difference between "serfdom" and "slavery" :

" (d) *Serfdom*.

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

89. The relationship between the dominant tribe of the Bamangwato and the subservient tribe of the Masarwa in the Bechuanaland Protectorate may have been an instance of tribal serfdom in the past. In its reports for 1935, 1936 and 1937, the Committee published particulars of this relationship supplied to it by the United Kingdom Government. This year, it has received a communication containing detailed information of the greatest interest concerning the action taken by the Protectorate Government to protect the interests of the Masarwa.¹ The Committee observes that the acting chief of the Bamangwato tribe has agreed to implement the policy of incorporating the Masarwa as ordinary tribesmen into the body politic of the Bamangwato, enjoying the traditional rights and subject to the traditional obligations of tribesmen and free from all abnormal and exceptional obligations.

90. A proclamation entitled the Bechuanaland Protectorate Native Labourers (Protection) Proclamation was also issued on March 11th, 1936.² It is not yet in force, and will not take effect until notice is given in the *Gazette*. The two principles of this proclamation are :

(1) That Masarwa should be free to dispose of their services as they wish, and as a corollary they should also be free to terminate their employment in a recognised and controlled manner, and

(2) That wages, definitely recognised as such, should be paid to all employees.

91. A short proclamation, known as the Affirmation of the Abolition of Slavery Proclamation, was issued on March 11th, 1936.² It declared that slavery in any form was unlawful and that the legal status of slavery did not exist. The reason for its promulgation was the need for a definite legal negation of the right to invoke in any court any native custom that might be suggestive of slavery in any form whatsoever.

92. In these circumstances, it seems possible to say that the status of the Masarwa is not one of slavery.

* * *

93. A system of "hereditary domestic service" in Rajputana was mentioned in paragraph 87 of the Committee's 1937 report. It was communicated by the Government of India, and the Committee recorded a protest by the States concerned against any attempt to include this system in the definition of "slavery". This year, the Government of India has supplied further information.³ The Committee gladly accepts the assurance that the servants in question can leave the employment of their masters, and, in these circumstances, it agrees with the States concerned that the system is not comparable to slavery.

¹ See page 56.

² See page 67.

³ See page 87.

CHAPTER V. — CONCLUSIONS.

94. The Committee :

(a) Reiterates the hope (1) that the Slavery Convention of September 25th, 1926, may be ratified without further delay by those States which, having signed or acceded to it, subject to ratification, have not yet ratified ; and (2) that such States as have been invited to accede to the Convention and are not yet parties thereto will consider the possibility of acceding thereto ;

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

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

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

B. ANNEXES.

I. COMMUNICATIONS RECEIVED FROM GOVERNMENTS.

ANNEX 1.

C.C.E.E.172.

COMMUNICATION, DATED MAY 28TH, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

With reference to Foreign Office letter of April 8th, 1937,¹ I am directed by Mr. Secretary Eden to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, copies of a report by the Governor of Hong-Kong on the Mui Tsai system for the half-year ending November 30th, 1936.

(Signed) D. F. HOWARD.

Appendix I.

REPORT BY THE GOVERNOR OF HONG-KONG ON THE MUI TSAI SYSTEM FOR THE HALF-YEAR ENDED NOVEMBER 30TH, 1936 (WITH THREE SUB-APPENDICES).

1. The number of Mui Tsai remaining in the register on November 30th, 1936, was 1,599, being a decrease of 124 since June 1st, 1936.

2. This decrease is made up as follows :

(i)	Restored to parents or relatives	33
(ii)	Married	21
(iii)	Earning their own living	16
(iv)	Taken into the custody of the Secretary for Chinese Affairs	13
(v)	Left colony permanently	31
(vi)	Absconded	6
(vii)	Removed from the register	4
		124

3. Of the girls removed from the register, one was removed on her conviction before a magistrate of larceny from her employer ; she has since been restored to her parents. One was removed at her own request, but remains with her employers pending her marriage. Two were removed on proving to the satisfaction of the Secretary for Chinese Affairs that their status is that of adopted daughters. One of these, a boat-woman, had been twenty-four years with the family ; the other has been placed under bond and will continue to be visited regularly.

4. With reference to paragraph 5(d) of my report for the half-year ended May 31st, 1936,² fourteen of these missing girls have been traced since that report was made.

Of these, eight are included in the list in paragraph 2 of the present report and their names have been removed, while six remain on the register. On the other hand, ten girls have been reported as having moved to an unknown address. The present position is therefore as follows :

	Missing	Total registered
Mui Tsai regularly visited by the inspectors . . .	728	1,376
Mui Tsai living on boats	54	92
Mui Tsai in the new territories	25	131
	807	1,599

5. I attach lists showing the ages of Mui Tsai still on the registers, and the ages of the missing girls, as well as a list of prosecutions under Ordinance No. 1 of 1923.³ In all cases of prosecution of an employer of an unregistered Mui Tsai, the girl was taken away and sent to an institution or restored to her relatives. These prosecutions may be summarised as follows :

(a)	Ill-treatment of an unregistered Mui Tsai	3
(b)	Additional charge of ill-treatment of a child under 16 years.	1

¹ See page 50 of the 1937 report of the Slavery Committee.

² See page 22 of the 1937 report of the Slavery Committee.

³ See page 25, footnote 1 of the 1937 report of the Slavery Committee, and page 65 of its 1935 report.

(c) Keeping an unregistered Mui Tsai	22
(d) Bringing a Mui Tsai into the colony	7
(e) Failing to report the death of the employer of a registered Mui Tsai	2
(f) Failing to report the taking into employment of a registered Mui Tsai	1
(g) Failing to report the intended removal from the colony of a registered Mui Tsai	1
(h) Failing to report change of address of a registered Mui Tsai	10
(i) Failing to report the intended marriage of a registered Mui Tsai	1
(j) Failing to pay wages to a registered Mui Tsai	2

6. (a) One case of ill-treatment was reported by a member of the Hong-Kong Society for the Protection of Children and concerns a girl 8 years old, who was employed by the woman who had ill-treated her. When seen, the girl was covered with bruises and had been tied to a trunk. The employer was charged with (a) keeping an unregistered Mui Tsai, (b) ill-treating a Mui Tsai; with an additional charge of ill-treatment of a child under 16 years. Defendant was sentenced to one month hard labour on charge (a) and two months hard labour on charge (b), the sentences to run consecutively.

(b) In another case, information was received from a member of the general public concerning two girls who had absconded from their employers owing to ill-treatment. Both girls proved to be unregistered Mui Tsai in the employ of a married woman, and when seen showed cane marks and bruises, though they appeared well nourished and had received sufficient clothing. The doctor certified that, in each case, the marks and bruises were the result of considerable violence. The woman was taken into custody and charged with having in her employment, custody or control, two unregistered Mui Tsai, and was further charged with ill-treating them. Defendant pleaded "guilty" to keeping two unregistered Mui Tsai and ill-treatment of one of these. For keeping and ill-treating the first girl defendant was fined 200 dollars on each of the two charges. She was also fined 200 dollars for keeping the second girl as a Mui Tsai, the charge of ill-treatment in this case being dismissed.

(c) In one case concerning keeping unregistered Mui Tsai, the European Mui Tsai Inspector received information from the police to the effect that a suspected unregistered Mui Tsai had been found crying in the street by a member of the Anti-Mui-Tsai Society. The girl proved to be a Mui Tsai in the employ of a married woman who had threatened her with a piece of firewood. As a result of enquiries, two other Mui Tsai were found in the employment of another woman residing in a neighbouring house, whilst a further six suspected Mui Tsai were discovered in the employ of a woman residing in another part of the house. All the girls appeared to be well fed and clothed. In respect of the charge of keeping an unregistered Mui Tsai, the first defendant was fined 50 dollars, the second defendant was fined 50 dollars on each of the two charges, and the third defendant was fined 50 dollars in respect of each of the six charges. The fines were paid. The defendants had recently arrived in the colony from Canton.

(d) In another case, information was received that an unregistered Mui Tsai in the employ of a married woman had been ill-treated. The girl had been purchased and was expected to do the entire work of the house; when seen, she was in dirty black clothing. Defendant was charged with having a Mui Tsai in her employment, custody or control. Defendant pleaded "guilty" to the charge, stating that she was ignorant of the local law. After hearing the facts, the magistrate remarked that the case was a fair one in which to exercise his powers under the Ordinance recently passed and sentenced defendant to six weeks hard labour without the option of a fine.

7. With reference to paragraph 11¹ of my report for the half-year ended May 31st, 1936, regarding Mui Tsai attending school, three girls have been removed from the register, and one girl formerly studying has removed to an unknown address. Six have ceased attending school for financial reasons, five have resumed attending school and a further ten have been found to be studying, their fees of from 3 dollars to 40 dollars per annum being paid by the employers. The number of girls on record as school pupils on November 30th, 1936, is therefore fifty-six.

8. During the period under review, the two Chinese lady inspectors paid a total of 1,531 visits to registered Mui Tsai and to former Mui Tsai who have obtained employment as domestic servants. They have, in addition, spent much time and trouble in the search for missing Mui Tsai, and, in conjunction with Inspector Fraser, in investigating reports regarding unregistered Mui Tsai.

(Signed) A. CALDECOTT.

¹ See page 24 of the 1937 report of the Slavery Committee.

Sub-Appendix 1.

Table of Ages of Registered Mui Tsai ranging from 6 to 31 Years, up to November 30th, 1936.

6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	27	28	31	Total	
3	8	15	25	48	53	53	116	111	171	169	217	170	153	106	99	44	23	6	6	1	1	1	1,599	
432									727				440											1,599

Sub-Appendix 2.

Table of Ages of Registered Mui Tsai whose Whereabouts are unknown, not known at Addresses Registered, etc., ranging from 6 to 31 Years, up to November 30th, 1936.

6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	27	28	31	Total	
3	4	8	13	16	17	17	42	40	56	73	111	95	100	68	77	34	21	4	5	1	1	1	807	
160									335				312											807

Sub-Appendix 3.

List of Prosecutions from June 1st to November 30th, 1936.

Serial No.	Name and age of Mui Tsai	Offence	Result	Disposal of Mui Tsai
1.	(a) Li Ki, <i>alias</i> Li Chuen, 16 (b) Lam Ming, <i>alias</i> Tsoi Wong, 9 (c) Cheung Kwai Lan, <i>alias</i> Tsoi Ching, 14	Keeping three unregistered Mui Tsai	(a) 200 dollars (b) 150 dollars (c) 150 dollars, Case Nos. 10964/6.	(a) Restored to sister (b) Restored to mother (c) Restored to sister
2.	Registered Mui Tsai, Luk Foon, 21	Failing to report change of address	10 dollars, Case No. 10933	Remaining with employer
3.	Registered Mui Tsai, Leung Kwai King, 17	<i>id.</i>	20 dollars, Case No. 16150	<i>id.</i>
4.	Lui Mui, <i>alias</i> Chau Yin, 10	Bringing an unregistered Mui Tsai into colony	Discharged	Restored to father
5.	(a) Yim Kwai, <i>alias</i> Tsoi Lin, 11 (b) Leung Ngan, <i>alias</i> Tsoi Kam, 15	Bringing two unregistered Mui Tsai into colony	Adjourned <i>sine die</i>	(a) Restored to guardian (b) Restored to mother
6.	Registered Mui Tsai, Chan Fuk, 17	Failing to report intended marriage of Mui Tsai	5 dollars, Case No. 18737	Married
7.	Registered Mui Tsai, Au Sui Ching, 20	Failing to report change of address	20 dollars, Case No. 18647	<i>id.</i>
8.	Yam Sim, <i>alias</i> Hang Ling, 22	Keeping an unregistered Mui Tsai	100 dollars, Case No. 19273	Restored to father
9.	Registered Mui Tsai, Fung Shing Tsoi, 15	Failing to report death of former employer	3 dollars, Case No. 978 N.T.	Remaining with new employer
10.	Registered Mui Tsai, Chu Mui, 13	Failing to report she had become actual employer	5 dollars, Case No. 977 N.T.	Remaining with employer's daughter under bond of 500 dollars
11.	Registered Mui Tsai, Chu Mui, 13	Failing to report change of address	5 dollars, Case No. 976 N.T.	<i>id.</i>
12.	Registered Mui Tsai, Leung San Hi, 13	<i>id.</i>	25 dollars, Case No. 21452.	Remaining with employer
13.	Registered Mui Tsai,	Failing to pay wages to Mui Tsai	Withdrawn	Absconded
14.	Leung Foon, <i>alias</i> Tai Hi, 10	Keeping an unregistered Mui Tsai	Six weeks hard labour without option of a fine, Case No. 22531	Sent to Po Leung Kuk

Serial No.	Name and age of Mui Tsai	Offence	Result	Disposal of Mui Tsai
15.	Tang Nui, 13	Keeping an unregistered Mui Tsai	75 dollars, Case No. 22697	Sent to' Salvation Army Home
16.	Registered Mui Tsai, Lai Kwun Yuk, 15	Failing to report change of address	20 dollars, Case No. 24315	Remaining with employer
17.	Siu Yun Nin, 8	(a) Keeping an unregistered Mui Tsai (b) Ill-treating a Mui Tsai (c) <i>id.</i> (d) Assaulting a child under 16 (e) <i>id.</i>	(a) One month hard labour consecutively (b) Not guilty (c) Two months hard labour consecutively. (d) (e) Withdrawn	Sent to Po Leung Kuk
18.	Registered Mui Tsai, Wong Nin Ho, 17	Failing to report removal from colony of registered Mui Tsai	10 dollars, Case No. 25115	Remaining with employer
19.	Au Nui, <i>alias</i> Chiu Kwai, 13 Mak Kwai Tsan, <i>alias</i> Cheuk Kwai, 13	(a) Keeping an unregistered Mui Tsai (b) Ill-treating a Mui Tsai (c) Same as (a) (d) Same as (b)	(a) 200 dollars (b) 200 dollars (c) Discharged (d) 250 dollars, Case Nos. 24265/8	Restored to father Restored to mother
20.	Registered Mui Tsai, Chan Wong Tsoi, 15	Failing to report change of address	10 dollars, Case No. 26817	Remaining with employer
21.	Chu Yee, <i>alias</i> Tsui Lau, 11	Bringing an unregistered Mui Tsai into colony	50 dollars, Case No. 23728	Sent to Po Leung Kuk
22.	Tong Sai Yuen, <i>alias</i> San Mui, 15	<i>id.</i>	50 dollars, Case No. 23727	<i>id.</i>
23.	Yung Ling Chau, <i>alias</i> Li Hing, 13	<i>id.</i>	50 dollars, Case No. 23729	<i>id.</i>
24.	Registered Mui Tsai, Lam Yuet Ho, 13	Failing to report death of former employer	25 dollars, Case No. 18777	Remaining with employer
25.	Leung Tsoi Food, 16	Bringing an unregistered Mui Tsai into colony	100 dollars, Case No. 26989	Restored to father
26.	Registered Mui Tsai, Ng Yiu Sin, 17	Failing to report change of address	10 dollars, Case No. 30069	Entered domestic service
27.	Lam Kam, 15	Keeping an unregistered Mui Tsai	50 dollars, Case No. 29822	Sent Fong Pin Hospital for parents finding
28.	Shum Chau Lan, 14 Kan Chau Kwai, 15	Keeping two unregistered Mui Tsai	(a) 50 dollars (b) 50 dollars Case Nos. 29819/21	Sent to Po Leung Kuk
29.	Hung Fo Kwu, <i>alias</i> San Kiu, 17 Cheng Sze Mui, <i>alias</i> Ng Mui, 17 Wong Ng Mui, <i>alias</i> Chau Kuk, 15 Yeung Luk Mui, <i>alias</i> Tung Hi, 15 Lau Fund, <i>alias</i> Tung Kwai, 13 Cheung Chat Mui, <i>alias</i> Pat Mui, 12	Keeping six unregistered Mui Tsai	300 dollars, Case Nos. 29813/18	<i>id.</i>
30.	Chu Pit, <i>alias</i> Ah Yau, 17	Keeping an unregistered Mui Tsai	150 dollars, Case No. 21184	<i>id.</i>
31.	Cheung Yan, <i>alias</i> Chau Hei, 14	<i>id.</i>	200 dollars, Case No. 31143	Restored to brother
32.	Hang Lan, <i>alias</i> Chan Choi Lin, 20	<i>id.</i>	20 dollars, Case No. 1698 N. T.	Restored to mother
33.	Lai King Yu, <i>alias</i> Shun Tsoi, 16	<i>id.</i>	100 dollars, Case No. 23031	Restored to father
34.	Registered Mui Tsai, Wong Lai Sim, 18	(a) Failing to pay wages to Mui Tsai (b) Failing to report change of address	(a) Discharged (b) 10 dollars, Case No. 34442/3	Restored to mother
35.	Registered Mui Tsai, Li Ho, 15	Failing to report change of address	10 dollars, Case No. 34662	Remaining with employer

ANNEX 2.

C.C.E.E.174.

COMMUNICATION, DATED JULY 10TH, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

I am directed by Mr. Secretary Eden to invite reference to the letter from this department of February 22nd, 1937, enclosing a memorandum dealing with certain questions raised in the report of the Advisory Committee of Experts on Slavery on the work of its third (extraordinary) session, held in April 1936.

2. In the final sub-paragraph of paragraph 10 of that memorandum,¹ it was stated that the situation in the southern provinces of Nigeria was being examined and that the Advisory Committee would be informed of the results of the enquiry in due course. A report on this matter has now been received from the Governor of Nigeria, and copies of it are transmitted herewith for communication to the Advisory Committee of Experts on Slavery.

(Signed) Walter ROBERTS.

Appendix.

MEMORANDUM CONCERNING THE STATUS OF CERTAIN GROUPS OF PEOPLE IN THE SOUTHERN PROVINCES OF NIGERIA.

Iwofa in the Western Provinces.

1. In the Abeokuta Province there is a custom called "Ofa" whereby a man will lend money to another man free of interest provided that the borrower undertakes to render certain services to the creditor either personally or through one of his children until such time as the debt is paid off. The person who performs these services, whether he is the debtor himself or his child, is known as "Iwofa". These services usually take the form of tilling the creditor's farm, but may also be trading or carrying loads.

2. Although no interest is charged it is customary in some districts for the debtor on repayment to pay a bonus at a fixed rate irrespective of the period of the loan. In Egba country, the bonus is usually 2/- in the £1; at Ilaro, more.

3. The conditions of service vary with the age and sex of the Iwofa. In the case of adult males in Egba country, the Iwofa works so many days (usually between nine and seventeen) for his creditor followed by the same number of days work for himself. At Ado, if the loan is below £8, service is given one day in four, if it exceeds £8, two days in four. The working-day is recognised as being from 6 a.m. to noon.

4. The adult male has to find his own food and clothing, but the adult female (who will only borrow from a woman) lives at the house of her creditor, who feeds her and clothes her. Children also live in the house of the creditor and are treated like children of the house. Should the child leave for any sufficient reason (*e.g.*, ill-treatment, non-provision of food and clothing), native law recognises no right for either party to compel him to return; if, however, there is no adequate cause, interest on the loan may be charged from the time the services of the Iwofa cease. Should the Iwofa die, a period of grace is allowed to the parents before the repayment of the loan is claimed. Sometimes a reduction is made on the loan if the Iwofa has served for over four years. If the child is a female the creditor cannot compel her to marry him or anyone else, and any attempt to do so is regarded by native law as a criminal offence involving the forfeiture of the right to repayment.

5. In 1927, a series of proclamations were made by Government declaring that no boy or girl under 16 years of age should be used as an Iwofa, fixing the rate at which Iwofa labour should be valued and stipulating that this value should be deducted from the amount of the loan.

6. Thus the adult Iwofa enters into the contract of his own accord and, if he breaks it, he cannot be compelled to resume work under it, although it may be that he is not in every case aware of the fact. Children of the debtor, who must be not less than 16 years of age, have to give their consent before they can be employed as Iwofa.

¹ See page 37 of the 1937 report of the Slavery Committee.

7. In the Abeokuta Province, there were forty-two cases of illegal pawning between 1927 and 1934, since when no cases have been brought to the notice of the Government.

8. It will be observed that no distinction is made between the Iwofa who is working off the interest on his own loan and the Iwofa who is deputising for his parents. Clearly, however, the latter practice is much the more objectionable and it is only in this case that Iwofa can properly be translated "pawn".

9. It is impossible to give an estimate of the number of people in the status of Iwofa. Further investigations are being made into this system and the best way to suppress it.

Pawns in the Eastern Provinces.

10. In the Owerri Province, the adult male Iwofa lives with his creditor who treats him as one of the family and provides food and clothes. Usually, however, in this province the pawn is a young girl and the process is disguised as a marriage transaction. The parent in need of ready cash anticipates his daughter's dowry by obtaining an advance from a potential husband and leaving the girl with him as security. If the creditor likes the girl he will marry her when she grows up and complete the dowry; otherwise another husband will be found for her and the loan repaid from her dowry. This question also will be further investigated.

Awbia.

11. In the Udi and Nsukka Divisions of the Onitsha Province there is a sharply defined section of the people known as "Awbia" or strangers, a word which has taken the place of the old word "ohu" or slaves. In this area, the people are either "Amadi" — free-born descendants of the original inhabitants — or "Awbia", descendants of slaves by purchase or capture in war, including the children of an Awbia woman by an Amadi man. An Awbia can be the concubine of an Amadi but never his legal wife. An Awbia is now allotted a portion of his "master's" land on which he and his family can live and farm. The use of the land passes to the Awbia's son and remains with the male heirs in perpetuity. The Awbia cannot alienate the land, and on failure of his male heirs it reverts to the "master", but any money which he may earn from the produce of his farming is his own. Such money is frequently used in purchase of more land, which becomes the personal property of the purchaser. The dowry paid for an Awbia's daughter is paid to the "master" though a portion is usually given to the Awbia himself. As a set-off, the "master" will usually pay the dowry of a young male Awbia who desires to marry. The Awbia makes contributions on a minor scale to any feast given by his "master" and he assists in heavy work, such as the building of a house or clearing a farm. He is debarred from taking part in the more important dances and from performing the more important religious ceremonies and has no voice in the councils of the community at large. On the other hand, no restriction is placed on his personal liberty, he may remove to another part of the country if he so wishes, and he can establish himself as a free man acquiring a title to the land he farms and all a free man's privileges for himself and his children by paying a fee of 12/- to his "master". Minor troubles occur from time to time between Amadi and Awbia, the Amadi being jealous of the increased influence of the liberated Awbia. In the villages of Akegbe and Nara in the Udi Division, arrangements have recently been made whereby certain lands of the Amadi have been assigned to the Awbia, who will thus be able to establish their own settlement and farms in these villages.

There does not appear to be any reason to interfere with this system.

Ex-slaves.

12. In the western provinces and in parts of the Owerri, Warri and Onitsha provinces, and among the forest-dwelling people of the Cameroons Province, ex-slaves and their — descendants are debarred from attaining the highest chieftaincies and entering the highest grades of the clubs and societies and have been in some instances debarred from membership of the councils and courts, but the distinction is gradually disappearing.

13. In some areas in the Onitsha Province, ex-slaves and their descendants who have not purchased their freedom and so become free in the eyes of native society are called upon to pay a nominal rent for their land or perform some minor form of service. In the Onitsha Division itself, the custom has survived in the form of a small courtesy payment made to his overlord by the descendant of an ex-slave from the dowry of his daughter. It is easier to understand the principle of such a payment if it is borne in mind that it was often the custom for the master to provide the slave with a wife at his own expense.

14. An interesting complaint was recently made by a man in the Ogoja Division who told the District Officer that he had expressed an intention of removing to another village, whereupon the family told him that he was a slave and could not if he moved take his property with him. It may be noted that the man had inherited property from his father, was married

and possessed farms and property just like a free man, and in fact had not been aware that he was a slave until he wished to move; and that a complaint was instantly made to the District Officer, on whose intervention the family made no attempt to press their claim.

15. The ex-slaves of Itu are probably the best educated and wealthiest people in the district. In the early days, the old slave masters were suspicious of the European and of the trade and education he brought. They therefore preferred to experiment with slaves and would send them to trade with the Europeans and would even send them to their schools. Trade conditions were such that profits were large and the master was content to take only a fair proportion. In this way, the slave amassed wealth.

16. In the Aro District, the only disqualification from which a slave-born suffers is a prohibition against his making certain sacrifices, which rites must be performed by a free-born. In Calabar, ex-slaves and their descendants can marry free-born persons but they will be denied membership of the more important juju societies. A kind of courtesy obedience also remains in the attitude of the slave-born to the free-born members of the families which have absorbed them, so that an older man of slave descent who might otherwise spurn the request of a younger free-born member would obey him.

17. In the Calabar Province with a population of 900,000, the Resident estimates that there are some 10,000 ex-slaves who have never been formally emancipated or who are persons of slave descent who voluntarily endure certain restrictions. Out of a population of 1,108,000 in the Onitsha Province, the Resident estimates there are some 20,000 persons who are descended from ex-slaves. Among the 708,000 persons in the Ogoja Province the Resident estimates that there are about 700 persons who would not be allowed to marry free-born and about the same number who are ex-slaves or the children of ex-slaves. The Resident, Warri Province, states that some stigma as ex-slaves attaches to perhaps 1% of the 444,000 persons in his province. The Resident, Ondo Province, places the figure of persons who are still identifiable as ex-slaves or their descendants as high as 5% of the total population of 463,000, but in most cases no disability of any kind attaches to their position. All these estimates are very rough and should be accepted with considerable reserve.

18. On occasion, chiefs have made provision for ex-slaves, and an instance may be given in the town of Manu in the Ijebu Province, originally a slave market, which was founded by ex-slaves, the land being granted them by the Awujale. It is now a prosperous commercial centre.

19. Elsewhere, however, various settlements for ex-slaves have been established in the past but they have not been very successful. It is possible that slave villages of this type do more harm than good, since they tend to perpetuate the memory of the former slave status of the inhabitants.

20. There is general agreement among the Residents of the southern provinces that no special measures for dealing with ex-slaves are necessary, desirable or practicable, and that the spread of education and missionary activity alone can remove the vestiges of slave status.

Effects of the Abolition of Slavery.

21. The effect of the abolition of slavery on the persons immediately concerned and on the development of the country generally varied considerably from place to place. The highest degree of social and economic dislocation was probably caused among the Yorubas and all those delta areas of the Warri, Owerri and Calabar provinces where the house system prevailed.

22. Upon the abolition of the slave trade and the manumission of slaves, a large slave-owner was faced with the practical extinction of his family and his position as an important man in the town. His slaves could either proceed to their native towns or remain with their master, but on a very different footing. Whilst numbers of slaves did return to their native towns and families, where they were rapidly absorbed, in many cases, the ex-slaves preferred to remain with their masters who were compelled by circumstance to allot them land and houses. It is said that the free-born son of the master of the house was in a less independent position than the ex-slave. It is a fact that, in many cases, sons of ex-slaves became the head of the house in which one of their parents had been a slave. Upon the appointment of an important chief in Ijebu Ode, it was discovered that his mother who had returned to live with him had been a slave in the compound of which the son was now head. It is a popular superstition in Ijebu that ex-slaves had luck with them, and it is a fact that the more prosperous members of the community to-day are the children of ex-slaves, though they would naturally resent any reference to their descent.

23. Whilst the slave taint did exist amongst ex-slaves to a certain extent, their children, of the father had married a free woman, have always been considered free-born and the whole position is rapidly being forgotten. The question of whether a man's ancestor was a slave

only occasionally arises when claims to headships of families or chieftaincies come before the Administrative Officers, but those entitled in accordance with Native Law and Custom to select pay more attention to character than to any alleged taint in the candidate's ancestry.

24. In the case of large land-owners, the immediate effect of the manumission of slaves was to detract from the value of their estates, but, with the introduction of cocoa-growing and the opening-up of large new areas for economic crops, these land-owners have rapidly attained their previous position. It is the growing custom now for land-owners to surround themselves by paying tenants who, instead of the old annual customary gift of oil and yams, now pay an annual tenant fee in cash. Such tenants however are free to change their landlords and in fact do so. There is a feeling against the masterless man and this type of tenant farmer acknowledging his overlord is very common. There is of course no parallel between the American slave plantations and the small holdings tilled by slaves of the large households, and the Yoruba landowner has certainly suffered little permanent loss from the manumission of slaves.

25. The effects of the abolition of slavery on the Jekri masters was to destroy at a blow the accumulated capital of centuries. The Jekris were mainly fishermen and slave-owners. The slaves traded and farmed for their masters and the whole tribe battered on their labours. Since the abolition of slavery, the wealth of the clan has decreased very considerably, since the normal Jekri refuses to work, though a younger generation is now growing up which is trading for itself, becoming artisans, clerks and teachers.

26. A number of ex-slaves availed themselves of the opportunity to return to their homes, but the majority remained as has been shown above in the village where they had lived as slaves, regarding themselves as members of the families of their former masters. And it can be said generally the great bulk of the emancipated slaves have been absorbed into the normal life of the free population. A case in point may be quoted of two quondam slaves, natives of the northern provinces, in the Ilaro Division of the Abeokuta Province who have been treated as free persons for the past twenty-five years. They continue to live in the town in which they were sold and own land which their children will inherit. They have intermarried with the local tribe and only pay periodical visits to their tribe of origin. Former slaves will fit themselves into the economic system by becoming labourers, peasant farmers, artisans or employers of labour according to their capabilities. They have more than paid off their purchase price and are left in a condition in which they can well look after themselves, as normal citizens. They are entitled to enforce their rights by native law and custom as if they were free-born citizens. If the native courts are reluctant to support their claims, there is adequate redress.

27. The effect on the Government of the abolition of slavery, apart from the discontent and temporary dislocation in the delta areas caused by the repeal of the House Rule Ordinance, has been negligible. A few former masters may still harbour resentment against the Government on this account, but their number is rapidly decreasing. The effect on the development of the country has been undoubtedly beneficial. The abolition of slavery has greatly diminished opportunities for oppression and injustice, while there can be no question that economic development has been more rapid and more evenly balanced through ex-slaves working for their individual profit than it was when they worked for a master.

ANNEX 3.

C.C.E.E.178.

COMMUNICATION, DATED OCTOBER 19TH, 1937, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH APPENDICES).

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

I. Report by the Officer Administering the Government of Hong-Kong on the Mui Tsai system for the half-year ended May 31st, 1937; and

II. Report by the Governor of the Straits Settlements on the action taken in individual cases under the laws relating to Children, Mui Tsai and Girls' Protection in the Straits Settlements, Federated Malay States and Unfederated Malay States during the year 1936.

(Signed) D. F. HOWARD.

Appendix I.

REPORT BY THE OFFICER ADMINISTERING THE GOVERNMENT OF HONG-KONG ON THE MUI TSAI SYSTEM FOR THE HALF-YEAR ENDED MAY 31ST, 1937 (WITH THREE SUB-APPENDICES).

The number of Mui Tsai remaining on the register on May 31st, 1937, was 1,474, being a decrease of 125 since November 30th, 1936.¹

2. The decrease is made up as follows :

(i) Died	3
(ii) Left colony permanently	15
(iii) Married	30
(iv) Removed from the register	13
(v) Restored to parents or relatives	30
(vi) Absconded	6
(vii) Left employer to earn own living	13
(viii) Remaining with employer as member of family	15
	125

3. (a) *Reference (iv).*—Of the thirteen girls removed from the registers, the employer of one said that she was dissatisfied with the girl because she was continually disobedient. In three cases, the girls applied for cancellation of their Mui Tsai status, saying that they wished to obtain employment elsewhere. One girl wished to return to her parents. Four cases concern girls living on boats, who, after persistent enquiries, could not be traced; the ages of two of these girls are 29 years and 26 years respectively. In addition, four girls resident in the new territories have never been found at the addresses which were given at the time of their registration in 1930; there are some grounds for the supposition that they either removed elsewhere or have been restored to their parents. In these circumstances, it was decided to remove their names from the register. In another case, a letter was sent by the Chinese Secretariat to an employer who had left the colony, requesting information as to the whereabouts of her Mui Tsai. A reply was received saying that the girl had been restored to her parents.

(b) *Reference (vi.)*—In three of these cases, the employers reported to the police that the girls were sent on errands and failed to return, although their descriptions were at once circulated to all police stations. In another case, the girl received a visit from her mother, whom she accompanied to see her off from Hong-Kong; she failed to return, and it is believed that she went on to her own home with her mother. One girl reported her intention to marry, as an "equal-wife", a man forty years old, and was requested to ask the man to come to the Chinese Secretariat first. Both failed to put in an appearance, and the employer subsequently reported that the girl had packed her belongings and left the house. She failed to return. One girl absconded from her employer and eloped with a Chinese male. The parties were discovered living together, and the man was detained by the police. It was arranged that the parties should be married before the Registrar of Marriages. The ceremony was attended by an officer from the inspectorate staff.

Another girl also eloped with a Chinese male to whom she was engaged, and they were later found living together. They were eventually married according to Chinese custom; a district watchman attended the ceremony.

(c) *Reference (viii).*—Five of these cases concern girls of the boat population who were never in the true sense Mui Tsai, though registered as such, and were treated as adopted or natural daughters. All had been given the family name and had been with their employers from an early age; one girl was 25 years old.

In another case, the employer applied for cancellation of the status of her two Mui Tsai. Both girls had been with the woman from an early age and had been treated all along as members of the family. They both attended school, and when seen appeared to have been very well cared for.

¹ See document C.C.E.E.172, page 19.

One of the girls who applied for cancellation of her status specially requested the inspectors to refrain from visiting her.

All these girls were interviewed and their changed status explained to them.

4. (a) With reference to paragraph 4 of the report for the half-year ended November 30th, 1936,¹ of the registered Mui Tsai whose whereabouts are unknown a further twenty-four girls have now been traced. Of these, twenty-three are included in the list in paragraph 2 above, and have been cancelled. The remaining one is still on the register; her address had been incorrectly entered when the registers were originally opened, and no action could be taken against the employer.

(b) Of the rest, eight employers were summoned for breaches of the Mui Tsai regulations. The other fifteen have died or gone away; five are boat-women who cannot be traced, and four were formerly residents of the new territories and have disappeared.

(c) There are seven girls who have, during the six months under review, moved to an unknown address, and who must therefore be added to the total of missing Mui Tsai.

(d) The present position is therefore as follows :

	Missing	Total registered
Mui Tsai to be regularly visited by the inspectors	723	1,288
Mui Tsai living on boats	49	82
Mui Tsai in the new territories	18	104
Total	790	1,474

5. (a) I attach lists showing the ages of Mui Tsai still on the registers, and the ages of the missing girls, as well as a list of prosecutions under Ordinance No. 1 of 1923.

Altogether there were twenty-six cases with twenty-nine prosecutions involving twenty-six defendants and twenty-five girls. In three cases, defendants were discharged; in seven, they were remanded and, in one case, remanded *sine die*. The prosecutions are summarised as follows :

I. Ill-treatment of unregistered Mui Tsai	1
II. Ill-treatment of child under 16 years	1
III. Keeping an unregistered Mui Tsai	10
IV. Bringing an unregistered Mui Tsai into the colony	1
V. Failing to report taking into employment of a registered Mui Tsai	4
VI. Failing to report the intended removal from the colony of a registered Mui Tsai	1
VII. Failing to report change of address of a registered Mui Tsai	3
VIII. Failing to report the intended marriage of a registered Mui Tsai	7
IX. Failing to report the death of a registered Mui Tsai	1
	29

(b) The sentences imposed in respect of the above charges were as follows :

I and II : One defendant was charged with keeping an unregistered Mui Tsai, ill-treatment of a Mui Tsai and assault on a child under 16 years. Defendant was discharged on all counts.

III : One defendant was fined 200 dollars, one defendant was fined 150 dollars. three defendants were each fined 100 dollars, three defendants were each fined 50 dollars. The case against one defendant was adjourned *sine die*.

IV : One defendant was fined 50 dollars for bringing into the colony an unregistered Mui Tsai.

V : One defendant was fined 50 dollars, one defendant was fined 30 dollars, one defendant was fined 20 dollars. One defendant was charged with failing to report having become the employer of a registered Mui Tsai and with failing to report the intended marriage of a registered Mui Tsai. She was fined 20 dollars on each of the two summonses.

VI : This case was adjourned pending production of the girl.

VII : One defendant was fined 20 dollars, one defendant was fined 10 dollars, one defendant was fined 5 dollars.

VIII : One defendant was fined 10 dollars. Five cases have been remanded to enable the girls concerned in the case to appear before the magistrate.

IX : This case against the employer was adjourned pending further enquiries.

6. The above twenty-six cases were reported as follows : Seven by lady inspectors, ten by police, five by Mui Tsai themselves to the police, two by Mui Tsai to Secretariat for Chinese Affairs, one by a member of the general public, and one by the Protector of Chinese in Penang ; none by the Anti-Mui-Tsai Society.

7. Further to paragraph 7 of the report for the half-year ended November 30th, 1936, of Mui Tsai attending school, ten have now ceased to do so for financial reasons, four have resumed, four have been removed from the register, and a further eight have been found to be studying, their fees of from 3 dollars to 40 dollars per annum being paid by the employers. The number of girls on record as school pupils is therefore fifty-two.

8. In addition to those enumerated in paragraph 5, twenty-five reports, three received from the Anti-Mui Tsai Society, one from the Society for the Protection of Children and twenty-one anonymous, were investigated and found to be without sufficient foundation for action to be possible.

9. Three girls were sent to the Victoria Home, and five to the Salvation Army Home. Both these institutions continue to help with good and valuable work in the training given the girls sent there.

The former Church Missionary Society Victoria Home has now ceased, and its older pupils with some of the teachers moved to the new Heep Yunn School ; the very young children are looked after in the Church Missionary Society Rural Home and Orphanage in Taipo.

10. The two lady inspectors during the half year paid a total of 1,655 visits to registered Mui Tsai and to ex-registered Mui Tsai, and in addition regularly visited other girls under bond and adopted daughters voluntarily registered in the offices of the Secretariat for Chinese Affairs.

(Signed) N. L. SMITH,
Officer Administering the Government.

Sub-Appendix 1.

Table of Ages of Registered Mui Tsai (English Reckoning) ranging from 7 to 32 Years up to May 31st, 1937.

7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	28	32	Total
3	8	15	25	47	49	50	109	102	155	149	195	154	142	99	96	41	23	5	5	1	1	1,474
306								601				567										1,474
Total on registers at November 30th, 1936																					1,599	
Cancelled up to May 31st, 1937																					125	
Remaining on registers																					1,474	

Sub-Appendix 2.

Table of Ages of Registered Mui Tsai (English Reckoning) whose Whereabouts are unknown, not known at Addresses registered, etc., ranging from 7 to 32 Years up to May 31st, 1937.

not known at address beginning with 790																						
7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	28	32	Total
3	4	9	13	16	16	17	40	35	54	71	112	94	98	68	77	32	21	4	4	1	1	790
118								272				400										790
Total not known on November 30th, 1936																						807
Total Located up to May 31st, 1937																						24
Total not known from November 30th, 1936, to May 31st, 1937																						7

Sub-Appendix 3.

List of Prosecutions from December 1st, 1936, to May 31st, 1937.

Serial No.	Name of Mui Tsai	Offence	Result	Disposal of Mui Tsai
1.	Yau Nam, <i>alias</i> Ah Kam, 9 years	Keeping unregistered Mui Tsai	50 dollars, Case No. 34017	Sent to Victoria Home
2.	Penang registered Mui Tsai, Chen Ah Chew, 16 years	Bringing a Mui Tsai into Hong-Kong not previously registered in the colony	50 dollars, Case No. 36276	Entered domestic service
3.	Chau Ping, 18 years	Keeping an unregistered Mui Tsai	100 dollars or 6 weeks, Case No. 35711	Staying with prospective husband's sister
4.	Registered Mui Tsai, Cheung Tsoi Wan, 16 years	Failing to report change of address	10 dollars, Case No. 25137	Remaining with employer
5.	Pun Ying, <i>alias</i> Tai Hi, 16 years	Keeping an unregistered Mui Tsai	200 dollars or 6 months hard labour, Case No. 24669	Sent to Po Leung Kuk
6.	Registered Mui Tsai, Lam Shun Hei, 11 years	<i>id.</i>	50 dollars, Case No. 36387	<i>id.</i>
7.	Fong Sui Yi, 15 years	(a) Keeping an unregistered Mui Tsai (b) Ill-treating a Mui Tsai (c) Ill-treating a child under 16 years	Discharged, Case No. 281183	<i>id.</i>
8.	Lai Yuet Ying, <i>alias</i> Fu Yung, 21 years	Keeping an unregistered Mui Tsai	Adjourned <i>sine die</i>	Restored to mother
9.	Registered Mui Tsai, Tong Yuk King, 16 years	Failing to report that she had become the actual employer of a registered Mui Tsai	50 dollars, Case No. 4689	Entered domestic service
10.	Li Hau Kuen, <i>alias</i> Li Ki, 17 years	Keeping an unregistered Mui Tsai	100 dollars, Case No. 7153	Absconded
11.	Yung Wong Yau, <i>alias</i> Fuk Ho, 15 years	<i>id.</i>	150 dollars or 3 months hard labour, Case No. 7823	Restored to mother
12.	Registered Mui Tsai, Yu Sau Chun, 13 years	Failing to report that she had become actual employer of registered Mui Tsai	20 dollars, Case No. 6121	Remaining with employer as member of family
13.	Registered Mui Tsai, Yu Sau Chun, 13 years	<i>id.</i>	30 dollars, Case No. 6120	<i>id.</i>
14.	Registered Mui Tsai, Wan Yuk Shim, 15 years	Failing to report change of address	20 dollars, Case No. 10429	Remaining with employer
15.	Registered Mui Tsai, Wan Ying, 16 years	Failing to report the intended marriage of registered Mui Tsai	10 dollars, Case No. 674, N. T.	Married
16.	Registered Mui Tsai, Cheung Ha, 18 years	(a) Failing to report that she had become actual employer of registered Mui Tsai (b) Failing to report the intended marriage of registered Mui Tsai	20 dollars, Case No. 675, N. T. 20 dollars, Case No. 676, N. T.	<i>id.</i>
17.	Registered Mui Tsai, Ko Ngoi Ying, 14 years	Failing to report change of address	5 dollars, Case No. 15499	Remaining with employer
18.	Chan Pik Kwan, <i>alias</i> Po Lin, 13 years	Keeping an unregistered Mui Tsai	100 dollars, Case No. 16044	Sent to Salvation Army Home

Serial No.	Name of Mui Tsai	Offence	Result	Disposal of Mui Tsai
19.	Yip Chat, <i>alias</i> Siu Lin, 16 years	Keeping an unregistered Mui Tsai	50 dollars, Case No. 16043	Entered domestic service
20.	Registered Mui Tsai, Man Hing Hei, 27 years	Failing to report intended marriage of registered Mui Tsai	Case remanded	Married
21.	Registered Mui Tsai, Kwan Kam Fung, 15 years	Failing to report the death of registered Mui Tsai	<i>id.</i>	Died
22.	Registered Mui Tsai, Long Ah Lan, 23 years	Failing to report the intended marriage of registered Mui Tsai	<i>id.</i>	Married
23.	Registered Mui Tsai, Law Lin Hei, 19 years	Failing to report the removal of registered Mui Tsai from colony	<i>id.</i>	
24.	Registered Mui Tsai, Wong Loi Hei, 20 years	Failing to report the intended marriage of registered Mui Tsai	<i>id.</i>	Married
25.	Registered Mui Tsai, Ho Chun Po, 22 years.	<i>id.</i>	<i>id.</i>	<i>id.</i>
26.	Registered Mui Tsai, Lai Chun Hei, 19 years.	<i>id.</i>	<i>id.</i>	<i>id.</i>

Appendix II.

REPORT RECEIVED FROM THE GOVERNOR OF THE STRAITS SETTLEMENTS ON THE ACTION TAKEN IN INDIVIDUAL CASES UNDER THE LAWS RELATING TO CHILDREN, MUI TSAI AND GIRLS' PROTECTION IN THE STRAITS SETTLEMENTS, FEDERATED MALAY STATES AND UNFEDERATED MALAY STATES DURING THE YEAR 1936.

The following pages contain summaries of typical individual cases concerning children and young girls dealt with under the laws relating to Children, Mui Tsai and Women and Girls' Protection in the Straits Settlements, the Federated Malay States and the Unfederated States of Johore and Kedah during the year 1936.

No cases were reported from Perlis, Kelantan, Trengganu and Brunei.

2. Whenever reference is made to the execution of a bond under the Women and Girls' Protection Ordinance or Enactments, the terms of such bond require that the protégée will not leave the Settlement or State in which she then is without the previous consent in writing of the Protector of Chinese, and will not be trained or disposed of as a prostitute or for immoral purposes, and will not, whether by way of adoption or otherwise, be transferred to the care or custody of any other person without the previous consent in writing of the Protector, and that she will be produced before the Protector whenever he requires it.

3. Bonds taken under the Mui Tsai Ordinance and Enactments contain the same requirements as those taken under the Women and Girls' Protection Ordinance and, in addition, require that the protégée shall not be employed as a Mui Tsai. This requirement is interpreted to mean that she shall not be employed as a domestic servant.

4. In all cases in which bonds are taken, the girls are either regularly visited or called up to the Protectorate at intervals of one month, three months or such other intervals as are considered appropriate, in order that the Protector may satisfy himself that the terms of the bonds are being carried out.

5. No Mui Tsai or suspected Mui Tsai is permitted to return to the household of her former employer unless she is willing to return and unless the Protector is satisfied that she will be properly treated and that it is in the best interests of the girls that she should return.

6. In view of the wide terms of reference of the Mui Tsai Commission, it has been considered advisable to include in this report typical cases, not only of Mui Tsai, but also of other children and young girls dealt with under protective legislation.

7. The Ordinances and Enactments to which reference is made in this report are the following :

Straits Settlements : Children Ordinance (Chapter 28), Mui Tsai Ordinance¹ (Chapter 34), Women and Girls' Protection Ordinance (Chapter 33) ;

Federated Malay States : Children Enactment (Chapter 158), Mui Tsai Enactment² (Chapter 157), Women and Girls' Protection Enactment (Chapter 156) ;

Johore : Children Enactment (4 of 1932), Mui Tsai Enactment (16 of 1932),³ Women and Girls' Protection Enactment (15 of 1931).

Kedah : Children Enactment (21 of 1354), Mui Tsai Enactment (1 of 1352),⁴ Women and Girls' Protection Enactment (25 of 1351).

Singapore. — A, a Hokkien female, aged 44, was found to have ill-treated a Hokkien girl, B, aged 11 years. A was convicted under Section 3 of the Children Ordinance and fined 100 dollars, or three months' rigorous imprisonment. B was returned to her real mother on security bond under Section 16 (3) of the Women and Girls' Protection Ordinance.

2. C, a Teochew woman, aged 36, was charged under Section 3 of the Children Ordinance with ill-treatment of D, a girl aged 7 years. C was convicted and fined 50 dollars or six weeks' rigorous imprisonment, plus 100 dollars compensation to be paid to the child. D was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance and the money was lodged in the Post Office Savings Bank for her.

3. E, a Hokkien woman, aged 30, who had ill-treated F, a girl aged 12 years was convicted under Section 3 of the Children Ordinance and fined 100 dollars or three months' rigorous imprisonment. F returned to her natural father on security bond, under Section 16 (3) of the Women and Girls' Protection Ordinance.

4. G, a Shanghai-born Chinese woman, aged 53, was charged with ill-treatment of H, a Cantonese girl aged 10 years. She was convicted and sentenced to two months' simple imprisonment, plus 200 dollars compensation to H, or three months' simple imprisonment. H was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance and the compensation money lodged in the Post Office Savings Bank for her.

5. I, a Hokkien woman, aged 34, was convicted under Section 3 of the Children Ordinance with ill-treatment of her son, aged 5 years, and was fined 10 dollars or ten days' rigorous imprisonment. The child was later returned to her.

6. J, a Hokkien female, aged 39, was charged with possession of K, an unregistered Mui Tsai, aged 14 years, under Section 5 of the Mui Tsai Ordinance. She was found guilty, cautioned and discharged. The girl was later, with her consent, returned to J on security bond under Section 21 of the Mui Tsai Ordinance.

7. L, a male Teochew, aged 37 years, was found in possession of an unregistered Mui Tsai, M, a Teochew girl, aged 15 years. L was convicted under Section 3 of the Mui Tsai Ordinance for acquiring possession of a Mui Tsai after the commencement of that Ordinance and was sentenced to one month's simple imprisonment. L was also convicted under Section 7 (2) with failing to pay wages to a Mui Tsai and fined 10 dollars or five days' rigorous imprisonment and ordered to pay 50 dollars compensation to the girl, M. On appeal, both convictions were upheld, but sentence on the second charge was altered to fine of 100 dollars or two months' simple imprisonment and the order for compensation was set aside. The girl was committed to the Po Leung Kuk under Section 16 (i) (d) of the Women and Girls' Protection Ordinance.

8. N, a Hokkien female, age unknown, was charged with possession of an unregistered Mui Tsai, aged 14 years. The girl had reported at a police station that she was ill-treated by the accused female and medical examination supported her report. The accused was acquitted, as the complainant altered her story in court. As the girl later wished to go back to the accused, she was allowed to return on security being furnished that the girl would be brought to office for inspection at regular intervals.

¹ For the text of the Ordinance, see page 65 of the 1935 Report of the Slavery Committee.

² Page 68 of the 1935 report of the Slavery Committee.

³ Page 71 of the 1935 report of the Slavery Committee.

⁴ Page 73 of the 1935 report of the Slavery Committee.

9. O, a Hokkien woman, aged 43 years, was charged under Sections 5 and 7 of the Mui Tsai Ordinance with possession of an unregistered Mui Tsai aged 13 years and with ill-treatment of her. The child altered her story in court and the accused was acquitted. The child was later returned to accused at the child's request.

10. P, a well-known Hokkien man, was charged under Section 5 of the Mui Tsai Ordinance with possession of four unregistered Mui Tsai of ages 15, 13, 12 and 11 years. There had been slight ill-treatment of some of the girls who were detained in the Po Leung Kuk pending Court action. The employer was convicted in respect of three of the girls and fined 90 dollars. The fourth charge was withdrawn. All four girls were returned to him on security bond under Section 21 of the Mui Tsai Ordinance. The employer in this case took habeas corpus proceedings against the Protector but the Protector's action was upheld by the judge.

11. Q, a Hokkien woman, aged 61, was found in possession of R, a Teochew girl, aged 15 years. Q was charged under Section 5 of the Mui Tsai Ordinance, convicted and fined 50 dollars, or one month's rigorous imprisonment. R was committed to the Po Leung Kuk under Section 15 (i) (d) of the Women and Girls' Protection Ordinance and was later married from that institution.

12. An elderly Hokkien woman was found to be in possession of a registered Mui Tsai who had been missing from her registered address for eighteen months. The woman was convicted under Section 5 of the Mui Tsai Ordinance, cautioned and discharged. After a short detention in the Po Leung Kuk, the girl was returned to the employer on security being given that the girl would be brought up as a daughter.

13. A Hokkien female, aged 68, was found to have possession of an unregistered Mui Tsai, aged 11 years, also Hokkien. The employer was convicted under Section 5 of the Mui Tsai Ordinance and fined 20 dollars or one month's rigorous imprisonment. The child was committed to the Po Leung Kuk under Section 16 (i) (d) of the Women and Girls' Protection Ordinance as she had been slightly ill-treated and did not wish to go back to the employer.

14. At the request of the Salvation Army Officer who administers the Jubilee Relief Fund, a small girl, aged 7 years, fourth child of a family of seven, was received into the Po Leung Kuk under Section 16 (i) (a) of the Women and Girls' Protection Ordinance as the mother had died and the father was too ill to work. (Arrangements for the welfare of four boys were also made.)

15. A small girl, aged 10 years, was found in a very unhealthy condition and showed some signs of ill-treatment. No guardian could at first be traced, but later a Henghua female appeared who claimed the girl as an adopted daughter and asked the Protector to take charge of her as she was too poor to support the child. The child was committed to the Po Leung Kuk under Section 16 (i) (a) of the Women and Girls' Protection Ordinance.

16. A Hockchiu girl, aged 17 years, was found to have been brought from China and sold to be a cabaret dancing girl. The trafficker could not be found. The girl was given shelter in the Po Leung Kuk and later repatriated to China.

17. During the year, six deserted female babies and one male baby were admitted to the Po Leung Kuk from the General Hospital under Section 16 (i) (b) of the Women and Girls' Protection Ordinance. Three of the female children were later released to their parents, whom the hospital authorities had been unable to trace at the addresses given but who had later gone to the hospital to claim their children.

Penang. — A, aged 17 years, Cantonese, unregistered Mui Tsai, was reported to have taken caustic soda and died. She had been accused by her mistress of stealing 5 dollars. The woman was convicted under Section 323 of the Penal Code (voluntarily causing hurt) and fined 10 dollars or fourteen days' rigorous imprisonment. The husband of the woman was convicted and fined 150 dollars or three months' rigorous imprisonment and 50 dollars or one month's simple imprisonment under Sections 5 and 7 (2) respectively of the Mui Tsai Ordinance.

2. B, aged 14 years, Hokkien, unregistered Mui Tsai, was reported to have been ill-treated by her employer, C, and by his wife. The girl was very dirty and her body was covered with sores and bruises. She was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance. The employer was convicted of acquiring the custody and possession of a Mui Tsai (Section 3 of the Mui Tsai Ordinance) and was fined 60 dollars; he was also convicted of overworking and ill-treating a Mui Tsai (Section 7 (i) of the Mui Tsai Ordinance) and fined 10 dollars. In addition, he was ordered to pay 100 dollars compensation to the girl. This amount has been deposited in the Government Savings Bank in the name of the Protector of Chinese on behalf of the girl. His wife was charged with wilfully ill-treating the said Mui Tsai (under Section 3 (i) of the Children's Ordinance) and was convicted and sentenced to twelve months' rigorous imprisonment. She appealed and the sentence was varied by adding an alternative "or fined 250 dollars". The girl was committed to the Po Leung Kuk under Section 15 (i) (d) of the Women and Girls' Protection Ordinance.

3. D, aged 12 years, Hokkien, and E, aged 13 years, Hokkien, were reported to be unregistered Mui Tsai and to have been ill-treated by their mistress, F, Hokkien. As the girls were her grandchildren and as there were no marks of ill-treatment, they were allowed to go home. They have been kept under supervision by regular inspection.

4. G, aged 17 years, Hakka, registered Mui Tsai, was found by the lady Assistant Inspector of Mui Tsai to be enceinte. The girl was pregnant by her mistress's husband, H, Hokkien. He said that his wife registered her as a Mui Tsai in error, as she was his secondary wife. As he was willing to keep the baby as his own child and to treat the girl as a secondary wife, no charge was preferred against him. A bond has been entered into under Section 21 (i) of the Mui Tsai Ordinance and the girl is regularly visited.

5. I, aged 30 years, Cantonese, had two Mui Tsai. On September 28th, 1933, the lady Assistant Inspector of Mui Tsai visited the place and could not find I or her two Mui Tsai. On March 28th, 1936, the Cantonese, I, sent a letter to the Protector of Chinese, Penang, giving her address. She had previously removed without reporting her change of address. She was charged under Rule 4(d) of the Rules made under the Mui Tsai Ordinance. She was convicted and fined 2 dollars.

6. J, aged 17 years, Hokkien, unregistered Mui Tsai complained that she had been ill-treated by her mistress, K, Hokkien. There were no marks of ill-treatment and the mistress said that the girl was her prospective daughter-in-law, and she produced a document to that effect. The girl refused to return to her mistress. She was allowed to go back to her aunt, L, Hokkien, on a security bond of 300 dollars taken under Section 13 of the Women and Girls' Protection Ordinance.

7. M, aged 13 years, Hokkien, registered Mui Tsai was reported to have been ill-treated by her mistress's step-mother, N, Hokkien. The girl was covered with bruises. She was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance. The woman said that the girl was beaten by her children, and she offered 300 dollars as compensation to the girl. The money was put in the Post Office Savings Bank in the name of the Protector of Chinese on behalf of the girl. The girl remains in the Po Leung Kuk.

8. O, aged 11 years, Cantonese, was reported to be an unregistered Mui Tsai and was alleged to be suffering from leprosy. On examination by the lady Medical Officer there was no sign of the disease. She appeared to be an adopted daughter and was allowed to go home but was kept under supervision by regular inspection.

9. P, aged 15 years, Cantonese, registered Mui Tsai, was found by the lady Assistant Inspector of Mui Tsai to have sores on her hands and thigh. She was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Ordinance to ensure proper medical attention. There was no suggestion of ill-treatment.

Malacca. — A, a registered Mui Tsai, aged 12 years, was reported by the lady Inspector to have been ill-treated by caning. The Medical Officer described the ill-treatment as "not severe". The employer was convicted under Section 7 of the Mui Tsai Ordinance, and fined 10 dollars and costs. He was also ordered to pay 10 dollars compensation to the girl. A was committed to the Po Leung Kuk and the money for compensation was handed to the Assistant Protector of Chinese to be kept until her release.

2. B, a registered Mui Tsai, aged 15 years, was brought to the Protectorate by her employer who reported that she was badly behaved and was out of hand. This was corroborated by a member of the Chinese Advisory Board and the girl was committed to the Po Leung Kuk.

3. C, an ex-Mui Tsai, aged 18½ years, complained of excessive control by her ex-employer, with whom she was living at her own choice. She stayed for one night at the Po Leung Kuk and arrangements were made, with her consent, for her to stay with a relative of the ex-employer.

Perak. — A, a woman, was charged at Batu Gajah, with having the custody of B, an unregistered Mui Tsai, aged 10 years. She was convicted under Section 5 of the Mui Tsai Enactment and fined 20 dollars. Later the girl, with her consent, was released to her on bond under Section 16 (iii) of the Women and Girls' Protection Enactment not to be employed as a Mui Tsai.

2. C, a man, was charged at Ipoh with having the custody of D, an unregistered Mui Tsai, aged 14 years. He was convicted under Section 5 of the Mui Tsai Enactment and fined 10 dollars. The girl was committed to the Po Leung Kuk under Section 16 (i) (d) of the Women and Girls' Protection Enactment.

3. E, a Malay man, was charged at Ipoh with having the custody of F and G, two unregistered Mui Tsai, aged 16 and 17 years. The two Mui Tsai were by birth Chinese. He was convicted under Section 5 of the Mui Tsai Enactment and fined 10 dollars in each case. The two girls were committed to the Po Leung Kuk. Later, one girl was married from the Po Leung Kuk and the other was found work in the Central Mental Hospital.

4. E, the same Malay, was charged at Ipoh with acquiring the possession of H, a Mui Tsai aged 16 years, after the commencement of the Mui Tsai Enactment. He was convicted under Section 3 of the Enactment and fined 50 dollars. The girl was committed to the Po Leung Kuk and later found work in the Central Mental Hospital.

In addition, bonds were required under the Mui Tsai Enactment : Six girls, aged 5 to 9, by birth Chinese, who were in the custody of the Malay, E, and suspected of being unregistered Mui Tsai, were released to him upon bond under Section 16 (iii) of the Women and Girls' Protection Enactment not to be employed as Mui Tsai. They were all willing to stay in his household.

5. I, a prostitute, was charged under Section 3 of the Children Enactment with ill-treating J, her adopted daughter, aged 6 years. She was convicted and fined 10 dollars. The girl was committed to the Po Leung Kuk under Section 16 (i) (c) of the Women and Girls' Protection Enactment.

6. K, a priestess, was charged under Section 3 of the Children Enactment with ill-treating L, her disciple, a girl aged 10 years. She was convicted and fined 30 dollars and ordered in addition to pay 10 dollars compensation to the girl. The girl was returned to her natural mother upon a bond under Section 16 (iii) of the Women and Girls' Protection Enactment.

7. M, a man, was charged under Section 3 of the Children Enactment with neglecting N, his prospective daughter-in-law, aged about one year. He was convicted and sentenced to seven days rigorous imprisonment and to pay a fine of 25 dollars. The child was returned to her natural parents under bond (Section 16 (iii), Women and Girls' Protection Enactment).

Selangor and Pahang. — A, a man, was charged with ill-treatment of B, his prospective granddaughter-in-law, aged 12 years. He was convicted under Section 3 (i) of the Children Enactment and sentenced to three months rigorous imprisonment. The girl was subsequently released to her uncle on security bond taken under Section 12 (ii) of the Women and Girls' Protection Enactment.

2. C, a woman, was charged with ill-treatment of D, her daughter, aged 6 years. She was convicted under Section (3) (i) of the Children Enactment and bound over in 50 dollars for three months or in default one month simple imprisonment. D was later, with her consent, released to C on security bond taken under Section 12 (ii) of the Women and Girls' Protection Enactment.

3. E, a woman, was charged with ill-treatment of F, her prospective daughter-in-law, aged 10 years. She was convicted under Section 3 (i) of the Children Enactment and fined 50 dollars, or in default three weeks rigorous imprisonment. F did not wish to leave the custody of E, and the latter was required to furnish a bond in 250 dollars under Section 12 (ii) of the Women and Girls' Protection Enactment.

4. G, a woman, was charged with ill-treatment of her step-daughter, H, aged 9 years. She was convicted under Section 3 (i) of the Children Enactment and sentenced to two months rigorous imprisonment. H was committed to the Federal Home under Section 16 (i) (c) of the Women and Girls' Protection Enactment.

Negri Sembilan. — A, a registered Mui Tsai, 12 years, was found to have been overworked and ill-treated, and had not been paid properly. She was removed and detained in the Federal Home, Kuala Lumpur, under Section 20 (ii) of the Mui Tsai Enactment and Section 16 (c) of the Women and Girls' Protection Enactment. No action was taken in court, as the evidence available was inadequate for a successful prosecution.

2. B, a registered Mui Tsai, 14 years, was beaten by C, the wife of her employer. D. B was detained in the Federal Home, Kuala Lumpur, under Section 20 (ii) of the Mui Tsai Enactment for further inquiry. She was afterwards committed under Section 16 (d) of the Women and Girls' Protection Enactment. The evidence available was not sufficient to warrant prosecution.

3. E, a registered Mui Tsai, 11 years, was found to have been overworked, and inspection showed that she had been underpaid and neglected. F, her employer, was dead, and G, the employer's wife, was unwilling to pay her wages. E was committed to the Federal Home under Section 10 (ii) of the Mui Tsai Enactment, and Section 16 (i) (d) of the Women and Girls' Protection Enactment. No prosecution took place because the legal employer was dead.

4. H, a girl aged 9 years, was suspected to have been brought from China for disposal as a Mui Tsai. She was released on security being produced under Section 21 (i) of the Mui Tsai Enactment.

5. I, a Hakka girl, 13 years old, was acquired by J, a Hokkien man, as an adopted daughter. She was suspected to have been treated as a Mui Tsai. J was required to produce security under Section 21 (i) of the Mui Tsai Enactment.

6. K, an adopted daughter, 6 years old, was ill-treated by L, her adoptive mother. L was prosecuted and convicted under Section 3 (i) of the Children Enactment. She was fined 30.75 dollars, and the girl, K, was detained in the Federal Home, Kuala Lumpur, under Section 16 (c) of the Women and Girls' Protection Enactment.

Johore. — A, a Hokkien woman, aged 33 years, was charged with an offence under Section 7 (i), of the Mui Tsai Enactment for ill-treating a registered Mui Tsai, B, aged 10 years. A was fined 75 dollars or four weeks rigorous imprisonment. The fine was paid and the girl was committed to the Po Leung Kuk under Section 15 (i) (c) of the Women and Girls' Protection Enactment.

2. C, a Hokkien woman, aged 40 years, was charged with failing to report the intended marriage of a Mui Tsai, D, aged 17 years (an offence under Rule 5 (e) of the Rules under the Mui Tsai Enactment). She was fined 5 dollars. The Protector of Chinese was satisfied that the marriage was *bona fide*.

3. E, a Hokkien woman, aged 25 years, was charged with an offence under Section 3 (i) of the Children Enactment. She had ill-treated her prospective daughter-in-law, F, aged 3 years. E was fined 50 dollars, or four weeks rigorous imprisonment. The fine was paid and the girl was returned to the custody of her parents.

4. Following a report of ill-treatment of G, a registered Mui Tsai, aged 17 years, who was also the prospective daughter-in-law of her employer, H, a Hokkien, aged 45 years, the Mui Tsai was removed from the custody of her employer and later returned to her real parents and her registration cancelled. H was also ordered to pay 47 dollars to the Mui Tsai as wages.

5. I, a Cantonese woman, aged 32 years, was charged under Section 3 (i) (e) of the Women and Girls' Protection Enactment with bringing into the State for prostitution two girls, aged respectively 17 and 18 years. She was convicted and sentenced to four months simple imprisonment, and subsequently banished. The two girls were returned to Singapore, whence she had brought them, and there they were committed to the Po Leung Kuk.

Kedah. — A, a registered Mui Tsai, aged 17 years, was found to be pregnant and admitted that her employer's son was responsible for her condition. The son also admitted this. It was arranged that the boy should marry her, but subsequently the girl refused to marry him. The employer offered compensation. A sum of 150 dollars has been deposited in the girl's name in the Post Office Savings Bank by her employer, and she has agreed to marry another man.

2. B, a Cantonese woman, was suspected of having brought two girls, C and D, 10 and 8 years, from China for sale as Mui Tsai. One of the girls was found in the household to which she was to be sold and the other was later discovered in a place of hiding. Evidence of a sufficiently strong nature to enable the case to be taken to court was not obtainable. One of the girls, however, was on bond in Penang under Section 13 of the Straits Settlements Women and Girls' Protection Ordinance. The girls were returned to Penang, where they were committed to the Po Leung Kuk under Section 13 of the Straits Settlements Women and Girls' Protection Ordinance, and the bond of 300 dollars was estreated.

3. Information was received that E, 12 years, was an unregistered Mui Tsai and was ill-treated. She was removed to the Po Leung Kuk, but though it appeared that she had been given a good deal of work and occasionally beaten, it was not considered that there was sufficient evidence to take the case to court. She was accordingly released to the family in which she had been found on security (under Section 21 (i) of the Mui Tsai Enactment) that she be not treated as a Mui Tsai.

4. F, a Cantonese woman, brought a girl, G, 5 years, from China, claiming her to be her daughter. Investigation showed that the girl was not her own daughter and that it was reasonable to suppose that she was intended as a Mui Tsai. She was later released upon bond (under Section 21 (i) of the Mui Tsai Enactment) not to be employed as a Mui Tsai.

5. H, a Teochew woman, brought a girl, I, 10 years, from China and alleged that she was her daughter. After prolonged questioning, she admitted that the child was not her own and that she had been given to her by a neighbour. In the circumstances, it was considered likely that I was a Mui Tsai and a bond (under Section 21 (i) of the Mui Tsai Enactment) was taken that she was not to be so employed.

6. J, a Hokkien woman, brought a girl, K, 13 years, from China, alleging that she was her daughter. It transpired that the girl had been acquired by her and as there was doubt as to the child's status, a bond under Section 21 (i) of the Mui Tsai Enactment was required.

7. L, a Cantonese woman, brought a girl, M, 10 years, from Singapore, alleging that she was given to her as a daughter. The girl was later released to her upon bond under Section 21 (i) of the Mui Tsai Enactment.

8. N, a Hailam woman, brought a girl, O, 2 years, from China, alleging that she was her daughter. It was later shown that the child had been acquired and there were indications that she was intended for use as a Mui Tsai. A bond under Section 21 of the Mui Tsai Enactment was taken before the girl was allowed to go to N.

9. P, a Hokkien woman, was alleged to be living on the proceeds of prostitution by running a brothel on her premises. Q, a small girl, 10 years, whom she claimed to be her adopted daughter, was living with her in the house. The girl was removed to the Po Leung Kuk, as her surroundings were considered to be unsuitable. She was eventually released to a respectable family upon bond (Section 14 of the Women and Girls' Protection Enactment) and is to be brought up in this family.

10. The manager of a Teochew theatrical troupe was prosecuted under the Children Enactment for allowing 3 girls, aged 14, 13 and 13 years, and 1 boy, aged 12 years, to take part in a public performance without being licensed therefor under the Children Enactment. He was convicted under Section 13 of the Enactment and fined 20 dollars. The children who were relatives of actors in the troupe were released to these relatives and the manager of the troupe was warned not to permit those under 14 years of age to act in future.

11. R and S, girls aged 14 and 4 years, were found in a house in Alor Star where an admitted prostitute lived and where prostitution was suspected to take place. They were said to be adopted children of the principal tenant of the house. After investigation, it was discovered that R was on bond in Penang under Section 7 of the Straits Settlements Women and Girls' Protection Ordinance. This bond is being estreated, and both the children have been committed to the Po Leung Kuk, Penang, under Section 13 of the Straits Settlements Women and Girls' Protection Ordinance.

ANNEX 4.

C.C.E.E.180.

COMMUNICATION, DATED JANUARY 4TH, 1938, FROM THE GOVERNMENT OF
THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE
LEAGUE OF NATIONS (WITH ONE APPENDIX).

I am directed by Mr. Neville Chamberlain to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, copies of a return showing the number of Mui Tsai remaining on the registers on June 30th, 1937, throughout the Straits Settlements, the Federated Malay States and the Unfederated Malay States.

(Signed) Walter ROBERTS.

APPENDIX.

MALAYA.

MUI TSAI REGISTRATION AS ON JUNE 30TH, 1937.¹

	Straits Settlements					Federated Malay States					Unfederated Malay States						
	Singapore	Penang	Malacca	Labuan	Total	Perak	Selangor	Negri Sembilan	Pahang	Total	Johore	Perlis	Kedah	Kelantan	Trengganu	Brunei	Total
Number registered on December 31st, 1936	338	400	182	—	920	317	335	129	39	820	106	17	79	—	—	—	202
Cancelled :																	
Returned to parents	4	1	—	—	5	1	1	2	1	5	—	—	2	—	—	—	2
Left Settlement or State	3	3	—	—	6	2	1	4	1	8	—	—	8	—	—	—	12
Married	18	6	10 ^a	—	34	16	16	7	4	43	4	—	—	—	—	—	—
Ceased to be Mui Tsai	25	2	6	—	33	1	6	11	1	19	—	—	—	—	—	—	—
Admitted to Po Leung Kuk	3	3	—	—	6	—	2	—	—	2	—	—	1	—	—	—	1
Miscellaneous	2	5	2	—	9	2	—	—	—	2	2	—	—	—	—	—	2
Total Cancelled	55	20	18	—	93	22	26	24	7	79	6	—	11	—	—	—	17
Added to Register on transfer from another Settlement or State	1	1	2 ^b	—	4	1	2	3	—	6	1	—	1	—	—	—	2
Total on Register on June 30th, 1937	284	381	166	—	831	296	311	108	32	747	101	17	69	—	—	—	187

a One was cancelled on July 13th, 1936. This cancellation was inadvertently omitted in the last return.

b One left for China in 1936, and returned to Malacca in 1937.

¹ Note by the Secretariat of the League of Nations. — For the previous return, see page 50 of the 1937 Report of the Committee.

ANNEX 5.

C.C.E.E.188(1).

COMMUNICATION, DATED FEBRUARY 10TH, 1938, FROM THE GOVERNMENT
OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE
LEAGUE OF NATIONS (WITH APPENDICES).

I am directed by Mr. Secretary Eden to transmit to you herewith a copy of a memorandum dealing with questions concerning certain of His Majesty's colonial dependencies which were raised in the report of the League of Nations Advisory Committee of Experts on Slavery on the work of its fourth (ordinary) session, held in April last.

2. I am to request that this memorandum may be laid before the Advisory Committee for their consideration.

(Signed) D. F. HOWARD.

MEMORANDUM FROM HIS MAJESTY'S GOVERNMENT IN THE UNITED
KINGDOM ON VARIOUS QUESTIONS DEALT WITH IN THE REPORT
OF THE ADVISORY COMMITTEE OF EXPERTS ON SLAVERY (1937).

1. As in the case of the previous reports of the Advisory Committee, the report for 1937 was circulated to the Governments of all the territories administered under the authority of His Majesty's Government in the United Kingdom in order to keep them informed of the activities of the Committee and also to give them an opportunity of considering any of the matters dealt with in the report with which they were concerned and of furnishing any information which might be of interest to the Committee. The observations which have been received from the few colonial Governments concerned are summarised below under the headings adopted by the Advisory Committee in their report.

CHAPTER II. — SLAVE RAIDS, SLAVE TRADING AND CAPTURED SLAVES.

2. In paragraph 4 of His Majesty's Government's Memorandum of 1937¹ particulars were given of the agreements negotiated with certain chiefs of the Aden Protectorate to secure their co-operation in the prevention of the introduction of further slaves into their territories. A similar agreement has since been signed by the Sultan of Qishn and Socotra.

3. The invitation extended to the Sultan of Lahej to cause the second sentence of his Proclamation of March 7th, 1935, to be amended so as to read : " Whoever disobeys this, or is found knowingly to keep in his possession an imported or captured slave, will render himself liable to severe punishment " (paragraph 6 of His Majesty's Government's Memorandum of 1937) was accepted by the Sultan, who, on January 28th, 1937, issued a further Proclamation on the lines indicated.

Cameroons Province.

(This information is reproduced from the report by His Majesty's Government in the United Kingdom to the Council of the League of Nations on the administration of the Cameroons under British mandate for the year 1936, pages 75-77).

" Cameroons Province.

" There were no cases in connection with slavery in the Victoria, Kumba or Mamfe Divisions during 1936. In the Bamenda Division, there was one case of slave-dealing in which six persons were prosecuted of whom five were convicted. A woman of about 29 years of age had been wrongfully handed over to one of the accused in settlement of an old claim, and he sold her; the other accused being connected with the sale in various ways. The woman eventually got in touch with the police, through the intervention of a court messenger. There was also a child-stealing case at Bamenda, in which the accused was, in view of a previous conviction, sentenced to nine years imprisonment. There are no persons in the Cameroons Province in a status or condition in any way resembling what is generally understood by slavery.

¹ See page 36 of the Committee's 1937 report.

“ Northern Areas.

“ Six cases of alleged slave-dealing in the Adamawa districts were dealt with by the Lamido’s court but the charges, which all arose from the same set of circumstances, were not proved and the accused were discharged. The following table shows the number of cases dealt with in the last ten years :

Year	Number of cases	Persons charged	Convictions	Acquittals
1927.	12	20	18	2
1928.	3	3	3	—
1929.	2	2	2	—
1930.	8	8	5	3
1931.	1	1	—	1
1932.	7	7	6	1
1933.	3	4	4	—
1934.	3	4	3	1
1935.	—	—	—	—
1936.	6	6	—	6
	45	55	41	14

“ There is no evidence that any form of slavery exists in the Kentu area.

“ Continuous and effective co-operation has been maintained between the authorities in Dikwa and French territory. One man wanted by the French authorities on a charge of slave-dealing was arrested in Dikwa. Three small children rescued from slave-dealers by the French authorities were restored to their relatives in the Dikwa area. One small boy made his escape to Dikwa town from a caravan of camel-drivers who had abducted him while tending his flock in the bush some distance from his home. Search was immediately made for the camel-drivers : unfortunately it was unavailing.

“ There is reason to believe that close co-operation with the neighbouring French authorities and constant propaganda by administrative officers are taking effect and that slave traffic in these regions is further declining. All district heads are fully aware of the serious nature of this offence and are active in their efforts to bring about its suppression. The residents of the remaining ten provinces all report that no information has been received indicating that any traffic in slaves from the Cameroons has taken place in their provinces during 1936.”

CHAPTER III. — BORN SLAVES.

4. In paragraph 12 of His Majesty’s Government’s Memorandum of 1937,¹ reference was made to certain extracts from a report by Mr. W. H. Ingrams, O.B.E., on his tour of the Hadhramaut in 1934/35 and on his subsequent visits to Mukalla. Mr. Ingrams, who is now the British Resident Adviser to the Sultan of Mukalla and to the Kathiri Sultan, has since made certain practical and constructive suggestions for a gradual reduction of slavery in the Hadhramaut, where, since time immemorial, it has been endemic. His Majesty’s Government in the United Kingdom hope that it will prove possible ultimately to secure the adoption of these suggestions, which are summarised in Appendix 1 to this memorandum.

5. During the last few months, increasing advantage has been taken by the slaves in the Hadhramaut of the arrangements, whereby slaves can claim their freedom, and of the presence in the country of Mr. Ingrams, on whom the Governor of Aden has conferred the power to manumit slaves in that area, and whom they can easily approach.

6. With these arrangements, and if the recommendations made by Mr. Ingrams are adopted, there will no doubt be an increase in the number of those seeking freedom and the question of their disposal will need consideration. A short time ago, an offer was made by Messrs. Cowasjee, Dinshaw and Brothers to employ up to thirty freed slaves as coolies, as, owing principally to a considerable emigration towards the Italian colonies, there had been a shortage of skilled coolie labour in Aden. In pursuance of this offer, five freed slaves, including one Indian, were sent to Aden and enrolled by Messrs. Cowasjee, Dinshaw and Brothers, but the work proved exceedingly unpopular and indeed was probably beyond their capabilities, as the carrying of coal demands qualities of muscle and habit quite foreign to the life led by slaves who have been employed in light agricultural work, as domestic servants and as soldiers. None of the five slaves remained with Messrs. Cowasjee, Dinshaw and Brothers and two of them returned to the Hadhramaut.

7. A further party of eight freed slaves was dealt with differently. An Indian woman and her child and another Indian child taken from his parents are now awaiting repatriation to India, and the other five, including an Abyssinian imported during the last few years, an Indian, and a native of Aden kidnapped as a child on the beach, have found employment locally, either in the salt-works or in connection with garages and godowns.

¹ See page 40 of the Committee’s 1937 report.

8. The absorptive capacity of Aden is very limited, and any increase in the number of freed slaves arriving will raise a difficult local problem, as Aden already contains a large number of unemployed. It is felt, however, that it is important that difficulties should not be put in the way of slaves desiring to leave the Hadhramaut after obtaining freedom, and, for this reason, it is contemplated that, if necessary, a clearing house for slaves should be established in Aden, and that, if possible, freed slaves, particularly of course those agriculturally inclined, should be found a home elsewhere.

9. The Government of Aden also propose to institute enquiries in the Mahra and Wahidi countries (in the eastern part of the Aden Protectorate), the latter of which is believed to be a source of many of the new importations to the Hadhramaut.

10. In the final sub-paragraph of paragraph 10 of His Majesty's Government's Memorandum of 1937,¹ it was stated that the situation in the southern provinces of Nigeria was being examined and that the Advisory Committee would be informed of the results of the enquiry in due course. A report on this matter has been received from the Governor of Nigeria and copies of it were transmitted to the League of Nations in a communication dated July 10th, 1937.² In paragraph 21 of the report, reference was made to the fact that the effects of the abolition of slavery were most strongly felt in the areas of Warri, Owerri and Calabar provinces, where the house system prevailed. It was not made clear in the report that the Native House Rule Ordinance which gave the support of law to the house system was repealed as long ago as January 1st, 1915. Though this act did not in itself abolish house rule, its inevitable result was that the house system rapidly disappeared. A short account of house rule is to be found in paragraph 23 of Sir F. D. (now Lord) Lugard's report on the amalgamation of northern and southern provinces, Cmd. 468, published by H.M. Stationery Office in 1920; this paragraph is quoted in full below :

“ *House-rule.* — In the provinces bordering the coast, east of Lagos colony, a curious system known as ‘ house-rule ’ prevailed. The coastal chiefs, by preventing European access to the interior, had in the early days of British rule grown rich as middlemen. Their custom was to advance goods to members of the ‘ house ’, who carried them by the creeks in canoes to the hinterland tribes, and brought saleable produce in return, on which great profits were made. The ‘ houses ’ were, in fact, primarily trading concerns. The members of the houses largely consisted of slaves, and were recruited by the addition of new slaves. The House Rule Ordinance of Southern Nigeria empowered the Supreme Court to award a year's imprisonment, and inflict a fine of £50 upon any member who refused or neglected to submit to the authority of the head of the house. The oath of the head of the house without further evidence was sufficient for conviction. Any person wandering abroad, and unable to prove that he had means of subsistence, or that the lack of them was not the result of his own fault — phrases wholly inapplicable to conditions of native life in Africa — could be arrested without warrant, and imprisoned for a year. Any person, including Europeans, who employed a member without the consent of the head of the house was liable to a year's imprisonment and a fine of £20.

“ An amending Ordinance of 1912, recognising in effect that many members were slaves detained by force, instituted a method of self-ransom. The Commissioner of the Supreme Court received and paid out the ransom money. The machinery of Government was employed to arrest without warrant, and to restore to the head of the house, any fugitive member — resistance was punishable by a year's imprisonment and a fine of £50. The repeal of this Ordinance, which was incompatible with the Slavery Law, was deferred till January 1st, 1915, so as to give fair warning. House rule was not thereby abolished, but the denial of the assistance of British courts in enforcing the will of the head of the house, and of Government police in capturing fugitive members, struck a death-blow to the system.”

Copies of the Native House Rule Ordinance, P. No. 26, 1901, Chapter CXXI of the Laws of Southern Nigeria (1908), Vol. II, and of the Repealing Ordinance, No. XV, of 1914 are annexed (Appendices 2 and 3).

CHAPTER IV. — OTHER INSTITUTIONS.

(a) *Debt Slavery, Pawning and Peonage.*

In 1933, the Governor of the Gold Coast reported that no cases of pledging of human beings had come to light in recent years and that the practice might be said to have ceased. In July this year, however, a case was brought before the acting district magistrate, Sekondi, in which it was proved that two girls had been pledged in payment of a debt. The case was treated as one of slave dealing and the offenders, two women, were sentenced to six months

¹ See page 40 of the Committee's 1937 report.

² See page 23.

imprisonment. On appeal to the divisional court, this sentence was reduced to one of two months imprisonment and on further appeal to the West African Court of Appeal the judgment of the divisional court was confirmed. Such cases of pledging are few and far between and are dealt with strictly by the courts if and when they come to light.

11. The system of pawning, which still exists in the southern provinces of Nigeria to a decreasing extent, although involving no religious or social restrictions, nevertheless involves a definite encroachment on personal liberty. Copies of three of the proclamations or public notices which were issued by the Government of Nigeria in 1927 with a view to the elimination of pawning are annexed (Appendix 4). Investigations have recently been made into the system by the Governor of Nigeria with a view to finding a means of suppressing it with the least possible delay. The results of this enquiry can be summarised as follows.

12. Three forms of pawning may be distinguished :

- (a) Adult self-pawning ;
- (b) Child pawning ;
- (c) Female child pawning.

In regard to (a) the adult is almost invariably a male, who pledges himself to work a part of his time for the benefit of his creditor in lieu of repayment of a loan and interest, or of interest only. The pawn suffers no social or legal disability and is entirely his own master, a fact which makes this form of pawning less open to grave objection. It is rapidly declining, with the increase in other facilities for obtaining money, and the few cases which have come to light are usually in connection with dowry or other marriage expenses. The more enlightened chiefs are not in favour of the continuation of this practice. Pending a decision on amending the law to make it clear that these practices are illegal, two proposals have been adopted which it is hoped will lead to their early extinction. The first is the issue of proclamations in the native courts prohibiting any action for debt in the court where it is shown that the debtor has served or has agreed to serve as a pawn after the date on which the proclamation is made. The other proposal is to encourage pawns to appear before the courts without payment of fee in order that the amount of the debt may be fixed and payment by reasonable instalments arranged. In addition, the subject is being given still greater publicity than heretofore and a special effort is being made to impress on the educated classes the undesirability of the practice and the slur which it casts on the community as a whole.

13. In regard to (b), the practice of the pawning of children still persists to some extent in the southern provinces. The child is pawned by the guardian or parents on the same terms as the adult pawns himself as described in paragraph 12 above. He lives as a rule with his master but is allowed to visit his parents regularly. Public opinion will not allow of ill-treatment of the pawn and he is always free to return to his parents and his parents are at liberty to withdraw him. Any cases which come to light are dealt with in the British courts and an intensive campaign against it is now being conducted which it is hoped may in the near future result in its entire suppression.

14. In regard to (c), this category relates to the pawning of young girls in the form of child betrothal. This is the most difficult of all the forms of pawning to recognise, for the dividing line between pawning and betrothal or marriage is often so fine that only the parties who are themselves involved can detect it. The girl is sent to her father's creditor, lives in his house and when she is of age may marry him if she so wishes; in which case, the difference between debt and dowry is paid and the matter thus finally settled. If she marries elsewhere, the husband of her choice repays the debt through the parents. Though she has the full status of a wife while in the creditor's house, it is noteworthy that he has no right to force her into unwilling marriage. In this case, as in others, propaganda and education play the most important part in the suppression of pawning, while the careful review of actual native court cases in which pawning enters in any shape or form also keeps it in the public eye.

15. Pawning in any form is illegal and the placer or receiver is liable on conviction to imprisonment for fourteen years under Section 369 (3) of the Criminal Code which reads as follows :

“ Any person who places or receives any person in servitude as a pledge or security for debt whether then due and owing or to be incurred or contingent, whether under the name of a person or by whatever other name such person may be called or known is guilty of slave-dealing and is liable to imprisonment for fourteen years.”

It is, however, questionable whether the "pawning" referred to in the previous paragraphs is in fact covered by the provisions of this section of the Criminal Code, since it cannot be stated with any certainty that the majority of pawns are in fact placed or received in servitude. This aspect of the matter is being further investigated and consideration will be given to the question whether an amendment to the section is necessary to enable it to embrace forms of pawning which do not necessarily involve "servitude".

16. Although it has been necessary in the past to act with caution in order that native susceptibilities should be upset as little as possible, the Government of Nigeria are confident that the system of pawning, except probably in a few inaccessible areas where it may linger for a time, will now be forced rapidly to disappear.

(b) *Mui-Tsai System.*

17. Copies of the following documents regarding the Mui-Tsai system in Hong-Kong and Malaya have been communicated to the Advisory Committee since the fourth session of the Committee was held : (a) reports by the Governor of Hong-Kong for the half year ended November 30th, 1936,¹ and the half year ended May 31st, 1937;² (b) report by the Governor of the Straits Settlements on the action taken in individual cases under the laws relating to children, Mui Tsai, and girls' protection in the Straits Settlements, Federated Malay States and Unfederated Malay States during 1936;³ (c) a statement showing the number of Mui Tsai remaining on the registers throughout Malay on June 30th, 1937.⁴

Malaya.

18. In paragraph 76 of its 1937 report, the Advisory Committee compares the information in its possession regarding Mui Tsai in Malaya with that which had been supplied to it in respect of Hong-Kong, and points out that the former is deficient in several respects. It would seem possible, however, that certain particulars which have been supplied by His Majesty's Government in the United Kingdom from time to time regarding the Mui-Tsai system in Malaya, were overlooked. For example, in stating that, in its 1935 report, "the Committee could only show a table of the numbers of the registered Mui Tsai on June 30th, 1934, and the statement concerning their wages", no account appears to have been taken of the statement contained in paragraph 34 of the United Kingdom Memorandum which formed Annex 3 to the 1935 report (page 27) that "the Governor of the Straits Settlements has reported that every effort has been made by statements in the various legislatures, by advertisement and by contributed articles in the Chinese vernacular Press, and by seeking the co-operation of the Chinese Advisory Boards and the leading members of the Chinese community throughout Malaya, to impress on every Chinese resident the determination of the Malayan Governments to administer the law effectively, and that the Department of Chinese Affairs is unceasingly vigilant to this end".

19. In the same paragraph, the Advisory Committee refers to its having received, *inter alia*, "a list of convictions for offences in Singapore, Penang and Malacca". The reference appears to be to the report by the Officer administering the Government of the Straits Settlements on the Mui-Tsai system for 1935 and on the action taken in individual cases under the Mui-Tsai Ordinance 1932, the Women and Girls' Protection Ordinance 1930, and the Children's Ordinance 1927, which report forms Appendix II to Annex 2 to the Committee's report for 1937.⁵ Although that report may be deficient in certain respects when compared with the information furnished in respect of Hong-Kong, it contains a considerable amount of useful information when read in conjunction with the tables of statistics of Mui Tsai remaining on the registers (Appendix 3 of Annex 4 and Annex 9 to the 1937 Report).⁶

20. Finally, with reference to the statement in paragraph 76 that, in the 1937 report from His Majesty's Government, "there is no mention of any action in the Federated or Unfederated Malay States to give effect to the law, and no reference to any system of inspection in any part of Malaya", it may be pointed out that, in response to a request by the Advisory Committee in paragraph 46 of their 1935 report that they "would be glad to receive information regarding the methods which will be employed in applying the laws, especially in regard to the appointment of inspectors", the Governor of the Straits Settlements furnished a memorandum prepared by the Acting Secretary for Chinese Affairs, giving particulars of inspections of Mui Tsai throughout Malaya. This memorandum was published in full in the report of the third (extraordinary) session of the Advisory Committee held in April 1936 (pages 71-72). It is further pointed out that, in the 1936 memorandum from His Majesty's Government (Annex 7 to the 1936 report), it was stated that "in order to ensure that the Government's policy as set out in the laws of the Straits Settlements and the Malay States is effectively enforced, early provision of an increased staff of whole-time lady inspectors

¹ See page 19.

² See page 27.

³ See page 31.

⁴ See page 38.

⁵ See page 25 of the Committee's 1937 report.

⁶ See pages 45 and 50 of the Committee's 1937 report.

is to be made for service in the areas of Malaya not at present fully covered by such staff ” (page 62).

21. It must be remembered that the Mui-Tsai legislation in its present form was not introduced in Malaya until the Mui-Tsai Ordinance of the Straits Settlements was passed on May 30th, 1931.¹ This Ordinance, like the Federated Malay States, Johore and Brunei Enactments passed later that year,² did not come into force until January 1st, 1933. Similar legislation in the other Malayan territories was enacted between that date and April 1935.³

22. It is proposed that the Malayan Governments should in future furnish half-yearly reports on the working of the Mui-Tsai legislation in their territories on the lines of the reports submitted by the Government of Hong-Kong. The first of these reports will be that for the half-year ended December 31st, 1937, and will be transmitted to the Advisory Committee as soon as it is received and, if possible, before the next meeting of the Committee. In order to make the report consecutive it will include details of cases which occurred during the first half of 1937. It will contain in addition the information asked for by the Advisory Committee in paragraph 78 of their report in regard to the appointment of lady inspectors, with details as to the terms of appointment, the salaries, qualifications, powers and duties of those officers, and also information concerning the system of “refuges” and “homes” in Malaya in accordance with the request contained in paragraph 80 of the Committee’s report.

23. In addition to the reports mentioned above, it is proposed in future to supply the Committee with a copy of the annual departmental report of the Secretary for Chinese Affairs, Malaya. A copy of the report for the year 1936 is annexed (Appendix 5). It is suggested that the Committee might wish also to examine the reports of the working of the Women and Girls’ Protection Legislation in Malaya, which are supplied yearly to the League of Nations for the use of the Advisory Committee on Social Questions. While the Slavery Committee is not directly concerned with most of the information contained in these reports, it is possible that, as the work of protection of women and children is intermingled with the problems arising out of the Mui-Tsai system, the reports may be of interest to the Committee.

Hong-Kong.

24. In Hong-Kong, there are at present one Inspector and two Assistant Inspectors of Mui Tsai. These are whole-time appointments. The Inspector is a male European officer, who was at one time seconded from the police force but who has been confirmed in his present employment since January 1st, 1935. The salary scale of this post is at present £475 a year, increasing by annual increments of £20 to a maximum of £535; it carries a conveyance allowance of \$240 a year and free quarters. The present holder draws in addition \$180 a year in language allowances, being qualified in Cantonese and Mandarin. He entered the Hong-Kong Police Force in April 1919, and rose to the rank of sub-inspector and has therefore a good knowledge of criminal law and procedure. His duties include supervision of office records, and of the work of the Assistant Inspectors; personal investigation of complaints likely to lead to court proceedings; and the conduct of prosecutions.

25. The Assistant Inspectors are Chinese women. The qualifications required for the post are good physique and a knowledge of English and Chinese both spoken and written. The salary of these officers is \$1,800 (= £125 at \$1 = 1s. 3d.) a year, with an allowance for travelling expenses of \$144 a year. Their duties include the regular inspection of registered Mui Tsai and of other children and girls who are considered by the Secretary of Chinese Affairs to require inspection, and the detection of unregistered Mui Tsai.

26. The powers of Inspectors and Assistant Inspectors of Mui Tsai are set out in the Regulations made under the Female Domestic Service Ordinance, 1923.⁴ The Inspector of Mui Tsai also holds an authorisation issued under Section 39 of the Protection of Women and Girls Ordinance, No. 4 of 1897, as amended by Ordinance No. 21 of 1929.⁵ Copies of these enactments are appended for convenience of reference (Appendix 6).

¹ See page 65 of the Committee’s 1935 report.

² See pages 71-76 of the Committee’s 1935 report.

³ See pages 48-57 of the Committee’s 1936 report.

⁴ See pages 62-64 of the Committee’s 1935 report.

⁵ See page 60 of the Committee’s 1935 report.

27. The estimates for 1938 include provision for three additional Assistant Inspectors on a salary scale of \$1,200 to \$1,800 a year. These will also be whole-time appointments.

28. There are at present five places of refuge which are officially recognised as such under the provisions of Sections 34 to 37 of the Protection of Women and Girls Ordinance, 1897; these are :

(a) The Po Leung Kuk (incorporated under Ordinance No. 6 of 1893 as amended by Ordinance No. 4 of 1932 (Appendix 7)): This institution is a "refuge" in the sense used by the Committee in paragraph 80 of their report. It is under the management of a Committee of Chinese ladies and gentlemen which is appointed annually. This Committee meets every day except Saturdays to consider cases referred to it by the Secretariat for Chinese Affairs.

29. Normally, women and children sent to the Po Leung Kuk are only kept there until satisfactory arrangements can be made for their disposal elsewhere, but provision is made for education and for instruction on hand work. Women, girls and boys under ten are admitted. There is accommodation for about 100 persons. The annual expenses amount to about \$15,000, of which \$7,000 is derived from a Government grant, \$4,000 is derived from investments and the balance from public subscription.

(b) The Salvation Army Home : This is in part a remand home for juvenile offenders sent there by a magistrate, in part a "home" for girls sent by the Secretariat for Chinese Affairs. There is accommodation for twenty-five in each section. The Government grant is \$3,000 a year.

(c) The Victoria Home and Orphanage : This is an orphanage and school belonging to the Church Missionary Society. The orphanage and school are now separate, the former being situated in the new territories. This institution has in the past accepted a number of young children sent to them by the Chinese Secretariat but the accommodation is limited and is at present taken up by protégés of the mission. There is a nominal grant from Government of \$100 a year.

(d) The Canossian Institute school and orphanage, which receives an annual grant of \$1,600 a year, is occasionally in a position to admit children recommended by the Chinese Secretariat, but there are few vacancies and none have been accepted for some time.

(e) The Eyre Refuge, formerly a rescue home for prostitutes, now accommodates twelve inmates, most of whom are cripples. It receives a grant of \$85 a year from Government funds.

30. A scheme which would provide a separate home where young prostitutes may be reclaimed is under consideration. Provision of such an institution was recommended by the Mui-Tsai Commission. The Government of Hong-Kong, however, while in agreement with this advice, considers that funds for the capital and maintenance costs of such an institution should be provided, at any rate partly, by voluntary subscription. Unfortunately, the political situation in the Far East is rendering the collection of funds for such purposes increasingly difficult and progress cannot be expected in this direction until peace again supervenes in China.

Hong-Kong and Malaya.

31. In paragraph 79 of their report for 1937, the Advisory Committee referred to the report of the Commission on Mui Tsai in Hong-Kong and Malaya and expressed the hope that they would learn in due course what action the Governments of Hong-Kong and Malaya proposed to take on that report.

32. The Government of the Straits Settlements has now decided to accept the minority report of the Commission¹ in principle with minor variations to meet local conditions. The minority report expressed the opinion that the chief obstacle to the abolition of the Mui-Tsai system lay in the difficulty of disentangling it from the general system of transference of girl children. Its proposals, as set out by its author, were :

I. Repeal of the Mui-Tsai Law, Hong-Kong, 1923,² and Malaya, 1932.³

II. The passing of fresh legislation on the lines of the suggested Female Child Protection Ordinance, the general principles of which are :

(a) Abolition of the legal status of Mui Tsai ;

(b) Protection of a particular class of child — *i.e.*, girls who have left their parents before the age of twelve, and who whether Mui Tsai or not must come under the notice of a proper authority ;

(c) Exemption after report of genuinely adopted girl children ;

¹ Colonial No. 125 (1937).

² See page 62 of the Slavery Committee's 1935 report.

³ See pages 65-78 of the Slavery Committee's 1935 report.

- (d) No reports of girls who left parents after twelve years of age ;
- (e) Quasi-adoptions not recognised ;
- (f) Status of wards and temporary wards ;
- (g) Registration for these purposes to continue indefinitely.

The Straits Settlements Government accordingly proposes that all transfers of girls under the age of fourteen, except those which are for a short period not exceeding three months, must be notified. The Protector of Chinese is also to be empowered to require the registration of the girl, involving her inspection and supervision, if he thinks it desirable — *e.g.*, if the circumstances of the transfer seem suspicious — and the Protector will be authorised to take any action necessary to secure the safety of the registered girl. The new system of child protection will not be brought into effect by amendment of the Mui-Tsai legislation, but by recasting the Children Ordinance so that the new system will be entirely distinct.

33. Draft legislation for the implementation in detail of this policy is being prepared. The Governor of the Straits Settlements, who is also High Commissioner for the Malay States, has expressed the hope that the Governments of the several Malay States will follow the action of the Straits Settlements.

34. In Hong-Kong, the Governor (Sir G. Northcote), who assumed office in October 1937, has been giving his careful consideration to the report of the Commission and his recommendations may shortly be expected. The Colonial Government has already taken steps to put into effect the administrative reforms recommended in that report — *i.e.*, for the more regular inspection of Mui Tsai, an increase in the number of Inspectors and the appointment of a woman Assistant Secretary for Chinese Affairs.

(c) *Quasi-Adoption of Children.*

35. In paragraph 16 of His Majesty's Government's Memorandum of 1937¹ it was stated that it was expected that the preparation of legislation to give effect to the report of the Sub-Committee set up to consider the question of the adoption of children in Ceylon would be introduced into the Ceylon State Council in 1937. The preparation of this legislation was found to be a somewhat difficult matter as a considerable amount of care had to be exercised to avoid a possible conflict with numbers of other existing systems of law, such as the Thesawalami, the Kandyan law, etc. A draft Ordinance to give effect to most of the recommendations of the Sub-Committee was prepared in October last and published in the *Ceylon Government Gazette* of December 3rd, 1937. This Bill, which provides, *inter alia*, for the regulation of the employment of children and young persons, will be introduced in the State Council shortly, and a separate Bill to regulate the adoption of children is now in course of preparation.

Appendix 1.

RECOMMENDATIONS BY MR. W. H. INGRAMS, O.B.E., WITH A VIEW TO EFFECTING A GRADUAL
REDUCTION OF SLAVERY IN THE HADHRA MAUT

(Mukalla, June 16th, 1937).

I discussed with Sultan 'Ali bin Mansur, Sultan 'Ali bin Salah and the seiyids the possibility of registration of slaves. My suggestion is that, in the first place, registration should be voluntary on the part of the masters, but then when a man desired to sell a slave, the prospective buyer could enquire whether the slave was registered and make certain of this from the Government concerned, and thereby discover whether the seller had a just title to the slave. The buyer would probably refrain from buying if the seller had not registered the slave. This suggestion arose from the cases of the selling of slaves by those who were not the masters of the slaves and the registration would not only prevent this but would also lead to the detection of illegal slave trading.

It has now been suggested from an influential source that the Qu'aiti and Kathiri sultans should be asked to issue notices in their dominions that every slave who asks for his or her freedom, from whatever place it may be, should be given a paper entitling him or her to freedom.

I have recently had further discussions with sultans and seiyids and believe that rules on the following lines would find general acceptance :

The buying and selling of slaves is forbidden and sale or purchase will not be regarded as giving legal title to slaves after . . .

¹ See page 41 of the Committee's 1937 report

All owners of slaves are required to register them with the nearest representative of the Qu'aiti or Kathiri Governments. No title will be recognised to slaves not registered by

Any slave who desires freedom should apply for it to the nearest representative of the Qu'aiti or Kathiri Governments. No steps will be taken to restore any runaway slaves to their masters.

Slaves who desire freedom will be given a paper, but may not then return to their masters. Masters who give slaves their freedom should have the papers countersigned and registered with the nearest representative of the Qu'aiti or Kathiri Governments if the slaves wish to remain and work with them.

The mortgages of persons by themselves as slaves is not recognised.

The children of slaves belong to their parents.

(Signed) W. H. INGRAMS.

Appendix 2.

LAWS OF THE COLONY OF SOUTHERN NIGERIA — VOLUME II.

CHAPTER CXXI. — *Native House Rule (P. No. 26, 1901).*

1. This Ordinance may be cited as “the Native House Rule Ordinance,” and shall apply only to the central and eastern provinces of the protectorate.

2. In this Ordinance, unless the context otherwise requires :

“ House ” means a group of persons subject to native law and custom, to the control, authority, and rule of a chief, known as a head of a house.

“ Member of a house ” means and includes any person who by birth or in any other manner is or becomes subject to the control, authority and rule of a head of a house.

“ Native law and custom ” includes any native law and custom existing in the Protectorate relating to houses, not repugnant to natural justice, nor incompatible either directly or by necessary implication with any Law or Ordinance in force at the commencement of this Ordinance, or which may hereafter come into operation, and any regulations relating to houses passed under the provisions of the Native Courts Ordinance by a native council with the consent of the Governor.

“ Court ” means a district court or native court.

3. Every member of a house shall, from and after the commencement of this Ordinance, be subject to native law and custom.

4. All proceedings under this Ordinance shall be commenced before a District Commissioner, who shall have full jurisdiction to determine summarily all such proceedings. Every such Commissioner may at any stage of any proceedings direct the same to be transferred to and determined by any native court in his district, unless one of the parties to such proceedings is a European.

5. Every member of a House who refuses or neglects to submit himself to the control, authority and rule of the head of his house in accordance with native law and custom shall be liable on conviction to a fine not exceeding fifty pounds, or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

6. Where a member of a house is charged upon the oath of the head of a house or his representative with an offence under the last preceding section, the Commissioner before whom the charge is made may issue a warrant directing the person named therein to arrest and bring before him such member of the house to be dealt with for the offence with which he is charged.

7. Every head of a house who neglects or refuses to perform, or acts in contravention of, the obligations imposed upon him by native law and custom towards any member or members of his house, shall be liable on conviction to a fine not exceeding £50, or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

8. Any person wandering abroad or having no apparent means of subsistence may be arrested by any officer of any court within the district in which such person is found, without a warrant, and brought before the Commissioner of such district, and questioned as to his means of subsistence and to which house he belongs.

If it appears that he belongs to a house, notice shall be given to the head of such house, who may thereupon commence such proceedings as he may think fit under this Ordinance, or under native law and custom.

If the person arrested refuses when questioned to answer to the satisfaction of the Commissioner, and it does not appear that he belongs to a house, or if the head of the house to whom any notice of the arrest has been given as aforesaid does not commence proceedings within seven days after the receipt of such notice, such person, unless he proves that he has sufficient means of subsistence, or that his want of such means is not the result of his own fault, shall be liable to imprisonment with hard labour for any term not exceeding one year.

9. In any proceedings under this Ordinance, the court, whether it imposes a fine or term of imprisonment or not, may order :

(i) That the defendant pay to the complainant such sum as the court may think fit as compensation for any loss or injury sustained by him by reason of the offence committed ; or

(ii) That upon payment of such sum or fulfilment of such conditions as the court may direct, or unconditionally, the complainant or defendant be discharged from further performance of all or part of the obligations imposed upon him by native law and custom relating to houses ; or

(iii) That the terms of any arrangement agreed to by the parties for the settlement of any question with respect to their obligations under native law and custom relating to houses be carried into effect.

Any person who shall commit a breach of any order under this section shall be liable to imprisonment with or without hard labour for any term not exceeding six months.

10. Every person who resists or obstructs the lawful apprehension of himself for any offence under this Ordinance, or escapes or attempts to escape from any custody in which he is lawfully detained, shall be liable to a fine not exceeding £50, or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

11. Any European or native (1) who, knowing a native to be a member of a house, employs such native without the express or implied consent of the head of a house, or (2) who, not knowing that a native is a member of a house, does not use every endeavour to ascertain whether such native is or is not a member of a house before employing such native, or (3) who not knowing, notwithstanding that he has used every endeavour, that a native is a member of a house, employs such native, and subsequently discovering that he is a member of a house fails to give notice of the fact to the head of the house to which such native belongs, shall be liable to a fine not exceeding £50, or to imprisonment with or without hard labour for any term not exceeding one year, or to both.

12. (1) The court may order any person convicted of an offence under this Ordinance to pay all or any part of the costs and expenses of the proceedings against him ; and

(2) Where it appears to the court that any proceedings are malicious, vexatious or frivolous, the court may order the complainant to pay all or any part of the costs and expenses of the accused, and, where the accused has been arrested on a charge on the oath of the complainant, may order the complainant to pay in addition to any such costs and expenses, or any of them, such sum not exceeding £25, as it may think fit, as compensation.

13. The court may at any time direct that payment of the costs and expenses and compensation, or any of them, ordered to be paid under the provisions of the last preceding section, shall be made on or before a specified date, and may also order that if default is made in such payment the person so directed to pay shall be imprisoned with or without hard labour for any term not exceeding three months, unless payment of such costs, expenses and compensation or any of them ordered to be paid, be sooner made.

14. No imprisonment under the provisions of this Ordinance shall operate as a satisfaction or extinguishment of any liability to pay any sum ordered by the court to be paid as costs, expenses or compensation under the provisions of this Ordinance.

* * *

COLONY OF SOUTHERN NIGERIA.

Ordinance No. 1, of February 8th, 1912, to amend the Native House Rule Ordinance.

Be it enacted by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows :

1. This Ordinance may be cited as the Native House Rule (Amendment) Ordinance, 1912.

2. The Native House Rule Ordinance is hereby amended as follows :

(1) The following section is inserted after section four :

5. Any member of a house may apply to the Commissioner of the district to fix an amount upon payment of which he shall cease to be a member of his house and be freed from all the obligations imposed upon him by native law and custom

relating to houses. The Commissioner shall thereupon fix the amount to be paid and decree his immediate discharge from such liabilities either :

- (a) On payment of the aforesaid amount, or
- (b) On his giving security to the satisfaction of the Commissioner for payment by annual instalments spread over not more than three years.

The payment or payments shall be made to the District Commissioner, and paid out by him. A member of a house shall, on ceasing to be a member, forfeit every claim and privilege of membership of the house including that of part ownership of property real and personal, but shall be entitled to retain and remove all his own personal property.

The sum payable may not exceed the maximum amount fixed by the Provincial Commissioner for each house, which sum shall in no case be greater than £50 and, in the case of persons of the labouring class or canoe boys, shall not exceed £15.

(2) By inserting in section nine of the principal Ordinance between the words " Ordinance " and " court " the words " save and except in proceedings under Section 5 of this Ordinance ".

(3) Sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen are hereby renumbered six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen respectively.

Passed in the Legislative Council this 8th day of February, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

(Signed) Gerald BELL,
Clerk of the Legislative Council.

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

(Signed) F. S. JAMES,
Acting Colonial Secretary.

(Signed) A. R. PENNINGTON,
Attorney-General.

Assented to in His Majesty's name this 8th day of February, 1912.

(Signed) Walter EGERTON,
Governor and Commander-in-Chief.

Appendix 3.

PROTECTORATE OF NIGERIA.

Ordinance No. XV, of December 31st, 1914, to repeal the Native House Rule.

Be it enacted by the Governor of the Protectorate of Nigeria as follows :

1. This Ordinance may be cited as the Native House Rule (Repeal) Ordinance, 1914.
2. The Native House Rule Ordinance (Chapter CXXI of the Laws of Southern Nigeria) and all Ordinances amending the same shall be and are hereby repealed as from the 1st day of January, 1915.

Enacted by me this 31st day of December, 1914.

(Signed) F. J. LUGARD,
Governor-General and Commander-in-Chief.

Appendix 4.

SYSTEM OF IWOFA : PUBLIC NOTICE (*February 1st, 1927*).

It is His Majesty the King's wish that the present system of Iwofa shall cease as not being in accordance with the principles of civilisation, particularly where children are concerned.

2. No boy or girl under the age of 16 years shall be engaged as an Iwofa after February 28th, 1927.

3. With effect from August 15th, 1927, the labour of an Iwofa shall be paid for at a fixed rate per 100 heaps, and the value of the labour shall be calculated towards the extinction both of the debt and the interest thereon.

4. All debts are recoverable in the native courts or provincial court.

5. The rate of pay will be as follows : In Oyo Division 2*d.* per 100 heaps ; in Ibadan Division 3*d.* per 100 heaps ; in Ife Division 3*d.* per 100 heaps.

(Signed) W. A. Ross,
Senior Resident, Oyo Province.

* * *

SYSTEM OF IWOFA : PUBLIC NOTICE (*April 7th, 1927*).

It is His Majesty the King's wish that the present system of Iwofa shall cease as not being in accordance with the principles of civilisation, particularly where children are concerned.

2. No boy or girl under the age of 16 years shall be engaged as an Iwofa after May 24th, 1927 (Empire Day).

3. With effect from November 24th, 1927, the labour of an Iwofa shall be paid for at a fixed rate per 100 heaps of yams, and the value of the labour shall be calculated towards the extinction of the debt and the interest thereon. (The interest shall not be more than 60%.)

4. All debts are recoverable in the native courts or provincial court.

5. The rate of pay will be as follows :

In Ondo Province, 3*d.* per 100 heaps, or 6*d.* per day.

(Signed) H. G. AVELING,
Acting Resident, Akure, Ondo Province.

* * *

SYSTEM OF IWOFA : PUBLIC NOTICE (*July 6th, 1927*).

It is His Majesty the King's wish that the present system of Iwofa shall cease as not being in accordance with the principles of civilisation, particularly where children are concerned.

2. It is hereby declared that it is unlawful for a boy or girl under the age of 16 years to be engaged or held as Iwofa.

3. With effect from Christmas Day, 1927, the labour of an Iwofa shall be paid for at a fixed rate of 3*d.* per 100 heaps of yams or 6*d.* for a full day's work, and the value of the labour shall be calculated towards the extinction of the debt and the interest thereon. The interest shall not be more than 60%.

4. All debts are recoverable in the native courts or provincial court.

(Signed) F. B. ADAMS,
Resident, Abeokuta Province.

Appendix 5.

STRAITS SETTLEMENTS.

*Annual Report of the Secretary for Chinese Affairs, Malaya, for the Year 1936.*¹

(By A. B. JORDAN.)

Protection of Women and Children.

Legislative protection is afforded to women and children in the colony under the following Ordinances :

- A. Women and Girls' Protection Ordinance.
- B. Children Ordinance.
- C. Mui-Tsai Ordinance.

Similar legislation has also been enacted in the Federated Malay States and the Unfederated Malay States.

A. *Women and Girls' Protection Ordinance and Enactments.*

The objects of this Ordinance and of the corresponding Enactments in the Federated Malay States and the Unfederated Malay States are the prevention of traffic in women and girls, whether or not for the purpose of subsequent prostitution, and the suppression of brothels. A table gives details of prosecutions during the last five years. There were 358 in 1932, 264 in 1933, 168 in 1934, 147 in 1935 and 101 in 1936.

¹ This report is kept in the Secretariat of the League of Nations and only the principal passages thereof are given herewith.

In addition to the penal sections there is provision for the establishment of Rescue homes. Each home is known as a Po Leung Kuk. They are established at Singapore, at Penang and at Malacca in the colony, at Kuala Lumpur and at Ipoh in the Federated Malay States, and at Sungei Patani in Kedah. The Malacca and Ipoh homes are used as temporary refuges only. That at Kuala Lumpur is a Federal institution and receives girls from all four of the Federated States. Girls from Johore are accommodated in the Singapore Home.

A table shows 762 admissions, 804 discharges and 305 remaining at the end of the year in these homes.

The ages of the inmates range from newly born babies to girls of 19 years.

The department is assisted in the management of these homes by Po Leung Kuk committees of Chinese gentlemen and by ladies' committees composed of Chinese and European ladies.

The Singapore Home is supported partly by public subscription and partly by a Government contribution. Those at Penang and Malacca are supported entirely by public subscription but the buildings in each case are maintained by the Government. The Kuala Lumpur, Ipoh and Kedah homes are supported entirely by the Government.

The income of the Singapore Home for the year was \$25,598.01, including \$290.51 brought forward from the previous year. The principal item was the Government contribution of \$20,000. The expenditure amounted to \$24,440.41. There was a balance of \$1,287.90 at the end of the year. The Endowment Fund now stands in the books at \$41,113.55.

The income of the Penang Home was \$6,309.93 and the expenditure \$7,461.75. The Endowment Fund now stands at \$74,560, the interest from which, together with subscriptions and donations from the public, covers the running costs of the home.

The Malacca Home has a credit balance of \$2,430.52, of which \$2,000 is invested.

The Kuala Lumpur Home cost \$4,827 for the year and the Ipoh Home \$1,535.

All women and children arriving at the ports of Singapore and Penang are seen by officers of the department and suspicious cases are detained for enquiry. If a fuller investigation appears to justify the action, such women and children may be detailed in the Po Leung Kuk, released under security bond or repatriated to their country of origin. If repatriation is to Hong-Kong, the authorities there are advised of the fact and arrange to meet the repatriates on arrival. In many cases, it is evident that full enquiry can more suitably be conducted by an up-country Protector, and women are in these circumstances "listed" to the office nearest their destination. By a long standing arrangement with certain approved lodging-houses, these women are invariably produced before the Protector at the office of destination on the appropriate date.

During the year, the total of security bonds was 593.

B. Children Ordinance and Enactments.

The objects of this Ordinance and of the corresponding Enactments in the Federated Malay States and the Unfederated Malay States are the prevention of cruelty to and ill-treatment of children, and the protection of destitute children. A child is defined as "a person under the age of 14 years".

The number of licences issued to child actors and actresses during the year was 98.

The number of prosecutions under the Ordinance and the Enactments during the last five years was 81.

C. Mui-Tsai Ordinance and Enactments.

The objects of the introduction of Mui-Tsai legislation throughout Malaya were to effect registration of all existing Mui Tsai and to ensure that, after the date of the closing of the registers, no unregistered girl should be employed as a Mui Tsai. There are also provisions for the return of a Mui Tsai to her parents at her request, for the payment of wages to Mui Tsai and to ensure that a Mui Tsai shall not be overworked or ill-treated.

A Mui Tsai is defined as an unmarried female domestic servant under the age of 18 years, the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt.

There are full-time lady inspectors of Mui Tsai in Singapore and Penang, whose duty it is regularly to inspect all Mui Tsai in these Settlements. The Singapore Inspector also visits Malacca. Inspection of Mui Tsai in the Federated Malay States, Johore and Kedah is undertaken by the Protectors and Assistant Protectors in the various States, assisted, in the Federated Malay States, by staff nurses of the Medical Department.

Appendix 6.

HONG-KONG.

*Regulations made by the Governor in Council under Section 12(1) of the Female Domestic Service Ordinance, 1923, Ordinance No. 1 of 1923, on the 20th day of August, 1931.*¹

The regulations made by the Governor in Council under the Female Domestic Service Ordinance, 1923, published as Government Notification No. 568 in the *Gazette* of November 8th, 1929, and amended as appears in Government Notifications Nos. 273 and 519 of 1930, are hereby further amended by the addition of the following heading and regulations :

Inspection, etc., of Mui Tsai.

9. The inspection and control of Mui Tsai shall be carried out and undertaken by officers appointed by the Governor to be inspectors of Mui Tsai.

10. The powers of every such inspector shall be as follows :

(a) To enter, during the daytime, the domestic and other premises of the employer of any Mui Tsai for the purpose of ascertaining particulars of the services performed by and of the condition and treatment of any such Mui Tsai.

(b) To enter, at any time of the day or night, any premises whatsoever in which such inspector has reasonable cause to suspect or believe that any Mui Tsai is concealed, or detained, or over-worked, or ill-treated, or ill-conditioned, or misused, or uncared for or is in need of protection, care or succour, or medical or other attention or assistance.

(c) To interrogate any Mui Tsai or suspected Mui Tsai, and if he consider that the circumstances so require, to cause her to be medically examined.

(d) To take any Mui Tsai or suspected Mui Tsai to the office of the Secretary for Chinese Affairs for the purposes of investigation and enquiry.

(e) To require any person, whether the employer or not, to give and provide all reasonable facilities, information and assistance to any such inspector in the carrying-out of his duties and powers.

11. Every person shall comply with all reasonable requirements of any such inspector.

12. These regulations shall be sufficient authority for the exercise by any such inspector of his powers under these regulations ; no warrant shall be necessary or required, but upon the request of the owner or occupier of any premises entered, or of any person of whom he shall make any requirement, he shall produce his appointment if so requested.

13. In the exercise of any such powers, an inspector may be accompanied by not more than three persons approved in writing in that behalf by the Secretary for Chinese Affairs.

14. The foregoing regulations 9-13 in no way supersede or override any power or authority of the Secretary for Chinese Affairs, or of any other officer or authority.

Extract from the Hong-Kong Protection of Women and Girls Amendment Ordinance, Ordinance No. 21 of 1929.

6. Section 39 of the Protection of Women and Girls Ordinance, 1897, is repealed and the following section is substituted therefor :

39. (1) The Secretary for Chinese Affairs, or any officer generally or specially authorised for that purpose in writing by the Secretary for Chinese Affairs, may enter, and for that purpose may use force if necessary, and may search any vessel, house, building, or other place for the purpose of ascertaining whether there is therein any woman or girl who is or may be liable to be dealt with under the provisions of this Ordinance, or whether any offence under this Ordinance is being, or has been, committed, and may remove any such woman or girl to a place of safety to be there detained until her case be enquired into.

(2) The Secretary for Chinese Affairs, or such officer as aforesaid, may during or after any such search as is referred to in sub-section (1), arrest or cause to be arrested any person reasonably suspected of being liable to prosecution for an offence against this Ordinance, and may seize and detain any articles, or any books, documents or accounts, which he may have reason to believe to relate to any offence against this Ordinance.

¹ Published in the *Government Gazette* of September 4th, 1931, Government Notification No. 550.

(3) No person shall refuse the Secretary for Chinese Affairs, or such officer as aforesaid, access to any such vessel, house, building or other place, or otherwise obstruct or hinder him in effecting an entrance, or in removing such woman or girl, or in seizing and detaining such articles, books, documents or accounts.

(4) (a) In carrying out any search under the provisions of this section, the Secretary for Chinese Affairs, or such officer as aforesaid, shall have power to put questions and to give any such order or direction as may be necessary to the inmates of any vessel, house, building or other place for the purpose of carrying out such search.

(b) The inmates of any vessel, house, building or other place shall answer truthfully all questions put to them by the Secretary for Chinese Affairs, or such officer as aforesaid, and shall obey any order or direction given by him touching any matter or any person connected with such search.

(c) No person shall by force, restraint, threats, inducement, or other means, cause any woman or girl who is or may be liable to be dealt with under the provisions of this Ordinance to conceal herself in or to leave any vessel, house, building or other place being searched or about to be searched by the Secretary for Chinese Affairs, or such officer as aforesaid, under the provisions of this section, with the intent that the search of the Secretary for Chinese Affairs or such officer may thereby be evaded or obstructed.

(5) Every person who contravenes any of the provisions of this section shall upon summary conviction be liable to a fine not exceeding five hundred dollars and to imprisonment for any term not exceeding six months.

Appendix 7.

HONG-KONG : ORDINANCE NO. 6, OF JUNE 26TH, 1893 (PO LEUNG KUK) (1924 REVISION).

An Ordinance for the Incorporation of the Chinese Society for the Prevention of Kidnapping and for the Protection of Women and Children, commonly known as the Po Leung Kuk.

Whereas, in the year 1878, a Chinese Society entitled the Po Leung Kuk was formed in this colony for the prevention of kidnapping and for the protection of women and children and the same has been supported and carried on partly by voluntary contributions up to the present; and whereas the said Society has from time to time rendered assistance to the Government in the detection and suppression of the crime of kidnapping and kindred offences and in the rescue and restoration or maintenance of kidnapped persons; and whereas it is desirable to give to the said Society a permanent and legal status and to endow the same with funds out of the Treasury; and whereas certain members of the said Society have applied to the Governor to grant them an Ordinance of incorporation, which the Governor has consented to do, under and subject to the conditions and provisions hereinafter contained:

1. This Ordinance may be cited as the Po Leung Kuk Incorporation Ordinance, 1893.

2. Such persons as have heretofore or may hereafter become donors of any sum not under twenty-five dollars to the funds of the Society or may subscribe annually to such funds a sum not under five dollars (so long as they continue so to subscribe), and whose names are entered upon the register of members hereinafter mentioned, shall be one body politic and corporate, in name and in deed, by the name of "The Po Leung Kuk", with perpetual succession and a common seal, and with power to purchase, acquire, receive, take, hold and enjoy to themselves and their successors any lands, tenements, hereditaments, buildings or other property of any kind whatever for the purposes of the Society, and shall and may sue or take proceedings and be sued in their corporate name in all courts.

3. The Society is incorporated for the purpose of assisting the Government in the suppression of kidnapping and the protection of women and children; of aiding by correspondence and other means in the detection and bringing to justice of persons guilty of kidnapping and other kindred offences: of helping to restore rescued persons to their relatives or friends: and of providing a home for rescued women and children until proper provision is made for their marriage, adoption or settlement in life, or otherwise for their welfare.

4. The affairs of the Society shall be managed and its various functions discharged by a permanent Board of Direction (hereinafter called the Board) and by an elected committee (hereinafter called the committee).

5. (1) The Board shall consist of not less than five and not more than ten persons, including the Secretary for Chinese Affairs, who shall be *ex officio* the president, and also the members of the Legislative Council representing the Chinese, who shall be *ex officio* the vice-presidents.

(2) Vacancies in the Board shall be filled up by the Governor, who may call upon the continuing members of the Board for their recommendation.

(3) All appointments to the Board shall be held only during the Governor's pleasure.

6. The Board shall, subject to the provisions of this Ordinance, have full power and authority to govern, direct, and decide all matters whatsoever connected with the administration of the affairs of the Society and the accomplishment of the objects and purposes thereof, subject to an appeal to the Governor, as hereinafter provided, and may at discretion depute, by regulations or otherwise, a portion or the whole of its power and authority to the elected committee.

7. The Board shall have power, with the consent of the Governor, to change or vary the corporate name and the common seal of the Society, and the amount of the donation to the funds of the Society hereinbefore prescribed as a qualification for becoming a member thereof, and may, with such consent as aforesaid, refuse to admit any person as a member or may expel any existing member and cause his name to be erased from the register.

8. The Board shall have power to make regulations for their procedure in the transaction of business and the maintenance of good order at their meetings, and for the guidance of the committee, and generally for all matters relating to the administration and management of the Society and the discharge of its various duties : provided always that a copy thereof shall be furnished to the Colonial Secretary, and that they shall be subject to disallowance, alteration or amendment at any time by the Governor.

9. All questions which may arise at any meeting of the Board shall be decided by a majority of votes, and, in case of an equality of votes, the president shall have a casting vote in addition to his original vote : provided that, in any case in which the Board is divided in opinion, the president or any two members of the Board may demand that the point be referred to the Governor for his decision, which shall in every such case be final.

10. (1) The committee shall consist of not less than six and not more than twelve members of the Society, to be elected as hereinafter mentioned, who shall from time to time appoint one of their body to be chairman.

(2) Every member of the committee shall hold office for the term of one year only, but shall be eligible for re-election at the expiration thereof.

11. (1) The members of the committee shall be elected as occasion may require by a majority of votes of members of the Society who may be within the colony at the time of such election.

(2) Every such member of the Society, whether a firm or individual, shall be entitled to one vote only.

12. The Committee shall, subject to such regulations as may be made by the Board in that behalf, undertake and exercise the immediate supervision and management of the work of the Society.

13. (1) The Board shall cause a register to be kept in which every person or firm, desiring to become a member of the Society and being duly qualified shall, subject to the provisions of Section 7, be entitled to have his name or firm name inscribed, and shall also cause proper books of account to be kept, which shall be open at all reasonable times to the inspection of members of the Society and of any person whom the Governor may appoint in that behalf.

(2) The Board shall also, within one month after the expiration of every year, transmit to the Colonial Secretary a full report of work done during the previous year, together with a true statement of the assets and liabilities of the Society and an account of their receipts and disbursements during the previous year, and such statement shall be verified upon oath before a justice of the peace by two members of the Board.

[(3). *rep.* Law Amendment Ordinance, 1923.]

14. In case it is at any time shown, to the satisfaction of the Governor, that the Society has ceased, or neglected, or failed to carry out in a proper manner the objects and purposes of its establishment as set forth in Section 3, or the objects and purposes of this Ordinance, or to fulfil the conditions thereof, it shall be lawful for the Governor, by an Ordinance to be passed for that purpose, to repeal this Ordinance and to declare that the incorporation hereby granted shall cease and determine and become absolutely void.

15. In case the incorporation hereby granted ceases under the provisions of Section 14, all the property and assets of the Society shall, for the purposes hereinafter mentioned, become vested in the Crown, subject to the rateable payment thereof of the just debts and liabilities, if any, of the Society, to the extent of such property and assets, and the balance of such

property and assets shall be applied by the Governor towards the objects for which the Society was established or such of them as the Governor may, in his discretion, deem best.

16. For the purposes of the Society and to make provision for a building or buildings for temporarily housing and maintaining women and girls detained under the provisions of any Ordinance relating to the protection of women and girls and as the asylum for them during such detention, it shall be lawful for the Governor in Council to authorise the payment to the Society of a sum not exceeding 20,000 dollars.

17. The buildings of the Society shall be kept and maintained for the objects and purposes specified in Section 3 out of the voluntary subscriptions to the Society and out of such income or money as the Society may derive from any source whatever.

18. All buildings and premises of the Society shall be open, at all reasonable times, to the inspection of the Governor, of the Captain Superintendent of Police, of any two unofficial justices of the peace who may be appointed by the Governor to be visitors, or of any other persons whom the Governor may appoint or authorise in writing in that behalf.

19. (1) It shall be lawful for the Governor, to direct that the services of certain subordinate officers of police and of certain district watchmen shall be placed at the disposal of the Society, on such terms and under such conditions as the Governor may sanction.

(2) Such officers of police and district watchmen shall regularly report their proceedings to the Captain Superintendent of Police.

20. Any person apprehended by any police officer shall, without unreasonable delay, be sent or taken to a police station, and any woman or girl or other person in respect of whom there is cause to suspect that an offence has been, or is being, or is about to be committed may be taken at once to such place as may be provided by the Society or to such other place of safety as the Secretary for Chinese Affairs may direct, there to remain until proper provision can be made for the protection of such person's interests and liberty, and so that in the meantime the evidence of such person may be available when required.

[5.21, rep. No. 31 of 1911 ; Schedule, rep. No. 1 of 1912.]

* * *

HONG-KONG : ORDINANCE No. 4, OF FEBRUARY 26TH, 1932, TO AMEND THE PO LEUNG KUK INCORPORATION ORDINANCE, 1893.

Be it enacted by the Governor of Hong-Kong, with the advice and consent of the Legislative Council thereof, as follows :

1. This Ordinance may be cited as the Po Leung Kuk Incorporation Amendment Ordinance, 1932.

2. Section 2 of the Po Leung Kuk Incorporation Ordinance, 1893, is numbered as subsection (1) thereof and the following sub-sections are added thereto :

(2) The Society shall have power to invest moneys upon mortgage of any lands, hereditaments, buildings, messuages or tenements or upon the mortgages, debentures, stocks, funds, shares or securities of any corporation or company, and also to purchase, acquire and possess vessels and other goods and chattels of what nature and kind soever.

(3) The Society shall have power, with the consent in writing of the Governor, to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, transfer or otherwise dispose of, or to let or demise for any period exceeding three years, any lands, buildings, messuages or tenements which are for the time being vested in or belonging to it. In any such transaction, the signature of the Governor endorsed on the document or documents by means of which the transaction is effected shall be sufficient evidence that such consent was given.

(4) The Society shall have power to let or demise for any period not exceeding three years, upon such terms as it may deem fit, any lands, buildings, messuages or tenements which are for the time being vested in or belonging to it.

(5) The Society shall have power to sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of, upon such terms as it may deem fit, any debentures, stocks, funds, shares, securities, vessels, or other goods or chattels, which are for the time being vested in or belonging to it.

(6) All deeds and other documents requiring the seal of the Society shall be sealed with its common seal in the presence of two members of the elected committee and shall also be signed by them, and such signing shall be taken as sufficient evidence of the due sealing of such deeds and documents.

3. Sub-section (1) of section 5 of the Po Leung Kuk Incorporation Ordinance, 1893, is repealed and the following sub-section is substituted therefor :

5. (1) The Board shall consist of such number of members as the Governor shall direct and shall include the Secretary for Chinese Affairs, who shall be *ex officio* the president and also the members of the Executive Council and of the Legislative Council representing the Chinese, who shall be *ex officio* the vice-presidents.

Passed the Legislative Council of Hong-Kong, this 25th day of February, 1932.

(Signed) R. A. C. NORTH,
Deputy Clerk of Councils.

ANNEX 6.

C.C.E.E.189.

COMMUNICATION, DATED FEBRUARY 14TH, 1938, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH APPENDICES).

I am directed by Mr. Secretary Eden, with further reference to your Circular Letter 100.1937.VI, to request that you will be good enough to convey to the Advisory Committee of Experts on Slavery, the following information regarding Southern Rhodesia, Basutoland, the Bechuanaland Protectorate and Swaziland.

2. As regards Southern Rhodesia and the territories of Basutoland and Swaziland, I am to state that there is nothing to add to previous reports to the effect that no form of slavery exists there.

3. As regards the Bechuanaland Protectorate, reference was made in paragraphs 83 to 86 of the Advisory Committee's 1937¹ report to the position of the Masarwa in the Protectorate, and in paragraph 17 of the Memorandum from His Majesty's Government in the United Kingdom on various questions dealt with in the 1936 report of the Advisory Committee it was stated² that, when the European Officer detailed to take charge of the interests of the Masarwa had completed his investigations and furnished a full account of his findings, the considered recommendations of the Administration for furthering the interests of the Masarwa and putting in their way opportunities for employment would be drawn up. A report by Mr. Joyce, the Officer allocated for special duty with the Masarwa, is now enclosed. His Majesty's Principal Secretary of State for Dominion Affairs is informed that the acting-chief of the Bamangwato tribe has agreed to implement the policy of incorporating the Masarwa as ordinary tribesmen into the body politic of the Bamangwato, enjoying the traditional rights, and subject to the traditional obligations of tribesmen, and free from all abnormal and exceptional obligations. The measures designed to implement this policy are set out in paragraph 48 of Mr. Joyce's report. These measures, based on the information contained in the report, can best be construed with reference to the recommendations made by the Tagart Commission as summarised on page 30 of the Advisory Committee's 1937 report. The Resident Commissioner has submitted the following observations on the position :

Recommendation 1. — The reading of Lord Athlone's declaration in all the Chief kgotlas and the steady propaganda carried out by the Masarwa Officer during the last three years have had effect. It is now realised by the Bamangwato and by the Masarwa that compulsory service is a thing of the past and that any Masarwa who wish to leave their masters and live independently of them are at liberty to do so and that their masters have no right to compel their return. In fact, as set out in paragraph 31 of Mr. Joyce's report, the Bamangwato have, in certain cases, so misunderstood the policy of the Administration that they have made no attempt to check the ever-recurring stock thefts by Masarwa, and the Masarwa have not been slow to avail themselves of this misunderstanding and their imagined immunity from punishment. It has been made clear to the chief and to the people that the Masarwa are to be treated in exactly the same way as any other tribesmen and that they are liable to trial and punishment by any authorised tribunal but not by their masters for any offences they may commit.

Recommendation 2. — The results of the census made by Mr. Joyce reveal a total of 9,505 Masarwa in the Bamangwato reserve of whom 3,092 are adult males. Mr. Joyce

¹ See page 17 of the Committee's 1937 report.

² See page 41 of the Committee's 1937 report.

estimates that there are another 1,000 Masarwa scattered throughout the reserve with whom he has not yet been able to make contact. Appendix III of the report gives the names of the masters and the number of Masarwa employed by each.

Recommendation 3. — Owing to shortage of staff, it will not be possible for Mr. Joyce to devote his whole time to the Masarwa. The administrative staff now appreciate the necessity of closer personal contact between them and all sections of the native people and that the duty of safeguarding the interests of the Masarwa is not confined to one specially seconded administrative officer. It is hoped that Mr. Joyce will be able to devote three months to special tours among the Masarwa next winter.

The measures taken to put opportunities for employment in the way of the Masarwa are set out in Section VIII, paragraphs 34-36 of Mr. Joyce's report, and the policy of encouraging and helping the Masarwa to obtain regular employment will be continued. The majority of them, however, prefer the lazier and care-free life of the cattle-posts to which they are accustomed.

Recommendation 4. — In consultation with the chief, it has been agreed that the names of all adult able-bodied Masarwa males should gradually be entered in the appropriate tax registers. This will only be done under the supervision of the Masarwa Officer who will be accompanied by the chief's representative and local headman. The Masarwa will be informed that, like any other tribesmen, they are liable to tax. The Masarwa Officer, after consultation with the officials of the native administration, will exempt from payment of the whole or a portion of the tax and of the tribal levy any Masarwa who are considered to be indigent and unable to pay the tax or any portion thereof. At first large-scale exemptions will probably have to be granted. The introduction of taxation among the Masarwa will be a gradual process and carried out in such a way as not to impair their confidence in the Government. No Mosarwa, who is not already being taxed, will be called on to pay tax by any official of the native administration without prior reference to the District Commissioner.

Recommendation 5. — The chief has expressed himself as willing to grant land to any Masarwa who apply for it as near as possible to their former habitations. The Masarwa are strongly opposed to any scheme whereby they will be required to settle in an area remote from their own districts. No large-scale settlement scheme appears to be necessary. With the co-operation of the chief, it should be possible gradually to enable the Masarwa to develop their own settlements and their own agricultural holdings within their own districts.

Recommendation 6. — The action that it is proposed to take in regard to agricultural demonstrators is set out in subsection 6 of paragraph 48 of the report.

Recommendation 7. — It is proposed that the Native Labourers (Protection) Proclamation No. 14, of 1936,¹ should now be brought into effect. The chief has agreed to this step and it will be the duty of the chief and of the administrative officers to explain the provisions of the proclamation to the tribe, making clear the reciprocal nature of the rights of master and servant. No attempt will be made at first to lay down any specific scales of remuneration. It is considered desirable that the chief's tribunal, and, later, other native tribunals, should have jurisdiction to try cases under this Proclamation. The necessary legislation to give effect to these proposals is at present under consideration.

(Signed) D. F. HOWARD.

REPORT ON THE MASARWA IN THE BAMANGWATO RESERVE, BECHUANALAND PROTECTORATE.

Introduction.

It is generally accepted that the earliest inhabitants of southern Africa were the Bushmen — a race of nomads having no possessions and no knowledge of agriculture, living in family groups and depending for their livelihood on game meat and the natural fruits of the soil.

The very primitiveness of the Bushmen made them an easy prey when the Bantu invaded South Africa from the north and when, considerably later, the white man set foot in the south; those who did not perish by the gun or the assegai, or become slaves, retreated with the game into the waterless, and, for a long time, inaccessible, Kalahari Desert, where their descendants are to be found to-day.

Bantu hunters maintained contact with the Bushmen, or Masarwa as they are now called, and adopted the more tractable as trackers and hunters for themselves and as herds for their cattle — in this way was the present-day relationship of Bantu master and Mosarwa servant established. It must not be concluded, however, that all the Masarwa are servants of the Bantu, for even the Bantu have not penetrated to the innermost recesses of the Kalahari where the Masarwa still live their primitive life. In the Bamangwato Reserve of the

¹ The text of this Proclamation is reproduced on page 34 of the Committee's 1937 report.

Bechuanaland Protectorate there are signs that the Masarwa there have for some time past been emerging from a state of subservience and becoming cattle-owners and agriculturists.

There are several distinct clans of Masarwa in the Bamangwato reserve, the most important of which are the Mashuakwe, Makaisi, Madennesana, Masase, Maura, Majerikwa, Disoka and Bakorokwa. Although the great majority of them lead a nomadic life, they have definite areas out of which families will not remove; this does not necessarily mean that they will never leave their own particular area, but it shows that they retain a marked preference for their birthplace. These areas are usually about a thousand square miles in extent, and their boundaries serve the purpose of defining that part of the country in which the occupants, and they alone, have the right to hunt, dig for roots and collect berries. If one were to meet a Masarwa out of his area and suggest that he collect berries he would probably say that he was "in the dark and commanded by the road", meaning that he was unfamiliar with the country and was simply following the road (travelling).

When the Bakgalagadi came to the country, they soon began to exercise authority over the Masarwa, who, in time, became their servants. Upon the arrival of the Bamangwato, who dominated the Bakgalagadi, the Masarwa were subjected to further interference. Other tribes such as Makalake and Bapedi also came into the country and caused Khama, who was then chief of the Bamangwato, to adopt a policy of absorbing all the tribes in the reserve into the Bamangwato tribal system. The Masarwa, however, had little in common with the Bamangwato. Contact was usually made during the hunting expeditions of the Bamangwato, when the Masarwa, who are very skilled trackers, assisted them. Later, when game was beginning to become scarce, it is said that Khama, fearing that the Masarwa would leave the country, induced his people to entrust cattle to their care. In this way, every Masarwa family became attached to a Mongwato family and eventually the Mongwato would speak of his Masarwa in much the same way as he did of his cattle. When the Bamangwato occupied the country, the ruling chief placed various areas in the care of responsible people; the Masarwa in these areas then came under the charge of these people — thus in the Macloutsie area where Headman Pelotona's people to-day have their cattle-posts, I found 349 Masarwa, who stated that Pelotona was their "master". Very few of these people, however, are actually working for Pelotona; they merely acknowledge him as their "master" in the same way as the Bamangwato acknowledge the chief as their "master" or chief.

Human nature being what it is, acts of aggression and negligence such as the theft or loss of cattle, followed by reprisals, were bound to occur. Allegations have been made from time to time of the ill-treatment of the Masarwa and these have gradually focussed attention on the question of the relationship subsisting between the Bamangwato tribe and the Masarwa.

While on a visit to England in 1930, the acting-chief Tshekedi asked the then Secretary of State, Lord Passfield, to appoint a commission of enquiry to enquire into and report upon the position before any legislation was passed. Later in the same year, the Resident Commissioner, in consequence of disturbing reports received by him, stressed the need for action and advocated the appointment of an independent commission of enquiry.

The result of these representations was the appointment in May 1931 of Mr. E. S. B. Tagart, C.B.E., late Secretary for Native Affairs in Northern Rhodesia, as Commissioner to enquire into:

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

Mr. Tagart's report was issued in October 1932 and was published with a memorandum by the Bechuanaland Protectorate Administration in March 1933.¹

As a result of this report, I was posted to the Ngwato district in July 1934 in order that I should become acquainted with the conditions in the district before commencing the Masarwa work on the lines recommended. For various reasons, mainly difficulties connected with the native administration and Native Tribunals Proclamations of 1934, the Masarwa work proper was not commenced until October 1935.

My first instruction was to take a census of the Masarwa and to collect data bearing upon their mode of life and manners and customs, and, in particular, details relating to child slavery.

I approached the acting-chief Tshekedi before commencing work. He appeared to be somewhat distressed by the Tagart report, mainly, I believe, because he considered that he and his tribe alone were blamed, unjustly, for the unsatisfactory state of the Masarwa, whereas in his opinion, the Government also was not without responsibility in the matter. The Tagart recommendations did not commend themselves to him but although he wished to have as little as possible to do with the matter he was quite willing that I should set to work

¹ Government Printer, Pretoria, 1858.14.3.33.100.

Note by the Secretariat of the League of Nations. — See also pages 30-45 of the Slavery Committee's 1935 report.

on the lines recommended. He provided a man to act as his representative and to be guide and interpreter. This man accompanied me on the various tours and was paid by the Administration.

Among the people themselves there was a great deal of misunderstanding about the intentions of the Administration. Rumours were current that all the Masarwa were to be gathered together to live at one place and that they were to be compelled to go to the mines to earn money for tax. In consequence, I met at first with a great deal of passive resistance and in a few instances with active obstruction. In one case, I found that a Mongwato master had circulated false rumours amongst the Masarwa calculated to frighten them and so prevent me from making contact with them. It was necessary for the acting-chief to make it generally known that he wished his people to give me every possible assistance.

It was in this difficult atmosphere that the census and other relevant work was commenced. The area of the Bamangwato Reserve is approximately 40,000 square miles and owing to the absence of roads it was apparent from the outset that travelling would be a further difficulty. By far the best means of visiting cattle-post areas would have been to go on horseback, with a wagon at hand carrying supplies, but to this were disadvantages, mainly on the score of slowness. Had this means been adopted, the preliminary work alone would have taken several years to accomplish. After an attempt to travel by light motor-van, the difficulty was solved by using a motor-truck of 3,000-lb. carrying capacity with high road clearance and with this I was able to reach every cattle-post area in the reserve.

My guide had a very limited knowledge of the country and on many occasions it was a case of the blind leading the blind: we had to act upon information which was not only unreliable but at times deliberately misleading. As time went on, however, contact and confidence were established and misunderstandings were gradually cleared up. During the last few months of the work, there was a more helpful attitude on the part of the Bamangwato, and I found the Masarwa no longer so alarmed about the intentions of the Administration.

I. *Areas visited.*

1. As the Masarwa in different parts of the district are in different stages of development, a word will be said about each particular area. On the attached map¹ are marked the various places mentioned in this report. It was of course impossible to see every Mosarwa; there were always a number of absentees at each place, some being away hunting, others visiting, others away at work. It was therefore necessary to record a great deal of hearsay information. For this reason, it has not always been possible to give accurate information or exact figures.

2. It was at times difficult to determine who were Masarwa for the term "Mosarwa" is not liked and is looked upon as a contemptuous appellation. Many of them would not readily admit their tribe. Appearance alone is not a very reliable guide, partly because there has been so much intercourse of Masarwa women with men of Bantu tribes that many Masarwa cannot be distinguished as such.

3. My first tour was in the country east of the railway-line between the Macloutsie and Shashi Rivers. In two weeks, particulars of 537 men, women and children were recorded. Mr. Johnston, in his evidence before Mr. Tagart, referred to these Masarwa as a "better class" who, he says, live on a "higher standard". I was agreeably surprised to find how comparatively well off they were. They own cattle and cultivate their own lands, were well nourished and well clothed. I attribute their prosperity mainly to the fact that they are able to obtain congenial paid employment near their homes. Forty-six young men were away at work. Most of them were said to be in the adjoining district of Francistown where there is a large demand for cheap labour on the mines and farms, some were reported to be in Southern Rhodesia working as cattle-herds, and a few had proceeded on contract to the Witwatersrand gold-mines. They were a cheerful, contented people and made no complaints. One man, the richest of them all, told me he had lost most of his cattle but had forty left. He has paid tax for a long time. Most of the Masarwa east of the railway-line are living between the above-mentioned rivers. In the Tswapong area, and in the country between there and the Bakgatla border, there are very few of them.

4. My second trip was to a place 100 miles north of Serowe known as Lekoba. Within ten miles of this place, there are various wells in limestone formation, the most important being Takotsane, Lebethu and Mafhelekwane. During the few months of the year when no

¹ Kept in the archives of the Secretariat of the League of Nations.

other water is available, say from July until October, the cattle are concentrated at these wells, but as soon as rains have fallen they are taken away to various pans and river beds as far as fifty miles from the wells. At the time of my visit in November 1935, rains had not yet fallen and, in consequence, I found a large assemblage of Masarwa with the cattle at the wells. Although these Masarwa are said to be the first in the reserve to have taken to ploughing, they were, on the whole, a more backward people than those at Macloutsie. Besides cultivating the soil, they own a few head of stock. Some of the young men go away to work in the Francistown district. At Lekoba, there is a village of about thirty huts in which some of these Masarwa have made permanent homes. There are about a thousand Masarwa in this area.

5. I next proceeded to the sand country west of Serowe, where the Masarwa are the most primitive of all, but quite friendly. At the wells at Nkawane, Tsephe, Mashoro, Ditawana, Malacwai and Shangane, communities varying from twenty to one hundred were found.

6. By the end of November, it had not been possible for the Administration to send anyone to relieve me at Serowe and, owing to pressure of work, it was found necessary to recall me. At the end of 1935, after barely two months work, there were 1,866 Masarwa on the census.

7. In January 1936, the Masarwa work was recommenced and cattle-posts in the southern part of the district were visited, as far east as the Tuli Block boundary, as far south as the Bakgatla border and westwards as far as Lephepe. On this trip, 599 people were placed on the census register and much useful information was obtained. Most of the country is very sandy and travelling is difficult, particularly in the vicinity of Palla Road and Debeeti. Near Lephepe, I found a number of bush people who called themselves "Masase" and whose language was different from Sesarwa as known in the Ngwato district. They had come from the Bakwena reserve many years ago. The following examples of how their language differs from Sesarwa may be of interest :

English	Sesarwa	Sesase
water	tsaa	yoo
rain	tuu	chuar
milk	pii	nxuu
dog	abaa	dema

Whilst I was in the Lephepe area, heavy rains fell and, in consequence, the people were scattered at various pans, some of which I was unable to locate. I had expected to find many people at the wells at Selinye and Taleghe but did not see a soul. I propose to make a return visit to this area during winter when the people will be at the wells. It should then be possible to add several hundred to the census. These people do not plough to any extent nor do many of them go away to work.

8. From Lephepe, I moved up towards Shoshong, travelling in heavy rain and being bogged in black turf on several occasions. At a place called Letselenta, about fifteen miles west of Shoshong, I found an interesting community of fifty Masarwa. They were busy ploughing, three ploughs drawn by oxen being used to plough an area of at least twenty acres. I requested them to assemble at dawn next day and told them I would finish with them in an hour or so, when they could continue ploughing. The menfolk came to my camp early next morning but refused to give their names or to say anything about themselves. They said they did not know what I was doing and that any instructions to them should come through their masters. I had, as usual, told them that there was nothing to fear and that I was merely observing how they lived and recording their names. They persisted in their refusal for a long time so I prepared to depart, having told them that they would be punished for their action. They then agreed to give their names. They own cattle, sheep, goats and donkeys. Their appearance was different from that of the usual Masarwa and, in reply to questions, they said that some of their ancestors were Bakgalagadi. They stated that they had lived at Letselenta for over fifty years. They were not paying tax to the Government; I have since learnt that they used to pay about twenty years ago but when then sought by the tax collectors they would move into the desert where they could not be found. This would account for their reluctance to disclose their names. Six young men from their village had recently gone on contract to the mines and thus had commenced to pay tax.

9. From February until April, there was rain every week and travelling was almost impossible. During one week, there was about five inches of rain. It took three days to cross a 22-mile stretch of black turf which can usually be travelled in an hour. The rain was a handicap in other respects. All the pans were full of water and the cattle had been moved from the wells to the pans. There are always roads of sorts to the wells but to the pans there are only cattle tracks sometimes through dense bush. The cattle are not kept at one pan; as the pan dries up, the cattle are moved to another pan sometimes several miles away and no one can say where the Masarwa will be at any particular time. For this reason alone, it

is advisable that if any further tours are made they should be made in the winter. Between June and September is the most suitable time.

10. In March, I went to the Botletle River area and travelled north as far as Makalamabedi, which is on the border of the Ngamiland district about 270 miles from Serowe. At Lotlhakane Wells, 110 miles north-west of Serowe, there is a large Masarwa community numbering approximately 500. They are still living a very primitive life and, being far away from European centres, have not been much affected by contact with civilisation. Very few of the men go away to work. It is a centre at which some useful experiments could be carried out. A school is being opened there, and it is one of the places at which it is considered that an agricultural demonstrator could do useful work. Masarwa from this district have been employed on road work in the vicinity of their homes with successful results.

11. From May until September, I traversed the country north of Serowe. At Shashane, there is a large Masarwa village occupied by people who are progressing rapidly. They own cattle and they plough on a large scale. Being close to Serowe, they have been in contact with people more advanced than themselves for some considerable time. The chief and his family have lands and cattle-posts in this neighbourhood and many of the Masarwa are in their employ. Many of the young men had been away to work. Farther on, along the Makwa Valley, there are also many Masarwa and all the way up to the Nata River, which is about 200 miles north of Serowe, there are cattle-posts and Masarwa. At Dinokana, a natural spring on the south-eastern edge of the Makarikari salt pan, and in the country east of Dinokana, there are hundreds of cattle-posts at most of which Masarwa were found. Along the Mosupe and Mosetse rivers, there are also many cattle-posts of the same kind. At an area known as Mea or Choatsaa, the Masarwa live in settled villages. Their huts are in scattered groups with cultivated lands in the intervening spaces. In this neighbourhood they are breeding fowls successfully. Farther north and farther east, the country is known as the Bokalaka district and is mainly occupied by the Makalaka people. They have a few Masarwa servants of their own but many of them employ Masarwa of other masters. The Makalaka grow a great deal of grain and after each harvest they do much bartering with the Masarwa who come to them from distant places bringing game-skins, cattle-hides, dried meat and similar articles with which to barter.

12. Along the Nata River, the Masarwa are a very backward type. A Francistown firm has recently established a cattle ranch on Crown land in this neighbourhood and has employed large numbers of Masarwa herds at a wage of ten shillings *per mensem* with rations. Difficulties arose in connection with cattle-posts in the reserve being deserted by the able-bodied men (see paragraph 36).

13. The Masarwa have no tribal organisation. Their old mode of life did not require or permit of it and they have not yet adopted any system similar to that of the Bantu. Someone who excelled at hunting would usually be recognised as the leader of a small group of people, with whom he would roam the country and over whom he would exercise some kind of authority. Doctors and dancers are people of some influence because they are feared.

14. At the Botheti River, I met some people known as Batheti who are said to have been the original occupants of the country. I was told that, when other tribes such as Makalaka and Bakhurutse came to the river, the Batheti made them pay tribute in the form of a portion of each season's crop. To-day the Batheti are hardly distinguishable from other tribes on the river. They have their own headmen, pay tax and are not regarded as Masarwa. I have not included them in the census, although it seems highly probable from their resemblance to the Masarwa in appearance and from their language that they are Masarwa. Their condition illustrates what should be the ultimate destiny of the Masarwa, if they are not absorbed by intermarriage with other tribes.

15. A proportion of the Masarwa, estimated at approximately 35%, make some attempt to cultivate their own crops. Most of them use ploughs; sometimes their own, sometimes borrowed from their masters. Those who cannot obtain ploughs use hoes. Their efforts at cultivation are poor and as a general rule they do not reap much in the way of crops. In this connection, as suggested by Mr. Tagart, an attempt could be made to assist the Masarwa by the dispatch to areas such as Mea and Lotlhakane of agricultural demonstrators specially instructed as to their duties. In time, all the Masarwa will learn to produce their own food and will benefit accordingly. It will be necessary to furnish a few of them with seed and to ensure that it is planted and not consumed as food.

16. The question of marriage and intermarriage is dealt with in Appendix I.

17. An account of some of the customs of the Masarwa is given in Appendix II.

II. *Nature of the Work done by the Masarwa for their Masters.*

18. The Masarwa are not in continual contact with their masters, all of whom live at villages distant from the cattle-posts. There is thus no regular supervision, except in the cases of Masarwa assisting to plough their masters' lands and of domestic servants. At the cattle-posts, the Masarwa are alone, except when the master pays an occasional visit. On the whole, the general duties performed are not very arduous. Herding in the European sense is not done, as the cattle look after themselves, seldom straying far from water, which is scarce. Drawing water from wells is probably the most strenuous work. This is usually done for about three or four months in each year (July to October) when the pans are dry. The windlasses are very primitive and most of the buckets leak badly. At Lotlhakane, I have seen about five hundred head of cattle watered in one day; they probably consumed about 5,000 gallons of water, all of which was drawn up to the surface by hand from a depth of about fifteen feet. With two men turning the windlass and a third manipulating the bucket, the water is raised at the rate of about five hundred gallons an hour. During the ploughing seasons the Masarwa are often called upon to assist their masters. The employment of girls as domestic servants for their masters is fairly general. Hunting for the masters is no longer done, although this was the original means of contact. Very seldom and for very short periods do the Masarwa work full time. A considerable part of their time is employed in pursuing activities, such as hunting and more rarely ploughing, for their own benefit.

III. *Remuneration.*

19. In all employment, the amount of the wages depends on the value of the services rendered, on the profits derived from the undertaking, and on the amount of labour available as compared with the extent of the demand for it. In view of the nature of their services, it is difficult to assess the amount of wages to which the Masarwa should be entitled for their work. Free milk is the main payment; the physical condition of the Masarwa during the six months or so when it is available is a striking testimony to its food value. The services of one or two individuals as herds procure as much milk as a family can consume. It is customary for a master to give an occasional beast to a herd who has proved himself reliable and trustworthy. It is in the master's own interest to do this as it ensures that he will get good service. There is no standard scale but a good herd would usually receive a heifer after from one to three years of service, as well as other gifts during that period, such as blankets, clothes, knives, etc. Masarwa who work for cattle-owners other than their masters are usually paid on this basis, but, in their case, the period they work for the beast is agreed upon in advance, although the reward is always conditional upon satisfactory work. In addition to the few people actually employed at any particular post, there are nearly always numbers of relatives and friends; as they do nothing for the employer they naturally receive no direct payment but indirectly they share whatever benefits are available — *e.g.*, milk and meat. For ploughing, the Masarwa have the free use of their masters' cattle and are either given or lent ploughs for this purpose. By this means, a man in charge of a cattle-post is able to produce food for himself and his family. The Masarwa alone are allowed to plough anywhere they wish, other tribes being restricted to certain areas set aside by the chief. When a beast dies, the Masarwa have the meat. Formerly, it was the custom that such meat would have to be brought to the master's village there to be eaten by his family. All natives eat the meat of animals which have died and meat is a food for which they all have a great love. Some masters have given guns and ammunition to their Masarwa, who to-day are allowed to keep the skins, meat, etc., obtained by their means. The original custom was that the Masarwa handed over the skins to the master, keeping the meat for their own use, but the master no longer claims the skins, although he may sometimes accept a few as a gift. Domestic servants are given fairly regular presents of clothing. In regard to hunting, the Masarwa are allowed to hunt royal game¹ whenever they wish, whereas other natives may only do so with the express permission of the chief, which is not readily granted. In considering this question of remuneration and in judging its adequacy or otherwise, it should be remembered that both cash payments and regular payments are foreign to the Bantu conception of contracts of employment.

IV. *Removal of Children from Parents.*

20. The Masarwa made no complaints to me about the removal of children from their parents by their masters but as I had been specially instructed to give particular attention

¹ Elephant, giraffe, eland and rhinoceros.

to this matter, I made enquiries as to the attitude of the parents in every case where a child was living apart from his or her parents. I learnt of only five cases where it appeared that the children had been removed against the wishes of the parents :

(1) At Makwa, a girl named Ntepa was stated to have been taken away from her mother by a Mongwato named Tsitai to live with him as a concubine at Border Beacon No. 1 (near Kalakamati). Her brothers stated they had put up a fight but had been unable to prevent the abduction. Later, when at Border Beacon No. 1, I interviewed Ntepa, who informed me that she had been brought there many years ago by her master Motata, a brother of Tsitai, that she knew nothing about a fight when she left home, that she was working as a domestic servant and had no complaint to make. She is a grown up woman.

(2) At Mashoro, I was told that a boy named Seetisomchoo had been taken away by force. His father was anxious to get him back from the master named Oabile. Neither the acting-chief nor I have been able to get in touch with the people concerned. Further enquiries are being made.

(3) The parents of a girl named Gaosenwe who live near Makwa told me that their daughter Gaosenwe had been taken to Serowe in 1935 by her master Otisitse. They wished her to return to look after them in their old age. I gathered that she had been taken away without their consent but after investigating the matter I find that this girl's elder sister was brought to Otisitse's home at Serowe and was returned to the parents after they had protested to the chief. The chief, however, arranged with their consent, that Gaosenwe should come to Otisitse's household. The elder girl eloped soon after her return home, hence the parents' desire to have back their other daughter. The parents have been instructed to approach their master in the matter and if they do not get satisfaction to appeal to the chief, as they did before.

(4) At Setutu, a Mosarwa named Keloile stated that his son Owagamang who had gone to Serowe for a case was being detained there by his master, Lekgowe. The father wished his son to return. Enquiry has shown that the boy is in charge of Lekgowe's cattle-post near Serowe and does not wish to go to his home.

(5) A girl named Seyee was taken away from her mother in 1922 by her master Nthebolan and given to his daughter who married in that year. Seyee is now a grown up woman with a child of her own.

The acting-chief has stated that in ten years he came across only two cases in which children had been removed from their parents without the latter's consent and that, in each case, he caused the children to be sent back.

21. Whatever the position may have been long ago, I am satisfied from my observations that there is at present no undue interference with Masarwa family life and I do not consider that the position calls for any action. I will, on future tours, give this matter close attention and endeavour to cause any Masarwa who have grievances to approach the chief for redress.

22. There is a custom in regard to the treatment of Masarwa children which at first sight appears repugnant to European ideas. When a Mosarwa of a master (X) dies, leaving a widow and children, these children, in the event of the widow marrying a Mosarwa of another master (Y), are brought up by their mother until they are about 10 years of age, when they are handed over to their father's master (X). I have discussed this question with the acting-chief and have learnt that the above procedure is based on ordinary native custom and that the children are handed over to their late father's relatives, who claim them.

V. Taxation.

23. Payment of tax or tribute is something to which the Masarwa have long been accustomed. In the Ngwato district, as well as in other districts of the Protectorate, particularly in the Bakwena reserve, they have been required to pay tribute to their masters, usually in the form of the skins of wild animals. In many cases, their masters give them guns and dogs for hunting purposes. This custom has almost died out in the Ngwato district, but at one place I found that the Masase Bushmen were paying a tax of skins to their master at Serowe every year. One of them was known as the tax collector. The Masase told me that they were not allowed to sell skins to the local trader, who confirmed their statement. I immediately took steps to have the practice discontinued. The master, while he admitted receiving the skins, denied that the tax was compulsory and said that he provided dogs and guns.

24. It is not possible to state how many Masarwa are paying tax to the Government, because no separate register is kept for them, but probably about two hundred pay every year. These two hundred are not always the same men. When a man goes on contract to the mines, he is made to pay tax on recruitment. If he is a Mosarwa, he very often discontinues paying as soon as he returns.

25. Under the laws of the territory, all adult male natives are liable to taxation, unless exempted. No attempt is made to collect tax from the Masarwa generally, not only because

most of them have not the means to pay, but also because, at the present stage of their development, taxation might hinder their progress. There is also the difficulty of collection from them owing to their having no permanent community settlements. There are about five hundred Masarwa who could pay the ordinary tax without hardship, but the collection would at first be a difficult matter. Direct contact with the Masarwa has only just been made by the Administration and care must be taken to avoid losing what little of their confidence has been obtained on account of what may appear to them unsympathetic treatment. The case mentioned in this report (paragraph 8) should be borne in mind. Although the people at Letselenta have now settled down and progressed to the extent that they could not evade the tax collectors in the way they did twenty years ago, there are other communities such as those at Mea (see paragraph 11) who might, if taxed, abandon their present mode of life.

26. At some of the remote cattle-post areas which are not visited by the tax collectors, I found many natives, other than Masarwa, who do not pay tax.

VI. *Ownership of Stock.*

27. An attempt was made to ascertain the number of stock owned by Masarwa, but the result was disappointing. Like most people, they tried to give an impression of poverty even when they owned property. A few admitted owning cattle and on the census register are recorded : 468 cattle, 270 small stock, 22 donkeys.

Against the names of many people is a note stating that stock is owned by them, but as no definite number could be ascertained this information cannot be summarised. I am certain that the above figures do not represent more than one quarter of the actual number owned. Even in the general census of native-owned cattle the number of stock given is less than the number counted during the foot-and-mouth-disease campaign. A man owning fifty head of cattle will grudgingly admit that he has twenty. Masarwa ownership is not subject to any interference and there is no reason why they should not eventually acquire large herds. One case only was brought to my notice of a Masarwa who had bought cattle with money earned while employed on a Government cordon being told by his master to change the cattle for small stock. The master feared that if his cattle and the Masarwa's were kept together the Masarwa's herd would increase at the expense of his own, owing to increases being credited to the Masarwa and decreases being debited to him. The Masarwa did not obey and the master did not insist. Masarwa do not regard cattle in the same light as other Bantu tribes ; they look upon them as meat to be eaten and, in consequence, they frequently kill their own stock for meat. Among other tribes, cattle are more than mere possessions ; they are something received from one's ancestors which it is one's duty to hand on to one's descendants. This attitude on the part of the Masarwa prevents their stock from increasing at the normal rate, but there are signs that, as they become more enlightened, the Masarwa realise the advantages of preserving their cattle. During the five years preceding the census, conditions for stock increase were unfavourable ; in addition to heavy losses through drought and disease, many cattle were killed for food owing to the scarcity of other foods.

VII. *Stock Thefts by Masarwa.*

28. The Masarwa have a great hunger for meat, which they are no longer able to satisfy by hunting owing to the increasing scarcity of game. They therefore kill cattle to eat and they are quite indifferent whether they are their own or the property of someone else. The Bamangwato take a very serious view of these cattle thefts and they have found after long experience that fear is the only deterrent, the Masarwa having no moral scruples and being on the whole an irresponsible people. In fairness to the Masarwa, it must be said that in times of drought they are sometimes driven by starvation to steal.

29. These stock thefts greatly disturb the friendly relations between the Masarwa and other tribes and are the cause of almost all the floggings inflicted upon the Masarwa. I will mention a case that came to my notice on my first tour. A young, wealthy, well-educated Mongwato lost two head of cattle and suspected the Masarwa of a certain village. He went to this village armed with a rifle and accompanied by a friend. A few days previously he had seen me and he knew that I was in the neighbourhood. The men of the village fled on his arrival. Calling on one of them to stop and not being obeyed, he fired a shot in the direction of the fugitives. He then assaulted with a knobkerrie two old women, one of whom was old enough to be his grandmother, giving them severe injuries. He then shot dead two donkeys, property of the Masarwa, that happened to be near by. His companion bashed in the skull of a dog that was lying asleep. Not satisfied with this, the Mongwato then set on fire six huts belonging to the Masarwa in which all their worldly possessions, mainly clothing and grain, were stored. These huts and their contents were burnt to cinders. The Masarwa scattered, most of them taking sanctuary in the Francistown district. They made no complaint to the Administration or to the chief. The Mongwato was convicted of the offences

mentioned and was made to pay fines totalling £70, as well as £20 compensation to the Masarwa. One of the worst features of the case is the fact that this man had been present at a meeting convened by me in this area and he knew the proper course to pursue if he wished to charge the Masarwa with the theft of his cattle. It was a case of deliberate defiance.

30. This case was of course an exceptional one, but so long as the Mongwato master is entitled as of right to try and punish his servant, there is danger of grave abuse. In giving evidence before Mr. Tagart, the Bamangwato claimed the right to punish Masarwa without bringing them before any kind of tribunal. The chief has recently undertaken to make it clear to the Bamangwato masters that whatever special rights they may have had in the past to try and punish their Masarwa no longer exist, and that Masarwa must be tried in the same way as any other tribesmen by an appropriate tribunal before they can be punished. The reason for the summary procedure was the difficulty of bringing Masarwa to any recognised court, even when they had been caught red-handed. The distance from the cattle-post to any recognised court is usually great and the Masarwa almost invariably manage to disappear on the way. This difficulty will have to be solved if cattle thefts are to be kept within normal proportions.

31. In consequence of the recent interest shown by the Administration in the Masarwa, native cattle-owners at many places have been doing nothing to apprehend or punish thieves. They professed to fear punishment from the Government if they as much as arrested a Masarwa. This inaction on their part at a time when food was scarce was, in my opinion, partly responsible for the large number of stock thefts. During twelve months, sixty-two Masarwa were brought to trial in the District Commissioner's court; fifty were imprisoned after conviction. It is doubtful, however, whether as many as 50% of the actual offenders were proceeded against. Whenever definite allegations were made to me, I placed the matter in the hands of the police and stressed the importance of doing everything possible. In many cases, however, only vague complaints were made and no action could be taken.

32. Many of the Bamangwato blame the Government for the increase in stock thefts by Masarwa, contending that the herds having been told that they are free now believe they can do whatever they wish with impunity. Such abuse by the Masarwa of their freedom as may have taken place is due rather to the mistaken ideas among the Bamangwato about the policy of the Government. There has been an attitude of "leave the Masarwa alone, they belong to the Government" and many people have appeared afraid even to arrest a Masarwa thief. This may be one of the minor contributory causes of the stock thieving, but the main causes have existed for a long time. They are, first, shortage of food, which prevails at certain periods of nearly every year and is aggravated in times of drought; secondly, lust for meat, which is now difficult to satisfy legitimately owing to increasing scarcity of game, and, thirdly, lack of supervision by stock-owners.

33. The co-operation and assistance of the chief should eventually be the means of bringing about a constitutional and convenient method of dealing effectively with misdemeanours in distant parts of the district. The native tribunals have jurisdiction to deal with cases of stock theft and have power to inflict corporal punishment, subject to certain formalities being first complied with.¹

VIII. *Independent Employment.*

34. The Masarwa are well aware of whatever paid employment is available and they take advantage of it whenever it is within reasonable distance. In the Francistown district, where there has been a great deal of gold-mining activity during the last few years, it is estimated that there are about four hundred Masarwa from the Ngwato district employed in the mines and on the farms. About fifty or sixty go to the Transvaal annually and about twenty to the Tuli Block farms. There is evidence that they are going away in larger numbers than hitherto. During Chief Khama's lifetime, the Masarwa used to go away to seek employment and since then changing conditions have caused this practice to become more prevalent. The advantages of earning (and of spending) money are being increasingly realised, starvation has driven many men out to work and there is no longer very much interference from their masters, who in the past have been known to fetch them back from places such as Francistown. At several centres, I offered to find employment for the young men who were not actually herding, but there was no response. It was made clear throughout the reserve that those who wished to go to work were at liberty to do so.

35. Masarwa labourers have been employed on road construction undertaken by the Witwatersrand Native Labour Association in the Nata area, and on similar work along the

¹ Proc. 75, of 1934, sec. 12. s.s. 3 and 4.

Maun route by a contractor working for the Government. Every encouragement is being given by the Administration for Masarwa to join road parties and to engage in work such as the driving of trek cattle from Ngamiland. Many of them, however, do not wish to be tied down to regular employment and prefer the care-free existence of the cattle-post. It has already been mentioned that a number of Masarwa work for cattle-owners other than their masters and for this work they are paid a beast after a certain period.

36. Difficulties have arisen and will continue to arise in cases where the able-bodied men from a cattle-post desert the cattle and go away to work, leaving their wives and families. The policy of the acting-chief is that, in cases such as this, all the able-bodied men may go only if they take their families with them or to some place apart from the cattle-post. If they wish to leave their families, they must ensure that there are sufficient able-bodied men left behind to look after the cattle. He contends that if the cattle-owner has to support a family on the milk of his cattle he is entitled to labour in return.

IX. *Settlement.*

37. Mr. Tagart's suggestion to have a Masarwa settlement seems to have become well known: many Masarwa told me they had heard that the Administration proposed to settle them all at one place. They begged to be allowed to remain where they were. It was explained that the Administration was anxious to help them to progress and it was with this object in view that a piece of land was to be set aside for settlement by those of them who wished to remove to it. They replied that they did not desire any change. The popular idea about Masarwa having areas which they regard as their own is quite correct and although they move about freely within and without these areas they show a marked attachment to the particular part of the country in which they were born.

38. It is doubtful whether any settlement scheme would be a success but the experiment could be tried. It would have to be very carefully planned and would be a recurring annual liability until the occupants became self-supporting, which might not be for a considerable time if at all. The Masarwa are a people whose mode of life requires a low population density and any concentration would tend to cause starvation.

39. The acting-chief has stated that any Mosarwa may come to him and be allotted ploughing or other lands in the reserve. In the circumstances, there seems no need for a settlement.

X. *Missionary Work.*

40. Two instances of missionary work among the Masarwa were found. At Mabele-a-pudi, a London Missionary Society evangelist lives and travels among the Masarwa communities. He finds that the Masarwa are keen to be taught. It is to be hoped that this experiment which is being tried by the Society will prove successful and that similar work will be done in other areas. At the Nata, on the Crown lands side of the river, is a Seventh Day Adventist native missionary. Although he had only been there a week, he was already very popular among the Masarwa. He had taught them to sing hymns and they did so very well and with great enjoyment. They were assisting him to build a school shelter.

41. At Tobane village and at various cattle-posts in the vicinity of the Macloutsie River a cattle-post teacher employed by the Education Department is doing useful work among the Masarwa.

XI. *Masters of the Masarwa.*

42. In Appendix III to this report, the names of the masters are given with the name of their tribe and the number of Masarwa under them. There are, in the Ngwato district, about twenty thousand adult male Bantu natives, of whom approximately two hundred, or 1% are masters of Masarwa. Most of these masters are people of importance.

43. The ties binding the Masarwa to their masters are of a very loose nature and, in many areas, the Masarwa remain in the employment of the masters of their own free will. I have found evidence that, in the time of Chief Khama, if Masarwa wished to leave their master and had good reason for doing so he would allow them to leave. In Chief Khama's time, many of Dinti's Masarwa fled to Masupe, the Mmirwa headman at Mannatlala, because they had been ill-treated by Dinti's family. Khama ordered Masupe to keep them and they have remained with him until this day. A somewhat similar case was dealt with by the acting-chief, Tshekedi, who gave a judgment to the effect that Mmantate's Masarwa should no longer be subject to the authority of Mmantate who had not treated them well. They are to-day under no master; they own stock and they have quite large lands.

44. Many of the Masarwa are to-day and have been for some time past quite as free as ordinary tribesmen and there are clear signs that the status of the remainder is gradually changing in this direction. Many of the Masarwa are as well off as their masters and some of them actually support their masters. The masters are on the whole kind to their Masarwa and treat them as they do their own children. The basis of control is of a feudal nature.

XII. Total of Census.

45. In September, 1936, when I had visited every part of the reserve, the final figures of the census were :

Men	Women	Boys	Girls	Total
3,092	2,247	1,943	2,223	9,505

In explanation of there being apparently fewer boys than girls, I should explain that boys who appeared above the age of 16 years were recorded under "men", whilst all unmarried females were recorded under "girls". There are probably about another thousand Masarwa in the reserve, but many of them are out of reach as they live in the sandy waterless desert in the south-western part of the district. It would be difficult if not impossible to get in touch with them as they are said to flee from strangers, white or black. The remainder are so scattered that the expense of travelling in search of them would hardly be justified. At the commencement of the work, many Masarwa deliberately evaded me : others have in the course of their usual wanderings removed to distant places already visited. Gradually all the remaining Masarwa will be placed on the register.

46. In regard to the numbers of Masarwa under various masters (Appendix III), a very small percentage of them actually render services to the masters, and fewer still render continuous service.

XIII. Conclusion.

47. The extent to which the Tagart recommendations have been carried out is set forth in this report. A short Proclamation,¹ known as the Affirmation of the Abolition of Slavery Proclamation, was issued on March 11th, 1936. It declared that slavery in any form was unlawful and that the legal status of slavery did not exist. The reason for its promulgation was the need for a definite legal negation of the right to invoke in any court any native custom that might be suggestive of slavery in any form whatsoever. This Proclamation was read in all chiefs' kgotlas in March and April 1936. A Proclamation² entitled the Bechuanaland Protectorate Native Labourers (Protection) Proclamation was also issued on March 11th, 1936. It is not yet in force and will not take effect until notice is given in the *Gazette*. The two principles of this Proclamation are

(1) That Masarwa should be free to dispose of their services as they wish, and, as a corollary, they should also be free to terminate their employment in a recognised and controlled manner, and

(2) That wages, definitely recognised as such, should be paid to all employees.

48. My report was fully and freely discussed at Mafeking on October 1st, 1937, at a Conference held by His Honour the Resident Commissioner at which the District Commissioners, Messrs. Nettelton and Ellenberger, and the acting-chief were present. Agreement was reached on the following points :

(1) That the policy both of the Government and of the Bamangwato Native Administration was the same — viz., the complete incorporation of the Masarwa as ordinary tribesmen into the body politic of the Bamangwato, enjoying the traditional rights and subject to the traditional obligations of tribesmen and free from all abnormal and exceptional obligations.

(2) That close contact with the Masarwa should be maintained with a view to observing any change in their condition and status. Gradually, any Masarwa not yet located should be included in the census.

(3) That Masarwa should be encouraged to join road gangs working through their areas and that they be given every facility to find employment in the mines, either on the Rand or in the Tati area, if they so wish. Their employment as herds for cattle trekking from the north to the southern Protectorate would be encouraged.

¹ Proc. No. 15, of 1936 (see pages 33 and 34 of the Slavery Committee's 1937 report).

² Proc. No. 14, of 1936 (see pages 33 and 34 of the Slavery Committee's 1937 report).

(4) That each Masarwa community should be visited by the Masarwa Officer accompanied by the chief's representative, and the Masarwa informed that, like any other tribesmen, they are liable to tax unless specially exempted under Section 13 (1) of Proclamation No. 1, of 1932. The names of all male Masarwa liable to taxation should be placed in the appropriate tax register, and certificates of exemption from payment of tax, in part or in full, issued to those unable to pay the whole tax. It was agreed that those able to pay the full tax should also pay the full tribal levy of 1s. 6d.; those called upon to pay only part of the tax should pay only a part of the tribal levy, and those totally exempted from payment of tax would be exempted from payment of levy. The introduction of taxation among the Masarwa must be carried out tactfully and carefully so as not to impair in any way the confidence of the people in the Masarwa Officer.

(5) That the chief would be ready to grant land to Masarwa as near as possible to their former habitations, should they desire land on which to settle. Land would also be available on Crown lands.

(6) That an agricultural demonstrator should accompany the Masarwa Officer on his next tour and that suitable places should be selected where he could be usefully employed to assist the Masarwa. When he starts work he will be provided with a plough and gear and, if necessary, seed, but he must use the oxen that would be used by the Masarwa themselves and work as far as possible under the same conditions as the Masarwa would have to work. The Chief Agricultural Officer will provide a second demonstrator if required. Hitherto the Masarwa have shown no desire for special instruction, but they can probably be helped if a tactful and patient demonstrator is selected. The demonstrator will work under the immediate supervision of the Masarwa Officer.

7. That the Native Labourers (Protection) Proclamation No. 14, of 1936, should now be brought into force and that it should be amended to allow of its enforcement by native tribunals. The Masarwa Officer will explain the provisions of this Proclamation both to the Masarwa, and, with the assistance of the chief, to the masters, making clear the reciprocal nature of the rights of master and servant.

8. That the Masarwa Officer should try to impress upon the Masarwa that they are members of the tribe and will point out that the schools which are being started for them are being paid for from native treasury funds.

9. That the District Commissioner and the chief should again make it clear to the masters that whatever special rights they may have claimed in the past to try and punish their Masarwa servants no longer exist, and that Masarwa must be tried in the same way as any other tribesmen by an appropriate tribunal before they can be punished.

Serowe, October 30th, 1937.

(Signed) J. W. JOYCE,
Assistant District Commissioner.

* * *

Appendix I.

MARRIAGE AND INTERMARRIAGE.

Nearly all men of twenty years of age are married and all women of that age have children. Ninety-nine cases of men having two wives, six cases of three wives and two cases of four wives were found. Before a Mosarwa can take his wife from her parents he has to work for them for several months, hunting for food, bringing them whatever presents he can obtain and being at their beck and call generally. After he has taken away his wife, the parents-in-law still expect him to provide for them if they are in want. Masarwa women are said to have the power to call home their husbands by some kind of telepathy, even when separated from them by hundreds of miles. My impression was that the Masarwa are very fond of their children; even the orphans appeared to be well cared for. The Bamangwato report, however, that, in many cases, orphans are neglected.

2. There has been a very great amount of intercourse of Masarwa women with men of other tribes. The Makalaka, Mafirwa and other dark-skinned natives favour light-skinned women such as the Masarwa. These unions seldom last for longer than a few years and, upon separation, the Masarwa women return to their parents with the children. When the masters visit the cattle-posts, often for several months at a time, they are attended by Masarwa girls who, in some cases, are concubines. The result is further admixture of Bantu blood. It is unusual for a Mosarwa to have a wife of another tribe. It is not at all unlikely that eventually the Masarwa will be absorbed into other tribes; the lack of any tribal organisation of their own makes this the more probable. Absorption would not be an unsuitable solution of the difficulties which have from time to time arisen.

* * *

Appendix II.

MASARWA CUSTOMS.

I found the Masarwa reticent about their customs, and even when prompted they were unwilling to discuss matters without reserve. In consequence, most of the information obtained was received by way of replies to questions. This is a very unsatisfactory method.

2. Hunting is one of the main occupations of the Masarwa. To-day muzzle-loading guns are the usual weapons. The fact that they are effective only at very close range does not impair their efficiency in the hands of Masarwa who are adepts at stalking and approach to point-blank range. By no means all of the Masarwa communities have guns, however, and more primitive weapons are still found. Strangely enough, bows and arrows are rarely seen and then only in the south-western part of the District. Masarwa in other parts do not use them and state that they have never done so. This indicates that it is a long time since bows and arrows have been in general use. One of the most common weapons seen to-day is a metal spear or assegai head on a wooden handle six to eight feet long. The metal part is about six inches in length and about an inch in breadth, being bound to the handle by hide or wire. A large buck, such as a koodoo or a gemsbuck, chased with dogs and when brought to bay will lie on the ground and use its horns in self-defence. Whilst the buck is thus engaged and its attention entirely taken up by the dogs one or two Masarwa will creep up unobserved and spear the animal. For catching small buck rope traps are often employed. The rope is made by plaiting the bark of certain trees and is very strong. A strong flexible sapling is bent over to the ground by means of the rope and forms a spring which fastens a noose in the rope when the animal's foot treads on the trap. The method of trapping animals by game pits is not used very much to-day. Deep pits are made and sharp stakes are often placed at the bottom. The pit is then carefully covered. Sometimes an organised drive of game in the direction of the pit takes place. Sometimes the pit is placed on a game path leading to water.

3. Another favourite occupation of the Masarwa is dancing. I have attended several of their dances for a few hours and consider that one sees them at their best at this time. They come from all over the country to some central spot and make merry for several days, sometimes having an interval of a few hours for sleep. The women stand in a line, chanting what sound to the European ear monotonous tunes, beating metal articles and swaying their bodies backwards and forwards. The men do the actual dancing. They wear ornaments of various kinds, such as ostrich feathers on their heads, strings of beads across their bodies and rattles on their legs. They shuffle around, keeping what is meant to be time with the music and sometimes singing themselves. A few goats or an ox will be killed to celebrate the occasion. A man who dances well is very popular and usually wealthy. He will go from place to place dancing for payment and will often return home with several sheep and goats. I was unable to ascertain whether there are definite times when dances are held but I gathered that they arranged a dance just when they felt particularly pleased with life, as for example after a good crop, a successful hunt or a heavy rain after drought.

4. I met several "doctors" in the course of my travels. On one occasion, I was able to see one in action. A woman was suffering from some mysterious malady and the doctor was called in. He had the woman brought out of the hut and placed next to a fire. The sun had already set and it was quite dark. Several of the patient's friends, nearly all of them women, stood in a line near the fire and sang tunes, beating at the same time upon metallic instruments. The doctor also sang and danced about. Suddenly he swooped down upon the woman and applied his mouth to the affected part of her body. After sucking vigorously he jumped up, deliberately tramping through the red coals of the fire with his bare feet but pretending not to notice the heat, and when about ten yards from the patient he pretended to spit out whatever he had in his mouth. He is taking the illness out of the patient and throwing it away. Watching the performance with me was an influential headman of Serowe to whom I expressed my amusement. To my surprise he told me that Masarwa methods of healing were very effective and that he himself had been treated and cured by this same doctor. These doctors are men of influence and wealth. They have usually learnt their trade from their fathers.

5. Divining bones are used by ordinary people as well as by doctors. These bones are usually consulted before any decision is made as to where to hunt. I once asked a Mosarwa to consult his bones as to the prospects of rain. He sent for some water, carefully washed his hands and arms, smoothed a circular patch of ground about two feet in diameter and threw the bones, at the same time clapping his hands. He announced that there would be rain soon. When asked for an explanation he stated that the bones having fallen close

together indicated that the clouds would gather favourably for rain. I then asked him to ascertain the best direction to go hunting. After again throwing the bones he said that if I went in a southerly direction I would get a buck. His prophesy proved correct, for an hour later I shot a buck in that direction, but there was no rain for over a week. I asked him if he would sell his bones to me. Eventually he reluctantly agreed to exchange them for some tobacco. After parting with the bones he appeared so sad that I offered to return them to him, but he would not have them. There are six bones, two large ones, representing father and mother, two long thin bones representing son and daughter, and two small bones representing children. They are made from horn and bones of game.

6. The old method of kindling a fire by means of sparks caused by the friction of sticks is now seldom used. Even at remote places, matches are found. Most of the Masarwa have not forgotten the art and several demonstrated it at my request. A small piece of wood with a circular hole in it is laid on the ground and a piece of wood about twelve inches long and a quarter of an inch wide is placed between the palms of the hands. The end of the stick is inserted into the hole and the hands are moved backwards and forwards rapidly for about two minutes when sparks appear in the hole. Some charcoal, tissue paper, thin dry grass or whatever is available is then placed on the sparks and blown until flame is obtained.

7. Masarwa are very skilful at any handicrafts they undertake. They make boots, ropes, wooden spoons, wooden milk-buckets, wooden stools. These articles are all strongly and neatly made. They are not made for sale to any extent because there is no demand for them.

8. Very few Masarwa can count more than three or four. Most parents were unable to say how many children they had. They would give the names and leave me to count and ascertain how many sons and how many daughters. After a ten-minutes conversation one would learn that there were three sons and two daughters. A baby in arms would never be mentioned and one would always have to ask whether there was one. A man would seldom mention the name of his deceased parent. It appeared to be considered very bad form to mention anyone who was dead.

Appendix III.

EXTRACT FROM MASARWA REGISTER : NGWATO DISTRICT.

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Babusi	Mokgalagadi	2	1		2	5			Sookooso	
Bakane	Mongwato	4	4	2	1	11			Sedibe	Macloutsie R.
Baachwana	Mongwato	2				2				
Balosi	Mokgalagadi	1	1	1		3			Shangane	
Bakwena		3	3	3		9		2 cows	Mookane	
Badube	Mongwato	17	8	13	15	53	plough	1 cow	Lotlhakane	lands near Orapa
Baesi	Mongwato	14	15	5	11	45			Lotlhakane	
Bontsibokae	Mongwato	6	4	5	5	20			Ditawana	
Baitseme		2	1			3			Makwa	
Batuhile	Mongwato	11	10	4	12	37	plough by hand	4 cattle	Tseagaki	
Baipidi	Mongwato	32	19	13	26	90	plough		Saasa	some can pay tax
Baipusi	Mongwato	18	16	15	10	59		own goats	Botletle R.	on crown land
Boiditswa	Mongwato	2	4	1	1	8	plough		Mayeabo-senya	can pay tax

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Babuelen	Mopedi	1	1	3		5			Paye	
Chwene	Mongwato	9	4	3	1	17	plough by hand	donkeys, 1 cow, 1 goat	Chwane	
Chwene	Mokhurutse	1	2		1	4			Tonota	
D.G. Kebailele	Mongwato	10	8	4	9	31	plough		Lupashe	
Dinti Marobela	Mongwato	59	47	49	45	200	plough	56 cattle, 16 goats	Macloutsie R.	own more stock
Ditshwaane	Mongwato	5	6	3	1	15	plough	1 cow, 2 donkeys	Mea	
Dithaga	Mongwato	3	2	1		6			Mmacomo	
Dithole	Mongwato	1	1		1	3			Maore	
Diteko	Mongwato	2	2	5	1	10			Mea	
Disang	Motawana (Maun)	1				1			Botletle R.	came from Maun
Dareeso	Mokgalagadi	12	11	10	8	41	plough		Shashane	
Ditshego		2	1	2	1	6			Simowane	
Keeditse Bros.	Bangwato	6	8	2	7	23	plough		Matakane	
Gaokgorwe	Mongwato	27	19	11	17	74		1 cow	Lekoba	
Gaopatwe	Mokhurutse	1				1			Tonota	
Gopolan	Mongwato	36	28	34	38	136	plough	30 goats and cattle	Botletle R.	
Goitsekgosi	Mongwato	71	49	51	46	217		3 cows	Dinokana	
Golekanye	Mongwato	7	5	2	2	16			Lotlhakane	
Gaolaolwe	Mongwato	1	2	2	4	9				
Godisaman	Mokgalagadi	16	15	6	12	49			Shangane	
Gonyatswan	Mokgalagadi	4	3	4	1	12			Malacwai	
Garethata	Mongwato	2	4	4	3	13			Kowachaa	
Gabonewe	Mongwato	4	4	3	2	13			Topen	
Gorewaman	Mongwato	48	34	27	31	140	plough by hand	20 cattle	Suwa	
Godisan	Mongwato	4	2	1	1	8			Lotlhakane	
Gutu	Mokgalagadi	5	1	2	1	9			Nata	
Ibineng	Mongwato	18	15	9	16	58	plough	1 cow	Lekbba	lands at Mafhele- kwane
Inyatseng	Mongwato	16	11	9	12	48	plough		Mosetse R.	
Kagisho	Mongwato	14	10	21	17	62			Nr. Sep- hope	
Kechwanetse	Mongwato	35	26	29	23	113	plough		Botletle R.	
Kebadile	Mongwato	35	26	28	16	105	plough	18 cattle, 42 goats	Machen	
Kechweren	Mongwato	18	11	11	11	51			Mmacomo	
Kgosiecho	Mongwato	5	3	2	5	15		2 cows	Dimadse	
Kubu	Mongwato	3	2	1	3	9			Sephope	
Kekwatile	Mokwena	1				1			Debeeti	came from Bakwena R.
Koothupile	Mongwato	7	6	4	7	24	plough	dead ?	Mhawana	should pay tax
Kgari	Mongwato	1				1	tobacco		Shashi R.	
Kalaeakgosi	Mongwato	3	3	5	2	13	plough	6 cattle	Shashi R.	

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Kgosidintsi	Mokwena (Serowe)	57	41	54	45	197	plough by hand	3 cattle, 6 goats	Selinye	own much more stock
Kebonan	Mongwato	2	3	2	7	14			Mea	
Keikobile	Mongwato	1	1			2			Serowe	
Kokecho	Mongwato	8	10	8	7	33	plough	14 cattle	Setutu	
Kedirelweng	Mokgalagadi	1	1			2			Seasase	
Kududu	Mokgalagadi	1	1			2			Shangane	
Kubuetsile	Mongwato	8	4	1	6	19		10 goats	Machen	
Kereeditse	Mokgalagadi	1	1	1		3			Meyibana	
Khumo	Mongwato	17	13	6	8	44	plough by hand	2 cows	Siswe R.	
Kesebonye	Mongwato	3	2	7	7	19				
Keadumele		1	1			2			Mokokong	
Keitseng	Mongwato	54	31	26	20	131	plough by hand	2 goats, 2 donkeys	Tshepe	master ill- treats them
Kesianye	Mongwato	11	12	10	10	43		1 cow	Leribe R.	
Kgomokgwana	Mokgalagadi	2				2			Meyibana	
Kgositsela	Mongwato	1	1			2			Maokasos	chased away by master
Koosebele	Mokgalagadi		1		2	3			Mabelea- pudi	
Keraechwe	Mongwato	6	5	4	4	19			Macloutsie R.	
Kweee	Mongwato	25	19	15	14	73	plough by hand	2 oxen, 1 goat	Mpani R.	
Kesepen	Mokgalagadi	2	3	1	4	10				Shangane
Kakuwe		1	2	2	1	6			Foley	
Kokanan	Mokgalagadi	2	2	2	2	8			Shangane	
Kgaimene	Mokgalagadi	6	4	3	1	14			Lotlhakane	
Kapen	Mokwena	2	2	3	2	9			Debeeti	came from Bakwena R.
Latamme	Mongwato	1	1	2	1	5			Chukutsa	
Letebele	Mongwato	37	31	40	49	157	plough	1 ox, 5 goats	Makomogana	
Leakwa	Mongwato	10	8	14	9	41		1 ox, 1 donkey, small stock,	Ditawana	
Letswapon	Mongwato	1				1		1 sheep	Serowe	
Lesogo	Mongwato	13	16	11	8	48	plough	10 cattle	Seruli	can pay tax
Leburu	Mongwato	30	23	24	24	101		8 cattle	Maore	can pay tax
Lerumo	Mopedi	88	68	52	57	265		1 cow, 1 donkey, 3 small stock	Tlhabala	
Mogapi		2	2	1	1	6			Mopipi	
Mathoame	Mongwato	72	59	33	51	215		1 donkey 2 goats	Dinokane	
Masupe	Mmirwa	21	14	13	22	70	plough		Maunatala	can pay tax
Mokalake	Mokgalagadi	11	8	5	7	31				Lotlhakane

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Mathodi	Mongwato	74	59	50	58	241	plough	12 cattle, 5 small stock, 1 donkey 2 cattle	Lekoba	
Mathlapa	Mongwato	12	5	5	10	32			Mashoro	
Mphotho	Mongwato	4	4		2	10			Ditawana	
Mosinki	Mongwato	4	4	4	2	14			Ditawana	
Mmile	Mongwato	47	24	22	29	122	plough	6 cattle	Nata	
Merementsi	Mokgalagadi	1				1			Meyibana	
Mpotsan	Mokgalagadi	3	5	3	3	14			Shangane	
Monnaanoka	Mokgalagadi	2	2	3	3	10			Shangane	
Mosutho		1	1	2	1	5			Makarikari	
Motsweta	Mongwato	10	7	2	1	20			Lekoba	
Modukanele	Mongwato	42	28	18	17	105	plough	17 cattle	Lekoba	
Moswaane	Mongwato	10	6	8	5	29	plough by hand		Morukuru	
Mokanyole	Mongwato	5	4	1		10			Zezepa	
Masanana	Mongwato	12	5	3	8	28			Lotlhakane	
Mosoboro	Mokgalagadi	3	2	1	4	10			Shangane	
Mocwatsatsin	Mongwato	2	1			3			Botletle R.	
Mosarwe		5	3	3	3	14			Setutu	
Mosutho	Mongwato	8	5	6	5	24		2 cattle	Kwiece	
Mothonami	Mongwato	6	6	3	16	31	plough	39 cattle, 22 small stock	Macloutsie R.	
Matabe	Mongwato	8	4	10	4	26			Lotlhakane	
Molake	Mongwato	9	5	7	3	24	plough	13 cattle	Mafhelek- wane	
Makatse	Mongwato	3				3			Mmacomo	
Mosweu	Mopedi	3	3	2	4	12			Shangane	
Madikwe	Mokgalagadi	1	1	3	1	6			Meyibana	
Mothomapudi	Mokgalagadi	4	3	3	2	12			Meyibana	
Morapele	Mokgalagadi	4	6	2	8	20			Shangane	
Moielelwa	Mokgalagadi	1			1	2			Shangane	
Monnaoama- rope	Mongwato	4	2	4	6	16			Simowane	
Mosimane	Mongwato	6	5	4	5	20			Lotlhakane	
Mmolai	Mongwato	4	2		4	10			Mogoge R.	
Mantate	Mongwato	20	14	13	11	58			Tapaneng	these Masarwa claim to be free people
Mogorosi	Mongwato	1	1			2			Mosetse R.	
Mabue	Mokalaka	4	7	7	8	26	plough		Meitengue	
Makaoru	Mongwato	1	1		1	3			Mosetse R.	
Matjogoyane		5	2	2		9			Nata	
Moshala	Mongwato	3	3	2	6	14			Simowane	
Mengwe	Mokalaka	11	6	7	8	32	plough		Meitengwe	
Molelekwa	Mongwato	10	8	6	6	30		3 cattle	Nata	
Mangadi	Mongwato	11	8	3	14	36	plough	3 cattle, 7 small stock	Simowane	
Nkobela	Mongwato	1	1			2			Mea	

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Nlkakwe	Mokalaka	5	2	3	2	12	plough		Meitengwe	
Nkgope	Mongwato	6	5	3	3	17	plough	1 cow, 2 goats	Meyibana	
Ntamelan	Mongwato	11	8	8	4	31			Lotlhakane	
Nogaeagae	Mongwato	37	29	14	27	107	plough	4 cattle	Shashane	scattered a great deal
Ntwaagae	Mongwato	10	7	8	8	33	plough		Shashi R.	
Nkutelan	Mokgalagadi	3	3	2	4	12			Meyibana	
Nwanaampe	Mongwato	4	2	1	1	8			Mogape	
Nthamo	Mongwato	20	9	3	13	45	plough by hand	2 cattle	Mashoro	
Nthebolan	Mongwato	53	47	37	44	181	very few plough	7 cattle	Makwa	
Othusitse	Mongwato	4	2		1	7	plough		Saasa	
Onehelen	Mongwato	4	3	4	3	14			Dinokana	
Obuletse	Mongwato	3	2	3	2	10			Magom- gabe	
Oitsile	Mongwato	23	19	9	20	71	yes	5 head cattle,	Takotsane	
Ontiretse	Mongwato	3	2	2	4	11		3 cattle, 3 goats	Mmiti	
Ontitile	Mokgalagadi	6	3		7	16	plough		Shashane	
Oreken	Mongwato	20	13	9	14	56	plough		Selopale	cattle died in 1935 drought
Otsile	Mokgalagadi	2	2			4			Makwa	
Orufheng	Mongwato	1	1	1	2	5				
Otisitswe	Mongwato	9	5	6	5	25			Makwa	
Oepile	Mokgalagadi	20	12	6	20	58			Malacwai	
Otisiawe		3	3	2		8			Macheng	
Phutimpe	Mongwato	4	3	4	3	14			Kobe	
Pelotona	Mongwato	125	72	63	67	327	plough	62 cattle, 4 goats	Macloutsie R.	many can pay tax
Phethu	Mongwato	11	10	12	9	42	plough		Lotlhakane	
Phemelo	Mongwato	1	1	1	3	6	plough by hand		Ditawana	
Phutiebonye	Mongwato	5	5	8	5	23	plough	6 cattle	Kgorony- ane	master has no stock
Poomore	Mongwato	2	4		1	7			Shangane	
Phiri	Mokgalagadi	1	1		2	4			Siswe R.	
Phirinyane	Mokgalagadi	1	1	1	4	7			Meyibana	
Puoen	Mongwato	9	5		3	17	plough		Mabyeabo- senya	can pay tax
Ramakuba	Mokgalagadi	11	9	7	16	43	plough		Sesase	many not found

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Ramogopo	Mongwato	64	43	19	24	150	plough	5 cattle	Letselenta	own much stock many can pay tax
Raditsepe		2	2	1	1	6			Selinye	
Raseyelo		3	2		1	6				
Radikoko	Mopedi	5	2			7			Selinye	
Ramatsebe		4	4	6	5	19	plough	1 donkey	Selinye	
Ramoalusi	Mongwato	7	3	3	4	17			Ditawana	
Rakula	Mopedi	11	8	6	6	31			Shangane	
Radikabu	Mokgalagadi	1	2		1	4			Meyibana	
Ratsipa	Mokgalagadi	4	1	1	3	9			Meyibana	master's mother is a Mosarwa
Rankoosha	Mongwato	3	3	3	3	12		3 donkeys	Nata	
Ramatebele	Mongwato	2	1			3			Lotlhakane	
Raseduelo	Mongwato	11	8	9	10	38			Lotlhakane	
Ratsobane	Mokgalagadi	4	3	1	3	11			Shangane	
Rapaye	Mokgalagadi	1	1			2			Malacwai	
Ramma	Mopedi	2	3		1	6			Shashane	
Rankhibidu	Mongwato	1	2			3		6 cattle	Takotsane	
Ramongala	Mongwato	9	8	6	10	33	good lands	1 cow, 4 goats	Letapa laga Malaela	independent — can pay tax
Ramapulana	Mongwato	24	14	10	14	62	plough	9 cattle	Phakwe R.	
Rakgomo	Mongwato	5	4	4	4	17	plough by hand		Ditawana	
Rasukete	Mongwato	18	12	17	12	59	good lands	own stock	Mea	
Radiakwa	Mongwato	24	25	13	25	87			Botletle R.	
Rasegantsho	Mongwato	27	17	20	26	90	plough	1 cow	Sedibe	
Rasebolai	Mongwato	8	4	6	8	26			Nata	others at Dinokana ?
Ramosesane		9	6	4	6	25		2 cattle, 20 goats	Setutu	
Radipitse	Mokhurutse	13	7	7	3	30	plough	9 cattle	Mooke	
Seisa	Mosutho	2	1		1	4			Nata	
Sebego	Mongwato	48	35	40	42	165		9 goats	Setutu	
Seboko	Mongwato	40	26	17	31	114	good lands	10 cattle, 4 small stock	Mea	
Sedimo	Mongwato	52	48	19	33	152		3 goats	Lopepe	own cattle and sheep
Sekeleuru	Mongwato	6	3		8	17	plough	3 cows	Sedibe	

Master's name	Master's tribe	Masarwa				Total	Lands	Stock	Residence	Remarks
		Adults		Children						
		M	F	M	F					
Sebina										
Mokgame	Mongwato	18	8	7	6	39	plough	8 cattle	Macloutsie R.	
Seakgano	Mongwato	15	8	6	9	38	plough	own stock	Mayabo-senya	can pay tax
Setshogo	Mongwato	1	1			2			Dinokana	
Segwabe	Mongwato	6	3	5	7	21			Ditawana	
Sethomo	Mongwato	7	3	2	5	17	good lands		Mea	
Saase	Mongwato	3	3	2	2	10			Ditawana	
Segotsho	Mongwato	2	2		1	5			Palapye Rd.	
Seitshiro	Mongwato	11	7	10	13	41			Simowane	
Shakashokwe	Mokalaka	9	7	8	13	37	plough		Mosetse R.	
Setiko	Mongwato	2	2	1	2	7			Botletle R.	
Setiko	Mopedi	2				2			Mapula	
Senamela	Mongwato	50	44	55	32	181	plough	6 cattle, 18 goats, 1 donkey,	Dinokana	
Seregola	Mongwato	13	12	14	17	56	plough	14 goats	Keenkgang	
Shashane	Mongwato	5	5	5	5	20			Magom-gana	
Setlalemolelo	Mongwato	2	1		1	4				
Thankane	Mongwato	27	19	17	17	80			Seselole	
Tsenan	Mongwato	7	4	5	4	20			Saasa	
Thataearona	Mongwato	4	1	3		8	plough		Mayabo-senya	should pay tax
Tefho	Mokgalagadi	23	18	12	18	71			Malacwai	
Twaeland	Mongwato	2	1		1	4			Kwadiba	
Tamasika	Mongwato	2	1			3			Lotlhakane	
Tshokologo	Mongwato	8	5	1	5	19	plough	1 cow	Mpani R.	
Tolo	Mokgalagadi	9	6	6	6	27			Setutu	
Tshilwana	Mongwato	60	42	32	48	182	plough	13 cattle, 2 donkeys, 18 goats	Tsiagake	
Tshekedi Khama	Mongwato	441	300	315	339	1,395	plough	48 cattle, 19 goats, etc., 7 donkeys	Shashane, Lechana, Nata, etc.	
Wame		15	11	13	5	44	plough by hand		Foley	
Wabile		3	2	2	1	8			Mahsoro	
Various (masters doubtful)		47	42	34	28	151				
		3,092	2,247	1,943	2,223	9,505				

ANNEX 7.

C.C.E.E.195.

COMMUNICATION, DATED FEBRUARY 25TH, 1938, FROM THE GOVERNMENT
OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE
LEAGUE OF NATIONS (WITH APPENDICES).

With reference to the letter from this department of March 11th, 1937,¹ I am directed by Viscount Halifax to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, the accompanying note containing certain additional information on the subject of slavery in the Persian Gulf.

(Signed) Lacy BAGGALLAY.

SLAVERY IN THE PERSIAN GULF.

The following further information is now available :

1. *System of Liberation of Slaves in the Arab Sheikhdoms.*

The situation in the various States under this heading is as follows :

Koweit. — The Ataq system is rarely practised, owing to the lack of desire of the slaves to change their comfortable circumstances. The Kitabat and Mudabbar systems are not practised.

Bahrein. — Nil, as there is no slavery.

Trucial Sheikhdoms. — The Ataq and Mudabbar systems are occasionally practised; the Kitabat system is not known.

Muscat. — The Ataq and Mudabbar systems are occasionally practised; the Kitabat system is not in force.

2. *Conditions of Slaves employed in the Pearl-diving Industry.*

The pearl-diving season only lasts four months of the year, from about May to August. During this time, the conditions of work of all the pearl-divers, whether slaves or freemen, are necessarily somewhat hard, but the hardships undergone by the slaves are no greater than those of the freemen.

The financial situation of slaves employed as pearl-divers in the various States is as follows :

Koweit. — The few slaves that are employed in pearl-diving keep their earnings.

Bahrein. — As slavery is extinct, the question does not arise.

Trucial Sheikhdoms. — The slave receives a percentage of his earnings, which in most cases is not less than half the total after deduction of advances made to the slave.

3. *Anti-Slavery Proclamations by the Rulers of the Arab Sheikhdoms.*

On August 11th, 1937, the Government of Bahrein published a proclamation (a translation of which is attached — Appendix 1) reminding the public that the state of slavery is illegal.

4. *Manumission.*

A statement is attached containing information regarding the number of slaves manumitted in the years 1932-1937 (Appendix 2). An analysis of this statement indicates that out of a total number of 311 slaves manumitted during the period in question, as many as 300 were domestic slaves and only 11 were "captured" or "imported". This in itself amply supports the statement in the note published in Annex 8 (page 72) of the Advisory Committee's report of April 1936 that "the slave trade as such in the Persian Gulf practically no longer exists". In spite of this exiguity, the British naval vessels in the Persian Gulf and the local representatives of His Majesty's Government are continually on the watch to suppress slave traffic. Owing to its small extent, detection is difficult, but a case occurred during 1937 of the sale of a slave from one Trucial Sheikhdom to another, in which the father of the slave complained to the local representative of His Majesty's Government. The rulers of both Sheikhdoms co-operated and the slave was recovered. The three individuals concerned were punished by their respective rulers, one being deported, the second fined, and the third deported and fined. A particularly satisfactory aspect of the case was

¹ See page 49 of the Slavery Committee's 1937 report.

the way in which the rulers co-operated with the local political authorities in implementing the terms of their anti-slavery treaties with His Majesty's Government.

The number of slaves manumitted during 1937 was :

Bahrein Agency	23
Muscat Agency	30
Sharjah Agency	22
Koweit Agency	Nil
	75

Appendix 1.

GOVERNMENT OF BAHREIN.

Notice.

ANTI-SLAVERY PROCLAMATION, DATED AUGUST 11TH, 1937 (4TH J/Thany, 1356).

The public are reminded that it is forbidden to own slaves in Bahrein. Any person who imports, exports, buys, sells or owns any person as a slave is liable to punishment by imprisonment and fine.

[Seal of the Bahrein Government.]

By order of :

Hamad bin Isa al Khalifah.
Ruler of Bahrein.

Appendix 2.

MANUMISSION ANALYSIS FOR THE ARAB STATES OF THE PERSIAN GULF, 1932-1937.

Year	Total number of slaves manumitted	Domestic	Captured and imported	Remarks
1932	50	47	3	
1933	42	38	4	
1934	51	50	1	
1935	44	41	3	
1936	49	49	—	
1937	75	75	—	
Total.	311	300	11	

ANNEX 8.

C.C.E.E. 198.

COMMUNICATION, DATED MARCH 22ND, 1938, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by Viscount Halifax to request you to bring to the notice of the Advisory Committee of Experts on Slavery the following information about the anti-slavery work of His Majesty's ships in the Red Sea.

2. During the period January 1st-December 31st, 1937, the Red Sea sloops covered 14,538 miles and examined thirteen dhows without result.

(Signed) Walter ROBERTS.

ANNEX 9.

C.C.E.E.201(1).

[Translation.]

COMMUNICATION, DATED MARCH 31ST, 1938, FROM THE FRENCH GOVERNMENT
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

With reference to paragraph (c) of the resolution relating to slavery adopted by the Council of the League of Nations on July 4th, 1936, I have the honour to communicate herewith a report on slavery and the slave trade in the territories of Indo-China, Madagascar, French Somaliland, French West Africa, Togoland and the Cameroons during 1937.

(Signed) ARNAL,
Minister Plenipotentiary,
Deputy Director for the League of Nations.

*
* *

REPORT TO THE ADVISORY COMMITTEE OF EXPERTS ON SLAVERY.

As the French Government has already explained in its previous reports, slavery has completely disappeared from the territories under its authority.

Consequently, the Government and the local administrations are now confining their efforts to an attempt gradually to abolish certain institutions which may be regarded as "disguised forms of slavery", or, at any rate, the remains of this custom. This applies to the pledging of persons as surety for a debt.

As for the slave trade, this is rapidly declining both in Central Africa and in East Africa.

An analysis of the various reports furnished by the colonies concerned is given below :

Indo-China.

Cochin-China. — Before the conquest, there was only one category of slaves in the country of Annam : under the Code, the parents, sons, unmarried daughters, wives and concubines, etc., of convicted rebels were condemned to slavery. These unfortunate persons, who were handed over to the families of deserving officials, lost their personality and became as it were chattels which their masters could use and even misuse, which were exchanged or sold, and over which the masters had practically the right of life and death.

The "savages", who were rightly or wrongly regarded as prisoners of war, were treated in the same way.

Except as regards this category of "legal slaves", the Annamite law punished very severely the type of servitude which consisted in the sale — even with the consent of the victim — of a person of honourable condition.

As soon as the French occupied the territory, slavery was abolished under Article 6 of the Constitution of November 4th, 1848, which provides that "slavery may not exist in any French territory", and Article 1 of the Senatus-consult of May 3rd, 1854, which states that "slavery may never be reintroduced in French colonies."

*
* *

Although that is the principle laid down, there are some exceptions, because there are various degrees of slavery, which may take certain forms such as those described below :

1. Household slavery. — Household slavery, which is often found in certain parts of the African continent and appears to be one of the usual forms of domestic labour — a sort of domestic serfdom — has never existed in Cochin-China.

2. Captives of tribes or chiefs. — This form of slavery, which presupposes the existence of rival chiefs making use of armed force, and raids by one clan, one tribe or one village on another, is unknown in this country, even in the "mois" districts under our authority or our influence.

3. Pledging for debt. — On the other hand, persons who are in debt often hire themselves or their children in order to pay off the interest on their debt, or even the capital. This is commonly called "l'esclavage pour dettes" and corresponds to the "mise en otage" in South and Equatorial Africa.

This form of pledging is common both in this country and in Europe, and it is hard to see how the position of an Annamite child pledged, for instance, to look after the buffaloes of his father's creditors for a more or less lengthy period, in payment of his father's debt, differs from that of a peasant's son hired out as a shepherd for wages sometimes received in advance.

In any case, even if this constitutes slavery, the person pledged at once recovers his complete liberty as soon as the debt is paid. The pledging of a person is not a sale in which that person would be the object sold, and the price the amount of the debt.

4. Disguised sale of children. — Apart from civil adoption in the proper sense of the term, which is carefully regulated both under the old Annamite law and under the summary of civil legislation of October 3rd, 1883, there is a type of adoption tolerated by custom which constitutes servitude, a sale more or less disguised.

Poor parents often give their young children to well-to-do families in return for a sum of money. The adopted child is entitled only to maintenance and clothing from the adopting family, in return for which he will later on be obliged to perform domestic duties.

The person adopting the child is not, however, his "master" and the adopted child is not regarded as a "slave". As a rule he is better treated than the other servant. In some cases he is even regarded as a "con-nuoi", and often refuses to return to his own parents when they claim him after repayment of the sum received by them at the time of his adoption.

This form of contract therefore resembles pledging rather than an actual sale.

5. Unpaid labour. — In this connection we may mention the case of the undertaking usually accepted by a farmer (ta-diên) or tenant (ta-thô) to perform certain kinds of labour for the benefit of the owner of rice fields or of the land (including a house), which he rents; the farmer or tenant agrees to perform each year a certain number of days' labour for the upkeep of roads, paths and banks, or the making or cleaning out of water channels, or to lend his services when ceremonies or feasts are held by the owner's family.

As the parties agree to the contract, this form of serfdom hardly appears to justify the criticisms sometimes passed on it.

* * *

Compulsory public labour was abolished in Cochin-China by the Decree of May 11th, 1933; contributions in kind due to the communities (*i.e.*, five days' labour for each person liable to the personal tax) may be redeemed on payment of a sum varying from one province to another, according to the cost of labour.

* * *

Although the practices enumerated above, which constitute common and mild forms of slavery, are tolerated by custom, the Government considered it necessary to take steps to punish infringements of colonial public order and to insist on the respect due to human personality and freedom.

For instance, the Decree of October 3rd, 1883, which summarises Annamite civil legislation in Cochin-China, provides under Chapter IX, "Paternal Power", that parents are strictly forbidden to sell or pledge their children on any pretext whatsoever.

Moreover, under Article 344 of the Penal Code, as modified and made applicable to natives and Asiatics assimilated by the Decree of December 31st, 1912, "a penalty of imprisonment for a term of from six months to two years shall be imposed on anyone who sells, cedes, pledges or hires out a third person either gratuitously or for a consideration. If the person ceded, sold, pledged or hired out is a minor, the term of imprisonment may be raised to three years; if the offence has been committed by the father, mother, uncle, aunt, brother or sister, the term of imprisonment may be increased to five years."

The preliminary draft Annamite Civil Code of Cochin-China, recently drawn up by the Saigon Commission, provides in Article 9 that "slavery remains categorically prohibited. No one may arbitrarily dispose of the person of another." Later, in Article 235, it reproduces the above-mentioned provision of the Decree of October 3rd, 1883.

Moreover, in order to prevent life contracts, Article 1136 of this Code provides that "No person may hire out his services except for a definite time or enterprise." Also, according to Article 1137, "if the services are stipulated for the entire lifetime of a person, or for more than five years, the contract may be denounced by the servant at the end of five years. The period of notice is six months".

Lastly, as regards particularly the hiring of services for the redemption of a debt, the same code provides extremely strict regulations for preventing abuses on the part of exacting creditors, for instance :

Article 1150. — The hiring of labour may have the object of redeeming a debt which places the servants under an obligation to the master.

In this case, the contract is not valid unless it has been concluded in the presence of notables as witnesses, or the head of the district, and certified by them.

Article 1151. — The contract must mention the amount of the wages granted, the amount of the capital due, and the amount of the interest due, the rate of which must, if necessary, be brought down to the conventional rate authorised by law.

Article 1152. — The hiring of labour for redemption of a debt may not be concluded for a period exceeding two years.

Any extension is null and void.

Article 1153. — As from the date when the debtor enters his creditor's service, the claim shall cease to bear interest.

Article 1154. — A debtor who has hired out his labour may break the contract and leave his master, if he observes the period of notice laid down by the special regulations, conventions or local custom.

He remains under an obligation to pay the remainder of the unredeemed debt, and the claim again bears interest.

The evolution in the condition of persons in Cochin-China since the country became French territory shows that it is not merely by legislation that the vestiges of slavery in the country can be abolished.

The disguised forms which remain will finally disappear as a result of the changes occurring in the mentality of the natives. Their way of thinking and acting has been rapidly changing for some years past.

Annam, Cambodia, Laos, Tongking, Konany Terrilory, Chau Wan. — No remarks.

Madagascar and Dependencies.

Slavery does not exist in any form in Madagascar. Moreover, no cases of slave-trading have come before the judicial authorities since 1930.

French Somaliland.

During the year 1937, no new facts have come to light in the colony as regards disguised forms of slavery.

Moreover, no sentence for slave-trading was passed by the courts of French Somaliland during the same year.

Former slaves who have been freed for a long time have identified themselves with the families with which they lived.

Others have married and have founded homes which in no way differ from those of other persons.

They have accepted French authority and live with the tribes to which they owe allegiance, and there is nothing to show their former moral and social status.

French West Africa.

No cases of slave-trading were reported during the year 1937 in the following seven colonies or territories of French West Africa : Senegal, Circonscription of Dakar and Dependencies, French Guinea, the Ivory Coast, Dahomey, French Sudan, Mauritania.

Steps were taken by the Governor of French Guinea to prevent the recurrence of acts constituting attacks on the liberty of the person, such as the exceptional cases recently discovered, in the canton of Sangalan (Labe Circle, Mali Sud-Division), where girls had been "pledged" by certain chiefs or notables when the taxes were collected. In addition, the necessary steps were taken jointly by the head of the colony and his colleagues in Senegal and French Sudan to ensure that any girls who might have been "pledged" in these colonies and whose position had not been regularised by marriage, freely agreed to, in conformity with customary law, should be returned to their parents.

The results of the very careful investigations conducted throughout the whole Federation confirm the fact that it is in the frontier colonies of the Sahara, particularly the districts bordering on the Rio de Oro, that the feudal character of the nomadic and semi-sedentary communities has tended to keep alive certain ancestral customs, though in a modified form.

At the same time, the personal liberty of every native, whatever his origin and position, in all the pre-Sahara territories under French rule, as elsewhere in Nigritic regions, is strictly guaranteed by the local authorities, unconditionally and unreservedly. This liberty is his by right, and its recognition is not subject to any formality or proof of any kind.

As stated by the Governor of Mauritania, "While it is true that certain persons of servile origin are incorporated in Moorish warrior or priestly families, working for them and receiving all their material requirements, these servants are quite free as to their person, and only stay with their masters because they wish to do so, being assured there of protection and the means of existence. 'Tent servitors', who correspond in nomadic countries to household servitors in sedentary countries, have every facility to obtain emancipation."

Emancipation, moreover, is proceeding automatically, stage by stage, with the steady increase in the means of subsistence and the substitution to an ever-increasing extent of administrative action for the authority of the former governing castes, in guaranteeing the safety of persons and property.

In addition, voluntary servitors of to-day are often born, in nomadic countries, under one and the same tent, generation after generation, or at any rate in the same tribal group. Their "masters" regard them as an integral part of the family, and make them their confidential agents and confidants. It is they who, like the freed slaves in ancient days, keep the keys, look after the children and arrange marriages. They form part of the local circle, where they are usually well treated.

It is significant that those who become emancipated and settle among the sedentary natives in the south are proud to call themselves Moors or Tuaregs, and are always eager to extend a warm welcome to their former masters, or their descendants, when they visit the district.

Many former servitors are entrusted by their ex-owners with the management of their flocks and herds and are given part of the natural increase in return for the payment of a small due.

In the tribes settled on the right bank of the Senegal, these freed men have even taken the place of their former white masters, who have been thinned out or have died owing to the unhealthy climate or epidemics.

Elsewhere, they form autonomous groups, each with its chief and "djemaa".

Finally, others remain near their owners and hire out their services. The latter are usually known as "harratines" (or "bellah" in Tuareg districts) and in the eyes of the ruling class have all the rights and duties of free men. They usually live in comfort. Some of them are even rich. Examples might be given of "harratines" who have contracted alliances with women of the warrior or priestly caste.

We stated above that many servitors, although we offer them their liberty, remain with their masters either in their own interest or from personal attachment. The masters, for their part, show increasing generosity or attention in order to keep their serfs, if only because they need their services for guarding and watering the flocks, looking after and sinking wells, farming, collecting rubber, etc. Nor is there any doubt that the number of servitors in tribes is steadily decreasing. Many priests and warriors are, indeed, impoverished, and are no longer in a position to offer sufficient advantages to their servants to keep them.

On the other hand, many of the servitors of the desert are attracted by the less laborious sedentary life which their fellows already settled in the south depict to them.

* *

The effective occupation and careful control of the desert territories known under the name of the "Algerian-Moroccan confines" has put an end, for the past three years, to the kidnapping by the bandits of the West Sahara, and it can now be said that their criminal activities end where the French frontiers begin.

* *

In the French Sudan, the disappearance of the servile class is proceeding gradually but uninterruptedly, in Mauritania as elsewhere. The former slave becomes either a land-owner or a wage-earner, and no longer fears he will be led into captivity. These results are due to the suppression of slave trading, to the other emancipatory measures taken by the French administration and to the pacification of the Western Sahara by our troops. They are also due to changes in the moral prestige and material position of the former governing classes. We have taken their place as protectors of the people. Their traditional prerogatives have suffered from the neighbourhood of a colony like Senegal, which is at an advanced stage of political development, and these prerogatives are bound to suffer from the change in the material conditions of life brought about by post-war economic events or simply by the improved equipment of the country.

There are various indications, moreover, that these classes are beginning to turn to occupations formerly reserved for persons in a servile condition.

Administrative, military and economic action is thus regularising the status of the servitor or ex-servitor, who is gradually rising to the same level as the other classes in the colony. If this trend, which has already made great headway, is to continue peacefully, it cannot be further accelerated without prejudicing (both in the case of those who stand to gain and those who stand to lose by it) the adjustment which such a new departure involves.

The careful and far-seeing policy adopted in regard to this social advance is a sound one. For instance, several nomad tribes, such as the Tenguériguif in the French Sudan, have asked the authorities to grant them plots of irrigated land for their ex-servitors. This tendency on the part of the Bellah to adopt a sedentary mode of life, with the approval or even at the instance of their former masters, is worthy of attention, for its success will mean that the ex-servitors have secured complete and final self-government and economic independence. This tendency should not be prejudiced by interference of a too radical or hasty character.

* *

Only one case of slave-trading was discovered in the Niger Colony. On July 2nd, 1937, a party of the nomad group of N'Guigmi found in the bush an eight-year-old girl, a native of Nigeria, who had been brought to the colony for sale by a British subject called Laminu, a native of Werda (Nigeria). The latter succeeded in escaping and recrossing the frontier. His description was reported to the British authorities, to whom the child was handed over. This is further proof of the value of the police measures jointly taken on both sides of the common frontier by the neighbouring French and British authorities.

Togoland.

No documentary material has been received from this territory which could be communicated to the Committee, as for many years past no cases of slavery or slave-trading have been reported.

Cameroons.

The annexed comparative table summarises the work of the courts in this connection during the three years.

The figures in the 1936 column are slightly different from those returned last year, owing to the fact that some sentences were revised by the "Chambre d'homologation".

Generally speaking, the decline in slave-trading and slavery is becoming more and more marked.

It should be observed that the only sentence passed in the Mandara district refers to a case which dates back seven years and in which the accused could not be arrested at the time.

The severe penalties imposed in previous years and the closer supervision exercised have led to this gratifying change, which will become still more marked in the future.

SLAVERY AND SLAVE-TRADING.

Districts	Number of cases			Number of sentences			Total number of years of imprisonment			Total amount of fines		
	1935	1936	1937	1935	1936	1937	1935	1936	1937	1935	1936	1937
Haut-Nyong . .										French francs		
M'Bam	1			3			1			100		
Lom and Kadei .												
Wouri												
Noun												
N'Ten												
Sanaga-Coastal .												
Chari												
Benoué	5	2		6	1		76	1		10,500	100	
Kribi												
Logone	1	5	2	5	10	8	76	39	95	16,100	7,100	30,500
Mandara . . .	9		1	25		1	217		3	1,000		
Adamaoua . . .			3			2			10			1,000
Mungo												
N'Kam												
Nyong and Sanaga												
Boumba-Ngoko .												

ANNEX 10.

C.C.E.E.173.

**COMMUNICATION, DATED JUNE 9TH, 1937, FROM THE GOVERNMENT OF INDIA,
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS
(WITH ONE APPENDIX).**

With reference to correspondence ending with your letter of October 3rd, 1936, I am directed by the Secretary of State for India to forward the enclosed copy of a communication issued by the Government of India in regard to an expedition to the Naga Hills in November 1936, led by Mr. J. P. Mills, the Deputy Commissioner, in connection with the suppression of the practice of slavery in that area.

I am to request that a copy of the papers may be communicated to the Advisory Committee of Experts on Slavery.

*For Secretary,
Economic and Overseas Department:
(Signed) W. D. TOMKINS.*

Appendix.

EXPEDITION TO THE PANGSHA TRIBAL AREA, NAGA HILLS.

India is a party to the Slavery Convention, 1926, and has undertaken to bring about progressively and as soon as possible the complete abolition of slavery in all its forms. It was, however, found necessary to make a reservation in respect of certain outlying and inaccessible areas bordering on Assam and Burma where, it was thought, it would be difficult

to implement our undertaking effectively. Recently, the Government of India has agreed to the reservation being withdrawn in respect of certain areas including the tribal area east of the Naga Hills district in Assam.¹ As a first step towards the fulfilment of the requirement under the Slavery Convention to bring about the abolition of slavery in this area, the Government of India, at the request of the Government of Assam, agreed to an expedition, headed by the Deputy Commissioner, Naga Hills, and composed of a column of Assam Rifles. The object of the expedition was to acquaint the headmen of the villages with the determination of Government to suppress the practice of slavery and, if they persisted in an attitude of defiance, to punish them. This action was rendered imperative by the conduct of one of the villages in that area — namely, Pangsha, which, with the assistance of certain other villages, had been raiding and destroying the weaker villages in their neighbourhood and holding their captives as slaves in defiance of warnings from the Government. The expedition was a complete success, as will be seen from the following report of the Deputy Commissioner, Naga Hills.

“ I left Mokokchung on November 13th, with two and a half platoons of the 3rd Assam Rifles under the command of Major Williams, and 360 carriers under the command of Mr. Smith. Dr. von Furer-Haimendorf, of Vienna University, accompanied the expedition as an anthropologist. On the 19th, delegates from Panso came in to see me at Chentang and their friendly overtures relieved our anxiety regarding our flank. On the same day, there arrived a truculent challenge from Pangsha. On November 20th, we reached our advanced base at Chingmei where the loyalty of my old friend Chingmak was of inestimable value. There we found that Pangsha had handed over to him all their slaves but one ; they still defied us to visit them, and I found they had terrorised the whole neighbourhood, threatening to destroy any village which helped us. My first object was to visit Yimpang. They had already returned the only slave they held to Mokokchung when they heard that a column was really coming out, and they had had some reason for raiding Kejuk, who had abetted Tuensang in their treachery — or rather the treachery of Saiyo, a notorious rogue, whom the decent elements in Tuensang now talk of killing for the good of the village. I wished to show Yimpang that when we intended to visit a village we did so, but that we harmed no one with whom we had no quarrel. This I accomplished on November 22nd, returning *via* Waoshu, a small village which had been dragged into the Saochu raid against their will out of fear of Pangsha. Noklak had sentries watching us from the range to the east of our camp and sent an armed force to move parallel to us on our way to Yimpang ; their men walked into Yimpang as we walked out, and announced that they had been ready in case Yimpang wanted any help.

“ On the 24th, the column, with as few loads as possible, went to Noklak on the way to Pangsha. Noklak were evidently terrified at the thought of offending Pangsha and refused to clear the path for us. Most of it was a narrow, overgrown ledge along a precipitous cliff. Not only was it guarded by ‘ panjis ’ (bamboo spikes), put there owing to their war with Chingmei, but additional ‘ panjis ’, newly sharpened, had been planted for our benefit. In spite of the utmost care one advance scout was spiked right through the foot and one lance-naik and another scout were gashed. It was long before we could get in touch with the Noklak men and when we saw them they were very nervous. Eventually, some were persuaded to come forward and talk. I knew that their hostility was due to pressure by Pangsha, and it was important not to have a hostile village behind us when we passed them. I therefore promised safety.

“ On November 25th, we proceeded towards Pangsha and camped in the bed of the Langnyu River below the main village. Our route lay along the flanks of the hills on the west bank, Pangsha being on the slopes of the east bank. Soon after passing the Noklak-Pangsha boundary, we saw a small, unarmed party of Pangsha men in the distance. Four were induced to come and speak to us, and brought with them a goat and a chicken. They asked whether we would make peace. There was not the slightest doubt as to the only possible answer. To have made peace, turned back, and abandoned the remaining slave at the price of a goat, a fowl and some smooth words would inevitably have been interpreted as a sign of weakness. Friends who had helped us would have been massacred and raids would have continued. I therefore told the envoys that I did not believe their statement that they could not produce the slave girl, and that I was going to punish them for their conduct and insults to the Government. I then sent them safely away.

“ By this time, a very large armed party was already on the move to cut us off. We saw them crossing the Langnyu valley and outmanœuvred them by cutting a path straight down to the river, and moving upstream in open ground. While getting into camp an armed body appeared above us and were dispersed, probably without casualties. Then three men rushed down to get a head from the coolies cutting bamboos. They were fired on and turned back. Two fell, but picked themselves up.

“ On November 26th, we burnt the main village, nearly losing four coolies who straggled against orders. In the afternoon we moved downstream to below the separate Wenshoi ‘ khel ’. Next morning the baggage with one platoon was sent straight back to Noklak,

¹ See pages 10 and 82 of the 1936 report of the Slavery Committee, and pages 7 and 56 of its 1937 report.

and one platoon with a few scouts and dobashis went up to burn the ' khel '. We were very heavily attacked on our way down in a last effort by Pangsha to wipe us out. It was only the skill and coolness of Major Williams and his force that enabled us to make a safe withdrawal to Noklak, without losing a man and after inflicting losses on the enemy, whom ground and cover enabled to charge to within 50 yards before they were stopped.

" That evening, Chingmei and Noklak made peace, Noklak being no longer in any doubt as to the safer side of the fence. I also fined Noklak for their previous hostility. Ponyo, who may have sent a contingent to help Pangsha, also came to see me. I sent word through them to Pangsha that if they would come and talk to me at Chingmei their envoys would be safe. This they did two days later. They admitted defeat and promised to stop slave-raiding and to return the remaining slave. All three villages swore an oath of friendship and were sent home with presents of salt. Pangsha kept their word and the slave girl was sent for and brought to our camp at Chentang on December 7th and is now safe with her parents.

" Ponyo produced a young Chang at my request. He is now a freedman, married in Ponyo and ignorant of a single word of Chang. He is perfectly happy and has no wish to return to Chang relations whom he cannot remember. I therefore sent him back to Ponyo at his own request, with an assurance from Ponyo that he is perfectly free to leave the village if he should ever desire to do so. The next task was to deal with Nokhu. We arrived at Panso on December 3rd and were given a great welcome as the conquerors of their sworn foes Pangsha. I got in touch with Nokhu, and representatives of every ' morung ' came to see me. They confirmed, what I had already heard, that, of the three slaves they captured, one died, and two were returned to their relations as soon as news came that a column had really started. Enquiries left me no reason to doubt the truth of their statement and it can be accepted. Nokhu said they had no wish to suffer the fate of Pangsha and asked to be regarded as friends.

" While at Panso, I heard of yet another slave, a child captured by Sanglao from an unknown village called Phang, somewhere on the Assam side of the Patkoi to the south. A Naga messenger from Panso takes a whole day to get there and a whole day to get back. A column from Panso could not have dealt with the village earlier than on the third day. There are no local supplies at all, as no rice is grown, and with the rations we had it was impossible to undertake such a further unexpected extension of our tour. I therefore tried to negotiate with Sanglao. This I was able to do indirectly, though not directly, since no messenger from Sanglao ever got beyond the huge rabbit warren of Panso village and had always left by the time we heard he had arrived. The village sent in daos as a sign of friendship and has promised to try to get the child from his owner. Chingmak of Chingmei will continue to emphasise the seriousness of the message I sent that a column would certainly go out and destroy Sanglao if the slave is not handed over. From Panso we returned *via* Chentang and Tuensang to Mokokchung, arriving there on December 13th.

" Summary of Results.

" 1. All the slaves captured by Yimpang and Pangsha for the recovery of whom the expedition was originally sanctioned have been rescued and restored to relations or friends.

" 2. Steps are being taken to recover the slave held by Sanglao, of whom information was only received when the column was about to return.

" 3. A hitherto unknown Chang slave now at Ponyo was brought in by that village. I satisfied myself that he is free and perfectly happy.

" 4. By the punishment of Pangsha, a reign of terror over a wide area has been ended, at any rate for some time, and possibly permanently. "

ANNEX 11.

C.C.E.E. 181.

COMMUNICATION, DATED JANUARY 12TH, 1938, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

I am directed by the Secretary of State for India to refer to your letter No. C.L.100. 1937.VI, of June 16th, 1937, communicating a resolution relating to slavery adopted by the Council of the League on May 25th.

2. In accordance with that resolution and with reference to paragraph 61 of the Report of the Advisory Committee of Experts on Slavery on the Work of its Fourth (ordinary) Session, I am directed to forward, for the information of the Committee, copy of a review of the working of the Bhagela Regulation in the State of Hyderabad during the year 1936/37.

3. With regard to the question of the conversion of the Regulation into an enactment, to which reference is made in the second paragraph of the review, I am to explain that while the Regulation has not yet become an Act, it has the force of law and is as efficacious as an Act. The only distinction appears to be that a Regulation does not go before the Legislative Council; the intention appears to be to get experience of the working of this Regulation before laying it before the legislative body in the form of a Bill and thus to avoid the necessity of amending Acts.

(Signed) A. DIBDIN.

REVIEW OF THE WORKING DURING 1346 FASLI (1936/37) OF THE "BHAGELA" REGULATION.

The Bhagela system is prevalent mostly in Telingana districts. During this first year, Tahsildars have, in the course of their tours, been explaining the provisions of the Bhagela Regulation¹ to bhagelas and their masters. The Regulation has also been given wide publicity by social workers, and copies translated into the local vernacular have been distributed. It can only therefore be in remote villages that knowledge of the Regulation has not yet penetrated. Tahsildars have examined many agreements made between the farm labourer and his master under the new Regulation, but almost all of them are reported to be on unstamped paper, and many are said to be only oral agreements. As the Regulation has been in force for only one year, and as the bhagela has been under an inferiority complex for generations, it will require one or two years further experience to discover whether these so-called oral agreements are genuine voluntary agreements respected on both sides or are a cloak for still keeping alive old debts although legally cancelled by the Regulation.

The universal absence of stamped agreements (*vide* Section 4 of the Regulation) suggests that the landlord places the burden of purchasing a stamped paper on the bhagela and the latter is unable to find money. When the Bhagela Regulation is converted into an enactment by the Legislative Council, provision may have to be added to make the landlord responsible for executing the agreement on a stamped paper at his own expense and for furnishing a copy of it to the bhagela.

Another difficulty which may acquire further importance with time is the absence of any legal sanction or remedy in those cases where bhagelas are compelled to work on the old system for hereditary debts despite the debts' having been invalidated by the Regulation. In some talukas, the landlords are very powerful and the bhagelas too timid and backward to complain. The result is that no agreements under the Regulation have yet been entered into, for instance, in some villages of Nalgonda district. Individual complaints have also been made in Nizamabad (Borlam) and in Warangal of bhagelas having been forced to execute documents. The offender in one case was a village patel and he was promptly suspended. No rules have yet been made under the Regulation, as this requires further experience which should be gathered during the ensuing touring season.

The reaction on the whole has been reported from both official and non-official sources to have been very satisfactory. In some parts, wages have (to some extent) increased. In others, bhagelas and their masters have come to satisfactory oral agreements. In a few places, these simple labourers decline to leave their masters' service as long as the old debts remain to be paid, although they have been told that they are free. Cases have come to notice where the bhagela, while making a new agreement, has insisted on the old debt being mentioned therein, considering it both dishonest and ill-omened to deprive his old master in this manner of his dues. In one report it is stated that the employers are saying that, owing to labour difficulties, they will have to surrender part of their holdings.

H.E.H.'s Government is satisfied that with the sustained vigilance which the Regulation is attracting both from officials and non-officials, and after careful rules have been framed to implement the Regulation, this old-time hereditary service will altogether disappear, giving place to the annual wage contracts between the labourer and employer which already prevail over the greater part of the Dominions.

¹ See page 80 of the 1936 report and page 57 of the 1937 report of the Advisory Committee of Experts on Slavery.

ANNEX 12.

C.C.E.E.191.

COMMUNICATION, DATED FEBRUARY 15TH, 1938, FROM THE GOVERNMENT
OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS
(WITH ONE APPENDIX).

I am directed by the Secretary of State for India to refer to your letter No. C.L.100.1937. VI, of June 16th, 1937, communicating a resolution regarding slavery adopted by the Council of the League on May 25th, 1937, and to enclose, in continuation of my letter of January 12th, 1938,¹ a memorandum on certain points regarding which the Advisory Committee of Experts on Slavery suggested in their report of April 10th, 1937, information should be furnished.

(Signed) A. DIBDIN.

MEMORANDUM.

In paragraphs 18 and 19 of their report dated April 10th, 1937, the Advisory Committee of Experts on Slavery asked, with reference to the reservation in respect of Indian States made by the Government of India to their acceptance of the Slavery Convention of 1926, whether the Government of India regarded Article 2(a) of the Convention as applying in Indian States only to international slave trade. It is recognised that the obligation under the Convention to suppress the slave trade is not confined to international traffic and traffic between an Indian State and other parts of India. The letter of February 27th, 1937, from the India Office, to the Secretary-General, printed on page 57 of the Committee's 1937 report, was not intended to suggest that the slave trade existed in Indian States or that, if it did arise, it could not, on account of the constitutional position of Indian States, be suppressed.

2. In paragraph 21 of their report, the Committee said that they would appreciate receiving any information regarding the nature and prevalence of systems of slavery at present in operation in Indian States and the results of the action taken since 1926 for their suppression. No systems comparable to slavery are at present known to exist in Indian States other than those regarding which information has already been supplied to the Committee; but enquiries continue, and when they have been completed a further report will be made.

3. In paragraphs 60 and 87 of their report, the Committee asked certain questions in connection with the Rajput system of hereditary domestic service. The words "Darogha", "Hazuri" and "Chakar", which are used to describe such hereditary domestic servants, all have the same meaning of "servant". Persons so described now form a separate caste, but they originated from the offspring of members of two different castes. Members of the caste have the right to leave their masters' service and often do so. Only a comparatively small proportion are engaged in hereditary domestic service. Others are employed in various trades, Government service, contract work, etc. Several of them have received a university education and hold responsible posts in Indian States. As regards remedial measures in connection with the system, States in which it exists generally take the view that, as the servants in question can and often do leave the employment of their masters and as the system is not comparable to slavery, no remedial measures are necessary.

4. Some information regarding the working of the Bhagela Regulation in Hyderabad, referred to in paragraph 61 of the Committee's report was furnished in India Office letter of January 12th, 1938, to the Secretary General.¹

¹ See page 85.

ANNEX 13.

C.C.E.E. 193.

COMMUNICATION, DATED FEBRUARY 16TH, 1938, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Secretary of State for India to refer to the observations of the Advisory Committee on Slavery in paragraph 17 of its report of April 10th, 1937.

In the light of these observations, the Government of India has once again reviewed the reservation appended to the Indian signature of the Slavery Convention of 1926 in respect of the "unadministered parts of the Sadiya and Balipara Frontier Tracts", and, in view of the comments of the Committee, has decided to withdraw the reservation. Preliminary steps are being taken with a view to extending the necessary control in these areas.

(Signed) A. DIBDIN.

ANNEX 14.

C.C.E.E.194.

COMMUNICATION, DATED FEBRUARY 25TH, 1938, FROM THE GOVERNMENT OF INDIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am directed by the Secretary of State for India to refer to your letter C.L.100.1937.VI, of June 16th, and to the observations of the Advisory Committee on Slavery in paragraph 60 of their report of April 10th, 1937 (document C.188.M.173.1937.VI), in which they suggest that the Government of India should furnish some information as to the remedial measures in contemplation in regard to debt bondage in Madras and Orissa.

The Government of Madras have re-examined the system of debt bondage and report that this further investigation has revealed the very limited extent to which what may be called debt bondage actually exists in parts of the Presidency. It has also shown how far actual practice differs from inferred implications which loom so largely in the previous report of the Government. The Collector of Tanjore, for instance, reports that the system now prevails only in a very few places and that the remarks contained in the previous memorandum were more a statement of the implications of the system than a statement of the actual conditions in which the labouring classes live. He points out that ryots who own small extents of land can ill afford to treat their labourers harshly and that the debt bonds, even if taken, are of little practical value. The Collector of Coimbatore points out that, so far as his District is concerned, the system of debt bondage prevails mostly among hillmen on the Anamlais. The report of the Collector of the Nilgiris shows that the agricultural labourers have broken their traditional attachment to their old Chetty landholders and that of late it is the landholder who needs protection against the irresponsibility of the labourers. The system of barabaddi is, according to the Collector of South Kanara, almost extinct. Work is available on the plantations in the Western Ghats and the labourers is bound to the landholder more by economic bonds than by law. It is only in parts of the District of Vizagapatnam — namely, in the *Hill Madgole* Agency of Gudem taluk, in Anantagiri and in the villages of the Srungavarapukota taluk that the debt bondage system known as the Gothi system is strongly entrenched. The Slavery Committee will no doubt appreciate that so deep-rooted and long-standing an institution cannot be eradicated by a violent change which would, in the opinion of the Collector, be detrimental to the interests of all parties concerned.

The Madras Government are, however, taking steps to mitigate such evils of the system as may be held still to exist by assignment of house sites and cultivable waste lands to its victims. They also propose to examine the possibility of legislation in respect of the matter.

The question has also been re-examined by the Government of Orissa who report that they appreciate the necessity of removing the more serious evils connected with debt bondage. They say that the system of debt slavery does not exist in a serious form in the Province

except perhaps under the Gothi system, which prevails in the Koraput District, and under the Kamia system, which prevails in the Sambalpur District (both districts are partially-excluded areas). The Government have considered the question of extending the Bihar and Orissa Kamiauti Agreement Act to the partially-excluded areas of the Province. That Act, briefly, prevents the registration of documents committing a person to serfdom to pay off a debt for more than a year. It appears that the Government of Bihar and Orissa came to the conclusion that the Act did not succeed in what it attempted to achieve, and that in the absence of initiative and interest from the Kamias themselves, very little could be done by Government. It is probable that there is hardly any registration of such documents in the partially-excluded areas of Orissa. The Government of Orissa therefore decided that for the present the question of extending the Bihar and Orissa Kamiauti Agreement Act to the partially-excluded areas need not be taken up. The difficulty with most of the legislation enacted for improving the conditions of the hill tribes in these areas lies in the fact that it frequently remains a dead letter due to the disinclination or inability of the people to help themselves owing to their backwardness. The Government are obtaining full facts regarding the nature and extent of debt slavery in the Province. They feel that one of the main hopes of eliminating this system lies in spreading education, improving communications, and providing other kinds of employment, and action on these lines is being taken to the extent that their finances permit. They are considering the possibility of extending the Agriculturist Loans Act for the relief of indebtedness and constituting Debt Conciliation Boards. They are also examining suggestions of the Government of Madras for legislation to limit utilising the services of persons for advances of wages. These facts will indicate the steps that are being taken to eradicate the evils described.

I am to add that it is regretted that it was not possible to furnish the information communicated above by the date specified in your letter of June 16th.

(Signed) A. DIBDIN.

ANNEX 15.

C.C.E.E.175.

COMMUNICATION, DATED AUGUST 6TH, 1937, FROM THE GOVERNMENT OF THE REPUBLIC OF LIBERIA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS (WITH ONE APPENDIX).

In accordance with the provision of Article 7 of the Slavery Convention of September 25th, 1926, I have the honour to forward the following report on slavery in Liberia :

I should first of all like to be permitted to observe that slavery does not exist in the territory of the Republic.

It may be further observed that, following closely upon the report of the International Commission of Enquiry in Liberia,¹ an Act entitled, "An Act relating to Contract Labour recruited for Service Overseas", approved December 15th, 1930, which prohibits the exportation of recruited labour from the country, was passed by the national legislature, with a view to eliminating the slightest possible element of compulsion. Citizens who now desire to travel abroad in search of employment are compelled to secure regular passports and take passage independently (see Appendix).

About the same time, and as a result of the report of the said International Commission of Enquiry, another Act entitled, "An Act relating to the Pawning System", approved December 19th, 1930,² was also passed into law by the national legislature. Pawning, among the aboriginal inhabitants, was a social institution which had its strongest ramifications in the economic life of the country; for it was the pawns who carried on the more exacting labours pertinent to farming. Thus the sudden freedom of pawns threw industry into a turmoil; because the newly freed pawns, becoming intoxicated with the knowledge of their freedom, were unable to provide for themselves and had no desire to work for their sustenance but preferred to become vagrants in their respective communities.

Only by the guiding hand of the Government, through its officials in the various hinterland sections, were conditions restored to normal. These people are now settled in the happy pursuit of a livelihood on their farms.

(Signed) C. L. SIMPSON,
Secretary of State.

¹ See document C.658.M.272.1930.VI.

² For the text of this Law, see document A.13(a).1931.VI, page 5.

Appendix.

AN ACT RELATING TO CONTRACT LABOUR RECRUITED FOR SERVICE OVERSEAS.

Whereas, the recruiting of labourers for service overseas under contract has been the cause of many abuses ; and

Whereas, in the interest of the national economy it is *urgently* requisite that such recruiting be prohibited, therefore

It is enacted by the Senate and House of Representatives of the Republic of Liberia in legislature assembled :

Section 1. — That, from and after the passage of this Act, it shall be illegal for any person or persons, firm or corporation to recruit, or cause to be recruited within this Republic, any labourer or labourers for service at any place, country or territory without the territories of this Republic.

Section 2. — It shall be illegal for any official of this Government to issue licence or otherwise give authorisation for the recruiting of any labourer or labourers for service overseas.

Section 3. — It shall be illegal for any citizen of this Republic or any person resident therein to enter into contracts for the recruitment of Liberian labourers for service overseas or to act as the agent or agents of any person or persons so contracting.

Section 4. — The provisions of this act shall not apply to stevedores or ship labourers who engage service on board mercantile vessels.

Section 5. — Any person or persons who shall violate the provisions of this act shall be guilty of a misdemeanour and upon conviction shall be punished by a fine in a sum not exceeding two thousand dollars or by imprisonment for a period not exceeding one year.

This act shall take effect immediately and be published in hand-bills, any law to the contrary notwithstanding.

Approved December 15th, 1930.

ANNEX 16.

C.C.E.E.170.

COMMUNICATION, DATED MARCH 23RD, 1937, FROM THE GOVERNMENT OF
THE SUDAN TO THE SECRETARY-GENERAL OF THE
LEAGUE OF NATIONS.

I am directed by the Governor-General of the Sudan to furnish the following information further to that contained in my letter of March 7th, 1936,¹ and in previous reports made by this Government, as desired by the Advisory Committee of Experts on Slavery.

2. The information is presented under the new heads adopted by the Committee in their report of 1936.

3. *Slave Raids, Slave Trade and Captured Slaves.* — Further incidents occurred on the borders of south-western Ethiopia, involving Sudan tribes. In March, a section of the Beir tribe living on the Boma Plateau was raided by the Tirma (an Ethiopian border tribe) assisted by other Ethiopian subjects from Maji district armed with magazine rifles. The Beir reported forty killed and sixty captured, including women and children. Investigations were immediately made by His Britannic Majesty's Consul, Maji, and Colonel D. A. Sandford, then acting as adviser to the Governor of Maji. The investigations were interrupted by developments in the Italo-Ethiopian war, but some of the Beir captives were recovered by Colonel Sandford and returned to the Sudan. A counter-raid by the Beir, assisted by Anuak from both sides of the border, took place in Ethiopian territory in April 1936, when thirty men were reported to have been killed and forty prisoners captured. It is believed that this raid aimed at intercepting the passage of the slave traders and their captives to the north, and was also in the nature of a retaliation against certain Ethiopian tribes involved in the previous raid. The local authorities are now endeavouring to get in touch with the raiders and hope to effect the return of the captives during the present dry season. Shortly after these disturbances, the Boma Plateau was occupied by a Sudan Defence Force detachment, and no further incidents have taken place. With the occupation of south-western Ethiopia by the Italian forces, it is expected that this type of raid, which has almost completely depopulated the Ethiopian provinces adjoining the Sudan, will cease.

¹ See page 97 of the 1936 report of the Slavery Committee.

Individuals have continued to come over from the Ethiopian side of the frontier and have been settled in the Sudan. Owing to the fighting in Ethiopia, it has been difficult to differentiate between refugees from the wars and slaves fleeing from their masters, but freedom papers have, as usual, been issued on demand. Four individuals at Kurmuk have been convicted of offences relating to slavery; one was a Sudanese who restored a refugee to his master in Ethiopia, and three were Ethiopians attempting to secure the return of refugees who had entered the Sudan.

It is a pleasure to be able to report that elsewhere in the Sudan there has only been one suspected case of kidnapping, the evidence being insufficient to produce a conviction. In the western Sudan this improved state of affairs has been largely due to the energetic co-operation of tribal authorities to which attention has already been drawn in paragraph 9 of the report for 1935.¹ There is also evidence of the increasing realisation by nomad Arabs that friendliness with their darker brethren is beneficial, and that slave labour is not economic.

No evidence has been obtained during the year of any illicit trade across the Red Sea. Measures have already been taken by His Britannic Majesty's Consul at Jedda, in concert with the Sudan Government, to prevent the detention of Sudanese and other pilgrims as slaves in Arabia. Additional effect is likely to be given to these measures by the Sa'udi Government's recent slavery legislation.²

4. *Born Slaves.* — Over 300 further "freedom papers" were issued during the year.

Full reports on the question of domestic and "voluntary" slavery and on the methods of assistance to released slaves by settlement and loans have been forwarded for transmission to the Committee of Experts during the year (*vide* Khartoum Secretariat Minute of December 5th, 1936,³ in response to Cairo Chancery Minute No. 465/2/36 of July 27th, 1936, and Egyptian Department Minute No. 6131/2494/16 of July 11th, 1936, to Cairo Chancery).

5. There are no other institutions of slavery in the Sudan.

(Signed) MCGILLAN,

Civil Secretary,
Sudan Government.

ANNEX 17.

C.C.E.E.196.

COMMUNICATION, DATED FEBRUARY 15TH, 1938, FROM THE GOVERNMENT OF THE SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Khartoum, February 15th, 1938.

I am directed by the Governor-General of the Sudan to furnish the following information further to that contained in my letter of March 23rd, 1937,⁴ and in previous reports made by this Government, as desired by the Advisory Committee of Experts on Slavery.

2. *Slave Raids, Slave Trade and Captured Slaves.* — On the Abyssinian border, conditions remained unsettled during the year and a considerable number of refugees of slave origin took advantage of the troubled state of affairs to leave their erstwhile masters and to migrate to the Sudan. Several have since returned voluntarily to Abyssinia and the remainder have been absorbed into neighbouring villages. One attempt forcibly to secure the return of a slave was frustrated and the offender convicted and imprisoned.

Some progress in liquidating past raids can be recorded. With the establishment of a detachment of the Sudan Defence Force on the Boma Plateau, and the appointment of a Frontier Agent, inter-tribal relations in that area have improved and a number of the captives taken in the raids of 1936 (recorded in last year's report) have been recovered from Abyssinia. The remainder have without doubt been sold and sent eastwards across Abyssinia. No fresh raids have been reported in this vicinity during the year under review.

¹ See page 98 of the 1936 report of the Slavery Committee.

² See page 46 of the 1937 report of the Slavery Committee.

³ See page 76 of the 1937 report of the Slavery Committee.

⁴ See page 90.

Among the refugees who crossed into the Sudan in the neighbourhood of Kurmuk on the Blue Nile were five Abyssinians, who had been implicated in the raid mentioned in the report rendered on April 10th, 1933.¹ It is satisfactory to be able to record that, even after this lapse of time, justice has overtaken them.

Elsewhere in the Sudan, the situation remained normal. Four reports of kidnapping were received, but in no case was it possible to secure a conviction, and it is more than probable that two of the reports have no foundation in fact. The remaining two are still under investigation, but, owing to the ignorance and mendacity of the two alleged victims, it is unlikely that the investigations can be carried to a successful conclusion.

Born Slaves. — Only 111 "freedom papers" were issued during the year, as compared with over 300 last year,² but, for the reasons explained in paragraph 3 of the memorandum on "Voluntary Slavery"³ forwarded in 1936, the number of "freedom papers" issued gives little or no indication of the pace at which domestic serfdom is disappearing.

(Signed) J. A. GILLAN,
Civil Secretary.

ANNEX 18.

C.C.E.E.186 and 186(a).

SUMMARY, DATED APRIL 5TH, 1938, OF THE INFORMATION RECEIVED FROM CERTAIN GOVERNMENTS IN REPLY TO THE SECRETARY-GENERAL'S LETTER TRANSMITTING THE OBSERVATIONS AND SUGGESTIONS OF THE COMMITTEE.

1. The Government of *Egypt* states that, as slavery does not exist in Egypt, it has no observations to make on the Council resolution.

2. The Government of *Iraq* refers to its earlier communication stating that it had no additional information to furnish and that the Council's recommendations did not require any specific action on its part.

3. The Government of *Australia* states that it has no information to add to that contained in its letter of May 29th, 1930, which set out the position concerning slavery in respect of the Commonwealth, its territories and the Mandated Territories of New Guinea and Nauru.

4. The Government of *Monaco* reports that, while fully concurring in the measures approved and the resolutions adopted, it cannot give any effective assistance in the abolition of slavery.

5. The Government of *Afghanistan* replies that slavery does not exist in Afghanistan. The Government of *Estonia* states that there is no slavery of any kind in Estonia, and that it has, therefore, no information to supply on the subject.

6. The Governments of the *United States of America* and of *Finland* confirmed and the Government of *Hungary* replied that they had no information to give concerning slavery.

7. The Governments of the *Netherlands*, *Nicaragua*, *Peru*, *Spain*, *Venezuela* and *Uruguay* have simply acknowledged receipt.

¹ See document A.16.1933.VI, or *Official Journal*, May 1933, page 622.

² See page 90.

³ See page 76 of the Slavery Committee's 1937 report.

ANNEX 19.

C.C.E.E.182.

COMMUNICATION, DATED DECEMBER 22ND, 1937, FROM THE CONSUL-GENERAL FOR NORWAY AND SENIOR CONSUL, SHANGHAI, TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, TRANSMITTING A REPORT, DATED DECEMBER 16TH, 1937, BY THE MUNICIPAL COUNCIL, SHANGHAI (WITH TWO APPENDICES).

I have the honour to inform you that, in September last, I received through the Doyen of the Diplomatic Corps in China, His Excellency the American Ambassador, a copy of the confidential report of the Advisory Committee of Experts on Slavery submitted to the Council of the League of Nations in May 1937. I transmitted this report to the Shanghai Municipal Council with a request for any observations which that Body might desire to offer on that part of the report which refers to the Mui Tsai question in Shanghai. The Shanghai Municipal Council has now furnished me with a report on the feature mentioned, a copy of which, together with a copy of the Council's covering letter of December 16th, is enclosed herewith.

Due to the abnormal conditions obtaining in China at the present time and to the difficulty of reaching the American Ambassador, who is in Hankow, I am transmitting these enclosures directly to you, as I understand you would desire such a report to reach Geneva not later than February 15th, 1938. I am assured that His Excellency has no objection to this course.

(Signed) N. AALL,

Consul-General for Norway and Senior Consul.

N. Aall, Esq.,
Consul-General for Norway and Senior Consul,
Shanghai.

SHANGHAI MUNICIPAL-COUNCIL,
Office of the Secretary-General.

December 16th, 1937.

I have the honour to refer to your letter of September 21st, 1937, addressed to the Chairman of the Council, in which you stated that His Excellency the American Ambassador desired that any observations which the Council might desire to offer on that part of the report of the Advisory Committee of Experts on Slavery which referred to the Mui Tsai question in Shanghai should reach him in time to be transmitted by him so as to reach Geneva not later than February 15th, 1938.

By a letter dated February 18th, 1937, the Council informed the then Senior Consul that it had been decided to appoint as Supervisor of Mui Tsai Miss E. M. Hinder, who is in charge of the Council's Industrial Section.

The Advisory Committee of Experts on Slavery, in the report to which your letter refers, stated that the Committee would appreciate receiving a report on the position at the end of the current year. It was also stated that any information about any refuges or homes that may exist in Shanghai for the temporary or permanent reception of rescued children would be of the greatest interest.

In order to provide the fullest possible information for the Committee, I now enclose a full report made to the Council by Miss Hinder covering every aspect of her work in connection with Mui Tsai. I have the honour to request that this report be forwarded to His Excellency the American Ambassador to be transmitted by him to Geneva.

(Signed) Stirling FESSENDEN,
Secretary-General.

REPORT TO THE MUNICIPAL COUNCIL, SHANGHAI, ON WORK IN CONNECTION
WITH THE PROBLEM OF PEI NU (MUI TSAI) OR GIRL SLAVES, 1937.

On February 19th, 1937, the Council decided to place upon the Chief of the Industrial Section responsibility as "Protector of Mui Tsai". The task was defined as "to offer protection to those who needed it, and to collect information and material for the Council in order to enable it to consider and decide what further steps should be taken, either in the direction of registration or otherwise".

On April 13th, a possible approach to the problem was outlined, recommending the appointment of a trained social worker who would give full time to the work. Three lines of action were suggested. The first involved a study of the institutions at present in existence caring for girls without the protection of their own homes. The second line proposed a detailed study of cases of girl slaves, with a view to understanding the nature of the system in the city of Shanghai, and a third envisaged an area study in order that the extent of the problem might be assessed.

At the end of April, it was possible to secure the interest of Mlle. Chi Chih-ting, of the Social Service Department of the Peiping Union Medical College. She was unable, however, to leave her post until her contract period had finished, and, owing to the war in the north, it was September 11th, before she was able to take up her duties.

Thus this report covers the activities of a special worker only over a period of three and a half months. At the same time, the progress made during the year in obtaining an understanding of the problem has been useful.

1. *Institutions for Rescued Children.*

The Council's decision to appoint a "Protector of Mui Tsai" was received with interest by the League of Nations Advisory Committee of Experts on Slavery, which also indicated that further reports would be appreciated.¹ It was especially requested that a report should be forwarded on the refuges or homes that may exist in Shanghai for the temporary or permanent reception of rescued children. This being in line with the programme which had been outlined to the Council, a study of the institutions has been made as the first activity of the special worker, and an interim report is included in this statement as Appendix I. It was planned to present a more comprehensive report, but this has been delayed until next year, since four of the institutions mentioned, having evacuated their suburban premises, are now temporarily located in the city, and their situations are abnormal.

It has been found that there are in all seven permanent organisations which operate homes for children : or more correctly, six organisations and one individual. There are nine institutions operated by these organisations, which house approximately 2,100 women and girl children. Two of the organisations are of mission or church affiliations, the support of whose foreign personnel is not a full charge on the budget, and the individual operator of one home is a foreign woman. There are four organisations which are purely Chinese, two of these carrying on work in institutions of the old-fashioned Chinese type, and two others with a more modern approach to their problems. All four of these organisations depend entirely on Chinese sources of finance.

A small "Women's Temporary Relief Camp" was organised at the request of the municipal police to deal with the increased numbers of women and girls who were found to be soliciting on the streets following the outbreak of hostilities. Its finance, upon an emergency basis, was provided by relief institutions. It has been supervised by a group of Chinese women volunteers, who have reached the conclusion that an institution adequately financed is essential to deal with the problem.

In the permanent institutions there are girls of many kinds. Some have been girl slaves and have been the victims of cruelty, some have been prostitutes, others were beggars, others were lost or unwanted children. But it is obvious that, even in normal times, Shanghai's streets have many girl beggars, and many young girls soliciting for prostitution for whom there should be more adequate provision of some form of institutional care by the community. Existing homes which can take care of a maximum of 2,100 children are insufficient for the needs of a teeming port city. The commencement of the "Women's Temporary Relief Camp" referred to in the last paragraph is an indication of the need, and an attempt to meet it.

2. *The Place of Institutions in freeing Girl Slaves.*

It is important to view the existing provision of homes and institutions for rescued children in Shanghai in the light of the plan of the National Government of China for the

¹ Page 15 of the 1937 report of the Slavery Committee.

freeing of girl slaves. The Regulations of January 1936¹ require that all those who have girl slaves should register them with the police with a view to freeing them, and require further that the local authorities shall provide institutions for their reception. When it is realised that Shanghai private philanthropy, assisted by public funds, has only succeeded in making provision for approximately 2,100 young women and girl children of all types, it is obvious that existing homes would be quite insufficient to provide, in addition to their present charges, shelter for the probable number of freed girl slaves. It is equally obvious that the resources of the average local authority in China could not prove equal to the task of maintaining all those who would, theoretically, be freed.

The experience of the Chinese City Government of Shanghai in this connection is of interest. The police authorities of this Government, following the promulgation of the regulations, issued instructions that girl slaves should be registered, and it is understood that some hundreds were actually reported. The National Child Welfare Association, which had been in receipt of a regular subsidy from the National Government of China, operates only a small institution in Shanghai for rescued girls, housing only 140, as the report in the appendix will show. The Beggars' Home has accommodation for only sixty women and girls. Twenty places have always been reserved for freed girl slaves, some of whom were sent by the police of the City Government. It would appear that these are the only two institutions to which the City Government Police have sent cases, but there has been no subsidy by this authority to these or other institutions. Thus there are no institutions which could be called on for the placement of any large number of freed girl slaves. There appears to have been no alternative but to leave the registered girls with their employers.

The Shanghai Municipal Council now subsidises three existing institutions to the extent of more than \$35,000 per year. Even were it possible to increase this amount considerably, which in present circumstances it is not, it would probably not be possible to take care of all girl slaves in institutions, even if legal methods applicable in the Settlement could be found to free them from their mistresses, which again they are not.

Two conclusions may be drawn from the study of the existing institutions and of the needs of the situation. More and better institutions (preferably on the cottage plan) are required to care for the girls who are unwanted, ill-treated, lost; for unwilling prostitutes, girl slaves and others. But other means must be found for the supervision of the many girls for whom institutional care cannot be provided, or for whom it is not deemed suitable; a plan to achieve protection without institutionalising must be developed; a plan for the safeguarding of those who have been girl slaves and who remain with their mistresses, by frequent visits of representatives of the authorities; a plan for placing girls in families under the supervision of the authorities; a plan for having children adopted in suitable homes. Unless some such comprehensive plan is devised, there can be no constructive approach to the protection of Shanghai's children.

3. *Girl Slavery: Part of the Larger Problem of trafficking in Girls.*

The Deputy Commissioner of the Shanghai Municipal Police (Crime Branch) acceded to a request that all cases involving traffic in girls should be reported to the Industrial Section. The object of this was, in part, to see the matter of girl slaves in perspective in relation to the activities of traffickers. In the Settlement, it is not an offence against the law to keep a girl slave, for the reason that the Chinese Government Regulations on the matter are a ministerial order, not duly enacted by the Legislative Yuan, and hence, under the Court Rendition Agreement, not applicable in the Shanghai First Special District Court. In consequence, only those cases involving girl slaves who are the victims of cruelty come into the court, or those in which principals are accused of trafficking in girl slaves.

There were sixty-five cases involving traffic in or abuse of girls in respect of which action under the Chinese Criminal Code was taken against adults, men and women, in the First Special District Court during the five-month period from March 15th to August 15th. After this date, the outbreak of hostilities rendered the situation non-typical, and cases have not been included in the following analysis. Of this number, thirty-six were cases of abduction. It is impossible to tell, of course, what is the destination of a young person who is abducted. But it is certain that the motive of abduction is one of gain, and according as the opportunity offers and to the type of child, the child will be sold into a life of prostitution, as a domestic slave or as a "daughter-in-law in raising", known as "yang hsi fu" or into mill-labour. In addition to these thirty-six cases of abduction, there were ten cases in which principals were charged with trafficking in girls with a view to their mortgaging as prostitutes. There were ten cases involving girl slaves, in which principals were either accused of trafficking in

¹ See page 75 of the 1936 report of the Slavery Committee.

girls to be sold as slaves, or mistresses were accused of cruelty. In one case, a woman was accused of treating another as a slave when a girl was sold for gain. There were three cases of assault and five of rape of girls.

The ages of the victims of these actions and transactions ranged from 5 to 30. Two children of 5 years were involved. There were twenty-one who were between 11 and 15 years, and thirty-seven between 16 and 20 years. Ten were between 21 and 25 years and one was 30 years old. All ages are Chinese count. It is obvious that traffickers — for the majority of cases were of this nature — desire to handle girls of sub-adolescent and adolescent years from whom their hope of gain comes, irrespective of the life for which the girls are intended.

4. *Shanghai District Characteristics.*

It has not been possible to proceed with the detailed area study proposed, by which it was intended to estimate the extent of the girl slave problem in Shanghai. This was prevented by the outbreak of hostilities with attendant exodus from some areas and overcrowding in others. At the same time, analysis of the police districts from which the sixty-five cases mentioned above have come, shows that certain offences against girls are characteristic of certain areas. All the rape cases occurred in the eastern industrial district. The cases were all of employed girls. Two of the abduction cases also occurred in this district, one involving girl slaves and one the sale of a girl for gain. The eastern district has seen no cases against principals involved in trafficking for prostitution. Fifteen of the abduction cases occurred in the northern areas. The close proximity to the railway and to wharves may account for this. There were four cases involving domestic slaves in the northern areas. The greatest number of Cantonese reside in this district, and it is generally felt that southern families use domestic slaves more than others. Six of the ten cases of sale of girls for prostitution and twelve of the abduction cases occurred in the central district. This is the area where solicitation is most common. The western district had fourteen cases of abduction, and one girl was sold for contract labour.

5. *The Social Worker's Relations with the Court.*

Some individual cases of girl slaves were handled later in the year by the special worker appointed. Some of these were brought to light as the result of the war, when the girls in question were separated from their mistresses. After careful investigation of these cases, the court was asked to dispose of them in accordance with the particular circumstances ruling. In one case, a girl slave, because of malnutrition, had developed beri-beri before the outbreak of hostilities and being unable to walk, had been sent to a hospital by her mistress. Though she was still unable to walk, it became necessary to discharge her when the call on hospital accommodation became acute owing to the bombings in the Settlement. Her mistress, having lived in the area of hostilities, could not be found. On being taken back by the social worker to the locality where she said she had lived with her parents before being disposed of to the mistress, she was able to identify the house where a friend of the family lived, and through him the girl's father was traced. The mother had been sent home to her country through the Refugee Evacuation Committee, and the father was now completely alone in Shanghai, unhappy because unemployed on account of the war. He was overjoyed to be confronted with his child in the court. The child knew her father immediately. The judge, on the social worker's recommendation, placed the child temporarily in the Child Welfare Home, where the father regularly sees her. She will be restored to him when the family life is reconstituted, upon his undertaking to report to the social worker at regular intervals.

It is significant that, for the first time in the history of China, a trained social worker in the employ of a governing authority can be associated with such cases in the court. In Western countries, especially in cases involving children, judges of the courts rely to a considerable extent on the advice of trained workers who have been able to investigate all the social aspects of these cases. It is hoped that there has now begun a practice which can be used in assisting in the solution of cases involving girls in which the authorities have to intervene.

6. *What, in Chinese Law, constitutes Slavery?*

During the year, a case of significance in the study of a situation under which girls pass from hand to hand for money was decided by the First Special District Court. An amah, who had obtained possession of a girl two years previously for a sum of \$16, disposed of her for \$30 to a man and his wife. All three were arraigned before the court and charged under Article 296 of the Chinese Criminal Code which reads :¹

“Whoever causes another to become a slave or to live under conditions of restricted liberty similar to slavery shall be punished with imprisonment for not less than one year and not more than seven years.

“An attempt to commit an offence under the last section shall be punishable.”

¹ See page 75 of the 1936 report of the Slavery Committee, Article 296 of the new Chinese Penal Code.

All were adjudged not guilty. The police case was based on the view that this article was infringed by "buying and selling a child so that her liberty was restricted in conditions similar to slavery". The defendants contended that the girl was in fact an adopted daughter, and in consequence were acquitted. The judgment, text of which appears in Appendix II, stated that "the offence of causing another to be a slave refers to a case in which there are proved facts of treating another as a slave". The decision is based on former decisions of the Highest Court and the Supreme Court, copies of which are also given in the appendix. It would seem to be implicit in this judgment that the court does not regard the handing over of an individual in return for money as constituting slavery.

According to the Municipal Advocate of the Shanghai Municipal Council, commenting on this case: "The decisions of the Chinese courts are not clear as to what constitutes slavery. What they state is that, before a conviction can be obtained, it must be proved that the person alleged to be a slave is treated as a slave and deprived of his or her right of self control. Nowhere in the decisions do I find a definition of the word 'slave'. Neither can I find any definition of the words 'loss of the right of self control'. The general policy of the Chinese courts seems to be that the buying and selling of children is not illegal, provided it is claimed that the child is bought for the purpose of adoption."

There are two other situations in China, other than in the use of girl slaves, where it may be argued that liberty is restricted, even in some cases to "loss of the right of self control". A girl may be mortgaged into a life of prostitution for a period of three years, in return for which either the parents or the trafficker receives a lump sum, often several hundred dollars. The earnings of the girl go to her "owner". There is often restriction of freedom of action, girls are often ill-treated if their earnings are insufficient, and their persons are exploited for gain. It might well be considered that this constituted being "treated as a slave", at least temporarily.

There is again the system known as "pao fan", or guaranteed rice, or otherwise as the contract labour system. Cotton-mills in Shanghai employ women who are under contract. A middleman pays a small sum to the parents of a girl, and, in return he is entitled to her full wages for a period of years, usually three. He is responsible for her living expenses and provides an extremely meagre living. Girls are "non-free" in the sense that they are beholden, that they are closely supervised going to and from their work, and have little personal liberty. The situation is undesirable in that girls are frequently in the grip of men contractors. When to this is added the fact that the length of the shift in the cotton-mills is either a twelve-hour day, or a twelve-hour night, this aspect of non-freedom of women shows itself to be in many ways evil, like the system in which a girl is sold for domestic work.

The year 1937 has been of significance in connection with this problem in that one of the larger British cotton-mill companies has changed its former policy of employing labour through a contractor. This would not in itself guarantee there being no sub-contractors, but, at the same time, the principle was adopted that preference in employment would be given to those who were natives of Shanghai or surrounding villages. In the use of local labour lies at least one of the remedies of this aspect of exploitation of "non-free" women.

7. *Girl Slaves in Shanghai in Perspective.*

There are thus three known situations in which girls are passed from hand to hand for money, and without their volition in many cases. There is the girl domestic slave, who becomes permanently the property of the "buyer", the prostitute, and the girl under labour contract, both of the latter being subservient to a temporary "owner" to whom all their earnings go. In all three cases, money passes. For girl slaves and prostitutes initial sums ranging from \$50 to \$300 may be paid: while for girls under labour contract, from \$30 to \$40 is common.

It has been thought useful to set the "girl slave" question thus in perspective in relation to other forms of exploitation of girls and women in Shanghai. If the views of social workers and police are any guide, there are many fewer girls in this city who are girl slaves in domestic employment than there are girls sold into a life of prostitution, and many fewer than those who are under labour contract. The majority of residents are industrial workers, living in very small premises and unable to have the luxury of a "slave". Unless the study of the question in the future shows the contrary, it would appear that Shanghai has social problems of greater magnitude, both in point of numbers and of significance, than that of girl slaves. It is recognised that the permanent nature of the relationship in cases of girl slaves probably constitutes, in the eyes of the Advisory Committee of Experts on Slavery, a feature distinguishing the condition as "slavery". But if the court's definition that, to constitute slavery, a person must be "treated as a slave", is adopted there are many examples among prostitutes and in contracted labour where girls may be held to be "treated as slaves".

The question, which is here outlined shortly, will be studied in detail during 1938, when it is hoped that a fuller report will be submitted.

(Signed) Eleanor M. HINDER,
Chief, Industrial Section.

Appendix I.

INTERIM REPORT OF INSTITUTIONS IN SHANGHAI FOR THE TEMPORARY OR PERMANENT RECEPTION OF RESCUED GIRLS.

There are six organisations which operate institutions for the temporary or permanent reception of rescued girls in Shanghai. These are :

1. Door of Hope, which carried on work for girls in four institutions :

(a) An industrial home, Robinson Road, where girls rescued from a life of prostitution and others in need are housed. Approximately 150 girls are inmates.

(b) The Children's Refuge, Brennan Road, where girls in age from young children to early womanhood are found. None of these girls have been prostitutes. There are more than 350 inmates.

(c) The Sanatorium, Yu Yuen Road, which represents the hospital for the above institutions.

(d) The Receiving Home, Kweichow Road, where girls are taken at night or for temporary detention by police.

2. The Roman Catholic Church, which carries on work for girls in two main institutions :

(a) The Home of the Good Shepherd, Siccawei, where there are 105 girls;

(b) The Seng Mou Ieu Orphanage, Siccawei, where there are 500 girls.

There are small homes attached to several local churches, but their activities are not on any large scale. These two first-named organisations have foreign personnel largely provided by sources abroad, or by the Church.

3. The Association for the Protection of Women and Children, which normally occupies suitable premises in Kiangwan, but which, because of hostilities, is now in rented premises in the foreign areas. There are about 540 girls of all ages in the care of the Association.

4. An Association which operates the Lunghwa Orphanage, largely for boys, but normally caring for 100 girls. At present, it has moved because of hostilities, and there are only 12 girls in the temporary location.

5. The National Child Welfare Association, which among other activities operates a Child Welfare Home in Rue Lafayette, where there are 130 girls, all under the age of 14 years.

6. The Women's Christian Temperance Union, which operates the Shanghai Beggars' Home, normally housing 60 women and girls. This institution has had to move because of hostilities and is now in temporary premises.

In addition, there is an institution, known as St. Faith's Settlement, which is carried on by one individual woman, and where some 200 girls are housed.

The total number of girls in these institutions is approximately 2,100.

An Appraisal of the Institutions.

The Institutions of the various organisations differ considerably. The Door of Hope, which has the devoted missionary service of a group of American women, and which has a history of thirty-six years in Shanghai, is well organised and operated. Those in charge state frankly that they do not regard their work as social work but as religious work. Under these circumstances, it is natural that there should be emphasis on personal religion, and the activities in education are subservient to this viewpoint. A general air of happiness pervades the homes. The same is true of the Institutions operated by the Catholic Church. All girls who enter these become adherents of the Church.

The homes carried on by the Association for the Protection of Women and Children are secular. They are "old fashioned orphanages", of the type which almost every large city in China has known for a long period, the work of a group of city philanthropists, whose conception of the function of such an institution is, however, limited.

The Lunghwa Orphanage originally owed its being to Chinese Presbyterian Christians, and has a good educational standard. Its vocational work is of good grade. The Beggars' Home is an activity promoted by a Chinese Women's Organisation, the Women's Christian Temperance Union, in an attempt to make a constructive contribution to the rehabilitation of street beggars.

The home of the National Child Welfare Association is organised on modern lines with newer concepts of the place of social work, and an opportunity is provided for readjustment of those committed to its care. Places for 20 freed girl slaves are kept available in the institution.

In St. Faith's Orphanage, the atmosphere of one large Chinese family prevails. No one enjoys privilege more than others : if there is rice, the director shares it with her charges. If there is not, all are equally deprived.

Premises.

The Door of Hope is very suitably housed in all its premises. The Industrial Home is a large three-storied house which has been adapted for the purpose of the Institution. A large piece of land behind the house has a hut where handcraft work is carried on. The home hopes that some smaller units may be built at the back of the land. The Children's Refuge has three buildings on a large piece of land, part of which is garden space. The usual premises of the Association for the Protection of Women and Children have been fairly satisfactory, being in a suburban district but slightly built up. The same applies to the Lunghwa Orphanage and the Beggars' Home, but the present condition of all three of these institutions, having been in the area of hostilities, is unknown. The temporary premises in the city are little suitable for the purpose of housing many children, but the situation is, it is hoped, not likely to last indefinitely. The orphanages of the Roman Catholic Church are in satisfactory buildings with grounds. St. Faith's Orphanage is simple but suitable. The Child Welfare Home is well enough housed.

Personnel.

As intimated above, in the institutions of the Door of Hope and of the Roman Catholic Church, the management is in the hands of foreign women who are devoted to their charges. The personnel of the institutions of the Association for the Protection of Women and Children is unsatisfactory. The superintendent, aged 46, was, till a year ago, a business man ; his assistant, a man aged 56, has had no training for the work he has to do. The assistants in the institution are of low intelligence and ability, which is reflected in the children under their care. The educational standard of the personnel of the Lunghwa Orphanage is satisfactory. The supervision of the Beggars' Home is also good. The superintendent of the Child Welfare Home is a qualified Chinese woman of training and experience, whose enlightened handling of the children under her care produces excellent results. The assistants under her are of good calibre. St. Faith's Orphanage has only its promoter as personnel ; its services otherwise are run by the inmates.

Finance.

The Door of Hope is partly financed by contributions from friends of the institution abroad and in Shanghai, partly from craftwork sold (\$12,500, partly by a grant of \$9,300 from the Shanghai Municipal Council and by a gift of \$1,000 from charitable funds available from French municipal sources. Its budget reaches more than \$95,000 annually. The Roman Catholic Orphanages are financed by the Church. The Association for the Protection of Women and Children receives as subsidy from the Shanghai Municipal Council a sum of \$25,000 annually (formerly \$28,000) : and is otherwise financed by the contributions of Chinese philanthropists, and by money received from the placement of children in occupations or marriage. Its annual expenditure is in the vicinity of \$67,000. The Lunghwa Orphanage has a certain number of children whose expenses are paid by interested persons. There are sales of vocational products, and a sum of only \$35,000 a year is needed to make up the budget. The Beggars' Home finance is locally obtained by the supporting organisation. The Child Welfare Home is an activity of the National Child Welfare Association of which Dr. H. H. Kung, Minister of Finance, is national president. Out of a budget of \$67,000 devoted to all the activities of the Association, the Child Welfare Home receives \$12,000, from the expenditure of which the best results are obtained. The financing of St. Faith's Orphanage is the private responsibility of its founder, to whom friends make contributions. There are times when it is insufficient.

Activities.

All the institutions, with the exception of those of the Association for the Protection of Women and Children, recognise the provision of occupation for the children as essential. In the Industrial Home of the Door of Hope, embroidery and the making of shoes take up a considerable portion of the time of the inmates. The Children's Refuge is famous in Shanghai for its beautiful knitting. The making of cloth shoes for the inmates, and of the children's clothing, is a regular occupation. Some little embroidery is done in the home of the Association for the Protection of Women and Children, but this institution lacks an understanding of the value of varied vocational training. The Catholic Orphanages understand this very well. Handicraft, laundrywork, the use of typewriters, are commonly taught. The Lunghwa Orphanage emphasises the craft work of boys, but is less successful with that of girls. The Beggars' Home trains women and girls in household labour and in craftwork, which is sold. The children in the Child Welfare Home, being young, are not put to production tasks, but they are taught handicraft.

Education.

In all the institutions, there is some measure of education. The methods of the Industrial Home of the Door of Hope would seem to savour of older educational conceptions. The text books are not modern. There is a kindergarten in the Children's Refuge, where, however, there is teaching which is religious and perhaps beyond the capacity of the children to assimilate. When the general primary school course of the Children's Refuge has been completed, brighter girls are sent out to other schools for some years. Later they return to the institution as teachers or assistants, if not otherwise placed. The education in the institutions of the Association for the Protection of Women and Children is unsatisfactory. The teachers are of poor grade with but one or two exceptions. The education of the Lunghwa Orphanage is of satisfactory grade. That of the Beggars' Home is, owing to the diversity of the age groups, less regular. The education in the Child Welfare Home is progressive and full of interest for the children.

Disposal of the Children.

A customary method of disposing of children who have been brought up in institutions in China, in which country the arranged marriage is a recognised social feature, is to find them suitable husbands. The Door of Hope, essentially a religious institution, places main emphasis on the Christian faith of the prospective husband, into whose life careful investigation is made. The Association for the Protection of Women and Children also seeks husbands for its girls. An arrangement has been made with a cotton-mill by which adolescent girls will enter the mill, be housed there, and work there for a period of three years under a form of contract labour. Such of the girls' wages as remain after the mill deducts their living expenses go to the Association during this period. Poor as is the institution of this organisation, it is preferred by the girls to the mill with its toil of a twelve-hour shift, which is significant in assessing the custom of long work-shifts in mills. The Catholic Orphanages place their charges as the wives of adherents of the Church, or sometimes homes are found for the adoption of children.

Adequacy of the Provision.

As mentioned in the main body of this report : " It is obvious that even in normal times, Shanghai's streets have many girl beggars, and many young girls soliciting for prostitution for whom there should be more adequate provision of some form of institutional care by the community". In a city of the size of Shanghai, there should be provision for more than 2,100 girls. " Two conclusions may be drawn from the study of the existing institutions and of the needs of the situation. More and better institutions (preferably on the cottage plan) are required to care for the girls who are unwanted, ill-treated, lost ; for unwilling prostitutes, girl slaves and others. But other means must be found for the supervision of the many girls for whom institutional care cannot be provided, or for whom it is not deemed suitable. A plan to achieve protection without institutionalising must be developed ; a plan for the safeguarding of those who have been girl slaves and who remain with their mistresses, by frequent visits of representatives of the authorities ; a plan for placing girls in families under the supervision of the authorities ; a plan for having children adopted in suitable homes. Unless some such comprehensive plan is devised, there can be no constructive approach to the protection of Shanghai's children."

Appendix II.

SHANGHAI MUNICIPAL POLICE.

CRIME DIARY.

Crime Register No. 498/37.

(D) Division.
Yulin Road Police Station.

April 18th, 1937.

Diary No. 1

Nature of Offence : Trafficking in Children.

Record of Investigation.

Place or description of premises :

335 Pingliang Road.

Time and date of offence.

On March 12th, 1937.

Time and date reported.

11.30 a.m., April 18th, 1937

Name, occupation and address of complainant.

S.M.C./S.M.P.

Number of criminals with full individual description.

Three in custody :

(1) Yue Wong Sz, 49, Anhwei, M. female, 335 Pingliang Road.

(2) Lee Woo Sz, 48, Honan, M. female, 370 Paoting Road.

(3) Lee Woo San, 53, Honan, M. clerk, 370 Paoting Road.

Arrests.

Three by C.I.D.

Full Details of Method used in committing Offence :

In cases of larceny, housebreaking, etc., all the points (e) to (i) should be answered, if known. In all cases in which there is fraud, the false pretence and the character assumed by the suspect should be fully described :

Trafficking in children.

(e) Mode of entry, including manner of approach to premises ;

(f) Means used (tools etc.) ;

(g) Character assumed by criminal, and story told, etc. ;

(h) Mode of transport and description ;

(i) Peculiar act (poisoning dog, partaking of food, etc.) ;

Remarks :

Enquiries by D. S. Rhodes, C.D.Cs 181 and 348.

(Any outstanding or peculiar feature to be commented on by investigating officer.)

At 11.30 a.m., March 18th, 1937, Mrs. C. Kliene, residing at No. 335, Pingliang Road, reported that she suspected an amah in her employ named Yue Wong Sz had sold her adopted daughter.

Enquiries show that Yue Wong Sz has been employed by Mrs. Kliene for the past three years during which time she has lived on the premises with her adopted daughter now aged 10 years.

Some months ago, Mrs. Kliene was detained in hospital through ill health, and, upon her return home about six weeks ago, her condition was such that she was still confined to her room, consequently she did not miss the child, until, in the afternoon of April 17th, 1937, she asked about her (the child), and she was informed by Yue Wong Sz that the child had been returned to Wuhu to her parents.

However, rumours were current amongst the servants that the child had been sold in Shanghai, and when Mrs. Kliene heard of this she reported at once to the police.



Detectives visited No. 335, Pingliang Road, where the amah Yue Wong Sz (now the first accused) was questioned, and she readily confessed having lied to Mrs. Kliene regarding the whereabouts of her adopted daughter, and gave the following details of how the child came into her possession and was again subsequently disposed of.

About two years ago, whilst in the employ of Mrs. Kliene, she purchased the child, then 8 years of age, for \$16 from people at Wuhu who, she states, were too poor to care for her.

The child was brought to Shanghai and named Kyng Dee and Mrs. Kliene allowed the amah to have her (the child) at 335, Pingliang Road.

Toward the latter end of 1936, the accused commenced negotiations with one Lee Woo Sz and her husband Lee Woo San for the sale of the child to them.

These negotiations continued at intervals, various meetings were held, sometimes at No. 370, Paoting Road, and, during the absence of Mrs. Kliene, they consulted together at No. 335, Pingliang Road.

Finally it was agreed that Lee Woo Sz and Lee Woo San should buy the child for \$30, and she was handed over to them by the first accused on March 12th, 1936. The \$30 was paid, and a bond was signed.

Led by the first accused, the child : Kyng Dee, 10 years, female, Wuhu, was located in an upstairs room at No. 370, Paoting Road, and Lee Woo Sz, M., female, aged 48, native of Honan, and Lee Woo San, 53, M., clerk, native of Honan, were also arrested therein (thereinafter known as second and third accused).

When questioned, both the second and third accused readily admitted having purchased the child for \$30 from the first accused and produced an agreement which was drawn up between the parties concerned when the sale was completed. Translation is as follows :

"The undersigned, owing to financial conditions, is willing to sell her adopted daughter named Kyng Dee to M. Lee Woo San for \$30. The money and the girl are now handed over on either side and hereafter the name of the girl is to be altered. The undersigned will have no authority or control over her when she is grown up or becomes betrothed to someone. The undersigned will not be held responsible if misfortune happens to the girl. In case the girl strays and does not come back, both M. Lee and undersigned will make every effort to locate her.

"This paper is made out as evidence. The birthday paper is attached. There will be no relationship between the girl and the undersigned henceforth.

(Signed) YUE Wong Sz,

Dated March 12th, 1937."

They also admitted that they both attended negotiations prior to the sale, and added that since their marriage has up to the present time been childless, they considered that to purchase the child was in order, and that they had intended to treat her as their own daughter.

The second accused admitted that her husband, the third accused, gave her the \$30 which she gave to the first accused's daughter, Lee Yih Sz, who had acted indirectly as a go-between, and she subsequently handed the money over to the first accused.

The first accused, when further questioned as to why she sold the child, stated that she had become a nuisance and thus deemed it necessary in the interest of her job to get rid of the child.

This explanation is not believed, since her employer had no objections whatsoever to the child, and it appears that her motive in selling was purely for gain, as indicated by the difference between the buying and selling price — *i.e.*, \$16 and \$30.

The child appears to be in good health, and is well clothed and bears no outward marks or signs of ill-treatment, and she avers that she has not been at any time maltreated.

Since by buying and selling the child her liberty has been restricted to conditions similar to slavery, therefore the three accused will be brought before the S.S.D. court on the morning of April 19th, 1937, charged contrary to Article 296 of the C.C.C., and it will be requested that the child be sent to the Door of Hope or other similar institution.

She is at present detained in the Door of Hope, 179, Kweichow Road.

Copy to Miss Hinder.

(Signed) W. HUTTON.
Sen. Del. i/c.
D.D.O.(D).

(Signed) C. RHODES,
D.S. 114.

SHANGHAI MUNICIPAL POLICE.

CRIME DIARY.

Crime Register No. 498/37.

(D) Division.
Yulin Road Police Station,
April 21st, 1937.

Record of Investigation.

The three accused were arraigned before the S.S.D. court on the morning of April 19th, 1937, when, after all evidence had been heard, the following decision was rendered :

" All not guilty."

The girl Kying Dee to be kept temporarily in the Door of Hope.

The presiding judge also added a rider to the effect that the accused did traffick the girl as an adopted daughter, but not as a slave girl.

(Signed) W. HUTTON,
Sen. Del. i/c.
D.D.O. (D).

(Signed) C. RHODES,
D.S. 114.

* * *

EXTRACT OF PROCEEDINGS IN S.S.D. COURT ON APRIL 19TH, 1937 ; F.I.R. No. 498/37 ;
STN. No. A.8313-5 ; REG. No. 7/98299-301 ; STN. YULIN ; PROCURATOR, SK 2701 ;
JUDGE, SIAO.

Accused: (1) Yue Wong Sz, aged 49, female.
(2) Lee Woo Sz, aged 48, female.
(3) Lee Woo San, aged 53, clerk.

Charge: Trafficking in children, contrary to Article 296 of the C.C.C.

For that they concerned together at 335, Paoting Road, on March 12th, 1937, did negotiate and subsequently sell one female child named Kying Dee, aged 10 years, thereby restricting her liberty to conditions similar to slavery.

Proceedings :

District Court III, Morning Session.

M. Chang appeared for the Shanghai Municipal Council.

M. Chang. — The three accused are charged under Article 296 of the C.C.C. for trafficking in children. First accused is employed as an amah by a foreign lady, Mrs. Kliene, at 335, Pingliang Road, and she lived there with her adopted daughter named Kying Dee, aged 10 years. Mrs. Kliene came to the station and reported that the first accused had sold her adopted daughter to the second and third accused on March 12th, 1937, for \$30. First accused was then arrested, and she said that she had bought the girl from Wuhu for \$16 two years ago, and she has since lived together with her. At the end of last year, the first accused commenced some negotiations with the second accused, sometimes at their home at 370, Paoting Road, and sometimes at her home at 335, Pingliang Road. Finally, on March 12th, 1937, the second and third accused decided to buy the girl for \$30, and an agreement was made out (produced). Police proceeded to 370, Paoting Road, where the second and third accused are wife and husband and they have no family. They said that they therefore bought the girl as their daughter. Third accused took out the money and gave it to the second accused, who paid it to the first accused. First accused stated that the girl always made trouble and caused inconvenience to her work, and therefore she sold her. Mrs. Kliene, however, said that the girl was exceedingly quiet. From the clothing and appearance of the girl, it appears that she was not badly treated.

Judge to Kying Dee :

- Q. How old are you ? A. I am 10 years of age, a native of Wuhu.
Q. Who is the first accused ? A. I called her as mother.
Q. When did she sell you ? A. (No answer.)
Q. How long have you lived with the first accused ? A. (No answer.)
Q. Have you any parents at Wuhu ? A. Yes.

Judge to first accused :

- Q. Where did you buy the girl ? A. From Wuhu for \$16.
Q. When ? A. Two years ago.
Q. When did you sell her ? A. About a month ago.
Q. For how much ? A. For \$30.

Judge to second accused :

- Q. Did you buy the girl ? A. Yes.
Q. Why ? A. I only have a son who is over 20 years. I have no daughter, I therefore bought her as my daughter.
Q. Did you buy her as a slave girl ? A. No.
Q. Did you pay \$30 for her ? A. Yes.

Judge to third accused :

- Q. Did you buy the girl ? A. Yes.
Q. Why ? A. As my adopted daughter.
Q. Did you buy her as a slave girl ? A. No.
Q. When did you buy her ? A. On March 13th, 1937.
Q. Have you paid the money ? A. Yes.

Summing up :

M. Chang. — From the criminal point of view, there is sufficient evidence to prove the three accused guilty of the offence. I ask that they be punished accordingly. Regarding the girl, I ask that she be sent to the Door of Hope. If she is returned to first accused, she may sell her again.

Decision CCL00 :

All not guilty. Kying Dee to be temporarily kept in the Door of Hope.

Judge. — The three accused trafficked the girl as an adopted daughter but not as a slave girl. They are therefore found not guilty.

All no p.c.

* * *

CASE No. 7/98299-301 ; STN. No. A.8313/5 ; F.I.R. 498/37.

S.M.P. Yulin Road vs. Yue Wong Sz et al.

Judgment.

The above-named accused were charged from Yulin Road Police Station with an offence against personal liberty, and the case is hereby decided by this court as follows :

Test. — Yue Wong Sz, Lee Woo Sz and Lee Yeu San : All not guilty.

Reasons. — The offence of causing another to become a slave as provided under Article 296 of the Criminal Code refers to a case in which there are proven facts of treating another as a slave and of causing another to lose his own right of self-control. A decision has been rendered to this effect by the Highest Court (No. 1396, Character Shang, 23rd year). On March 12th of this year, the accused Yue Wong Sz in this case sold her adopted daughter Kying Dee, 10 years of age, to Lee Woo Sz and her husband Lee Yeu San as daughter. This is an indisputable fact, which the agreement made is also sufficient to prove. However, during the trial, it was found that there were no facts of causing her to become a slave. The accused,

therefore, can hardly be convicted for an offence against personal liberty according to the explanation given above. Despite the fact that the act of trafficking in human beings produces no effect in law as provided in an explanation No. 37, Character Tung, by the former Supreme Court, since the accused are neither deemed to have committed an offence against personal liberty nor have they committed an act punishable by any other law, they should be pronounced not guilty. This judgment is therefore rendered as per text above in accordance with Article 293, Section 1 of the Code of Criminal Procedure.

SIAO Sih Fen,
Judge.

Dated : April 19th, 1937.

* * *

TRANSLATION OF RECORDS OF CASES REFERRED TO IN CASE No. 7/98299 ; SHEET No. A. 8313-5 ;
F.I.R. 498/37.

S.M.P. Yulin Road vs. Yue Wong Sz et al.

In the Highest Court at Nanking,

Criminal Judgment. (Case No. 1396, Character Shang, 23rd Year.)

Appellant: Procurator of the Shansi High Court, First Branch.

Appellant and accused: Li Nyi Cheng.

In a case in which the accused was charged with an offence against personal liberty, the above-named appellant, being dissatisfied with the judgment rendered by the Shansi High Court, First Branch, on January 26th, 1934, has filed an appeal. This court hereby decides as follows :

Text. — Original judgment set aside. Case sent back to the Shansi High Court, First Branch, for retrial.

Reasons. — The offence of causing another to become a slave as provided under Article 313 of the Criminal Code (old) refers to a case in which there are proven facts of treating another as a slave and of causing another to lose his own right of self-control. When a person forces another to work for him in lieu of the settlement of a debt owed by a third person, though he had treated him badly, he has not caused him to lose his own right of self-control. The act will only constitute an offence of causing another, by means of violence or threat, to do a thing which he is not under the obligation to do. It is therefore difficult to render a judgment according to that article.

In the case at bar, the facts established by the Lower Court may be summarised as follows : The accused worked together with one Dung Ying Hung in a partnership. He had guaranteed a debt for the latter. In March of 1933, Dung Ying Hung absconded from his creditors. The accused forced his brother Dung Siau Tan to work for him in lieu of the settlement of the debt. He treated him badly. As a consequence, Dung Siau Tan escaped and returned to his aunt Tsang Yieu Sz' home for temporary shelter. The accused personally went there and found him. He was so frightened that he jumped into a well and was drowned. A charge was preferred against the accused upon complaint laid by Tsang Dung Sz and Toong Hoong Nyi.

Toong Hoong Nyi stated in the Lower Court that the accused had treated the deceased very badly and that he was so frightened when he saw the accused that he jumped into a well. After all, to what extent did he treat him badly ? Whether he merely beat or reproached him or assaulted and injured him ? There is no adequate proof. The Procurator's verdict stated that the deceased died of drowning by jumping into a well. Neither were there marks of injury inflicted during his lifetime. It is obvious then that the accused merely forced the deceased to work for him. He had not treated him as a slave. Moreover, there is no fact showing that he had lost his right of self-control. The Lower Court, however, was of the opinion that he was guilty of an offence of causing another to become a slave. This is already improper so far as the interpretation of the law is concerned.

By further examining the facts of this case, it is found that the accused said that Dung Siau Tan was affected by insanity and that he jumped into the well when he had lost his mind. Both the courts of first and second instances have failed to investigate these facts. The deceased's brother, Dung Ying Hung, has now submitted a petition alleging that his brother had been affected by insanity ; that the accused asked Dr. Wei Chien Zung to treat him, and that he jumped into the well actually due to a fit of disorder in his mind. As to whether or not the deceased was actually affected by insanity and whether or not the deceased jumped into the well because he was frightened by the presence of the accused or because he suddenly lost his mind, these facts ought to be investigated. Unless they have been carefully examined, it is difficult to have the truth made clear.

The Procurator appealed against the original judgment on the grounds that the sentence passed was unjust and that the way of admitting the evidence was improper. It can hardly be said that his appeal is groundless.

In view of the foregoing, this judgment is hereby rendered as per text above in accordance with Article 409, Section 1, and Article 413 of the Code of Criminal Procedure.

Dated October 16th, 1934.

* * *

EXPLANATION NO. 37, CHARACTER TUNG, MADE BY THE FORMER SUPREME COURT
IN ITS REPLY TO THE WUHU DISTRICT COURT, DATED JUNE 18TH, 1913.

Translation supplied by Shanghai Municipal Council.

We have received your dispatch dated the 5th instant, in which you asked for an explanation as to whether or not the provision concerning the buying of female persons from respectable families to be prostitutes as laid down in the Criminal Code of the former Tsing Dynasty is applicable to cases of trafficking in female persons to be prostitutes. Since prostitutes are allowed to solicit for prostitution, certainly the provision concerning the buying of female persons from respectable families to be prostitutes as laid down in the Criminal Code of the former Tsing Dynasty is not applicable. Despite the fact that there is no special provision in the Provisional Criminal Code, if, however, the female persons trafficked have been abducted either with or without their consent, certainly the cases may be adjudged according to the articles for punishing the respective offences. Where the facts agree with the provision of Article 288 of the Provisional Criminal Code, that article shall be applied. Should the facts agree with the provision governing the sale of children on account of poverty, that provision shall also be applied.

Generally speaking, the act of trafficking in human beings, whether to be prostitutes or not, shall produce no effect in law. As to whether or not the act will constitute an offence, it shall be decided according to whether or not it has violated the provisions laid down in the Criminal Code.

Translation of the Attached Dispatch from the Wuhu District Court.

According to your reply to the Fengtien High Court explaining the law applicable to cases of trafficking in human beings, you stated that since there was no special article in the New Criminal Code, the rules prohibiting the trafficking in human beings formerly laid down shall certainly remain effective and that the case should be dealt with according to that provision, which provided that should any case be discovered whereby any female person was bought from a respectable family to be a prostitute, the offender shall be severely punished with the maximum punishment. There is no special article to this effect in the New Criminal Code. However, it was provided in the Criminal Code of the former Tsing Dynasty under the heading of "buying female persons from respectable families to be prostitutes" that whoever unlawfully buys any female person from a respectable family to be a prostitute shall serve a penal servitude of three years. The same punishment shall be inflicted on person who knowingly sells the female person. The punishment for the go-between and the guarantors shall be mitigated by one degree. The girl shall not be punished. She shall be sent to her home.

Here is a case in which a person bought a woman having a husband to be a prostitute. The husband, having knowledge of the transaction, executed the deed. After the sale, the buyer brought her to another place to solicit prostitution. The woman was unwilling to be a prostitute. Can this case be dealt with according to the provision of "buying female persons from respectable families to be prostitutes" as laid down in the Criminal Code of the former Tsing Dynasty? Again, the law does not prohibit prostitutes to solicit for prostitution, while most of these women were bought from other persons. Should such cases be questioned and decided according to the above manner, there will be so numerous cases that it will be impossible to deal with them all. Moreover, since the buyer has spent a large amount of money in buying these women, and they have again paid the tax in accordance with the law, should he be discovered, he not only will lose a large amount of money but also will be punished with heavy punishment. It appears that this is unjustifiable. Can such cases be dealt with according to the Civil Law? The woman shall be betrothed in open court or returned to her family, while at the same time the money paid for her body shall be claimed back and refunded to the buyer. Kindly favour us with a reply.

II. MEMORANDUM BY THE GOVERNMENT OF THE UNITED KINGDOM
CONCERNING SLAVERY LEGISLATION.

ANNEX 20.

C.C.E.E. 184.

COMMUNICATION, DATED FEBRUARY 2ND, 1938, FROM THE GOVERNMENT
OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE
OF NATIONS TRANSMITTING A LIST OF LEGISLATION ON SLAVERY.

I am directed by Mr. Secretary Eden to inform you that it has been brought to his notice that the Advisory Committee of Experts on Slavery is anxious to prepare a list of legislative acts in various countries on the subject of slavery. Under Article 7 of the Slavery

Convention of 1926, the parties to the Convention undertook to communicate to each other, and to the Secretary-General of the League of Nations, any laws and regulations which they might enact with a view to the application of the principles of the Convention. This undertaking, however, only applied to laws and regulations subsequent to the date of the Convention; and Mr. Eden understands that the information at the disposal of the Secretariat as regards the legislation enacted in British possessions prior to that date is incomplete.

2. I am therefore to transmit to you herewith, for communication to the Advisory Committee of Experts on Slavery, copies of a memorandum dealing with legislation enacted in the non-self-governing colonies, protectorates and mandated territories on the subject of Slavery and conditions analogous thereto.

(Signed) D. F. HOWARD.

MEMORANDUM BY HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM
SUMMARISING THE LEGISLATION ENACTED IN THE NON-SELF-GOVERNING COLONIES,
PROTECTORATES AND MANDATED TERRITORIES DEALING WITH SLAVERY AND
CONDITIONS ANALOGOUS THERETO.

In England, the abolition of slavery by Act of Parliament in 1833 was preceded by the abolition of the slave trade. This was effected by means of a series of statutes beginning with the Slave Trade Act of 1806 (46 Geo. III, c. 52) and culminating in the Slave Trade Abolition Consolidation Act of 1824 (5 Geo. IV, c. 113). This Act, which still governs the punishment of slavery offences, if and when committed, provides, *inter alia*, that :

“ Every subject of His Majesty, and every person resident or being in any of His Majesty's dominions, commits piracy, felony, and robbery, and is liable, upon conviction thereof, to penal servitude for life, who upon the high seas, or in any place where the admiral has jurisdiction, knowingly and wilfully does or assists in doing any of the following things, that is to say :

“ (a) Who carries away, conveys, or removes any person as a slave ; or for the purpose of his being imported or brought as a slave into any place whatsoever ; or for the purpose of his being used, transferred, sold, or dealt with as a slave ; or

“ (b) Who ships, embarks, receives, detains, or confines any person on board any vessel for the purpose of his being carried away, conveyed, or removed as a slave ; or for the purpose of his being imported or brought as a slave into any place whatsoever ; or for the purpose of his being sold, transferred, used, or dealt with as a slave.”

The Act also provided that :

“ Every one [owing allegiance to His Majesty] commits felony, and is liable upon conviction thereof to be kept in penal servitude for fourteen years, or to be imprisoned with hard labour for a term of five years, who [in any part of the world] does any of the acts of slave-trading specified in Section 2 of the Act.”

In 1876 an Act was passed (39-40 Vic., c. 46) “ for more effectually punishing offences against the laws relating to the slave trade ”. The main provision of this Act is fully set out in the section of this memorandum relating to the Aden Protectorate, to which it has been applied by Order in Council.

Slavery was abolished in the British Colonies by the Slavery Abolition Act, 1833 (3 and 4 Wm. IV, c. 73). The long title of this Act is “ An Act for the Abolition of Slavery throughout the British Colonies ; for promoting the Industry of the Manumitted Slaves ; and for compensating the Persons hitherto entitled to the Services of such Slaves ”. Under Section XII of this Act, it was provided, *inter alia*, that “ from and after the said first day of August, 1834, slavery shall be and is hereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations and possessions abroad ”. Section LXIV, however, provided that the Act was not to extend to “ any of the territories in the possession of the East India Company, or to the Island of Ceylon, or to the Island of Saint Helena ”. Legislation was, however, subsequently enacted in those territories (*vide* the sections of the memorandum relating to the Straits Settlements, Ceylon and Saint Helena).

Under Section XLIV of the Act it was laid down that no part of a sum of £20,000,000 which was to be provided by Parliament to compensate the slave owners in the colonies concerned should be applied unless an Order in Council had first been made by His Majesty declaring that adequate and satisfactory provision had been made by law in the colonies concerned for giving effect to the Act. The colonies concerned in the order given in Section XLV of the Act were Bermuda, the Bahamas, Honduras, Jamaica, the Virgin Islands, Antigua, Montserrat, Nevis, St. Christopher's, Dominica, Barbados, Grenada, St. Vincent, Tobago, St. Lucia, Trinidad, British Guiana, the Cape of Good Hope (now part of the Union of South Africa) and Mauritius. In the case of Honduras, however, it was provided in

Section LXII of the Act that His Majesty should, by Order in Council, make all necessary laws for giving effect to the Act in the Settlement of Honduras.

The legislation which was passed in the various colonies to implement the United Kingdom Slavery Abolition Act, 1833, will be referred to below under the colony concerned. Apart, however, from the provisions of the Slavery Abolition Act which, it will be observed, is of general application throughout the British dominions, a number of colonial, etc., Governments have passed local legislation to effect the abolition of slavery in its varying forms within their territories and to make provision for the punishment of slavery offences. These laws will also be referred to below under the colony, etc., concerned.

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Aden (Colony).

Under Section 16 of the Aden Colony Order in Council of September 26th, 1936, it is provided that all Acts, Ordinances, Regulations, etc., having the force of law in the former Chief Commissioners' Province of Aden should continue to have effect in the colony until repealed, amended, etc., either by Order in Council or by local Ordinance.

The Indian Slavery Act, 1843 (Act No. 5 of 1843), has been declared, by notification under Section 3 (a) of the Scheduled Districts Act, 1874 (Act. No. 14 of 1874), to be in force in Aden — see *Gazette of India*, 1880, Pt. I, page 672. Section 1 of this Act prohibits the sale of any person or the right to the compulsory labour or services of any person on the ground that such person is in a state of slavery. Section 2 bars the enforcement in any court of rights arising out of an alleged property in the person or services of another as a slave. Section 3 provides that no person may be disposed of any property which he may have acquired on the ground that such person or the person from whom the property was derived was a slave. Section 4 provides that any act which would be a penal offence if done to a free man should equally be an offence if committed against an alleged slave.

The Indian Penal Code applies in the Colony of Aden. The following sections of it deal with the punishment of slavery offences :

“ 367. Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

“ 370. Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

“ 371. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.”

Aden (Protectorate).

Under Section I of 39-40 Vic., c. 46 (1876) — “ An Act for more effectually punishing Offences against the Laws relating to the Slave Trade ” — it is provided that Her Majesty (the late Queen Victoria) by Order in Council, may specify portions of Asia and Africa within which any subject of Her Majesty or of any allied Indian State committing any of the offences defined in Sections 367, 370 and 371 of the Indian Penal Code should be dealt with as if they had been committed in British India.

By an Order in Council of April 30th, 1877, Her Majesty applied the above-mentioned Act to the coast of Arabia :

- (a) From Ras Mussendom to Cape Bab-el-Mandeb ;
- (b) To the territories of the following tribes near Aden — namely : the Abdali, Fadli, Akrabi, Haushabi, Alawi, Amiri, Subehi, Yafai and the Aulaki tribes ; and
- (c) The sea and islands within 10 degrees of latitude or longitude drawn from the coast.

Antigua.

See also Leeward Islands.

An Act was passed by the local legislature on June 4th, 1834, to implement the Slavery Abolition Act, 1833, of the British Parliament. Section 1 of this Act provided, *inter alia*, “ that all and every the persons, who on the first day of August, one thousand eight hundred and thirty four, shall be holden in slavery within this colony or its dependencies, shall, upon and from and after the said first day of August, one thousand eight hundred and thirty four, become, and be to all intents and purposes free, and discharged of and from all manner of slavery . . . and shall be absolutely and for ever manumitted . . . and that from and after the said first day of August, one thousand eight hundred and thirty four, slavery shall be, and is hereby utterly and for ever abolished and declared unlawful within this colony and its dependencies ”.

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision has been made by law in Antigua for giving effect to the Imperial Act.

Ashanti.

See Gold Coast.

Bahamas.

An Act (4 Wm. IV, c. 21), dated February 15th, 1834, was passed by the Colony of the Bahamas entitled "An Act Auxiliary to an Act of the Imperial Parliament, intituled 'An Act for the Abolition of Slavery, etc.'" This act declared in Section 1 that " . . . all colonial laws [i.e., of the Bahamas], usages, acts of Assembly, ordinances and rules, of whatsoever nature, and however established, so far as the same in any manner establish, recognise, confirm, countenance or favour slavery, or are, or were intended for the regulation of the same, or for the government, protection or punishment of slaves, as distinguished from the other inhabitants of these islands, shall, on the said first day of August, in the present year one thousand eight hundred and thirty-four, be, and the same shall remain altogether repealed, and forever after cease to be of any authority, force or effect whatsoever in this colony. . . ."

An Act (5 Wm. IV, c. 8) was passed on October 6th, 1834, amending the above-mentioned Act.

An Act (5 Wm. IV, c. 00) was passed on May 11th, 1835, explaining and (further) amending Act 4 Wm. IV, c. 21.

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in the Bahamas for giving effect to the Imperial Act.

Barbados.

An Act was passed on April 5th, 1834, entitled "An Act for the Abolition of Slavery, for the Government of Apprenticed Labourers, and for ascertaining and enforcing the Reciprocal Duties between them and their Employers".

An amending act was passed on November 3rd, 1834, entitled "An Act to alter an Act intituled" (then follows the title of the above-mentioned Act).

An Order in Council was issued, dated October 12th, 1835, declaring that adequate and satisfactory provision had been made by law in Barbados for giving effect to the Imperial Act.

Basutoland.

Section 12 of Proclamation No. 23 of May 29th, 1884, provides that "In all suits, actions or proceedings, civil or criminal, the law to be administered shall, as nearly as the circumstances of the country will permit, be the same as the law for the time being in force in the Colony of the Cape of Good Hope".

An Ordinance of the Cape of Good Hope, dated January 5th, 1835, was passed to put into effect the Imperial Act of 1833 for the Abolition of Slavery. The full title of this ordinance is: "An Ordinance enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, for giving due effect to the provisions of an Act of Parliament passed in the third and fourth years of the reign of His Majesty King William the Fourth, intituled 'An Act for the Abolition of Slavery throughout the British Colonies; for promoting the industry of the manumitted slaves, and for compensating the persons hitherto entitled to the service of such slaves', and dated the 28th day of August, 1833".

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in the Cape of Good Hope for giving effect to the Imperial Act.

Prior to the passing of the above-mentioned ordinance, an ordinance was passed (No. 81 of 1830) — and is apparently still in force — for regulating trade beyond the land boundaries of the colony. Section 12 of this Ordinance imposes a penalty of £100 for bringing natives into the colony against their will.

Bechuanaland Protectorate.

It is declared in Section 1 of the Affirmation of the Abolition of Slavery Proclamation, 1936 (No. 15 of 1936) that "slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist".

Bermuda.

An Act entitled "An Act for the Abolition of Slavery in these Islands, in consideration of Compensation" was passed by the House of Assembly on February 6th, 1834, and assented to by the Governor on February 10th, 1834. This Act declared that "all and every the persons, who on the first day of August, one thousand eight hundred and thirty-four shall be holden in slavery within these islands, shall upon, and from and after the said first day of August, one thousand eight hundred and thirty-four become and be to all intents and purposes free and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted, and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth; and that from and after the said first of August, one thousand eight hundred and thirty-four, slavery shall be, and is hereby utterly and forever abolished, and declared unlawful in these, His Majesty's Islands of Bermuda".

Concurrently with the passing of the above Act, another Act was passed which repealed all enactments operating exclusively against black and coloured persons and extended to the latter all the rights, privileges, franchises and liabilities of white persons.

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in Bermuda for giving effect to the Imperial Act.

British Guiana.

The local ordinance giving effect to the Imperial Act for the Abolition of Slavery was assented to by the Governor on March 8th, 1834, and was entitled "An Ordinance for the Government and Regulation of Apprenticed Labourers".

An Order in Council was issued, dated June 5th, 1834, declaring that adequate and satisfactory provision had been made by law in British Guiana for giving effect to the Imperial Act.

Two further Orders in Council were issued, dated June 24th, 1835, and June 29th, 1836, respectively, to amend the local Ordinance of March 8th, 1834.

British Honduras.

In accordance with Section LXII of the Slavery Abolition Act, 1833, an Order in Council was passed, dated June 5th, 1834, "for giving effect in the Island of Honduras, to the Statute 3 and 4 Wm. IV, c. 73, for the Abolition of Slavery".

British Solomon Islands.

Paragraph 20 of the Pacific Order in Council of the March 15th, 1893, provides that the civil and criminal jurisdiction exercisable under the Order "shall, so far as circumstances permit, be exercised upon the principles of and in conformity with the substance of the law for the time being in force in England. . . ."

In addition to any other law in force in the United Kingdom for the suppression of slavery which may be held to be in force within the jurisdiction of the Pacific Order in Council, the Pacific Islanders' Protection Act, 1872 (35 and 36 Vic., c. 19), makes it a felony and punishable by the highest punishment, except death, for any British subject to decoy a native of an island in the Pacific Ocean (not being in His Majesty's dominions nor within the jurisdiction of any civilised power), for the purpose of importing or removing him to any place, or to carry away or detain him for such purpose without his consent.

Further, it is provided in Section 5 of the Solomons Labour Regulation, 1921 (No. 15 of 1921), that the recruiting or removal without a permit of natives for service beyond the Protectorate is illegal and punishable by fine or imprisonment.

Brunei.

By Section 25 (1) of the Courts Enactment, 1908 (Enactment No. 1 of 1908) the Penal Code for the time being in force in the Straits Settlements is in force in the State of Brunei. The provisions of the Straits Settlements Penal Code relating to the punishment of slavery offences are shown under Straits Settlements.

The Mui Tsai Enactment, 1932 (Enactment No. 1 of 1932), makes similar provision to that made in the Federated Malay States by Chapter 157 of the laws of the Federated Malay States, 1935 (see under Federated Malay States).

Cameroons under British Mandate.

See Nigeria.

Cayman Islands.

See also Jamaica.

At the time of the Slavery Abolition Act, 1833, the "Grand Caymanas" were, in the words of the then Governor of Jamaica, "without laws of any sort, without any form of government [and] without any person with any title to pre-eminence". In consequence, the Governor issued a proclamation in May 1835 in which it was declared "that all . . . unregistered slaves at the Islands of the Caymanas have become absolutely manumitted. . . ."

Ceylon.

Ordinance No. 20 of 1844 is entitled "An Ordinance to provide for the Total Abolition of Slavery in Ceylon". Section 1 of this ordinance provides that "Slavery shall no longer exist in this colony, and all persons being slaves shall become free, and entitled in every way to all the rights and privileges of free persons, any other law or ordinance to the contrary now in force notwithstanding".

As regards slavery offences, the Ceylon Penal Code (Ordinance No. 2 of 1883) is based upon the Indian Penal Code. Sections 358, 361 and 362 of the Ceylon Penal Code make similar provision for the punishment of slavery offences as Sections 367, 370 and 371 respectively of the Indian Penal Code. Section 362 of the Ceylon Code, however, while omitting any reference to transportation, provides that habitual dealers in slaves shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall be liable to fine. (For the provisions of the Indian Penal Code with regard to slavery, see under Aden (Colony).)

Cyprus.

The Involuntary Servitude Declaration Law, 1879 (Law No. 29 of 1879), was passed to remove doubts as to the legal abolition of involuntary servitude in Cyprus. It declared, *inter alia*, that involuntary servitude was unlawful and that no rights arising out of involuntary servitude could be enforced by any civil or criminal court in the island.

Chapter XXVI of the Cyprus Criminal Code deals with offences against liberty. It makes punishable various offences against the liberty of the subject, including liability to imprisonment up to seven years and to a fine for the offence of conveying any other person, without his consent, beyond the limits of the colony.

Dominica.

See also Leeward Islands.

An Act entitled "An Act for the Abolition of Slavery in this Island, in consideration of Compensation; and for promoting the Industry of the Manumitted Slaves" was passed by the Council and Assembly of Dominica on May 19th, 1834. This Act was amended by an Act passed on September 19th of the same year.

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in Dominica for giving effect to the Imperial Act.

Falkland Islands.

There is no local law on the subject of slavery. Section 31 of the Interpretation and General Law Ordinance, 1900 (No. 3 of 1900), however, provides that "Subject to all local ordinances and Orders in Council for the time being in force, the common law, the doctrines of equity, and the statutes of general application which were in force in England on the 22nd day of May, 1900, are and shall be in force in this colony, but so far only as the circumstances of the colony and its inhabitants and the limits of the colonial jurisdiction permit, and subject to such local qualifications as local circumstances render necessary".

Federated Malay States.

The Federated Malay States Penal Code (Chapter 45 of the Laws of the Federated Malay States, 1935) is based upon the Indian Penal Code. Sections 367, 370 and 371 of the Federated Malay States Penal Code deal with the punishment of slavery offences. These sections make similar provision for the punishment of slavery offences to that made by the corresponding sections of the Indian Penal Code, except that in Section 371 of the Federated Malay States Code the words "penal servitude for life" are substituted for the words "transportation for life" appearing in Section 371 of the Indian Code. (For the provisions of the Indian Penal Code with regard to slavery offences, see under Aden (Colony).)

The Mui Tsai Enactment (Chapter 157 of the Laws of the Federated Malay States, 1935) provides in Section 3 that no person shall, after the commencement of the enactment, acquire the custody, possession, control or guardianship of a Mui Tsai. Section 4 provides for the registration of all Mui Tsai in the Federated Malay States. Section 6 provides that no unregistered Mui Tsai may be brought into the Federated Malay States unless she :

(a) Has previously been in the Federated Malay States and has been registered under the Enactment; or

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

Section 7 of the Enactment is designed to assure that Mui Tsai are not overworked or ill-treated, that they are paid not less than a prescribed minimum rate of wages, that they are supplied with sufficient food, clothing of a reasonable kind, and with proper medical attention in the case of illness.

Section 10 guarantees to a Mui Tsai her right to be restored to her parent or natural guardian if she so wishes. It also recognises the right of the parent or natural guardian to the return of the Mui Tsai to his custody should he so desire.

Section 11 gives the right to a Mui Tsai to apply to the Protector (*i.e.*, the Secretary for Chinese Affairs, and includes the Protectors and Assistant Protectors in any State).

The Enactment also provides penalties for any infringement of its provisions.

"Mui Tsai" is defined in the Enactment as meaning "a female domestic servant the custody, possession, control or guardianship of whom has been acquired, either directly or indirectly, within or without the Federated Malay States, by way of purchase, gift or inheritance, or by way of pledge for or in settlement of a debt; provided that any female domestic servant the custody, possession, control or guardianship of whom has been acquired in any such manner as aforesaid shall cease to be a Mui Tsai on attaining the age of eighteen years or on marriage, whichever shall first happen".

Pahang. — The Slavery Regulations Repeal Enactment, 1906 (Enactment No. 13 of 1906), provided for the abolition of slavery, including debt slavery, within the State.

Perak. — The Abolition of Slavery (local) Order in Council, of October 9th, 1882, provided that slavery and bond-indebtedness should entirely cease and be absolutely abolished in the State of Perak on December 31st, 1883.

Fiji.

There is no local law on the subject of slavery in force in Fiji. Section 31 of the Supreme Court Ordinance, 1875 (No. 4 of 1875), however, provides that "the Common Law, the Rules of Equity and the Statutes of General Application which were in force in England at the date when the colony obtained a local legislature — that is to say, on the second day of January, 1875 — shall be in force within the colony. . . ."

Gambia (Colony and Protectorate).

The following legislation relating to slavery has been passed in the Gambia :

1. An Ordinance, dated July 10th, 1851, putting in force in the British Settlements of the River Gambia an Act passed at Sierra Leone on December 31st, 1831, entitled "An Act to explain and render more clear an Act of the British Parliament passed in the Fifth Year of the Reign of His Late Majesty King George the Fourth, intituled 'An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade'".

2. An Ordinance, dated June 30th, 1863, repealing the above-mentioned ordinance in so far as it confirmed and declared to be in force the Sierra Leone Act of December 31st, 1831, and repealing that Act on its application to Gambia.

3. "The Slave Trade (Abolition) Ordinance, 1906" (now Chapter 4 of the Revised Edition of the Laws, 1926). This ordinance applies to all portions of the protectorate. It is declared in Section 12 that nothing in the ordinance shall be regarded or construed as importing the recognition of slavery, whether in a domestic or in any other form as a lawful institution or status. It provides in Section 9 that all persons born after the commencement of the ordinance shall be free, in Section 6 that all slaves brought into the protectorate shall be free, and in Section 10 that the Governor may liberate any slaves now being or who may at any time be found in the protectorate. Section 11 provides for the liberation of persons treated as slaves or held in any manner of slavery upon the death of their master. The rest of the ordinance deals with the punishment of various slavery offences.

4. "The Affirmation of the Abolition of Slavery Ordinance, 1930" (No. 3 of 1930). It is declared in Section 2 that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist. (This ordinance applies to the Colony and Protectorate of Gambia.)

5. The following sections of the Penal Code (Ordinance No. 25 of 1933) deal with the punishment of slavery offences. The code is in force in the colony and protectorate of Gambia :

"236. Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be subjected or disposed of, is guilty of a felony, and is liable to imprisonment for ten years."

"239. Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years."

"240. Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years."

Gibraltar.

There is no local law on the subject of slavery. Paragraph 40 of the Supreme Court Order in Council, however provides that "Except in respect of matters which now are or hereafter may be provided for by any Order in Council or ordinance for the time being in force in Gibraltar, or by any Act of Parliament expressly, or by necessary inference, extending to Gibraltar, or by proclamation or any other instrument issued under the authority of such Order in Council, ordinance or Act of Parliament, the law of England, as it existed on the 31st day of December, 1883, shall be hereafter in force in Gibraltar so far as it may be applicable in the circumstances thereof".

Gilbert and Ellice Islands Colony.

See under British Solomon Islands, first two paragraphs. Section 5 (s) of the Gilbert and Ellice (Labour) Regulations, 1915 (No. 1 of 1915), provides that no native may be taken beyond the limits of the protectorate (now colony) except with the written permission of the Resident Commissioner; and under Section 18 any person who induces any native to enter into any labour contract "by fraud, falsehood, intimidation, coercion or misrepresentation" is liable on conviction to a fine not exceeding £50 or to imprisonment not exceeding six months.

Gold Coast.

The following legislation relating to slavery has been passed in the Gold Coast :

1. The Gold Coast Slave-Dealing Abolition Ordinance, 1874 (Ordinance No. 1 of 1874). This ordinance was passed on December 17th, 1874, and, under Section 1, it extended to the Gold Coast Colony and the protected territories. It declared in Section 3 that slave-dealing was unlawful and was prohibited, and in Section 9 that slave-dealing contracts were void. Section 4 defined the offence of slave-dealing, and Section 7 provided that persons convicted of slave-dealing would be liable to be punished by imprisonment up to seven years and also liable to be fined in addition to or in substitution for such imprisonment. Section 8 provided that persons brought into the Protectorate for slave-dealing purposes should be free.

2. The Gold Coast Emancipation Ordinance, 1874 (Ordinance No. 2 of 1874). This ordinance was passed on December 17th, 1874 and, under Section 1, it extended to the Gold Coast Colony and the protected territories. Subject to the proviso that nothing should be construed "to diminish or derogate from the rights and obligations of parents and of children, or from other rights and obligations, not being repugnant to the law of England, arising out of the family and tribal relations customarily used and observed in the protected territories", it was declared in Section 3 that all persons who were born after November 5th, 1874, within the limits to which the ordinance applied and who, but for the ordinance, would be slaves, should be free persons.

3. The Gold Coast Emancipation Ordinance Amendment Ordinance, 1875 (Ordinance No. 1 of 1875). This ordinance amended Section 5 of Ordinance No. 2 of 1874. Sections 3-7 of Ordinance No. 1 of 1874, Section 5 of Ordinance No. 2 of 1874 and the whole of Ordinance No. 1 of 1875 were repealed by the Statute Law Revision Ordinance, 1892 (Ordinance No. 1 of 1893). The remaining Sections of Ordinances Nos. 1 and 2 of 1874 still appear as Chapters 152 and 153 of the revised edition of the Laws of the Colony, 1928.

4. The Slave-dealing Abolition Ordinance (Chapter 152 of the revised edition of the Laws of the Colony, 1928). This Ordinance reproduces Sections 8 and 9 of the Gold Coast Slave-dealing Abolition Ordinance, 1874 (No. 1 of 1874).

5. The Slaves Emancipation Ordinance (Chapter 153 of the revised edition of the Laws of the Colony, 1928). This ordinance reproduces Sections 3 and 4 of the Gold Coast Emancipation Ordinance, 1874 (No. 2 of 1874).

6. The Reaffirmation of the Abolition of Slavery Ordinance, 1930 (No. 20 of 1930). It is declared and enacted in Section 2 "that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist".

7. The Criminal Code (Chapter 29 of the revised edition of the Laws of the Colony, 1928) Section 449 of the Criminal Code makes the following provision with regard to the suppression and punishment of slave-dealing :

"449. Whoever :

"(1) Deals or trades in, buys, sells, barter, transfers, or takes any slave ; or

"(2) Deals or trades in, buys, sells, barter, transfers, or takes any person in order that such person may be held or treated as a slave ; or

"(3) Places or receives any person in servitude as a pledge or security for debt, whether then due and owing or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called ; or

"(4) Conveys any person, or induces any person to come, within the colony in order that such person may be dealt or traded in, bought, sold, bartered, transferred or become a slave, or be placed in servitude as a pledge or security for debt ; or

"(5) Conveys or sends any person, or induces such person to go out of the colony in order that such person may be dealt or traded in, bought, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt ; or

"(6) Enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes herein above enumerated ; or

"(7) By any species of coercion or restraint compels or attempts to compel the service of any person ;

"shall be liable to imprisonment for seven years. Provided that nothing in this section shall apply to any such coercion as may lawfully be exercised by virtue of contracts of service between free persons, or by virtue of the rights of parents and other rights, not being repugnant to the law of England, arising out of the family and tribal relations customarily used and observed in the colony."

Ashanti, the Northern Territories of the Gold Coast, Togoland under British Mandate. — The Slave-dealing Abolition Ordinance, and the Slaves Emancipation Ordinance, 1874, applied to the Gold Coast Colony and to the protected territories. The Criminal Code of the Gold Coast is in force throughout the Gold Coast — *i.e.*, the Gold Coast Colony, Ashanti and the Northern Territories, and also in Togoland under British mandate — *vide* Section 2 of the Criminal Code Amendment and Extension Ordinance, 1935 (Ordinance No. 17 of 1935).

Formerly, Ashanti and the Northern Territories of the Gold Coast had laws similar in terms to the Reaffirmation of the Gold Coast Abolition of Slavery Ordinance, 1930 (Ordinance No. 20 of 1930). In Ashanti, this ordinance was No. 10 of 1930 and, in the Northern Territories of the Gold Coast, it was Ordinance No. 6 of 1930. On the extension to those territories, however, of Gold Coast Ordinance No. 20 of 1930 by the Ordinance Extension Ordinance, 1935 (Ordinance No. 30 of 1935), of the Gold Coast, these ordinances were repealed (by Gold Coast Ordinance No. 30 of 1935).

Under paragraph V of the British Sphere of Togoland Order in Council, 1923 (afterwards altered to Togoland under British mandate by the Order of March 17th, 1932) it is provided that "So far as the same may be applicable, the law for the time being in force in the Protectorate shall, as from the date of the commencement of this order, apply to and be the law in force in the northern section (of Togoland under British mandate) . . ." Under paragraph VI of the same order, it is provided that the law in force in the colony shall apply to and be the law in force in the southern section.

Grenada (one of the Windward Islands).

The following acts relate to the Abolition of Slavery in the island :

1. "An Act for carrying into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, passed in the Third and Fourth Years of the Reign of His Present Majesty King William the Fourth, for the Abolition of Slavery throughout the British Colonies" (passed March 8th, 1834).

2. An Act altering and amending the above-mentioned Act (passed December 29th, 1834).

An Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in Grenada for giving effect to the Imperial Act.

Section 351 of the Criminal Code (Chapter 55 of the Laws of Grenada, 1834) provides that "whoever is guilty of piracy, or of any crime connected with or relating or akin to piracy, shall be liable to be tried and punished according to the Law of England for the time being in force".

Hong-Kong.

Section 44 of the Offences against the Person Ordinance, 1865 (Ordinance No. 2 of 1865) provides that "Every person who, by force or fraud, takes away or detains against his or her will any man or boy, woman or female child, with intent to sell him or her or to procure a ransom or benefit for his or her liberation, shall be guilty of felony, and shall be liable to imprisonment for any term not exceeding fourteen years".

The following laws have been passed to regulate certain forms of female domestic service :

The Female Domestic Service Ordinance, 1923 (Ordinance No. 1 of 1923).

The Female Domestic Service Amendment Ordinance, 1929 (Ordinance No. 22 of 1929).

The Female Domestic Service Amendment Ordinance, 1936 (Ordinance No. 23 of 1936).

It is declared in Section 2 of the 1923 Ordinance that "Whereas certain persons have erroneously supposed that the payment of money to the parent or guardian or employer of a female child, such payment purporting to be in return for the transfer of certain parental rights, may confer certain rights of property in the child and certain rights of retaining possession, custody and control of the child, as against the child's parent or guardian, and as against the child herself, it is hereby declared and enacted that no such payment can confer any such rights whatsoever upon the person making such payment or upon any other person".

Section 4 provides that no person shall, after the passing of the ordinance, take into his employment any Mui Tsai, and Section 5 prohibits the employment of any female domestic servant under the age of ten years. The ordinance also provides for the registration, protection and control of Mui Tsai. The Amendment Ordinance of 1929 makes it an offence for any unregistered Mui Tsai to be brought into the colony and also provides that no person, without lawful authority, shall have in his employment, custody or control any unregistered Mui Tsai. The ordinances make similar provision for the protection and well-being of Mui Tsai as is made by the corresponding Federated Malay States Enactment and also provides penalties for any infringement of their provisions.

By definition, "Mui Tsai" includes :

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

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

Jamaica.

The following laws were passed in Jamaica to effect the abolition of slavery in the island :

4 Wm. IV, c. 41. — “ An Act for the Abolition of Slavery in this Island, in consideration of Compensation, and for promoting the Industry of the Manumitted Slaves ; and to declare the (Statute) 52 Geo. III, c. 155, in force in this Island ”. This Act was passed on December 12th, 1833.

5 Wm. IV, c. 7. — “ An Act to repeal part of an Act 4 Wm. IV, c. 41, intituled . . . and to explain and amend and in aid of the said Act ” (passed on July 4th, 1834).

5 Wm. IV, c. 44. — “ An Act to amend and explain and Repeal Part of an Act passed in the Fourth Year of the Reign of His Present Majesty, intituled . . . ” (passed on December 22nd, 1834).

An Order in Council was issued, dated March 19th, 1834, declaring that adequate and satisfactory provision had been made by law in Jamaica for giving effect to the Slavery Abolition Act.

There is no local law in force in Jamaica with regard to the Slave Trade, but it is clear from the Customs Consolidation Law, 1877, Amendment Law, 1885 (No. 24 of 1885), that Imperial Statute 5 Geo. IV, c. 113 (The Slave Trade Abolition Consolidation Act) is held to be in force in the island. Section 14 of the Law provides that “ All persons authorised to make seizures under an Act of the British Parliament passed in the fifth year of the reign of His late Majesty King George the fourth, intituled ‘ An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade ’, shall, in making and prosecuting any such seizures, have the benefit of all the provisions granted to persons authorised to make seizures under this Law . . . ”

Johore (one of the Unfederated Malay States).

Under Section 75 (1) of the Courts Enactment (Enactment No. 54 of the Laws of the State of Johore, 1935), the Penal Code for the time being of the Straits Settlements is in force in Johore. The provisions of the Straits Settlements Penal Code relating to the punishment of slavery offences are shown under Straits Settlements.

The Mui-Tsai Enactment (Enactment No. 120 of the Laws of the State of Johore, 1935) makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Kedah (one of the Unfederated Malay States).

An Enactment to abolish the System of Debt-bondage was passed on the 10th Rajab, 1328. Section I declares that “ It is made known that slavery was abolished many years ago and is not now permitted in Kedah ”, and Section 3 provides that, after the date of the enactment, “ it is absolutely forbidden that any person undertake to pay off any debt by working in any way whatever . . . ” Other sections of the enactment deal with the speedy manumission of the then existing debt-bondsmen.

The Kedah Penal Code (Enactment No. 72 of the Laws of the State of Kedah, 1934) is based upon the Indian Penal Code. Sections 367, 370 and 371 of the Kedah Penal Code deal with the punishment of slavery offences. These sections make similar provision for the punishment of slavery offences to that made by the corresponding sections of the Indian Code, except that, in Section 371 of the Kedah Code, the words “ penal servitude for life ” are substituted for the words “ transportation for life ” appearing in Section 371 of the Indian Code. (For the provisions of the Indian Penal Code with regard to slavery, see under Aden (Colony).)

The Mui-Tsai Enactment (Enactment No. 70 of the Laws of the State of Kedah, 1934) makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Kelantan (one of the Unfederated Malay States).

It is stated in the preamble to the “ Abolition of Debt-Bondage Enactment, 1913 (Enactment No. 3 of 1913) ”, that “ Whereas slavery has not existed in Kelantan for many years and it is desired that Debt-Bondage should also be brought to an end . . . ” Section 2 of the Enactment provides that from and after August 2nd, 1913 (the date of the Enactment), no person shall bind himself to pay off any debt by working as a debt slave in any form whatever, nor shall any person allow another so to bind himself. Penalties are provided for any breach of the provisions of the section. In Section 7 it is declared that the children of debt-bondsmen shall not be bound by the debts of their parents and that the death of the debt-bondsman shall wipe out the debt completely. Other Sections of the Enactment deal

with the speedy manumission of the then existing debt-bondsmen, their protection from the use of unlawful force or restraint and from the exaction of unlawful services. Section 15 provides that, after the year 1336 A.H., no person shall remain in debt-bondage.

By Enactment No. 7 of 1930 the Penal Code for the time being in force in the Straits Settlements is in force in Kelantan. The provisions of the Straits Settlements Penal Code relating to the punishment of slavery offences are shown under Straits Settlements.

The Mui-Tsai Enactment, 1935 (Enactment No. 3 of 1935) makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Kenya Colony and Protectorate.

Colony. — “The Abolition of the Legal Status of Slavery Ordinance” (Chapter 27 of the Laws of Kenya, 1926) provides in Section 2 that “From and after the first day of October, 1907, the legal status of slavery shall be and remain abolished throughout the colony and no court shall enforce any rights claimed over the body, service or property of any person on the ground that such person is a slave”.

Sections 238, 241 and 242 of the Penal Code (Ordinance No. 10 of 1930) deal with the punishment of slavery offences and provide as follows :

“238. Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony, and is liable to imprisonment for ten years.

“241. Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

“242. Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.”

Protectorate. — The coastal strip, ten miles wide, together with the islands of Lamu, Manda, Patta and Siwa, known as the Protectorate of Kenya, is rented from the Sultan of Zanzibar, and originally formed part of his dominions, throughout which his decrees from Zanzibar ran. The first steps towards the abolition of slavery in the protectorate are therefore to be found in Proclamations issued by the Sultans of Zanzibar. References to these and to other documents relating to slavery will be found under *Zanzibar*.

On May 24th, 1887, the Sultan of Zanzibar conceded to the British East Africa Association, subject to his sovereign rights, his powers on the mainland and the rights and duties of administration. On September 3rd, 1888, these rights were consolidated by Royal Charter granted to the Imperial British East Africa Company. In 1890, that company issued a proclamation (No. 1 of 1890) which prohibited the holding as a slave of any of the Wa Nyika, Wa Teita, Wa Pokomo, Wa Kamba and Wa Senia tribes.

On June, 15th, 1895, a British protectorate was notified over the territories lately administered by the Imperial British East Africa Company, which then withdrew, and these territories were, on August 31st, 1896, formally designated the “East Africa Protectorate”.

In 1898, the validity and operation of the Agreement of September 13th, 1888 (see under *Zanzibar*), was declared by Her Majesty's Commissioner and Consul-General, who intimated by notification of October 9th, 1898, that no person born within His Highness's mainland dominions subsequent to January 1st, 1890, could be legally claimed as a slave within them.

By Ordinance No. 7 of 1907, the status of slavery for existing slaves was abolished as from October 1st, 1907, and provision made for the payment of compensation (up to Rs. 100) to former masters after due enquiry and also to any ex-slaves who, by reasons of age, health, etc., were unable to earn a living. This ordinance was amended by Ordinance No. 6 of 1909, an order to permit claims for compensation to be lodged by former masters up to January 1st, 1912.

The relevant portions of the 1907 and 1909 ordinances have now been consolidated and form Chapter 27 of the Laws of Kenya, 1926.

Leeward Islands.

See also the various presidencies — viz., Antigua, Dominica, Montserrat, St. Christopher-Nevis and the Virgin Islands.

Section 62 (c) of the Offences Against the Person Act (Chapter 41 of the Federal Acts of the Leeward Islands) provides that : “Whoever, without lawful authority, forcibly seizes and confines or imprisons any other person within any Presidency of the Leeward Islands or kidnaps any other person with intent to cause such other person to be in any way held to serve against his will, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years, with or without hard labour, and with or without solitary confinement”.

Malta.

The preamble to Proclamation IV of March 21st, 1823, for the suppression of the slave trade reads as follows : “ Although the anxiety of His Majesty’s Government to annihilate *in toto* the disgraceful traffick in slaves must be known to every individual, and though the public at large must be aware of the fixed determination of the British Government to carry this humane object into effect, still there may be many persons who are ignorant of the legal penalties they are liable to incur, from being, even in the slightest manner, concerned in the above most inhuman traffick ”. Section I of the proclamation lays down that slavery offences will be tried before the court set up in the island to try piratical offences : Section 2 declares that the law will be enforced with the utmost strictness and severity : Section 3 provides for the printing in Italian of the British laws against the slave trade : Section 4, after mentioning that certain slavery offences had come to the knowledge of the Government, declares that the carrying of even a single slave will make all such vessels amenable to the general laws for the abolition of the slave trade and Section 5 exhorts magistrates and others to see that the proclamation is rigidly enforced. The following Acts of the British Parliament with regard to the abolition of the slave trade are appended to the proclamation and are printed in the English and Italian languages : 46 Geo. III, c. 53 ; 47 Geo. III, c. 36 ; 51 Geo. III, c. 23 ; 58 Geo. III, c. 98. These Statutes formed part of the series which led to the abolition of the slave trade and which were consolidated in 5 Geo. IV, c. 113 — see under United Kingdom.

Mauritius and Dependencies.

An Order in Council was passed, dated September 17th, 1834, “ for giving effect in the Colony of Mauritius to the Statute 3 and 4 Wm. IV, c. 73, for the Abolition of Slavery throughout the British dominions ”.

A further Order in Council was passed, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in Mauritius and its dependencies for giving effect to the Imperial Act for the abolition of slavery.

An Ordinance (No. 8 of 1835) was passed on March 21st, 1835, “ for ensuring in conformity to the Dispositions of the Order in Council of September 17th, 1834, the due execution of the Slave Abolition Act at the Mauritius ”.

Montserrat.

See also Leeward Islands.

An Act entitled “ An Act for the Abolition of Slavery in this Island ” was passed by the Council and Assembly of Montserrat on July 30th, 1834. This Act was passed to give effect in the island to Imperial Statute 3 and 4 Wm. IV, c. 73 for the Abolition of Slavery.

An Order in Council was issued on February 3rd, 1836, declaring that adequate and satisfactory provision had been made by law in Montserrat for giving effect to the Imperial Act for the abolition of slavery.

An Act was passed on January 18th, 1838, repealing the above-mentioned Act and declaring that it was deemed advisable and expedient that apprenticeship of all classes should cease (*i.e.*, the system was set up by the Slavery Abolition Act).

It therefore enacted that every apprentice in the island of every class, should on August 1st, 1838, become as free to all intents and purposes as any other of His Majesty’s subjects.

Nevis.

See St. Christopher-Nevis.

New Hebrides (Condominium).

See first two paragraphs under British Solomon Islands Protectorate.

Nigeria.

Before the amalgamation of the Nigerias in 1914, slavery in the northern provinces was covered by Chapter XI of the Laws of the Protectorate of Northern Nigeria, 1910, and in Southern Nigeria by Chapter XV of the Laws of the Colony of Southern Nigeria, 1908. Both these chapters incorporated earlier enactments, Chapter XI of Northern Nigeria formerly being Proclamation No. 17 of 1907 and Chapter XV of Southern Nigeria formerly being Proclamation No. 5 of 1901. These chapters have now been repealed by Nigeria legislation, but their provisions have been retained. The following laws of Nigeria now deal with slavery and the slave trade :

1. The Slavery Ordinance (Chapter 83 of the Laws of Nigeria, 1923). This ordinance embodies Nigeria Ordinances Nos. 35 of 1916 and 20 of 1918. Section 2 declares that the legal status of slavery is abolished throughout the protectorate. Section 3 declares that all persons heretofore or hereafter born in or brought within the southern provinces, and all persons born in or brought within the northern provinces after March 31st, 1901, are free persons. Section 4 provides that any native tribunal in the northern provinces administering Moslem law may grant certificates of freedom to persons who have acquired their freedom in accordance with such law. Section 5 provides that any slave dealing contract is absolutely illegal.

2. The Slavery (Amendment) Ordinance, 1936 (Ordinance No. 19 of 1936). This ordinance provides that the words “ heretofore or hereafter born in or brought within the northern provinces ” should be substituted for the words “ born in or brought within the

northern provinces after March 31st, 1901 ", occurring in Section 3 of the Slavery Ordinance. This section — *i.e.*, Section 3 of cap. 83 of the laws of Nigeria, 1923 — now reads as follows : " All persons heretofore or hereafter born in or brought within the southern provinces, and all persons heretofore or hereafter born in or brought within the northern provinces are hereby declared to be free persons ".

3. Slave-dealing offences are punishable under Section 369 of the Criminal Code (Chapter 21 of the Laws of Nigeria) the provisions of which are generally similar to those contained in Section 449 of the Gold Coast Criminal Code (*q.v.*).

Cameroons under British Mandate. — Chapters 21 and 83 of the Laws of Nigeria, 1923 — *i.e.*, the Criminal Code and the Slavery Ordinance respectively — were applied to the Cameroons under British mandate by Section 2 (1) by the British Cameroons (afterwards altered to Cameroons under British mandate) Administration Ordinance, 1925 (Ordinance No. 1 of 1925).

North Borneo.

The charter of the British North Borneo Company dated November 1st, 1881, provides in Article 7 that : " The company shall to the best of its power discourage and, as far as may be practicable, abolish by degrees any system of domestic servitude existing among the tribes of the coast or interior of Borneo ; and no foreigner whether European, Chinese or other, shall be allowed to own slaves of any kind in the company's territories ".

In pursuance of the above article, a proclamation (Proclamation No. XIII of 1883) was issued by the Governor on October 25th, 1883. This proclamation, by abolishing the importation of slaves, by providing that all children, born of slave parents after November 1st, 1883, should be free, by prohibiting the owning of slaves by foreigners and by other methods, discouraged and eventually abolished the practice of slavery in North Borneo. The proclamation was so effective in its application that, in 1902, it was repealed by Ordinance No. 17 of 1902. In repealing it, however, it was declared in Section 2 of the repealing ordinance that " no form of domestic slavery will in future be recognised, all attempts to revive any form of slavery being dealt with under the Penal Code ".

Under Section 3 of the Procedure Ordinance, 1926 (Ordinance No. 1 of 1926), the Indian Penal Code was adopted by the State of North Borneo. Sections 367, 370 and 371 of that Code deal with the punishment of slavery offences. The provisions of these sections are set out in full under Aden (Colony).

The Female Domestic Service Ordinance, 1930 (Ordinance No. 2 of 1930), makes similar provision to that made in Hong-Kong by the Female Domestic Service Ordinance, 1923 (Ordinance No. 1 of 1923), as amended.

Northern Rhodesia.

It is declared in Section 2 of the Affirmation of the Abolition of Slavery Ordinance, 1930 (Ordinance No. 17 of 1930), that " slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist ".

Sections 229, 232 and 233 of the Northern Rhodesia Penal Code (Ordinance No. 42 of 1930) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

Prior to the passing of the Penal Code Ordinance in 1930, prosecutions on the rare occasions when action on slave-trade offences had to be taken were instituted under Imperial Act 5 Geo. IV, c. 113 (The Slave Trade Abolition Consolidation Act, 1824) which was held to apply to the territory under the provisions of Section 27 (2) of the Northern Rhodesia Order in Council of February 20th, 1924.

Northern Territories of the Gold Coast.

See Gold Coast.

Nyasaland Protectorate.

It is declared in Section 2 of the affirmation of the Abolition of Slavery Ordinance (Chapter 36 of the Laws of Nyasaland, formerly Ordinance No. 9 of 1930) that " slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist ".

Sections 218, 221 and 222 of the Nyasaland Penal Code (Ordinance No. 22 of 1929) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

Pahang.

See Federated Malay States.

Palestine and Trans-Jordan.

There is no legislation in Palestine dealing with slavery and His Majesty's Government is satisfied that none is required, since slavery does not exist. Article 6 of the Organic Law of Trans-Jordan, 1928, provides that : " The personal freedom of all dwellers in Trans-Jordan shall be safeguarded from aggression and interference, and no person shall be arrested or detained or punished or forced to change his residence or submitted to bonds or compelled

to serve in the army except in accordance with law . . . ” (The Organic Law of Trans-Jordan was assented to by the Amir on April 16th, 1928, and is printed at page 397 *et seq.* of the “ Legislation of Trans-Jordan, 1918-1930 ”.)

Under Section 2 of the Abolition of Slavery Law, 1929, slavery was declared to be abolished throughout Trans-Jordan. Under Section 3, any Sharia court may grant certificates of freedom to persons who have acquired their freedom in accordance with the provisions of the Law. Under Section 4, all slave contracts are declared to be void and, under Section 5, all forms of slave-dealing are made punishable by imprisonment for a period not exceeding three years.

Perak.

See Federated Malay States.

Perlis (one of the Unfederated Malay States).

An Enactment (No. 6 of 1328 A.H.) entitled “ The Debt-bondage Enactment ” took effect in Perlis as from Shawal 26th, 1328. Section 2 of this enactment proclaimed that slavery had been abolished for many years and is now forbidden. By Section 4, all debt-bondage agreements were prohibited after the date of the enactment, while under Section 3 all then existing agreements, if not duly registered, were declared null and void. The enactment also dealt with the speedy manumission of the existing debt-bondsmen.

Slavery offences are now punishable under the Kedah Penal Code. This code was adopted in Perlis under the authority of Section 2 of the Penal Code and Evidence Enactment, 1354 Enactment No. 13 of 1354). For the provisions of the Kedah Penal Code relating to the punishment of slavery offences, see under Kedah.

The Mui-Tsai Enactment, 1353 (Enactment No. 5 of 1353), makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

St. Christopher-Nevis.

See also Leeward Islands.

The islands of St. Christopher and Nevis formerly constituted separate presidencies of the Leeward Islands, but were united to form one presidency by the St. Christopher and Nevis Act, 1882 (Leeward Islands Act No. 1 of 1882). Their slavery abolition legislation is therefore separate and consists of the following laws :

St. Christopher. — An Act was passed on July 17th, 1834, entitled “ An Act for the Abolition of Slavery in this Island, and for the Establishment of a System of Apprenticeship for a Limited Time in lieu thereof ”. Section 5 of this Act provided that “ subject to the obligations imposed upon apprenticed labourers, all and every the persons who, on the said 1st day of August, 1834, shall be holden in slavery in this island, shall, upon and from after the said 1st day of August, 1834, become to all interests and purposes free and discharged of and from all and all manner of slavery, and shall be absolutely and for ever manumitted ; and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth ; and from and after the said 1st day of August, 1834, slavery shall be and is hereby utterly and for ever abolished and declared unlawful within this island ”.

An Order in Council was issued on July 31st, 1835, declaring that adequate and satisfactory provision had been made by law in St. Christopher for giving effect to the Imperial Act for the Abolition of Slavery.

Nevis. — An Act for putting into effect in the Island of Nevis the Imperial Slavery Abolition Act, 1833, was passed on January 23rd, 1834, with the title “ An Act to provide for the Maintenance, Protection and Good Government of Apprenticed Labourers, and to settle the Jurisdiction and Authority of Special Magistrates ”. This Act was amended by a further Act passed on October 16th, 1835.

An Order in Council was issued, dated January 16th, 1836, declaring that adequate and satisfactory provision has been made by law in Nevis for giving effect to the Imperial Act for the Abolition of Slavery.

St. Helena.

By a Proclamation of August 17th, 1818, it was proclaimed that, from and after December 25th, 1818, all children born of slaves should be free.

As a result of various proclamations and resolutions passed to abolish the system of slavery, all persons who, on May 1st, 1836, were slaves in the Island of St. Helena became, on that date, emancipated and free.

On May 27th, 1839, an Ordinance (No. 24 of 1839) was passed which, after reciting the above facts, referring to the fact that the Imperial Act of 1833 did not extend to St. Helena and stating that it was desirable to remove all doubts as to the existence of slavery in the colony, enacted as follows : “ That . . . all and every the persons, who on the day of the promulgation of this Ordinance, (if any such there be), shall be holden in slavery within the Island of St. Helena, shall become, and be to all intents and purposes, free and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted ; and that the children thereafter to be born to any such persons, and the offspring of such children, shall, in like manner be free from their birth ; and that, from after the promulgation of this ordinance, slavery shall be, and is hereby utterly and for ever abolished, and declared unlawful within this colony ”.

St. Lucia (one of the Windward Islands).

An Order in Council was passed, dated June 5th, 1834, "for giving effect in the Island of St. Lucia to the Statute 3 and 4 Wm. IV, c. 73 for the Abolition of Slavery".

A further Order in Council was passed, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made in St. Lucia for giving effect to the Imperial Act for the Abolition of Slavery.

St. Vincent (one of the Windward Islands).

An Act was passed on April 2nd, 1834, entitled "An Act for the Abolition of Slavery in the Island of St. Vincent and its Dependencies, in consideration of Compensation, and for promoting the Industry and Good Conduct of the Manumitted Slaves". This Act was amended by a further Act passed on July 30th, 1835.

An Order in Council was passed on November 20th, 1835, declaring that adequate and satisfactory provision had been made in St. Vincent for giving effect to the Imperial Act for the Abolition of Slavery.

Sarawak.

Orders dated June 24th, 1868, November 14th, 1882, and August 24th, 1883, relating to slavery and to the gradual abolition of debt-bondage were repealed by Order No. S-2 (slavery) 1928, dated July 16th, 1928, and published in the *Sarawak Gazette* of that date. This order, after referring to the earlier orders, to the fact that the legal status of slavery no longer existing in Sarawak the earlier order had fallen into desuetude, and to the fact that it is the right of every man to be free, declares in Section 2 that, from the date of the publication of the order in the *Government Gazette*, every person in the State of Sarawak should be free. Under Section 3 of the order no person is permitted to do any act which involves or implies any right of ownership over the person or property of another person or to use the word "slave" in respect of any other person. Any infringement of this Section can, under Section 5, be severely punished.

The Sarawak Penal Code — Order No. P-10 (Penal Code) 1934 — is based upon the Indian Penal Code. Sections 367, 370 and 371 of the Sarawak Penal Code deal with the punishment of slavery offences. These sections make similar provision for the punishment of slavery offences to that made by the corresponding sections of the Indian Penal Code, except that, in Section 367, whipping is added to the punishments to which an offender is liable and the punishment of transportation for life is omitted from Section 371. (For the provisions of the Indian Penal Code with regard to slavery, see under Aden.)

The Mui-Tsai Order — Order No. M-3 (1931) — makes similar provision to that made in Hong-Kong by the Female Domestic Service Ordinance, 1923 (Ordinance No. 1 of 1923), as amended, except that, in the definition of Mui Tsai in the Sarawak order, the words "under 18 years of age" are inserted after the words "domestic servant" in line 1 of Sections (i) and (ii) of the definition and the provision in Section 5 of the Hong-Kong Law relating to the employment of female domestic servants is omitted from the Sarawak order. Section 5 of the Sarawak order reads "On and after the 1st day of January, 1934, no person shall take into his employment any Mui Tsai or dispose of or attempt to dispose of any woman or girl as a Mui Tsai".

Seychelles.

A dependency of Mauritius at the time of the liberation of the slaves, the laws applicable to Mauritius at that time would also apply to the Seychelles.

Sierra Leone Colony and Protectorate.

Colony. — Imperial Acts : In Section 6 of the Act establishing the Sierra Leone Company — 31 Geo. III, c. 55 (1791) — it is enacted that "it shall not be lawful for the said company, either directly or indirectly, by itself or themselves, or by the agents or servants of the said company, or otherwise howsoever, to deal or traffic in the buying or selling of slaves, or in any manner whatsoever to have, hold, appropriate or employ any person or persons in a state of slavery in the service of the said company".

The Sierra Leone Company's charter was revoked by Act 47 Geo. III (Session 2), c. 44 (1807). It is declared in Section IV of this Act that "it shall not be lawful for any person or persons whatsoever inhabiting or being, or shall at any time inhabit or be within, the said Peninsula or Colony of Sierra Leone, either directly or indirectly to deal or traffick in, buy or sell, or to aiding or assisting in the dealing or trafficking in the buying or selling of slaves, either within the said peninsula or elsewhere".

Colony. — Local Acts : An Act was passed on December 31st, 1831, entitled "An Act to explain and render more clear an Act of the British Parliament passed in the Fifth Year of the Reign of His Late Majesty King George the Fourth, intituled 'An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade' ". This Act was passed in order to inflict the punishments prescribed in the Imperial Act for slave dealing on persons

who had purchased or acquired natives of Africa, not being subjects of His Majesty, as slaves, under cover of their being domestic servants.

An Act was passed on January 3rd, 1832, entitled "An Act to extend the Provisions of an Act of the British Parliament passed in the Fifth Year of the Reign of His Late Majesty King George the Fourth, intituled 'An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade' to Persons not British Subjects who shall commit Certain Offences against British Subjects within the Jurisdiction of the Colony of Sierra Leone".

These measures evidently proved effective as they were omitted from the first consolidation of the laws of the colony in 1857.

There is at present no local legislation with regard to slavery or the slave trade, but English Statutes of general application which were in force on January 1st, 1880, apply.

Protectorate. — The legislation with regard to slavery was formerly contained in :

1. The Protectorate Ordinance (Chapter 167 of the Laws of the Colony and Protectorate of Sierra Leone, 1925). Part II of this ordinance dealt with slave dealing offences and their punishment.

2. The Protectorate Courts Ordinance (Chapter 169 of the Laws of the Colony and Protectorate of Sierra Leone, 1925). Section 4 of this ordinance enacted that no claims for or in respect of any slave would be entertained or recognised by any of the courts established by the ordinance.

3. The Legal Status of Slavery (Abolition) Ordinance, 1927 (Ordinance No. 24 of 1927). This ordinance was enacted in consequence of an unexpected hiatus in local slavery legislation.

All the above ordinances have now been repealed and the whole of the protectorate law relating to slavery is now contained in Part III of the Protectorate Ordinance, 1933 (Ordinance No. 32 of 1933). The first section of this part (Section 8 of the ordinance) declared that the legal status of slavery and slavery in any form whatsoever is abolished throughout the protectorate. The second section (Section 9 of the ordinance) deals with the punishment for dealing in slaves. This section is similar, although rather more comprehensive, than Section 449 of the Gold Coast Criminal Code (see under Gold Coast, where the latter section is reproduced in full). The third section (Section 10 of the ordinance) deals with the punishment of accessories.

Somaliland Protectorate.

It is declared and enacted in Section 2 of the Affirmation of the Abolition of Slavery Ordinance (Chapter 14 of the Laws of the Somaliland Protectorate, 1931 — formerly Ordinance No. 14 of 1930) that "slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist".

The Indian Penal Code was applied to the Somaliland Protectorate by paragraph 7 (b) of the Somaliland Order in Council of October 7th, 1899, and continued in its application by paragraph 16 (II) of the Somaliland Order in Council of December 17th, 1929. (For the provisions of the Indian Penal Code with regard to the punishment of slavery offences, see under Aden (Colony).)

Straits Settlements.

The Indian Slavery Act, 1843 (Act. No. 5 of 1843), formerly applied to the Straits Settlements, but was repealed as being obsolete and as having had its effect by the Repeal Ordinance, 1907, of the Straits Settlements (Ordinance No. 33 of 1907).

The Straits Settlements Penal Code is based upon the Indian Penal Code. Sections 367, 370 and 371 of the Straits Settlements Penal Code (Chapter 20 of the Laws of the Straits Settlements, 1936) deal with the punishment of slavery offences. These sections make similar provision for the punishment of slavery offences to that made by the corresponding sections of the Indian Penal Code, except that in Section 371 of the Straits Settlements Code the words "penal servitude for life" are substituted for the words "transportation for life", appearing in Section 371 of the Indian Code. (For the provisions of the Indian Penal Code with regard to slavery offences, see under Aden (Colony).)

The Mui-Tsai Ordinance (Chapter 34 of the Laws of the Straits Settlements, 1936, formerly Ordinance No. 5 of 1932) makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Swaziland.

There are no local laws about slavery in Swaziland. The laws in force in the Transvaal at the date of the Swaziland Administration Proclamation, 1904 (October 15th, 1904), were,

by Section 1 of the proclamation, put in force in Swaziland. There appears to be no law in the Transvaal about slavery. It was agreed however by the fourth article of the Sand River Convention of January 17th, 1852 (under which the British Government recognised the right of the Boer farmers beyond the Vaal River to manage their own affairs), that no slavery should be permitted or practised in the country to the north of the Vaal River. This article was confirmed by Article 15 of the Pretoria Convention, 1881, under which complete self-government, subject to the suzerainty of Her Majesty, was accorded to the Transvaal, and further confirmed and renewed by Article 8 of the London Convention of 1884.

Tanganyika Territory.

The Involuntary Servitude (Abolition) Ordinance (Chapter 26 of the Laws of the Tanganyika Territory, 1929, formerly Ordinance No. 13 of 1922) provides in Section 2 that, after the commencement of the ordinance, no person in the territory may detain any person against his will in service as a slave, and in Section 5 that any person doing so is liable for each offence to a fine not exceeding £50, or to imprisonment of either description for any term not exceeding two years, or to both such fine or imprisonment. Sections 3 and 4 of the ordinance are similar to Sections 2 and 3 respectively of the Indian Slavery Act, 1843 (see under Aden (Colony)).

Sections 238, 241 and 242 of the Tanganyika Territory Penal Code (Ordinance No. 11 of 1930) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

Tobago (now part of the Colony of Trinidad and Tobago).

The following laws were passed in Tobago to implement the Imperial Statute for the abolition of slavery :

1. " An Act to carry into effect the Provisions of an Act of the Imperial Parliament of Great Britain and Ireland, intituled, ' An Act for the Abolition of Slavery throughout the British Colonies ; for promoting the Industry of the Manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves ' " (passed May 2nd, 1834).

2. Two Acts to amend the above-mentioned Act were passed on May 29th, 1834, and December 28th, 1835, respectively.

An Order in Council was issued, dated April 13th, 1836, declaring that adequate and satisfactory provision had been made by law in Tobago for giving effect to the Imperial Act for the abolition of Slavery.

Togoland under British Mandate.

See Gold Coast.

Tonga.

The present constitution of Tonga was granted by King Tubou I on November 4th, 1875, and has been amended from time to time. In paragraph 2 of the Constitution, it is declared that : " No person shall serve another against his will except he be undergoing punishment by law and any slave who may escape from a foreign country to Tonga (unless he be escaping from justice being guilty of homicide or larceny or any great crime or involved in debt) shall be free from the moment he sets foot on Tongan soil, for no person shall be in servitude under the protection of the flag of Tonga ".

Trans-Jordan.

See Palestine and Trans-Jordan.

Trengganu (one of the Unfederated Malay States).

On the 1st day of Jemadi-al-awal, 1337, corresponding to February 2nd, 1919, an enactment entitled " An Enactment for the Extinction of the Debts of Debt-slaves " (Enactment No. 1 of 1337) was passed and came into operation on the same date. Section 2 of this Enactment provided that, within six months from the date of coming into force of the enactment, every debt-owner must appear in Trengganu before the Committee, or in any district of Trengganu before a district officer, and declare the names of his debtors and the amount of their debts, in order that enquiry might be made and a correct statement obtained from both parties. Section 4 provided that, on the expiration of the six months mentioned, the making or acceptance of any agreements for debt-slavery was absolutely prohibited. Section 6 provided for the extinction of existing debts by instalments.

By Section 2 of the Penal Code Enactment, 1352 (Enactment No. 6 of 1352), which came into force on the 24th Shaban, 1352 (corresponding to December 11th, 1933), the penal code for the time being in force in the Straits Settlements was declared to be in force in Trengganu. The provisions of the Straits Settlements Penal Code relative to the punishment of slavery offences are shown under Straits Settlements.

The Mui-Tsai Enactment, 1354 (No. 1 of 1354) which came into force on the 12th day of Muharram, 1354, corresponding to the 15th day of April, 1935, makes similar provision to that made in the Federated Malay States by Chapter 157 of the Laws of the Federated Malay States, 1935.

Trinidad.

An Order in Council was passed, dated June 5th, 1834, "for giving effect in the Island of Trinidad to the Statute 3 and 4 Wm. IV, c. 73, for the Abolition of Slavery".

A further Order in Council was issued, dated July 31st, 1835, declaring that adequate and satisfactory provision had been made in Trinidad for giving effect to the Imperial Act for the Abolition of Slavery.

Turks and Caicos Islands.

At the date of the passing of the Slavery Abolition Act in 1833, the Turks and Caicos Islands formed part of the Colony of the Bahamas for the purposes of Government. They were annexed to Jamaica in 1873.

Uganda Protectorate.

Sections 248, 252 and 253 of the Uganda Penal Code (Chapter 128 of the Laws of the Uganda Protectorate, 1936 — formerly Ordinance No. 7 of 1930) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

Virgin Islands.

See also Leeward Islands.

The local act for implementing the provisions of the Slavery Abolition Act of the United Kingdom was passed on April 11th, 1834, and entitled "An Act for regulating the Division of Apprenticed Labourers into their Respective Classes, and for providing for the Dissolution of the Apprenticeship by Contract or otherwise". An Act amending this Act was passed on October 5th, 1835.

Zanzibar.

The most important measures which preceded the Slavery Decree in 1909 are as follows :

1868 : Decree by the Sultan, Majid bin Said, prohibiting any trade in slaves with the Arabian coast and the sale of slaves to Arabs other than subjects of the Sultan of Zanzibar.

1873 : Treaty signed by the Sultan, Barghash bin Said, prohibiting the export of slaves from the African mainland, whether for transport from one part of the Sultan's dominions to another, or for transport to foreign ports. This treaty also provided for the closing of all slave markets in the Sultanate.

1875 : Treaty signed by the Sultan, Barghash bin Said, declaring that all vessels carrying slaves, other than those in attendance on their masters or engaged in navigation, could be seized by His Majesty's ships and condemned by a competent authority.

1876 : Three proclamations issued by the Sultan, Barghash bin Said, abolishing slavery on the Benadir coast and in the region of Kismayu, prohibiting the transport of slaves from the interior and their sale at the coast for conveyance to Pemba and prohibiting the fitting-out of slave-caravans by Sultan's subjects.

1876 : The Slave Trade (Suppression) Act, 1876, of the United Kingdom 39-40 Vic., c. 76. Under Section 1 of this Act, it was provided that Her Majesty (the late Queen Victoria), by Order in Council, might specify portions of Asia and Africa within which any subject of Her Majesty or of any allied Indian State committing any of the offences defined in Sections 367, 370 and 371 of the Indian Penal Code should be dealt with as if they had been committed in British India.

1877 : Imperial Order in Council of April 30th, 1877. Under this Order in Council Her Majesty applied the above Act to the territories of the Sultan of Zanzibar and to the sea and islands within ten degrees of latitude or longitude from the coast.

1885 : (i) Proclamation issued by the Sultan, Barghash bin Said, confirming his previous orders and prohibiting all exportation of slaves from his dominions.

(ii) Proclamation by the same Sultan prohibiting any sale of slaves which involved the separation of husband and wife or parent and child.

1888 : Proclamation issued by His Majesty's Agent and Consul-General prohibiting the hire of slaves by British Indians by means of contracts made with their masters.

1889 : Agreement, dated September 13th, 1889, between Sultan, Khalifa bin Said and Her Majesty's Agent and Consul-General at Zanzibar that all persons born in his dominions after January 1st, 1890, should be free.

1889 : Proclamation by the Sultan, Khalifa bin Said, granting to Great Britain and Germany a perpetual right of search over all local dhows in Zanzibar territorial waters

and providing that all persons entering the Sultan's dominions after November 1st, 1889, and all children born therein after January 1st, 1890, should be free.

1890: Decree by the Sultan, Ali bin Said, under the provisions of which all exchange, sale or purchase of slaves, domestic or otherwise, was prohibited; only the lawful children of a slave-owner could inherit his slaves at his death, such slaves otherwise becoming free; any person found ill-treating a slave or in possession of raw slaves was made liable to severe punishment, and, in flagrant cases, to the forfeiture of all his slaves; freed slaves were debarred from holding slaves themselves; freed slaves were given the right of prosecuting claims or complaints in the local courts; and every slave was given the right of self-redemption.

July 1890: The General Act of the Brussels Conference, to which the Sultan of Zanzibar was a party, provided for the surveillance of routes used for the slave trade in the interior of Africa, and for the search of native vessels on high seas and the liberation of slaves found on them; for the issue of national flags to such vessels; for the forfeiture of vessels proved to have been engaged in the slave trade and the punishment of the guilty parties; for the prohibition of the importation, transit and exportation of slaves in countries in which the existence of domestic slavery was recognised; for the protection of liberated slaves; and for the institution of an International Maritime Bureau at Zanzibar, where all information respecting the slave trade could be centralised and held at the disposition of the responsible authorities.

1897: Decree by the Sultan, Hamoud bin Mohammed, providing that the courts should decline to enforce any alleged rights over the body, service or property of any person on the ground that such person was a slave. Compensation to slave-owners was also provided for.

The Slavery Decree, 1909 (Decree No. 11 of 1909) dated July 6th, 1909, finally and totally abolished the status of slavery in the dominions of the Sultan of Zanzibar. It provided, *inter alia*, that from the date of the commencement of the decree (July 6th, 1909) the Zanzibar courts should not recognise the status of slavery in Zanzibar and Pemba. It provided for the payment of compensation, in certain circumstances, to slave-owners, but limited to December 31st, 1911, the time for making claims. It also made special provision for the emancipation of concubines; their rights and their children's were adequately safeguarded. The relevant parts of the Slavery Decree are still preserved in the current Statute book as Chapter 55 — *i.e.*, Chapter 55 of the Laws of the Zanzibar Protectorate, 1935.

Sections 247, 251 and 252 of the Zanzibar Penal Code (Chapter 9 of the Laws of the Zanzibar Protectorate, 1935 — formerly Decree No. 24 of 1934) make similar provision respectively to Sections 238, 241 and 242 of the Kenya Penal Code (see under Kenya).

III. MEMORANDA COMMUNICATED BY THE MEMBERS OF THE COMMITTEE.

ANNEX 21.

C.C.E.E.171.

HISTORICAL SURVEY OF THE ABOLITION OF THE SLAVE TRADE AND SLAVERY IN PORTUGAL AND THE PORTUGUESE COLONIES.

By M. José d'Almada.

[Translation.]

In the Iberian Peninsula, slavery between people of the same race had disappeared by the eleventh century. At the time when Portugal rose to be an independent nation, slavery in the form of personal service had become obsolete. At the most, there were serfs who were bound to the soil, or who were deprived of the right to dispose of their property. But it was the custom for prisoners of war to be made slaves, and numbers of Moors were reduced to servitude in this way. In the fifteenth century, the free Moors were expelled, but it was only in the seventeenth century, under Spanish rule, that the possession of Moorish slaves was prohibited in Lisbon and several other Portuguese towns (March 23rd, 1621). This prohibition was renewed on June 1st, 1641, immediately after the restoration of independence. Although slave labour was uneconomic, the period of the great sea voyages brought with it an increasing demand for labourers and thousands of African negroes were brought into Portugal from the fifteenth century onwards. A census of the population of Lisbon in 1551 (quoted by Fortunato DE ALMEIDA, "História de Portugal", Volume III, page 319) gave the number of negro slaves at that date as 9,900 in a total population of 100,000.

The fate of these negroes was not always a cruel one, judged by the standards of the time. They were more or less well treated, like the "clients" of Roman families. They enjoyed certain advantages. If they had talent they were educated in schools. Some of

them were pampered. Often they were set free by the terms of a will. The monastic and religious orders mitigated the cruelties to which they were subjected — for example, the Order of the Holy Trinity undertook the work of freeing slaves (Fortunato DE ALMEIDA, "História de Portugal", Volume III, page 622), and the Order of St. Benedict had the right to redeem negroes sold by their masters out of vengeance or any who were cruelly treated (Provisão of November 29th, 1776).

The severity of the prison system was relaxed in the seventeenth century. Prisoners were not to be chained more closely than was necessary for security (September 30th, 1693). The same measure was renewed by Pombal by the Royal Order of October 30th, 1758.

The Law of September 19th, 1761 (POMBAL), put an end to the importing of negro slaves into Portugal. According to the preamble of the law, the abuses were "shameful". Any negroes who landed became free men *ipso facto* and were to be sent back to their homes at the expense of their former masters. The latter had to pay fines, besides losing their slaves. Free negroes entering Portugal had to be in possession of identity papers. This remarkable law dealt a fatal blow to the slave trade with Portugal and had very important economic consequences. The outcry against the Marquis of Pombal is easily explained in so far as it originated with those who were ruined or impoverished by this radical measure.

The grandsons of slaves, born in Portugal, as well as the sons of slaves, born after the promulgation of the law of January 16th, 1773 (POMBAL), were free and could hold all public or other offices and obtain all honourable distinctions. The Marquis de Pombal said that every reference to slavery was to be removed from the identity papers of these freedmen;¹ this was contrary to the provisions of Roman law.

The French occupation and the political troubles which followed interrupted the advance towards the abolition of negro slavery in Portugal.

The first Portuguese political Constitution (1820) reproduces the Declaration of the Rights of Man, and the Constitutional Charter of 1826 grants Portuguese citizens every freedom.

In the Azores, abolition was decreed in 1832 (BICKER, volume XXVI, page 373) and the Law of November 25th, 1857, further prescribed that any slaves landing in Portugal, Madeira and the Azores would be free whether their master was Portuguese or not. Freedom was also granted them if they entered Portugal by land.

* * *

In the colonies, the problem was much more complicated. The situations in West Africa, East Africa, Brazil, India, Macao, and the Timor Islands were not only totally different from each other but varied at different times. The occupation and organisation of Africa are of recent date. During the time when the great wealth of Brazil and India was flowing to Lisbon, it was there that the attention of the rulers was concentrated, Africa was a reservoir of labour but not a place for settlement with the exception of the Zambesi region.

The possessions in China and Oceania had a political rather than an economic value. Labour problems never had the importance there that they assumed in Brazil, all the more so since neither in Macao nor in Timor was there a large enough population to attract slave traders. Since the races were fundamentally unlike and the climates completely different, the countries offering the greatest economic advantages naturally attracted attention, and it was principally Angola which, by its geographical position and the docility of its population, was best suited for the slave trade with Brazil, a trade which lasted from the sixteenth to the nineteenth century.

The natives were more or less everywhere enslaved or in a condition of servitude. Primitive habits and customs existed and were even exploited by traffickers of all kinds.

The European authorities interfered hardly at all with the life of the natives as long as they paid their taxes and did not rebel. The slave trade was the most lucrative of all trades for Europeans. In the seventeenth and eighteenth centuries, it was not yet offensive to the European conscience.

The *assientos*, which were simply contracts under which holders of concessions pledged themselves to the King of Spain to supply the labour needs of certain colonies, existed for centuries.²

At that time, there was nothing dishonourable in entering into a contract with the Government or in receiving money under *assientos* or similar contracts or in levying Customs duties on slaves on their entry into the home country or the colonies.

Portugal occupied in this respect a highly privileged position, for by the Papal Bull issued by Alexander II on May 4th, 1493 (Treaty of Tordesilhas), Spain and Portugal divided up Africa and America in such a way that the Portuguese share included both Angola and Brazil, and Spain was obliged to have recourse to the negroes of Portuguese Africa to supply her labour needs in America. France and Great Britain took part in slave-dealing in the same way as Portugal and Spain.

At the beginning of the eighteenth century, the great European nations were engaged in disputes over the monopoly of the slave trade. A century later, there was no international treaty in which the abolition and the suppression of the trade did not appear as an essential condition of all relations with Great Britain, the country which deserves the credit for having finally stigmatised the slave trade as a crime unworthy of civilisation.

¹ Most of these laws are to be found in the "Collection of Portuguese and Other Diplomatic Documents", BICKER, Volume XI, Part I, page 363 *et seq.*

² The privileges granted to the British were abolished by the Treaty of Madrid of October 5th, 1750, on payment of an indemnity to which Great Britain laid claim (Count DE GARDEN, "Traité de Paix", Volume II, page 322).

The stirring of opinion which resulted in the abolition of the slave trade was the result of many factors, both economic and moral. It might have been predicted from the legislative action — inspired either by the teaching of the Church¹ or by economic and political considerations — which was taken in more or less every country from the sixteenth century onwards.

For example, on September 10th, 1611, the King of Portugal (Philip of Spain) proclaimed the freedom of Brazilian slaves and declared them equal "to all other men, whether they had been converted to the Faith or not". Infringements of this measure were severely punished. A Royal Order (Alvará) of February 19th, 1624, proclaimed the same freedom for Asiatics as for Brazilians, and forbade their enslavement. This measure was renewed on April 1st, 1680.²

The "Alvará" of February 26th, 1689, protests against the barbarous manner in which the negroes of Angola were treated during the crossing to Brazil.

In the seventeenth century, slavery was abolished at Macao, which had never been a centre of the slave trade but more of an entrepôt. The Chinese who came to sell children there, were disappointed at finding no buyers. Convents and religious institutions were obliged to offer a reward for children brought to them.

In Brazil, at the end of the seventeenth century, a Jesuit priest,³ a remarkable man from every point of view, fought against the cruelties of slavery and thereby incurred the hatred of slave traders and owners. In the mission stations, the slaves were perfectly free and were paid for their work.

In the eighteenth century (1741), Pope Benedict XIV forbade the clergy to own and trade in slaves.

The Law of June 6th, 1755 (POMBAL), declared the freedom of the natives of Brazil. This law renews the provisions of the Law of 1611 on the same subject. But, since the law removed the Brazilian Indians from the care of the missionaries on June 7th, 1755, and forbade them to work in the mission stations, even for wages, the Indian villages fell into ruin and many natives died of hunger for want of proper attention.

The condition of the Indians was regulated by the Decree of May 3rd, 1757, which was made applicable to the whole territory of Brazil on August 17th, 1758. Henceforward the Indians could take a surname; but they were obliged to work six months of the year with white planters for wages. The natives paid 10% of the produce of their lands to the State. The regulation prescribed that officials of high moral character should be chosen and it entrusted the spiritual welfare of the natives to secular priests. In each village two schools were built for the two sexes, and theoretically everything seemed to be perfect.

Unfortunately, the driving out of the Jesuits (September 3rd, 1759) ruined the Indian villages and many of the natives died.

Forced labour was abolished for the Brazilian natives in 1799.

As the Government had the diamond monopoly, it set free any enslaved natives who gave information about gems secretly withheld by their masters.

The general picture of slavery in the Portuguese colonies at the end of the eighteenth century is therefore far from clear. In Brazil, the natives were free but, at the same time, obliged to work for the whites; negro slavery existed, but more civilised customs and legal measures combined to soften the hardships of the slave's life. In Western and Eastern Africa,⁴ the slave trade was carried on, its brutalities diminished by laws passed in Europe under the influence of Christian doctrines and the teaching of the Encyclopædists. In the Indies, slavery never existed legally and, as a human market, it never attracted the attention of slave traders, particularly since from the time of the Treaty of 1661 (marriage of the Infanta Catherine of Braganza with Charles II of England) the East India Company was all-powerful in this part of the world. At Macao, there was no slavery or slave trade recognised by law. The laws and regulations of this period give proof of the abolitionist movement,⁵ but material interests still prevailed over theories and European morality.

* * *

With the nineteenth century a new age begins. Great Britain⁶ took the lead in abolishing the slave trade as unworthy of a civilised people, and then extended her action further to the abolition of legal slavery everywhere where it did or could exist.

The Anglo-Portuguese Treaty of Alliance of 1809 laid down the principle of the abolition of slave trading with foreign nations (Article XXVIII), a proof that the trade with foreign nations and on behalf of foreigners still existed at that time. By the Treaty of Alliance with Great Britain of February 19th, 1810 (Article X), Portugal promised Great Britain to

¹ In a brief of May 29th, 1537, Pope Paul II, addressing the Archbishop of Toledo, advocated the humane treatment of slaves. The Quakers began their abolitionist campaign in Great Britain in 1761. The Wesleyans followed their example in 1766, and, in 1772, the British courts granted freedom to all slaves who landed in Great Britain. Abolition was proposed in the British Parliament in 1776 (BANDINEL: "Some Account of the Trade in Slaves", page 68).

² In a brief of April 1639, Pope Urban VIII, addressing the Apostolic Chamber of Lisbon, condemned the Catholics who "dared to reduce to slavery the Indians (of Brazil) and buy, sell, give away and exchange them, separate them from their wives and children, steal their land and goods, transport them to other places, deprive them of their freedom . . .". In 1570, the capturing of Brazilian natives was forbidden excepts in war and, in 1609, the freedom of Brazilian natives was proclaimed and confirmed in 1611. The "Alvará" of 1650 (CACHEN) recommends that the natives of Guinea should be humanely treated and the Regulation of 1666 for Angola shows a humanitarian interest rare at that time.

³ Father Antonio VIEIRA.

⁴ The export of slaves from Mozambique was permitted in 1645, during the Dutch occupation of Angola. (Andrade CERVO: "As provincias ultramarinas", Vol. II, page 57).

⁵ All the British people demanded abolition at the end of the eighteenth century. La Fayette and Condorcet in France were great propagandists for liberty. The British towns demanded abolition in 1788 and were supported by the universities, the Churches and the Board of Trade (BANDINEL, *op. cit.*).

⁶ On August 16th, 1805, a Royal Proclamation forbade slave trading by British subjects in British colonies. Pitt died in 1806. The importing of slaves into British colonies was prohibited on March 31st, 1806 (see, on this subject, BANDINEL, *op. cit.*, page 102). Denmark prohibited slave trading by Danish subjects in 1792 (KELTIE, "Partition of Africa").

co-operate with her in the gradual abolition of the slave trade everywhere but in her possessions south of the equator. Portugal was the first country to co-operate with Great Britain for this purpose, as is shown by the law (Alvará) of November 24th, 1813 (BANDINEL, *op. cit.*, page 125). Later, in Vienna, the Portuguese plenipotentiaries at the Congress signed a Convention with Great Britain (January 1st, 1815) whereby a sum of £300,000 was to be used by Great Britain to compensate the owners of Portuguese ships seized by British warships before June 1st, 1814, as suspected of carrying on the slave trade.

Slave trading was forbidden to Portuguese subjects north of the equator. Great Britain undertook not to interfere with the trade south of the equator. The two Powers pledged themselves mutually to conclude a treaty on slavery. Ships used for the slave trade outside the Portuguese possessions were forbidden to fly the Portuguese flag. Three secret articles were appended to this Convention. One dealt with the restoration by Great Britain of French Guinea, one with the abolition of the Inquisition in the Portuguese colonies, and the last with the right of claiming reparation for damages done by British cruisers as long as slave trading was not definitely abolished north of the equator.

These details are necessary for an understanding of the situation. At that date, it must be recalled, the political and economic difficulties in Portugal were acute. The country had just undergone the French invasion; the British army was still occupying the fortified places; the Court was in Brazil; trade was suffering and was hampered by all sorts of petty difficulties which British supervision did not tend to diminish.

In Appendix XV of the Treaty of Vienna (1815), the Powers declared that "the commerce known by the name of the 'Slave Trade' has been considered by just and enlightened men of all ages as repugnant to the principles of humanity and universal morality"; that "the particular circumstances from which this commerce has originated and the difficulty of abruptly arresting its progress, may have concealed to a certain extent what was odious in its continuance, but that, at length, the public voice in all civilised countries calls aloud for its prompt suppression . . . the plenipotentiaries declare themselves to be animated with the sincere desire of concurring in the most prompt and effectual suppression" of the slave trade. Each Power reserved the right of deciding the date which would be most proper for putting that declaration into effect.

On July 28th, 1817, a new Convention was concluded in London between Portugal and Great Britain with the object of abolishing the trade and of prohibiting the use of the Portuguese flag in that trade outside the Portuguese colonies. It prohibited traffic in slaves on behalf of British subjects or persons of any other nationality. Two Mixed Commissions were set up to judge cases arising out of the trade. Portugal undertook to decree penalties against traders and once more to prohibit the importation of slaves into Brazil under any other flag than the Portuguese. The right of search by the British fleet was regulated by the Convention. The first payment of £300,000, promised at Vienna in 1815, was made on August 28th, 1818.

On January 26th, 1818, the penalties to which slave traders north of the equator were liable were laid down. They consisted in confiscation of ships, liberation of the slaves, banishment of the persons implicated and imposition of fines (BICKER, Vol. XIX, page 269).

At the Congress of Aix-la-Chapelle in 1818, although Portugal was not represented there, the Portuguese observer was requested to fix the date on which slavery should be finally abolished. At that time, it was thought possible that such a measure might cause a revolt in the colonies (BICKER, Vol. XIX, page 231, and Papers on Slave Trade, 1819). A revival of the trade had been observed north of the equator. The documents laid before the British Parliament in that respect are well worthy of study. Great Britain had fixed the year 1820 as the final date for the abolition of the trade. The five Powers concerned presented memoranda on the slave trade in which they expressed the hope that it would be shortly abolished and the European sovereigns approached the King of Portugal requesting him to abolish it. The King of Portugal, in his reply, said that abolition of the trade would have an unfortunate effect on Brazilian economy, for the white population could not work in the fields (BICKER, Vol. XIX, page 312). "It is most disagreeable to be placed between two evils" said the King, "one of which would hinder industrial development, while the other, coming into conflict with a habit formed during two centuries, would shock opinion among owners and might perhaps unsettle the minds of the slaves."

Correspondence between Great Britain and Portugal shows how strong the abolitionist movement had become: for Great Britain even promised to lend its support in the case of a revolt by the colonies. The separation of Brazil was accepted, as a fact in London in 1822 (BICKER, Vol. XX, page 230), when it was proposed to proceed against ships engaged in the trade flying the Portuguese flag and making for Brazil, as if they were making for a foreign country.

The establishment of the constitutional regime, the separation of Brazil, the struggle between the two claimants to the Portuguese throne and other economic and political disturbances prevented the Government from following an abolitionist policy through which it would have incurred serious enmities.

A message from the British Parliament in 1835 drew the attention of the King to the slavery situation and requested him to approach allied countries with a view to prevailing upon them to observe the treaties. Negotiations with Portugal were soon opened and by a Decree of December 10th, 1836, the trade was abolished in all Portuguese possessions as from the date on which that decree should be published in the colonies.¹

¹ Pope Gregory XVI, in his brief of December 3rd, 1839 (BICKER, Vol. XXXVIII, page 604), condemned the trade and slavery itself and recalled all the condemnations pronounced by his predecessors.

The use of the Portuguese flag was reserved for ships built in Portugal (Decree of January 16th, 1837).

The Treaty of July 3rd, 1842, between Portugal and Great Britain provided for the abolition of the trade in all Portuguese possessions. The most severe penalties were laid down for slave traders. Rules were drawn up for the right of search of ships on the open sea. Arrangements for the Mixed Commissions, which were to be competent to enquire into cases of slave trading, were agreed upon and the treatment of freed slaves determined.

This was the last treaty between Portugal and Great Britain on the subject of the slave trade, but it was not the last of the negotiations on this matter. On June 26th, 1847, Lord Palmerston again informed the Portuguese Government that more than 42,000 negroes had been introduced into Brazil. British cruisers were then authorised to enter Portuguese ports, where no authorities existed, for the pursuit of ships employed in the trade. The transition period was prolonged. The same efforts, however, were being made in colonies all over the world, and it is unnecessary to refer to facts mentioned in the "Slave Trade Papers" or the "Slave Trade Reports". The Mixed Commissions were abrogated by the Anglo-Portuguese Convention of July 18th, 1871 (see "State Papers"), for the slave trade properly so called had been finally abolished. Isolated incidents were reported during a number of years, but since the Portuguese colonies have become politically organised, since their economy has developed and communications facilitate police work — that is to say, for some time past — slavery and the slave trade have disappeared.

* * *

Legislation relating to the abolition of slavery in the colonies¹ dates from the decree of December 14th, 1854, making the registration of slaves compulsory, under the penalty of the liberation of any who should be omitted from the register and laying down the right of slaves to demand their emancipation on payment of compensation to their master. Liberated slaves had to work ten years for their former master, who had to pay them wages. Slaves belonging to the State were liberated, but they were required to work for seven years for the State in return for wages. A commission for the protection of liberated slaves was set up. In the law, it was stated that it was still necessary to tolerate the evil so long as the principles of equality and liberty embodied in the constitution were not applicable. Emancipation could be demanded by religious institutions at the time of baptism if any person paid a sum of 5,000 reis, as compensation to the master. The curators of prisoner-slaves (1852) were members of the protecting commissions under the presidency of the bishops. Emancipated slaves were placed under guardianship. It is interesting to note that this law freed slaves who possessed a university or academic degree, priests, members of the scientific academy, military and naval officers, elementary school-teachers and professors in secondary and higher-grade schools, judges, judicial officers, municipal councillors, mayors, wholesale dealers, landed proprietors, land stewards and factory directors. All these positions might therefore be filled by slaves, which is significant of the treatment slaves received in Portugal and in some of the colonies.

It was forbidden to raise the bidding at the sales of slaves, or to separate husband from wife and a mother from her children under seven. The children of slaves were free. The new regime was enforced by severe penalties.

Importation of slaves into Portugal by land routes was prohibited on December 14th, 1854. At Cape Verde, slavery was abolished on October 20th, 1854. Later (1855), two ordinances established protection for prisoner-slaves and forbade the application of certain forms of punishment. In Macao (December 23rd, 1856), slavery was declared abolished. The slave-owners spontaneously met and renounced their rights, making a declaration before the judge that they considered their slaves as free. A formal note, dated October 11th, 1856, was taken of this fact. This is the only collective declaration by masters in favour of the liberty of slaves of which I am aware.

Slaves entering Portugal, the islands of Madeira and the Azores, India and Macao were declared to be *ipso facto* free (Law of August 18th, 1856). Former laws had been open to wilful misinterpretations and were not so categorical. Children of slaves born in the colonies were thenceforward free and enjoyed all rights of citizenship. They nevertheless had to serve their parents' master, until they reached the age of 21, in return for food, lodging and education.

Slaves of the churches and religious orders were emancipated by the Decree of July 25th, 1856.

During that transition period, however, abuses still existed, and it was necessary to prohibit the exodus of natives from Mozambique into French colonies under the description of free settlers (order of July 30th, 1856). It was further necessary to punish as pirates traders describing themselves as passengers in slave ships (Order of August 14th, 1856).

In the trading stations of Angola it was forbidden to keep slaves or liberated slaves without registering them or to keep them in chains, subject to fines and imprisonment (Order of September 27th, 1856).

Slaves who could not obtain their freedom remained in servitude until the Law of April 29th, 1858, granted them complete liberty as from April 29th, 1878 — that is to say, twenty years later. The same decree established immediate liberty for slaves in Macao, the Cape Verde Islands and in the district north of the River Lifune in Angola.

This regime was modified by the Decree of February 25th, 1869, which abolished the state of slavery and considered the slaves as free. At the same time, it required them to continue to serve until April 29th, 1878.

¹ Abolition in the colonies is due to the efforts of the Marquis de Sà de Bandeira.

A great change was about to take place in colonial economy ; the problems of free labour and wages arose.

The complete liberty of slaves emancipated in 1869 was accorded to them by the Law of April 29th, 1875, which declared labour to be free in the colonies.

Such has been the Portuguese contribution towards the abolition of slavery.

* * *

Abuses have existed at all times and throughout the world.¹ The higher authorities had to combat the passive resistance of native usage and custom and the interests of none too scrupulous Europeans.

The disguised forms of slavery tend to disappear even where they may still be in existence, for the contact of the native with the white man, the influence of missions, the development of trade, the political occupation, the network of roads permitting of rapid travel by the authorities, education — in a word, the civilisation of the native — is overcoming his warlike habits out of which, to a large extent, the system of slavery arose.

In the Cape Verde Islands, there are no survivals of slavery. In Portuguese Guinea, tribal warfare has been brought to an end long ago, the organisation of native services is good and no abuse against freedom has been noticed. It must be added that the population of Guinea cultivates the soil and raises cattle. Scarcely any European undertakings exist there, and contact with Europeans is limited to the trade in oil-bearing products.

In the Islands of Sao Thomé and Principe there are no vestiges of slavery. Native workers have their contracts and are under the protection and superintendence of the Curator, who is a qualified magistrate. Their life is governed by the Native Labour Code. The health services for native workers are excellent, and the percentage of workers returning after their repatriation in Angola shows that the treatment they receive in the islands is to their liking. The autochthonous inhabitants are fairly advanced. They are doctors, lawyers, clergymen, landowners, etc. They only work in plantations belonging to them.

The Colony of Angola has an area of 1,260,000 square kilometres. Its native population is estimated to be about 3 millions. It includes many races, tribes, religion or sects, languages, etc. Four railways, of which one traverses the whole colony from Lobito to the Belgian frontier, and 35,000 kilometres of magnificent roads allow of the circulation of some 4,000 motor vehicles and facilitate the policing of the colony. The intellectual and moral level of the different peoples varies. The exploitation of the Lunda diamonds places thousands of natives in contact with the white population. The railway from Lobito to the Belgian Congo draws natives into trade, and prospecting for petrol by Americans has similarly carried civilisation into a large number of places. The natives on the coast-line are completely assimilated. No further vestiges of slavery exist. Abuses either by the coloured population among themselves, or by the white population on the coloured, are punished immediately if they come to the knowledge of the authorities. The trade in rubber, which was once a source of serfdom, no longer exists. Nevertheless, at Camaxino in 1930, two natives accepted two boxes of powder from a native of the Congo region in payment for a child of ten, which they had stolen from its mother while she was fetching water from the river. As soon as the authorities had knowledge of the fact the guilty persons were arrested, the child was restored to its mother, thanks to the co-operation of the Congo police, and the natives implicated were punished. At Ganda, in 1931, it was discovered that a native trading in palm oil was stealing children and selling them for oxen and pigs. The children were restored to their parents, but some young girls preferred to remain where they were. In 1921, at Quibala, four women were bequeathed by will as slaves. In the centre and south of the colony, the natives pledge, as security for the execution of contracts arranged verbally between them, young girls under age, who are retained by the pledgee until the contract has been executed. The child regains her liberty so soon as she becomes conscious of her position and sometimes she has recourse to the authorities. The emancipation of persons pledged in this way as security makes these contracts unattractive, all the more since the authorities are exercising an increasingly strict supervision over the natives. Propaganda carried out by the authorities and missions, impressing upon the natives that they are completely free, has borne fruit and very few natives are ignorant of their rights.

Slavery is no longer an anxiety for the authorities, for it no longer exists. A crime may be committed here and there, but the custom has disappeared in Angola.

The Governor-General of the Colony remarks in his last report (1936) that the descendants of the former slaves are despised by the tribal members who were the masters of their parents. They are accepted in the family like others, but they are treated differently. In Lunda, the conquering Quiocos enslaved the natives, and it is still customary in their language to refer to the latter as slaves. The description, however, in no way corresponds to the present position : it is a class distinction such as exists throughout the world.

Although the tribal system is not recognised by law, natives perform gratuitous services for those whom they consider as their chiefs. The authorities are not aware that these chiefs exercise any pressure to force the natives to perform the work ; it is a voluntary and spontaneous form of co-operation.

In Mozambique, there are no remnants of slavery, and no case of slavery has been reported for many years. The Governor-General stated in his report for last year, that when, 26 years

¹ See " Slave Trade Reports " and the action of the British fleet in the repression of the trade, and the interesting work of ZIMMERMANN, " Kolonial Politik ". In 1850, Great Britain had contracted twenty-four treaties for the abolition of the slave trade with European and American countries and forty-two with native States (" Report on Slave Trade Treaties ", 1850, page *iii*).

ago, he arrived in Mozambique, natives existed who still considered themselves as the slaves of certain chiefs, but that there is now no longer any trace of such a state of affairs. Native chiefs have no longer the right to demand services even from their own subordinates.

In Portuguese India, there has never been traffic in slaves, nor any form of slavery. There have been forms of serfdom, as in all primitive societies.

Adoption of children is governed by the Code of Native Customs in Goa of December 16th, 1880, by the Code of Uses and Customs in Damão of August 31st, 1854 (Order of the Governor-General), as modified by Colonial Order No. 164, of April 19th, 1912, and by the Code concerning Uses and Customs of the Christians of Diu, approved by Colonial Order No. 24, of January 10th, 1894. Adoption makes the child a full member of the family and gives him rights of succession and otherwise as if he had been born into the family on the date of the adoption. He loses all connection with his natural family.

Pledging of a person for debt is prohibited and punished by law. There is no domestic serfdom, but "temple serfs" are still to be found. This is no compulsory servitude, but a voluntary one customary in certain families. Services rendered in the temples may be subject to remuneration (Colonial Law No. 645, March 30th, 1933). These "temple serfs" enjoy the use of houses belonging to the temple, and also the rents attaching to them (Articles 234 *et seq.* and Article 432). A survival of predial servitude might be found in the relations between landowners and their tenants (*mundcar*). These legal relationships are governed by the Decree of August 24th, 1901. The *mundcar* lives in a house which may or may not belong to him, on the estate of the landowner (*balcará*). From the latter, he may receive either a money subsidy or gifts in kind (*munda*). A *mundcar* cannot be compared to a serf bound to the soil, and still less to a European agricultural labourer, who is entitled to nothing but his wages.

At Macao, the Mui Tsai system is the only restriction upon individual liberty still tolerated by custom. This custom, which has existed for centuries throughout China, is not recognised by Portuguese law. Once the authorities become aware that a Mui Tsai is discontented with her lot, they intervene to restore her to her family, when this is known, or to place her in a convent, in which she is educated until she reaches her majority. If there is any evidence of ill-treatment, the persons responsible are brought before the criminal court. The Mui Tsai of Macao live peacefully with their adopted families and work inside the house. They can recover their liberty as soon as they wish. Only in very few cases have Mui Tsai appealed to the authorities, and on no occasion have they failed to obtain satisfaction. There are no special laws governing the matter.

In Timor, the present political organisation makes the enslavement of inferior castes impossible. The island is small. The roads make access to the interior easy. The petty kings no longer enjoy any authority. Wars between the tribes have ceased, and slavery was a consequence of such wars. It was never made the object of a contract. In former days a slave in Timor lived on a footing of equality with his master, whose daughters he might marry if he recovered his liberty.

Survivals of serfdom might be detected in the *lutuum* or the obligation of working the lands of the king; but the latter had no right to sell his servants, and the land itself did not belong to him, but to the kingdom. The king enjoyed only the usufruct. The chiefs still possess at the present time sufficient authority to require the co-operation of their subjects in the development of their land; but such co-operation is voluntary, and persons performing this service are given food in return.

Slave raids have been brought to an end. The sale of arms and powder to the natives is absolutely prohibited. In consequence, that source of offences against individual liberty has disappeared.

Such are the survivals of earlier forms of servitude as contrasted with the individual liberty of natives in Portuguese colonies.

The Chinese system of child adoption has not had, it is said, the unfortunate consequences in Macao which have been noted elsewhere. The district is too small, and supervision by the authorities is easy.

* * *

The picture which has just been broadly sketched is far from being complete. It seems unnecessary to quote any further instances, to reproduce what has been published on the question of slavery and the slave trade, or to make any comparison between the efforts made by Portugal and those made by other colonial powers. In this study, therefore, only one facet of the problem appears. That cannot be too much emphasised.

Nevertheless, it would appear that laws can have effect only if they correspond to the sentiments of the population. As regards slavery, one might refer to the measures adopted under the influence of the philanthropic doctrines of the eighteenth century, which could not be put into actual execution until a century later, when means of supervision and of the enforcement of police measures became available. The economic factor has also played a preponderant rôle in this matter. The traffic did not cease until Brazil was separated from Portugal. The slave market no longer existed, or was no longer of any interest. Many settlers returned from Brazil and established themselves in Angola, where labour had become necessary, and in the British and Spanish colonies in America the watchfulness of the British, French and other fleets made contraband in slaves impossible or difficult. The closing of the slave markets dealt a mortal blow to the trade.

A radical transformation in the economic life of the colonies came about gradually as slave labour was replaced by free labour. Until the middle of the nineteenth century, it

was not thought possible that labourers would freely come to offer their services in agriculture, the ruin of which was predicted by the anti-abolitionists. The change took place, nevertheless, and the material prosperity of the colonies has not diminished.

The indirect system of native administration has not been adopted in the Portuguese colonies. They have been divided into districts or administrative areas, under the supervision of an administrator, subject in his turn to another superior magistrate, who is immediately subordinate to the Governor. Thanks to this system, the natives are under the control of the superior authorities. The telegraph, the telephone, roads, railways and motor vehicles make police work easy, and facilitate direct contact between the native peoples and civilised Europeans. This contact has had a decisive influence in regard to slavery. The natives are aware of their rights to freedom; the tribal chiefs have scarcely any remaining influence; wars between tribes have been stopped; the State controls trade in powder, spirits and fire-arms; produce is transported almost exclusively by mechanical means. The causes of the slave trade and of slavery itself have therefore disappeared. Buying and selling of natives have become crimes against public morals, and they are immediately punished if by any chance they are ever committed. Such is the logical conclusion of the study which I have the honour to submit to you.
