

LN. 71.

[Distributed to the Members of the League, the Assembly and the Council.]

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Geneva, June 11th, 1931.

LEAGUE OF NATIONS

Slavery Convention.

ANNUAL REPORT BY THE COUNCIL.

Note by the Secretary-General.

By its resolution of September 25th, 1926, the Assembly requested the Council to prepare and communicate to the Assembly every year a document mentioning the laws and regulations forwarded to the Secretary-General in accordance with Article 7 of the Slavery Convention. The Council was also asked to include in this document such supplementary information as the Members of the League might furnish respecting the measures taken by them to bring about the progressive abolition of slavery and conditions analogous thereto.

On May 20th, 1931, the Council adopted the following resolution:

“ In view of the resolution adopted by the Assembly on September 25th, 1926, the Council decides to forward to the Assembly the communications forwarded by the British Government in respect of the Colony of the Gambia and the Somaliland, Nyasaland and Uganda Protectorates, Northern Rhodesia, the Gold Coast Colony, Ashanti, and the Northern Territories of the Gold Coast, as also the communications from the Governments of Persia and of the Sudan. The report of the International Commission of Enquiry in Liberia, with all relevant documents, which has already been distributed to the Members of the League, will be regarded as annexed to these communications.

“ It further authorises the Secretary-General to communicate to the Assembly, three weeks before the opening of its twelfth ordinary session, a list of such laws and regulations as may be forwarded to him after the present session of the Council in accordance with Article 7 of the Slavery Convention, as well as any supplementary information furnished by the different Governments in regard to the measures taken to secure the progressive abolition of slavery and conditions analogous thereto.”

Acting upon the first paragraph of this resolution, the Secretary-General has the honour to communicate the following documents to the Assembly:

1. Communications from the British Government:

- (a) Letter, dated October 27th, 1930, referring to the Colony of the Gambia and the Somaliland Protectorate;
- (b) Letter, dated January 17th, 1931, referring to the Nyasaland and Uganda Protectorates;
- (c) Letter, dated January 28th, 1931, referring to Northern Rhodesia;
- (d) Letter, dated February 17th, 1931, referring to the Gold Coast Colony, to Ashanti and to the Northern Territories of the Gold Coast.

- 2. Letter from the Government of Persia, dated December 16th, 1930.
- 3. Letter from the Government of the Sudan, dated March 13th, 1931.

According to the terms of the Council resolution dated May 20th, 1931, the report of the International Commission of Enquiry in Liberia and the relevant documents¹ are to be considered as annexed to the communications enumerated above.

¹ Document C.658.M.272.1930.VI. and *Official Journal*, February 1931, pages 463-470, 186-194, 218-220.

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I. COMMUNICATIONS FROM THE BRITISH GOVERNMENT.

(a) GAMBIA AND SOMALILAND PROTECTORATE. ¹

London, October 27th, 1930.

I am directed by Mr. Secretary Henderson to transmit to you herewith a copy of Gambia Ordinance No. 3 of 1930 entitled "An Ordinance to affirm and declare that the Legal Status of Slavery does not exist", together with a copy of an Ordinance enacted by the Governor of the Somaliland Protectorate of April 18th entitled the "Affirmation of the Abolition of Slavery Ordinance, 1930".

(Signed) C. Howard SMITH.

Gambia.

*An Ordinance to affirm and declare that the Legal Status of Slavery does not exist
(August 15th, 1930).*

BE IT ENACTED by the Governor of the Colony of the Gambia with the advice and consent of the Legislative Council thereof as follows:

1. This Ordinance may be cited as "The Affirmation of the Abolition of Slavery Ordinance, 1930".

2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

Somaliland Protectorate.

*An Ordinance to affirm and declare that the Legal Status of Slavery does not exist
(April 18th, 1930).*

It IS HEREBY enacted as follows:

1. This Ordinance may be cited as "The Affirmation of the Abolition of Slavery Ordinance, 1930".

2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

(b) PROTECTORATES OF NYASALAND AND UGANDA. ²

London, January 17th, 1931.

I am directed by Mr. Secretary Henderson to transmit to you herewith a copy of Nyasaland Protectorate Ordinance No. 9 of 1930, declaring that the legal status of slavery does not exist in the Protectorate, together with copies of extracts from judgments given by Uganda Protectorate Courts relevant to the question of slavery in Uganda.

(Signed) C. Howard SMITH.

Nyasaland Protectorate.

*An Ordinance to affirm and declare that the Legal Status of Slavery does not exist
(September 25th, 1929).*

Enacted by the Governor of the Nyasaland Protectorate with the advice and consent of the Legislative Council thereof:

1. This Ordinance may be cited as "The Affirmation of the Abolition of Slavery Ordinance, 1930".

2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

Protectorate of Uganda.

Extract from Judgment given by Subordinate Court in Civil Case No. 24 of 1912 heard in the District Court of M'bale (Yange Bin Shehe versus Sheikh Mohidin).

In this case, which first came on for hearing on October 21st, 1912, the plaintiff, a Swahili, requests a declaration "that a Masai woman, at present forcibly restrained in the house of defendant, an Arab, is not married to Omar Mohidin, and is at liberty to return to the plaintiff, whose slave she was in German East Africa".

¹ See *Official Journal*, March 1931, page 584.

² See *Official Journal*, March 1931, pages 585 to 586.

I should explain that the parties, who were not originally assisted by legal aid, approach the Court at the same time, claiming relief against each other; Yange claiming possession of the woman, and Sheikh Mohidin alleging that the woman was married to his brother Omar Mohidin and that Yange had committed adultery with her . . .

The issues now stand as follows:

- (1) Did plaintiff buy the woman as a slave.
- (2) If so, what right has he over her:
 - (a) In Mahomedan law ?
 - (b) In the law as administered in Uganda ?
- (3) Was the woman married to Omar Mohidin, and if so, is the marriage a valid one according to Mahomedan law ?

With regard to part (b) what rights has he over her in the law as administered in Uganda ?

In this part of the issue the facts are even clearer. The Section of the Order in Council which guides the procedure in cases of native customs lays down that "in all cases . . . to which natives are parties, every Court shall be guided by native law so far as it is applicable and is not repugnant to justice and morality or inconsistent with any Order in Council or Ordinance". There are a great many provisions of Mahomedan law by which this Court can be guided, but there are others which it cannot accept. The plaintiff originally made no claim to be the woman's manumitter; he took his stand on the bare facts that she was his slave and consequently his property, *vide* his evidence on January 24th when examined by the Court:

"I have no other title to appear as the woman's guardian in this suit other than the title given me by the fact of her being my slave. I have not married her."

It would be difficult to conceive a contention more repugnant to both justice and morality. But even if he were the manumitter, I should be prepared to hold as a question of public policy, that the fact of manumission should not give him any rights over a freed slave in this country. The slave becomes free on entering British territory, and I should be of opinion that the practice in this country would not be tolerant of the former slave-owner's retaining any right over a female who was formerly his slave. For the purpose of Courts in this country the manumitter should be erased from Shafai's list of possible guardians. I find therefore that the plaintiff has no *locus standi* and is not entitled to the declaration he asks for.

(Signed) P. W. PERRYMAN,
Subordinate Judge.

M'bale, Eastern Province, Uganda,
May 24th, 1913.

Extract from Judgment given in the High Court in Civil Case No. 17 of 1913.

In this case two appeals (Civil Appeals Nos. 2 and 3 of 1913 in the High Court of this Protectorate) from the decisions of the District Judge at M'bale have, by consent between the parties, been consolidated in one suit as Original Civil Case No. 17 of 1913, Omar Mohidin, Somali, plaintiff, *versus* Sikuthani, Masai woman, defendant . . .

It is unnecessary for me to go into the claims set up in the two cases in the Court below beyond saying that in one of them the defendant Sikuthani was claimed by a person named Yange bin Shehe as his ward, he alleging that in consequences of his having acquired her as his slave in German East Africa, and having subsequently manumitted her, he still had rights over her as her guardian. He also alleged that she was forcibly detained by one Sheikh Mohidin, brother of Omar Mohidin aforesaid, and asked for a declaration that she was not married to Omar Mohidin.

I am satisfied that the finding of the District Judge in this suit was right, and that upon the evidence Yange bin Shehe had no rights recognisable or enforceable at law over the woman in this Protectorate and that his appeal fails.

(Signed) S. C. King FARLOW,
Judge.

Entebbe, March 30th, 1914.

(c) NORTHERN RHODESIA. ¹

London, January 28th, 1931.

I am directed by Mr. Secretary Henderson to transmit to you herewith a copy of Ordinance No. 17 of 1930 of Northern Rhodesia, declaring that the legal status of slavery does not exist in Northern Rhodesia.

(Signed) C. Howard SMITH.

¹ See *Official Journal*, March 1931, page 586.

*An Ordinance to affirm and declare that the Legal Status of Slavery does not exist
(November 21st, 1930).*

ENACTED by the Governor of Northern Rhodesia with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the "Affirmation of the Abolition of Slavery Ordinance, 1930".
2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

(d) GOLD COAST, ASHANTI, AND NORTHERN TERRITORIES OF THE GOLD COAST. ¹

London, February 17th, 1931.

I am directed by Mr. Secretary Henderson to transmit to you herewith copies of three Ordinances—viz., No. 20, of 1930, of the Gold Coast Colony; No. 10, of 1930, of Ashanti, and No. 6, of 1930, of the Northern Territories of the Gold Coast respectively—declaring that the legal status of slavery does not exist in these territories.

(Signed) C. Howard SMITH.

The Re-affirmation of the Abolition of Slavery Ordinance, 1930.

Gold Coast Colony.

No. 20, of 1930.

I assent.

A. R. SLATER,
Governor.

December 19th, 1930.

An Ordinance to re-affirm and declare that the Legal Status of Slavery does not exist.

December 19th, 1930.

Date of
commencement.

Be it enacted by the Governor of the Gold Coast Colony, with the advice and consent of the Legislative Council thereof, as follows:

1. This Ordinance may be cited as the Re-affirmation of the Abolition of Slavery Ordinance, 1930.
2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist.

Short title.

Declaration of
illegality of the
status of slavery.

Passed in the Legislative Council this fifth day of December in the year of our Lord one thousand nine hundred and thirty.

L. W. WOOD,
Acting Clerk of the Legislative Council.

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

L. W. WOOD,
Acting Clerk of the Legislative Council.

* * *

Ashanti.

No. 10, of 1930.

An Ordinance to re-affirm and declare that the Legal Status of Slavery does not exist.

December 27th, 1930.

Date of
commencement.

Be it enacted by the Governor of the Gold Coast, with respect to Ashanti, as follows:

1. This Ordinance may be cited as the Re-affirmation of the Abolition of Slavery Ordinance, 1930.

Short title.

¹ See *Official Journal*, April 1931, pages 726 to 727.

2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist. Declaration of illegality of slavery status.

Enacted this nineteenth day of December, 1930.

A. R. SLATER,
Governor of the Gold Coast.

Northern Territories of the Gold Coast.

No. 6, of 1930.

An Ordinance to re-affirm and declare that the Legal Status of Slavery does not exist.

December 27th, 1930.

Date of commencement.

Be it enacted by the Governor of the Gold Coast, with respect to the Northern Territories, as follows:

1. This Ordinance may be cited as the Re-affirmation of the Abolition of Slavery Ordinance, 1930. Short title.

2. It is hereby declared and enacted that slavery in any form whatsoever is unlawful and that the legal status of slavery does not exist. Declaration of illegality of slavery status.

Enacted this nineteenth day of December, 1930.

A. R. SLATER,
Governor of the Gold Coast.

* * *

2. LETTER FROM THE PERSIAN GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS. ¹

[*Translation.*]

Geneva, December 16th, 1930.

I have the honour to enclose for your information the substance of a report by the Acting Governor of the Island of Hengam in the Persian Gulf regarding the liberation of a runaway slave who had taken refuge in the Island.

(Signed) A. SEPAHBODY.

Report by the Governor of the Island of Hengam.

On June 22nd, 1930, a slave named Abdullah, son of Ahmed, a native of Zanzibar, belonging to Charès-Ebne-Rahmah, living at Raas-Ol-Kheymeh, fled from his oppressors in a sailing-boat and after fourteen days of suffering and privations arrived at the Island of Hengam. The above-mentioned person was employed as a diver for pearl-fishing and complained of the treatment received from his master.

He was immediately set at liberty.

3. LETTER FROM THE GOVERNMENT OF THE SUDAN TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS. ²

Khartoum, March 13th, 1931.

In accordance with Resolution III, adopted in connection with Article 7 of the Slavery Convention of September 25th, 1926, I have the honour to furnish the following information supplementary to that contained in my despatch No. M.15 of March 27th, 1930.

2. There was no evidence whatever of slave-trading in the Sudan in 1930, though a few cases which had their origin in the traffic which was disclosed in the southern district of the Fung Province in 1927 and 1928 were finally disposed of during the year.

3. The most encouraging feature of the period under review has been the gradual awakening of the Berta, to whom reference was made in paragraph 3 of the above-mentioned despatch, to the fact that this Government affords them the protection without which they would have been

¹ See *Official Journal*, March 1931, page 586.

² See *Official Journal*, May 1931, page 786.

unable to throw off the yoke of the "Watawit". A number of complaints of ill-treatment made by them was investigated, one noteworthy case leading to the conviction and imprisonment of a Watawit sheikh and the appointment of a Berta in his place. Incidents such as this, which go a long way to convince even the more reactionary Watawit that the Government is in earnest, have resulted in the lot of the Berta being so improved that many, who were previously living in servile conditions, are now content to remain with their old masters in a state of independence without asking for formal manumission.

4. Of 321 "freedom papers" issued in the Fung Province during the year, ninety-five were given to refugees from Abyssinia who, arriving in twos and threes from time to time, were settled in the neighbourhood of Roseires. Those recipients who were of Sudan domicile returned to reside, if not in the village of their old master, at least within their tribal boundaries.

5. The Berta colonies in the White Nile Province, which were established in 1929 (see paragraph 4 of my last report), are in a flourishing condition. The colonists are entirely independent and are living on friendly terms with the Arabs and claiming rights to land and gum-gardens.

6. For the rest, the situation throughout the Sudan is entirely satisfactory and calls for no particular comment.

(Signed) J. L. MAFFEY.
Governor-General of the Sudan.
