

EAST AFR. PROT.  
ZANZIBAR

No. 22790

22790

18 07

No. 31

Conf

1907

June

Foreign Papers

Zanzibar

22790

(Subject)

Zanzibar  
Slavery

Sumner's report called for all the measures which can most conveniently be taken to alter the legal status of slavery. It goes far and a considerable measure of abolition, slavery altogether limited period.

(Editor)

As regards the  
 cooperation We have still very imperfect  
 pursued upon, but, as matters are  
 arranged, I think that there is nothing  
 to accept the paper, first by the  
 Government in the hope, assuming that the  
 abolition of the legal status of slavery & the  
 abolition of slavery & its value at £40,000,  
 the Government estimates that a sum of £20,000  
 will be required to meet claims proposed during  
 the 12 months following the abolition of the  
 legal status. It proposes that the legal status  
 shall be abolished some time in Sept. after the  
 present arrangements are made & before the next  
 meeting takes place after the Oct. term,  
 & I presume that we will object to  
 reasonable proposal of the kind. This will leave  
 6 months of the present financial year

Further copy of 18 July 1907  
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during which time they are prepared to  
take the full sum of £10,000 in advance, a sum of  
£10,000 will be required to meet them. We  
have therefore to ask the Treas<sup>r</sup> to make  
an immediate  
grant of £10,000 for the purchase of the  
app<sup>t</sup> of the office referred to in the 14<sup>th</sup> of  
June of the last year, at a salary of £500  
for 3 years.

Copy of the report sent to the Treas<sup>r</sup>  
with request to provision a sum of  
£10,000 accordingly. The Treas<sup>r</sup> has given  
the 5<sup>th</sup> of June the 5<sup>th</sup> of June  
to the legal advisers to be  
in shape.

W. R.  
27/6

I do not think that we  
need not for an immediate  
grant. That we want from  
the Treasury is full authority  
to draw out of the General revenues  
such of the Treasurers' own  
sums as the Comtee may  
require to the purchase of slaves  
and (2) an undertaking that  
the Treas<sup>r</sup> will apply to the  
Parliament for a supplementary  
grant to reimburse the  
Treasury of the purchase.

so that the money granted  
for the administration and  
development of the country  
may not be pleasantly  
diverted to paying for the  
abolition of slavery. Ap-  
parently we shall want  
£40,000 before we have  
done, but we shall not  
want anything like that  
to begin with.

W. R. June 27

Satisfactory at last  
To forward

W. R. June 27

I am with a letter to the Treas<sup>r</sup>  
The duplicate given to the Treas<sup>r</sup> of the  
Treas<sup>r</sup> & the Treas<sup>r</sup> of the Treas<sup>r</sup>

W. R. July  
W. R. Will you kindly enclose the  
5<sup>th</sup> of June of the 3<sup>rd</sup> of June 1837  
printed as follows [C. 1000] W. R. 1/7









Memorandum on measures suggested to give effect to the abolition of the legal status of slavery.

In order to effect the abolition of the legal status of Slavery the first essential is to have a correct register of all the slaves now in the Protectorate. When this is done an Ordinance can be passed abolishing the legal status of slavery and providing for compensation on the basis of the register.

No such register has yet been made. A list of slaves in Seydlife was made some years ago, but as it did not originally contain any particulars beyond the slaves' names it would not, even if it had been revised up to date, be of much service for the object now in view. There is I believe no list of slaves in existence in the Southern coast provinces.

As the register would be the basis on which all claims for compensation would have to be settled it would need to be compiled with great care and contain full particulars as to how the slave was acquired, the sex, age, tribe, place of origin, place of abode, occupation, wages if in the employ of other than the master, and also a note as to any working agreement between the slave and his master, and if he had been in the habit of making any payment to his master or otherwise.

The Collectors whose duty it would be to compile the Register should require the attendance before them of both slave and master, and no slave should be finally entered on the Register until seen by the Collector.

All masters should be required to give in a list of their slaves by a certain date, say within 30 days from the proclamation of the requirement by the Collector, and no name should be allowed to be added after the expiration of that time. This would be a check on the manufacture of collusive claims.

Any master who had intentionally given a false list, or included in his list a slave to whom he knew he had no claim, or who he knew was already free, should be subsequently deterred by the Ordinance from receiving any compensation from the Government in respect of any of his slaves. The fact that a master had so acted should be noted in the Register at the time.

In order to make the Register as accurate as possible it should be subjected to an annual revision for a period of at least three years. This lapse of time would allow of the appearance of slaves whose names were given originally but who by reason of absence on a journey or sickness or other good cause had not the opportunity of appearing before the District Officer; and it might at the end of that time be fairly taken that no master would be entitled to compensation in respect of a slave whose name he had given in but who had not then appeared.

On the other hand the Government would be in the position of knowing fairly accurately the particulars of the slaves then existing and to what compensation if any the master might be entitled.

In the case of old slaves past work who were being supported in their old age by their masters, though no compensation might be payable to the master, there would be an obligation on the Government to provide for the continued support of the slave either by the master or by

the Government.

At the end of the third year of revision, which would be in about 4 years from the present time, the Government should pass an Ordinance abolishing the legal status of slavery and declaring that any master who could show that he had suffered loss in the service of his slaves, <sup>or slaves</sup> in consequence of the ordinance at any time within a period of 2 years from the date of its coming into force might apply to the District Officer for compensation.

An appeal might lie from the decision of the District Officer to the Sub Commissioner of the Province, whose decision should be final.

After the period of two years had elapsed I do not think that claims should be entertained, as ample time would have been allowed for ascertaining in what respect a master had suffered owing to his slaves running away or refusing to work for him or to pay him any part of their wages; and it might fairly be said that any loss suffered after that time would be too remote for the Government to consider as a matter for compensation.

In no case should compensation be paid in respect of a slave who had served a term of imprisonment of 3 months and upwards after conviction by a Magistrate.

Household female slaves need to be dealt with on a somewhat different footing from other slaves. Although a 'suria' might legally cease to be a slave by virtue of the ordinance, care would have to be taken to prevent 'surias' taking advantage of the ordinance by leaving their master's house to become prostitutes.

This might be provided for by the ordinance declaring that no 'suria' should leave her master's household except with his permission, or under an order granted by the

Collector on the grounds of cruelty. In the event of a  
master giving his permission and the suria leaving and not  
returning, or if a suria running away without due cause  
compensation should be payable, but not otherwise.

In my opinion, in short, the abolition of slavery can  
only be effected with fairness both to the master and to  
the Government by an accurate register of existing slaves  
being first carefully, ~~carefully~~ <sup>gradually</sup>, and slowly prepared. When  
this is done an abolition ordinance providing for com-  
pensation could be put in force with a minimum of trouble  
and friction on either side.

W. Hamilton

23 . 2 . 87



I am pleased to learn that the total abolition of the  
in these two provisions will be agreed to come into effect  
I consider.

1909.

I am writing to you to tell you that I have received your letter of the 10th and I am glad to hear from you. I am well and hope these few lines will find you the same. I have not much news to write at present.

There has been a change in the management of the place and I am not sure how long I shall stay. I am sure you will be glad to hear from me again. I will write you again as soon as I can.

I am sure you will be glad to hear from me again. I will write you again as soon as I can. I am sure you will be glad to hear from me again.

I am sure you will be glad to hear from me again. I will write you again as soon as I can. I am sure you will be glad to hear from me again.

I am sure you will be glad to hear from me again. I will write you again as soon as I can. I am sure you will be glad to hear from me again.

508  
201

MEMORANDUM.

On the subject of the legislation which will be necessary if the legal status of Slavery in the coast strip is to be abolished.

If the legal status of Slavery is to be abolished at the earliest date possible it will be necessary to lay an Ordinance before the legislative Council.

The Ordinance should make provision for the following matters:-

1. That no Court shall after a date to be fixed in the Ordinance and which should be the earliest date on which the Ordinance when passed can reach the most remote Government Station on the coast, enforce any right or obligation arising from the relation of Master and Slave.
  2. That all claims made in respect of such rights or obligations shall be referred to the District Court or Special Court within whose jurisdiction the claim may arise.
  3. That opportunity shall be given to any person who may wish to oppose to claim to appear and oppose and that for this purpose that a notice should be posted for at least 20 days outside the Court building giving the name of the claimant the name of the slave in respect of whom or the property of whom rights are claimed and the date on which the claim will be heard.
- This matter I consider important as I think that in order to prevent persons from remaining silent whilst honest claims are made and compensation awarded to persons not entitled thereto, the Ordinance

should provide that compensation shall only be paid  
once to respect of any one slave.

On the date fixed for the hearing of the claim  
the Court shall carefully investigate the claim and  
take the evidence of any person appearing in support  
of or in opposition to the claim.

The issue of proving that the claimant has been  
deprived of his rights by reason of the Ordinance and has  
in fact suffered thereby by such deprivation shall be  
in the claimant. The degree of the Sultan of Zanahar  
abolishing the legal status of slaves in Zanahar  
appears to be such as to deprive the claimant of the  
enjoyment of his rights in Zanahar and that no loss  
has been sustained by the claimant. It is at present  
unnecessary to consider the necessity of relieving the claimant  
from the burden of proving his case.

When satisfied that the claimant's claim is well  
founded and that damage has resulted to him by reason  
of the deprivation of rights which he would have enjoyed  
but for the provision of the Ordinance, the Court  
shall estimate the value of the rights which he  
has been deprived and any special damage which  
he has sustained as a result of the Ordinance and shall  
award to the claimant a reasonable compensation  
for such loss and damage.

The Court should be empowered to award  
damages either in a lump sum or by monthly payments  
preferably the latter to a free man and his slave who  
would but for the abolition of the legal status of  
slavery be in a position to sue for his freedom  
from his master. The Sultan's decree appears to have done this  
at this point and it would seem that a slave can still

enforce any right which he may have against his  
Master. It may be that it was considered that Master  
should not be relieved of the obligation which arise  
out of the relation of a Master and slave. It appears  
to me that with the abolition of the legal rights  
of Slavery the Master's <sup>liabilities</sup> should be abolished  
as well as his rights.

As, however, the law is to be amended for  
the loss of his rights it would be quite fair to  
require him to pay for being relieved of his liabilities,  
and I think that <sup>therefore</sup> that provision should  
be made whereby any compensation paid to a slave should  
be deducted from any money which may at any time be  
payable under the Ordinance to the Master who has  
refused to give to his slave the support to which  
he is now by law entitled.

3. The records, books and papers of every person  
under the Ordinance should be sent by the Court to  
the Treasurer, whose duty it would be to immediately  
pay the compensation to the person entitled except  
in cases provided for by the Ordinance.

A complete return should be sent by the Treasurer  
of all judgments and of all payments in such a manner  
as to facilitate the detection of any case where more  
than one person has obtained an award in respect of  
the same illegal slave, or where one award holder is  
attempting to obtain compensation in respect of a  
slave for the loss of his services or property he  
has already obtained compensation.

As fraudulent claims will be vigilantly provided  
should be made for the punishment of any person

4.

putting forward a supporting presidential claim and  
and was convicted of such an offense should be debarred  
from receiving any benefit under the Ordinance.

I have also requested by his Excellency drafted  
an Ordinance to be sent to, with this Memorandum which  
would give effect to my recommendations.

All the work of course has been done hurriedly  
without that consideration which I should wish to  
give to details I put it forward merely as the  
foundation on which the Ordinance should be built up.

*W. R. R. R.*

CHIEF ADVOCATE.

2-4-07.

1. This Ordinance may be cited as the  
Abolition of the Local Statute of Slavery  
Ordinance 1907.

2. From and after the 1st day of  
1907 all claims of whatever description  
made before any Court in the Protectorate  
in respect of the alleged relations of  
Master and Slave shall be referred to the  
District Court or to the Special Court as  
the case may be within the jurisdiction of  
which the case may arise, and shall be  
adjudicated by that Court alone.

3. From and after the 1st day of  
1907 a District Court or Special Court  
shall decline to inquire as to the claims  
over the body, services or property of any  
person on the ground that such person is  
a slave, but whenever any person shall  
claim that he is lawfully possessed of such  
rights in accordance with the law existing  
in the Protectorate immediately before the  
making of ~~this Ordinance~~ this Ordinance approved of  
them, and has suffered loss by such deprivation  
then the Court shall serve or cause  
to be served upon the person making such  
claim a notice requiring him to appear at  
the Court on a date to be stated in such  
notice but within 30 days of the date of  
such notice to prove his claim.

4. Whenever a claim shall be made under  
the preceding section the Court shall cause  
a notice written in Swahili and Arabic

~~573~~

To be posted outside the Court building stating the <sup>Person</sup> ~~name~~ of the claimant, the name of the alleged slave in respect of whom the claim is made and the day on which the claim will be heard and earlier than any person or persons who may wish to <sup>hear</sup> ~~appear~~ the claim to appear at the Court on the said day. This notice shall be posted as aforesaid for not less than 10 days before the day fixed for the hearing of the claim.

On the day so pointed for the hearing of my claim under this Ordinance or on any day to which the hearing may be adjourned the Court shall take the evidence of the claimant if he appears and of his witnesses (if any) and shall hear any person or persons who may wish to dispute the claim and take his or their evidence and the evidence of his or their witnesses (if any).

If after taking all the evidence presented by the claimant and the respondents it is found to the claim the Court is satisfied that claimant was lawfully possessed of the rights claimed and has suffered loss by the deprivation of those rights occasioned by this Ordinance it shall give judgment accordingly which shall be such that it does the claimant full satisfaction of the loss of such rights and damage resulting therefrom and such pecuniary compensation as the Court may estimate to be a just and reasonable compensation for

their value, and the Treasurer shall save as hereinafter provided then pay to the claimant the sum estimated by such Court.

In estimating the amount of compensation to be awarded the Court shall include the Court costs paid by the claimant in those proceedings.

7. If the claimant shall fail to satisfy the Court that his claim is well founded the Court shall dismiss the claim and shall order the claimant to pay the costs of any person or persons who may have successfully opposed the claim and shall report to Treasurer accordingly.

8. With every report sent to Treasurer under sections 6 & 7 of the Ordinance the Court shall forward a copy of the evidence taken in the matter of the claim and when practicable a description of the alleged <sup>the</sup> slave in respect of whom rights were claimed.

9. (1) Any person who shall claim any right over the body, service or property of any person on the ground that such person is his slave, knowing or having reason to believe that such person is not his slave shall be guilty of an offence and shall on conviction be liable to a fine not exceeding Rs. 1000 or to imprisonment <sup>of either description</sup> for a term which may extend to one year, or to both.

(2) Any person who shall knowingly ~~claim~~ within the meaning of the Indian

Penal Code any person in the commission of an offence under the preceding Sub Section shall be guilty of an offence and shall be liable to be punished with the punishment provided by the preceding Sub-Section.

10. The Treasurer shall not pay compensation under this Ordinance in any of the following cases:-

1. When the person to whom compensation is payable has been convicted of an offence under the preceding section.
2. When compensation for the loss of rights in respect of the body, services or property of the person has been already paid to some other person who has satisfied a Court that he is the owner of such rights.
3. Whenever he shall receive notice from any person that he has entered an appeal in the High Court against the decision and award of the District or Municipal Court and until he shall be notified that such appeal has been started.
4. When it shall appear that compensation has been already paid under this Ordinance to the person in whose favour the award has been made in respect of the deprivation of any rights over the body, services, or property of the same person.

11. Any person making the claim under any of the provisions of this Ordinance and any person prejudiced by the decision of any District or Special Court in any matter arising under this Ordinance, whether he shall have been a party appearing the claim in the said Court or not shall have the right to appeal from the decision of the District or Special Court to the High Court provided that in the latter case such appeal shall be entered before the determination has been made under this Ordinance.

12. (1) From and after the first day of a District or Special Court shall not enforce any rule or law which is a slave against his master on the ground that he is a slave provided that whenever any slave shall complain to a District or Special Court that he is unable by reason of age, ill health or other infirmity to earn a living and that his master has refused to give him such support as he would be entitled by law to demand of him but for the provisions of this Ordinance, the Court shall summon or cause to be summoned to the Court the alleged master and shall after taking the evidence of the complainant and the alleged master and of such other persons who may be called to give evidence in the matter if satisfied that the complainant could but for the provisions of this Ordinance be entitled by law to be supported by the said

Master and that the Master has refused to give him such support award to the complainant such pecuniary compensation as may be a just and reasonable equivalent for the value of the right of which he has been deprived by this Ordinance.

(8) The compensation awarded under the preceding sub-section may be in the nature of a lump sum or of a weekly or yearly payment.

(9) The Court shall send to the Treasury a report of the findings made under this section 1 of this section, together with a copy of the evidence and of the judgment of the Court, and the Treasurer shall be so notified the compensation set out awarded and its adjustment with the Government as regards the time and manner of payment with the following:

13. Any compensation awarded to a slave under the preceding section shall be a first charge on the compensated value but at any time be awarded under this Ordinance to the Master of such slave and the Treasurer shall deposit a sum sufficient to pay that first entitled compensation from any moneys which may become due in such matter under this Ordinance.

14. A Master shall not be entitled to any compensation for the loss of any right over the body, service or property of any slave

to whom any compensation shall have been awarded under this Ordinance.

10. The Treasurer shall keep or cause to be kept a full and proper record of all reports, judgments and awards under this Ordinance sent to him, and a record showing the amount of compensation paid the name of persons to whom it has been paid and of the persons in respect of whom or the property of whom the compensation was awarded.

11. Dependents shall be regarded as inmates of the House in the same sense as wives, and shall remain in their present relation unless they should demand their emancipation on the ground of cruelty, in which case the District Court shall grant it if the alleged cruelty has been proved to its satisfaction. A dependent not having been children may be released with the sanction of the Court.

To the EARL

22770

Can you pass

July 1907  
I received

Pressing  
by

DRAFT.

The Secretary to the  
Treasury

MINUTE.

- Mr. Nathan
- Mr. Read
- Mr. J. J.
- Mr. Andrews
- Mr. C. C.
- Mr. Evans
- Sir F. Hopwood
- Mr. Churchill
- The Earl of Elgin

1907  
1907

Both of the 20th  
of the 20th  
I have decided by  
the Earl of Elgin to  
resign to you, & he  
has before the Board  
of the Treasury,  
the accompanying copy  
of a proposal, with  
which has been received  
from the Governor of the  
East Africa Protectorate  
in the name of the  
abolition of slavery in  
the inland territories  
of the Sultan of Zanzibar  
which will obtain

22770  
22770

Copy 20.17/1009 Jan 1907  
Further action pressing

that Genl Col. Murray  
has estimated that  
the abolition of the legal  
status of slavery and the  
abolition of indentured  
servitude together cost  
£200,000, of which a sum  
of £100,000 should be  
provided to meet claims  
preferred during the  
three months following  
the abolition of the legal  
status, and that he  
proposes that the legal  
status should be abolished  
in September next after  
the present session of  
Parliament is closed, the  
first anniversary taking place  
after the October term.

3<sup>rd</sup> There would therefore  
be a deficit of about one month  
of the present financial  
year, which will during  
the year

may be preferred and on  
the basis of the figures  
already quoted, a sum  
of £100,000 may be ex-  
pected to be required  
during that period  
and it is considered  
that Genl Col. Murray  
would advocate a  
simple and proper way  
of disposing of the question  
of the abolition of slavery,  
and he would therefore  
ask for three months  
authority to pay out of  
the general revenues of  
the Colonies any amount  
which the Government  
should be the possessors of  
slaves, and to form  
understanding that they  
will, when it becomes  
necessary, to Parliament  
for a supplementary  
grant to reimburse the  
revenues



