171

SIERRA LEONE.

Correspondence relating to Domestic Slavery in the Sierra Leone Protectorate.

Presented by the Secretary of State for the Colonies to Parliament by Command of His Majesty, January, 1928.

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Correspondence relating to Domestic Slavery in the Sierra Leone Protectorate.

No. 1.

Despatch from the Secretary of State for the Colonies to the Governor of Sierra Leone.

[*Answered by No.* 2.]

Downing Street,
27th March, 1924.

SIR,

I have the honour to transmit to you an extract from a letter from the Secretary-General of the League of Nations regarding an inquiry which the League is conducting into the question of slavery.

2. I should be glad if you would furnish me as soon as possible with the information asked for by the League, so far as relates to the territory under your administration.

I have, etc.,
J. H. THOMAS.

Enclosure in No. 1.

League of Nations,
Geneva,
22nd December, 1923.

MY LORD,

In consideration of the resolution adopted by the Fourth Assembly, the Council of the League of Nations, at its meeting on the 11th December, 1923, decided to continue its inquiry with regard to the question of slavery. In conformity with the terms of that decision. I have been instructed to request that, should slavery have been known to exist in any part of the territory at present under the administration of the British Government, you would consider the possibility of communicating to the Council information on the following points:—

1. What means, legislative, administrative or other, have been applied in the territory of Great Britain or in its Colonies. Protectorates, and mandated territories, to secure the suppression of slavery?

2. What have been the results of the application of these measures? Has slavery thereby been automatically and completely suppressed, or is it gradually dying out? What are the economic and social results of the measures taken, for the former masters, for the slaves, for the Government, and for

the development of the territory involved? Is it intended to supplement the measures already taken by any further Governmental action?

The Council hopes that replies to the above questions may be received before 1st June, 1924, in order that further steps may, if necessary, be taken before the next Assembly to comply with the hopes unanimously expressed by the Fourth Assembly in its resolution of 28th September, 1923.

I have, etc.,
ERIC DRUMMOND,
Secretary-General.

The Secretary for Foreign Affairs,
Foreign Office,
London, S.W.

No. 2.

Despatch from the Governor of Sierra Leone to the Secretary of State for the Colonies.

Government House,
Sierra Leone,
30th April, 1924.

SIR,

I have the honour to acknowledge the receipt of your despatch of the 27th March last* transmitting an extract from a letter from the Secretary-General of the League of Nations regarding an inquiry which the League is conducting into the question of slavery.

2. By section thirty-six of Ordinance 33 of 1901† all dealing in slaves in the Protectorate of Sierra Leone is unlawful, and all transactions and contracts for effecting the transfer of slaves in the Protectorate, and all bequests of slaves, are absolutely void.

Section thirty-seven‡ of the Ordinance provides as follows :—

"Every slave or other person who shall be brought or induced to come within the limits of the Protectorate in order that such person shall be dealt or traded in, sold, purchased, transferred, taken or received as a slave, or placed in servitude, or transferred as a pledge or security for debt, shall be and is hereby declared to be free."

Under section thirty-eight§ of the Ordinance :—

"Every slave within the limits of the Protectorate shall, on payment made by him or on his behalf to his owner or master of such sum as may be fixed by the Governor (not

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* No. 1. † Now Section 5 of Cap. 167. ‡ Now Section 6. § Now section 7.

exceeding, in the case of an adult, four pounds, and, in the case of a child, two pounds), be and become to all intents and purposes free, and the children thereafter to be born of any such person shall be free from their birth."

Further, under section five of Ordinance 6 of 1903* (Protectorate Courts Jurisdiction) no claim for or in respect of the person of any slave shall be entertained by any of the courts established or recognised by the Ordinance for the administration of justice in the Protectorate.

In the *Colony* there is no local legislation but English statutes of general application which were in force on 1st January, 1880, apply.

3. Legislation summarised above has certainly suppressed slave dealing : the redemption of slaves has on the other hand proceeded very slowly, and " domestic servitude " in a very mild form admittedly still exists to a considerable extent, though it is *gradually* dying out. There is no reason to suppose that these " domestics " generally are treated otherwise than considerately, and probably the majority of them have the means to purchase their freedom and could free themselves now if they wished to do so. There is some divergence of view among officers of long experience in Sierra Leone as to the economic effects of the existing system and though in theory free labour is most conducive to the development of the country the *Colony* of Sierra Leone (where there is no slavery) is notoriously the least productive from an agricultural point of view—though it has to be noted that the soil is for the most part poor. I have had the whole subject, which is a very complicated one, very closely before me during the last two years and it was recently, by my directions, set down for discussion at a conference of provincial commissioners. It is probable that as a result I shall shortly have some proposals to lay before you in the direction of further Governmental action.

4. For this reason, and because there is little time for a comprehensive review of the position if the League of Nations is to receive this report by the 1st June, I have confined myself in this despatch to the above very brief statement of the law and its results.

I have, etc.,

A. R. SLATER,
Governor.

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* Now section 4 of Cap. 169.

No. 3.

Extract from despatch from the Governor of Sierra Leone to the Secretary of State for the Colonies.

Government House,
Freetown,
20th June, 1924.

SIR,

With reference to my despatch of the 30th April last,* I have the honour to address you on the subject of domestic slavery in Sierra Leone.

I propose first to review the history of slavery in Sierra Leone since the proclamation of the Protectorate in 1896; then to discuss some features of the existing local law on the subject, comparing it with the law in other West African Colonies; next to record my action in regard to the problem since I arrived in Sierra Leone two years ago, and finally to make certain recommendations with a view to abolishing at an early date the remaining modicum of Government recognition of the slave status.

History.

Though slave raiding and dealing in Sierra Leone had considerably diminished since the establishment of the Frontier Police in 1892 (which force did much to stop the wars on which the slavery system was dependent), it was not until 1896-1897 that the first legislation on the subject was passed. The Protectorate Ordinance enacted that slave raiding and slave dealing were unlawful, but it also provided that a slave might redeem himself and his family on payment of certain specified sums: moreover by section 51 of Ordinance No. 16 of 1905 it was made unlawful to harbour or assist any native who left his chiefdom without authority; the extent of the interference with the system of slavery was thus strictly limited. The main object indeed appears to have been to remove as far as possible the principal cause of the interminable native wars which persistently retarded the development of the country.

Nevertheless the momentous announcement that slave dealing was henceforth illegal caused great perturbation among the chiefs. In paragraph 30 of his despatch of 7th July, 1899, reviewing the insurrection of 1898 and Sir David Chalmer's report thereon, Mr. Chamberlain wrote:—

> "It seems clear that the serious political and social changes which were gradually and steadily being brought about by the extension of civilised influence into the interior, *and especially those affecting slavery*, by which the wealth and

* No. 2.

> power of the chiefs were being diminished, had induced a widespread feeling of dissatisfaction and resentment, and so prepared the way for a general outbreak whenever there arose a reasonable pretext and common cause, such as was afforded by the imposition of the (hut) tax. . . . I am particularly impressed with the fact that the missionaries who have the best opportunities of judging in such a matter appear to be unanimous in the opinion that the *grievance felt by the chiefs owing to the interference of the Government with slavery* was a very material factor in the rising." (The italics are mine.)

In 1901 a new (Consolidating) Protectorate Ordinance was enacted: Part IV thereof was headed " Slave dealing, &c.," but the provisions thereunder were identical with those which had appeared in Ordinance No. 20 of 1896 and Ordinance No. 11 of 1897. I transcribe these provisions verbatim below, where I discuss some of their features.

The new Ordinance did, however, make one change which possibly had some effect in preventing a rapid cessation of slavery. Under the Ordinances of 1896 and 1897, it had been made a criminal offence for any native chief to adjudicate on the person of a slave (section 76 of Ordinance 11 of 1897): this section was omitted from the 1901 Ordinance; thenceforward all that happened was that any such decision was declared void (section 9 of Ordinance 33 of 1901). It was argued that under the original section chiefs were liable to be flogged for exceeding their jurisdiction: in any case the original section was certainly drastic.

References to the subject of slavery in the archives of the Secretariat for the years that followed are, as far as I have been able to discover, remarkably meagre. I find the following in Mr. (now Sir Leslie) Probyn's despatch of the 1st March, 1906:—

> ". . . . It should be explained that the children of domestic slaves are born free and that the number of domestic slaves now in the Protectorate is relatively small. I have frequently endeavoured to ascertain the proportion of domestic slaves to freemen, but have always been thwarted by the answer that ' in these days it is not possible to tell whether a man is a freeman or a slave.' "

Again, in a memorandum which Governor Probyn addressed to the District Commissioners of the Protectorate on the 28th of May, 1906 (a copy of which he enclosed in his despatch of that date) he wrote:—

> " You are aware that although the Government has not abolished existing slavery in the Protectorate, the policy has been to stand aloof from the system: in other words, the power of the Government is never used to back up the system of slavery. The system of existing slavery is left to work

itself out, and, in a decade or two, will probably cease to exist : already in many parts of the Protectorate it is very difficult to distinguish between a freeman and a slave. This attitude of reserve will, of course, continue in the main to be the policy of the Government, but, in the interest of the slave. I think it is better to insist that the native laws and customs respecting their treatment are to be rigidly observed by the natives."

In his reply of 1st February, 1907, Lord Elgin wrote :—

" I approve generally of the policy of appealing to native law and custom in the interests of domestic slaves when it may be found practicable to do so."

In 1907 Sir L. Probyn instituted, at the instance of the late Colonel Warren, a definite form of " redemption certificate " and ordered that in all cases of redemption of slaves payment was to be made through the district commissioners. I enclose a specimen form of certificate,* the object of which was of course to give the redeemed slave some authoritative warrant of his freedom. I shall have occasion in a later part of this despatch to refer to the number of such certificates that have been issued in recent years.

My predecessor, Mr. Wilkinson, in a despatch dated 22nd January, 1919, wrote :—

" I cannot help feeling that questions such as those of slavery and forced labour should be taken up with a view to final settlement. The war may have justified the postponement of intervention ; but now that the war is coming to an end, I think that steps should be taken for extinction of slavery within a reasonable time. The steps that I should personally recommend would be a voluntary and unhurried registration of slaves, to be followed at a later date by a notification that no slaves will be recognised unless registered. It would then be possible to deal with the owners and to know the real extent and nature of the problem. I know that a policy of inaction commends itself to many, especially to those who are inclined to minimise the evils of slavery. For my own part I cannot believe that slavery can be perpetuated, and I feel that the choice lies between abolishing it ourselves, or having its abolition sooner or later forced upon the Colony's Government. If a further postponement of this issue commends itself to you, I have nothing more to say; but if action is desired I am not afraid of the responsibility of advising it."

In reply to these proposals, Lord Milner wrote on the 15th July, 1919 :—

" I have now had an opportunity of discussing the question with Mr. Wilkinson during his presence in England, and I

* *See* page 35.

am in general agreement with the views expressed by him in his despatch, namely, that steps should be taken with a view to the abolition of slavery in the future, and that a commencement should be made by a voluntary and gradual registration of existing slaves. You should, however, carefully watch the effect of this registration and report from time to time as to the results."

Some fourteen months later, Lord Milner enquired whether any action had been taken to set on foot a voluntary and gradual registration of existing slaves, " with a view to ultimate abolition of slavery." I transcribe Mr. Wilkinson's reply (dated 28th October, 1920) :—

" I have the honour to acknowledge receipt of your Lordship's despatch, dated the 24th September, and in reply to report that owing to the fact that neither the Political nor the Secretariat staffs are up to their full strength, whilst the accumulation of leave, due to the war, has been making itself felt seriously in both departments, I have had no officer available to institute a voluntary and gradual registration of persons in servitude in this Protectorate. I have only been able to make enquiries and discuss the matter with most of the senior political officers, all of whom have been informed by me that the question of a system of voluntary and gradual registration of domestics is under consideration for early introduction, and they have been asked to co-operate by preparing for it.

" It is obvious that the matter, especially in the initial stage, will have to be handled with infinite tact and care, and that the system of registration to be effective will have to be thorough, and will therefore involve the taking of finger prints in every case. I propose, as soon as I have the staff, to select a political officer with the necessary qualifications and experience and to second him for these duties. He would commence work wherever the system is most likely to prove acceptable, a matter on which it will be necessary to consult the senior political officers.

" I may state also that from enquiries made I learned that a number of domestics returned from East Africa with large sums of money due to them by Government for their work as carriers. Some took advantage of the opportunity to redeem themselves; but others did not. The occasion was one in which any abuse of the ' domestic ' system would have come to light; and I am glad to say that there was no sign of any general desire for redemption, although many thousands of carriers had gone to East Africa. The question is one of status rather than actual servitude."

The problem next reappears from a different angle. Towards the end of 1921 the financial position of Sierra Leone became desperate, and in a despatch dated 18th October, 1921, Dr. Maxwell, then acting as Governor, advocated that an attempt should be made to increase the wealth of the country; in the forefront of his concrete proposals to secure this object he recommended the abolition of domestic slavery.

> " The first and most important measure to be taken," he wrote, " is the abolition of domestic slavery. At first sight this is a political question; it is also, however, a most important economic one, and properly handled the results would be far-reaching and beneficial, though it would be some time before they took effect. It is unnecessary to elaborate the point that slave labour is wasteful labour. This has been proved repeatedly in all parts of the world, and does not require to be dwelt on further. Slave raiding and slave dealing were abolished in 1896 when the administration of the Protectorate was begun and are now practically extinct. The law, however, made it an offence for any person to harbour a slave who has left his master, and provided further that a slave might redeem himself and his family on payment of certain specified sums. These were wise provisions when administration was begun, but they have continued unchanged since, and children born in the Protectorate since British administration was begun have grown up to manhood and womanhood and have themselves borne children, and may be required to redeem themselves and their children. There is no security for property and consequently no inducement to work beyond what is absolutely necessary. Strictly speaking, a domestic slave can have no property of his or her own, and an unjust or covetous master can deprive him of the proceeds of his labour. Numbers of these so-called domestics leave their villages or chiefdoms and seek employment elsewhere; some enlist in the West African Regiment or the West African Frontier Force. They may save money, but should they after the lapse of years return to their chiefdoms they can be required to redeem themselves and their children and so be deprived of what they have worked for. Those who fail to get regular employment and are unwilling to return to their chiefdoms and to a state of slavery swell the ranks of thieves and rogues in the Colony and elsewhere. The persistence of domestic slavery causes manual labour to be looked down on, and increases the numbers, especially of the young, who are unwilling to work because they claim to be freeborn. In the opinion of some observers a large part of the population does not contribute to the production of wealth at all, but lives in idleness on the labour of the class of ' domestics.' The House Rule Ordinance which legalised a somewhat similar condition of things in

the Southern Province of Nigeria was repealed some years ago, and in 1918 the status of slavery was abolished throughout Nigeria with no economical or political disturbance. What has been done elsewhere can be done in Sierra Leone and will in time lead to an increase in the number of workers and an increase in the production of wealth. Mr. Wilkinson, I am aware, advocated that the change should be begun by the registration of all slaves. With the utmost deference, I do not agree with his view. Registration would require a European staff; it would take several years to do it, and it would postpone further action and perpetuate the existing circumstances for a generation. It would be out of place here to consider what action should be taken. It is only necessary to point out that this would increase the productive power of the people and as a consequence increase their taxable capacity."

In his reply dated 24th November, 1921, Mr. Winston Churchill gave a guarded assent to these views, observing that the law on the subject of slavery in Sierra Leone was far from satisfactory, and that more vigorous measures for the abolition of the institution than those contemplated by the late Governor might be practicable. He concluded :—

"The abolition of slavery could not, however, have any immediate beneficial effect on the finances of the Colony; and I would therefore suggest that you should deal with the question in separate despatches, or perhaps leave it to be dealt with by the new Governor on his appointment."

To conclude the historical retrospect I may quote the following passage from my despatch of the 12th October, 1922 :—

"As to slavery, I instituted certain enquiries as soon as I assumed the government and have discussed the problem with Captain Stanley and with political officers on tour : they would all, I think, like to see the system abolished if it can be done equitably, but my own experience at meetings with chiefs makes it clear that there is likely to be opposition on their part to such a proposal, and if you will be so good as to read the leading article in the *Sierra Leone Weekly News* for 30th September, 1922,* you will see that even the Colony Editor of that journal is greatly concerned to defend domestic slavery against the criticism of a district commissioner. As at present advised, I am disposed to think that the only practicable course will be to declare that from and after a certain date every child born in the Sierra Leone Protectorate will be free. But the subject requires the most patient consideration and I confess that I have not yet got to grips with it."

Further experience leads me to hope that I over-rated the probable opposition of the chiefs.

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* *See* page 36.

The Legal Position.

I turn now to an examination of the local law on the subject. I recorded the substance of this in my despatch of 30th April last,* but for facility of reference I again transcribe the relevant provisions.

Part IV. of Protectorate Ordinance 33 *of* 1901†.

Section 36. All dealing in slaves is unlawful, and after the commencement of this Ordinance all transactions and contracts for effecting the transfer of slaves in the Protectorate and all bequests of slaves shall be absolutely void: provided that nothing in this Ordinance shall apply to any such authority as may lawfully be exercised by 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 and Protectorate.

Section 37.—Every slave or other person who shall be brought or induced to come within the limits of the Protectorate in order that such person shall be dealt with or traded in, sold, purchased, transferred, taken, or received as a slave, or placed in servitude, or transferred as a pledge or security for debt, shall be and is hereby declared to be free.

Section 38.—Every slave within the limits of the Protectorate shall, on payment made by him or on his behalf to his owner or master of such sum as may be fixed by the Governor (not exceeding in the case of an adult four pounds and in the case of a child two pounds) be and become to all intents and purposes free, and the children thereafter to be born to any such person shall be free from their birth.

Section 39.—Any person committing any of the following acts shall be guilty of an offence under this Ordinance; that is to say, whoever:—

(1) deals or trades in, purchases, sells, transfers, takes, or receives any slave; or

(2) deals or trades in, purchases, sells, transfers, takes, or receives 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 or owing or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called known; or

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* No. 2. † Now (1926) Part II of Cap. 167.

(4) conveys any person or induces any person to come within the Protectorate in order that such person may be dealt or traded in, bought, sold, 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 any person to go out of the Protectorate in order that such person may be dealt with or traded in, bought, sold, 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 hereinabove enumerated; or

(7) ships, transhipps, embarks, receives, detains, or confines on board, or contracts for or authorises the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, boat or canoe, slaves or other persons for the purpose of their being carried away, or removed from, or brought into any place whatsoever, as or in order to their being dealt with as slaves; or

(8) by any species of coercion or restraint unlawfully compels or attempts to compel the service of any person.

Section 40.—Whoever aids, assists, counsels, procures, or commands any person to commit any of the acts above mentioned may either be tried and convicted as an accessory before the fact to the principal offence, together with the principal offender, or be tried and convicted of a substantive offence whether the principal offender shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished as if he had been convicted of the principal offence.

*Protectorate Courts Jurisdiction Ordinance, No. 6 of 1903.**

Section 5.†—No claim for or in respect of the person of any slave shall be entertained by any of the courts established or recognised by this Ordinance for the administration of justice in the Protectorate.

The first point to be noticed is that *the legal status of slavery was not abolished.* As a late Attorney-General (Mr. Greenwood) put it :—

"Although English law does not recognise the status of slavery and British policy is in favour of its total abolition, yet it would be idle to assert that the Government does not recognise the status of slavery in the Protectorate."

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* Now (1926) Cap. 169. † Now section 4.

The bare fact that the law fixes the price at which slaves may be redeemed speaks for itself.

Secondly, it is to be noted that though *bequests* of slaves are by section 36 of Ordinance 33 of 1901* illegal, slaves can and do pass to the heir. Mr. Greenwood advised on this point in 1917, in reply to an explicit question by District Commissioner Stanley :—

> " A bequest is a disposition by will of property to some person who would otherwise not get that property, and is an artificial excrescence upon the customary law of inheritance. Therefore by the use of the word ' bequest ' I think the Ordinance excludes devolution by inheritance. *Slaves thus pass to the heir.*" (The italics are mine.)

Thirdly, Government has been advised that the effect of section 37† of Ordinance 33 of 1901 is strictly limited. Mr. Greenwood wrote in the minute from which I have already quoted :—

> " Section 37 is directed against ' trafficking ' in slaves, and a slave in my opinion does not become free under that section unless the immediate object of his being brought into the Protectorate is to traffic with him in one of the methods specified, which do not include the act of continuing to possess as a slave. He can of course purchase his freedom under section 38."‡

Thus slaves who accompany their masters from Liberian territory to Sierra Leone do not by any means necessarily acquire freedom on reaching the Sierra Leone Protectorate. This may be contrasted with the law in French West Africa where (I am informed by His Majesty's Consul-General) " slaves of whatsoever category on entering the French possessions can immediately quit their masters who would have no remedy against them of a legal character."

Fourthly, as regards the " redemption clause " (section 38‡), unless the working of this clause is very carefully supervised by the political officers it is liable to be used as a disguise for transferring slaves from one master to another.

Fifthly, although section 5 of Ordinance 6 of 1903§ lays it down that " No claim for or in respect of the person of any slave shall be entertained by any of the courts established or recognised by this Ordinance for the administration of justice in the Protectorate," I soon learnt, on touring through the Protectorate, that a large proportion of the " palavers " which district commissioners hear *in their executive capacity* are concerned with claims for or in respect of slaves. I find it difficult to regard this practice (which is of very long standing) as other than a mistaken evasion at any rate of the spirit of the law, but I have refrained from interference

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* Now sec. 5 of Cap. 167.
† Now sec. 6 of Cap. 167.
‡ Now sec. 7 of Cap. 167.
§ Now sec. 4 of Cap. 169.

as I preferred to tackle the problem more directly. Moreover, my senior political officers argue, and I think justly, that so long as the status of slavery is in effect recognised by Government a chief would utterly fail to understand why his district commissioner should refuse to enquire even administratively into a complaint concerning the infringement of a native custom that is still of vital importance to him. As illustrating this phase of the question, I will quote an extract from a letter of advice written by Provincial Commissioner Stanley to one of his district commissioners in April, 1922 :—

> " Despite the fact that servitude is undoubtedly recognised by the Government, as it must be at this stage in the history of the Protectorate unless grave injustice is to be done to the masters, it is highly undesirable that the courts of law should take cognisance of such cases : *nevertheless they have to be settled* and are therefore dealt with administratively, as are many other matters in this country. (The italics are mine.)
>
> " In my experience, disputes which are referred to political officers in regard to slaves are almost invariably of two types, i.e., (*a*) application for redemption of slaves; (*b*) claims of ownership to persons who are already in servitude under someone else. The final decision in all such cases should be given by the political officer, although there is no objection to chiefs acting as assessors or enquiring into the truth of statements made in support of a claim.
>
> " Applications for the redemption of slaves are usually quite simple, although a political officer should satisfy himself that the person who wishes to redeem has a proper interest in the slave; e.g., it would be unfair to allow a rich man to redeem, out of revenge, the slaves of a poor man, or to allow anyone to redeem a young girl for the purpose of having sexual intercourse with her without marriage. If a free native man has a genuine intention of marrying a slave-born girl, he is usually allowed to do so, provided he first redeems her and then pays dower so that the marriage may be a proper one. In all such cases the convenience of a slave is obviously consulted.
>
> " In regard to the second class of case, or in fact all disputes in respect of slaves, I have for a good many years worked on the following principle, which I have endeavoured to make fair to masters and slaves alike. (i) Encourage redemption as far as possible, reducing the price according to the circumstances. (ii) Refuse to hear any dispute *as to the custody of slaves* which dates back over nine years. In many cases a far shorter period would nullify a complainant's claim; e.g., if A knew that the slaves he is claiming were in servitude under B and also knew where B was to be found but took no steps for several years to establish his claim, I should refuse to hear his case. If on the other hand it is clear that

A had no previous opportunity of asserting his right, I would listen to his case provided it did not date back more than nine years. (iii) In cases where slaves have run away and thereby enjoyed freedom in the Protectorate for more than three years I do not take any steps either to send them back or call upon them to redeem themselves. I make it clear to them, however, that, unless they redeem themselves, if they return to their chiefdoms they will be regarded as slaves; this is necessary, otherwise they are prone to entice others to run away. Such cases, however, are comparatively rare in this Protectorate; as a rule, if slaves run away they go to their relatives who are willing to redeem them. (iv) Impress upon chiefs and masters generally the necessity of treating their slaves well and allowing them a fixed number of days a week to work for themselves."

Position in other West African Colonies.

I will now compare the position in Sierra Leone with that in the Gold Coast, Nigeria, the Gambia, and French West Africa.

Gold Coast.—All slaves were, as from 5th November, 1874, "declared free persons to all intents and purposes" by the Gold Coast Emancipation Ordinance No. 2 of 1874, though there was a proviso that "except in so far as inconsistent with this Ordinance and with the Gold Coast Slave-dealing Abolition Ordinance, nothing herein contained shall 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."

I see that on page 37 of *The Dual Mandate in British Tropical Africa* (1920) Sir Frederick Lugard asserts that "domestic slavery still exists in the Gold Coast Colony," and in his evidence before the West African Lands Committee the late Mr. F. Crowther, Secretary of Native Affairs in the Gold Coast, said:—

"There is (in the Gold Coast) what is sometimes called domestic slavery, but domestic slaves are usually the descendants of captured or stray Mohammedans, or people from the north, and they are free for all general purposes and they can get land from the community.

"They are more like adopted children, I should say. There are certain cases of people, captured 30 or 40 years ago in the wars, who have more or less settled and who live under the protection of one of the larger families. They have personal names by which you can identify them as slaves and that is about all.

> " You might find in a village one in 50 or one in a 100. It is not a large matter. They are entirely free. It is a name, that is all."

It is right to add, however, that Mr. Furley, who succeeded Mr. Crowther as Secretary for Native Affairs of the Gold Coast, and who was my Colonial Secretary here during the last 12 months, demurred to committing himself to any definite opinion as to the extent to which " domestic slavery " still obtains in the Gold Coast; his view, as I understood it, being that it is impossible to speak with certainty on the subject. The law, however, is clear and it is at any rate certain that any natives who still remain in a state of servitude in the Gold Coast can legally escape therefrom without having to pay redemption money or without having ot seek asylum in some distant districts.

Nigeria.—I enclose a copy of Nigeria Ordinance 35 of 1916,* the main provisions of which are :—

> Section 2.—The legal status of slavery is hereby declared to be abolished throughout the Protectorate.
>
> Section 3.—All persons heretofore or hereafter born in or brought within the Southern Province, and all persons born in or brought within the Northern Province, after the 31st March, 1901, are hereby declared to be free persons.
>
> Section 6.—No claims for compensation from Government to persons claiming to be owners shall be recognised in respect of slaves who may acquire their freedom by virtue of this Ordinance.

I understand, however, that, at any rate as regards Northern Nigeria, the above provisions were first enacted in 1901.

With reference to section 2 quoted above, Sir Frederick Lugard notes, on page 368 of *The Dual Mandate* :—

> " By abolishing slavery as a status known to the law, *permissive freedom* is granted to the slave. He becomes endowed with full civic rights. He can sue for ill-treatment, and cannot be seized if he leaves his master and asserts his freedom. The institution of domestic slavery is not thereby abolished, as would be the case under a decree of general emancipation. A master is not compelled to dismiss his slaves, and so long as the two work harmoniously together the law does not interfere. But the slave has the power of asserting his freedom at any time, and his master is actionable if he resorts to force to recover him."

In this passage, Sir Frederick draws a distinction between a decree of general emancipation and legislation which would deprive slave owners of any legal rights and privileges as such. While,

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* *See* page 37.

however, in the Gold Coast, as I have noted above, the Ordinance dealing with slavery is expressly styled an "Emancipation" Ordinance, the salient clause in both the Gold Coast and Nigerian law is in the same terms, viz., that the persons affected are "declared to be free persons." However this may be, an Ordinance on the Nigerian lines appears effectually to secure what is probably the general desire of most Englishmen, i.e., an unequivocal pronouncement that slavery will no longer be recognised as a status on which any customary rights can be founded, and on which such rights will be more or less actively supported by Government.

I have no official information as to what has been the actual effect in practice of the Nigerian Ordinance, though I gathered from one of the senior residents whom I saw recently that most of the old slaves have remained with their masters.

The Gambia.—Under Ordinance No. 5 of 1906 (The Slave Trade Abolition Ordinance) all persons born after the commencement of the Ordinance are free from birth, while any persons held in any manner of servitude shall be and become free for all intents and purposes on the death of their masters. An earlier Act (Slave Trade Abolition Ordinance, 1894) enabled "complete emancipation" to be by proclamation declared in any part of the Gambia Protectorate; section 4 went on to say that children born after that date, in such part of the Protectorate, should be free from birth, and that all slaves in that part should be free as from their masters' deaths. (To call this *complete* emancipation seems to have been a misnomer.) I have no means of ascertaining if any such proclamation was ever promulgated between the year 1894 and the passing of the new Ordinance in 1906.

French West Africa.—His Majesty's Consul-General at Dakar has recently (December, 1923) informed me that "in no portion of French West Africa is the legal status of slavery recognised by law or anything akin to it."

Slaves and Land Tenure.

Before I proceed to indicate the action that I have taken since assuming the Government of Sierra Leone I would ask your indulgence for making one more rather lengthy quotation, viz., from Dr. Maxwell's memorandum of 19th September, 1912, written for the West African Lands Committee:—

> "The tenure of land by slaves is a matter of some importance as questions still arise depending on the old customs connected with slavery, and the relation of slaves to the land. Formerly, a slave who had been bought or was a captive in war had no rights; his master could dispose of him as he liked and could use his service as he chose. In time, however, if he gave good service, he would be attached to a

' house ' and would generally be given land to cultivate for his own maintenance. At a later period, especially in the case of descendants of bought slaves, ' slaves of the house ' as they were termed, their position was more secured; they not only had security of tenure of certain land, but it was recognised that so long as they satisfied their masters' requirements they were entitled to work for themselves as well, and to retain and keep the profits resulting from their labours. Cases are known where slaves have owned slaves themselves. These conditions were more conspicuous among the more advanced tribes. Among the better class Temnes, it was regarded as wrong to sell a slave of the house and to separate him or her from the land on which they had been born and brought up, and which they and their families had cultivated. Cases have occurred where a slave of the house has brought an action against his or her master for selling him without his will. Among Mandigoes it was a common practice for slaves to be required to work a stated number of days a week for the master and to be entitled to work for themselves the remaining days. Among Mendis there was no such well-defined rule, but even there the slave had certain rights to his own labour so long as he satisfied his master's requirements first.

" Chiefs in entirely different parts of the Protectorate have ruled that according to native custom a master might claim the entire results of the labour of his domestics. Where a slave had acquired property while in his master's service, and then wished to redeem himself and leave the chiefdom with the property he acquired, it has been decided by these chiefs that the former slave was not entitled to take away any property or to dispose of any property which he had acquired while in the service of his master. This principle prevented them disposing in any way of land which had been given them to cultivate while they were slaves; if they redeemed themselves and wished for complete emancipation from their former master, they would of course require to restore to him the land he had given them to cultivate."

Action taken since 1922.

I come now to my own action in regard to this important question. A few days after my assumption of the Government on the 4th of May, 1922, Dr. Maxwell submitted to me his despatch of 18th October, 1921, and Mr. Churchill's reply of 24th November, 1921 (see above), and though as recorded in this despatch I purposely took no overt steps, as I was unwilling to run any risk of upsetting the chiefs at the outset of my administration, I availed myself of every opportunity of discussing the subject with

the political officers during my tours through the Protectorate, and at headquarters with Captain Stanley, C.M.G., M.B.E., Acting Colonial Secretary.

My first impression was one of surprise that in Sierra Leone, of all Colonies, having regard to the history of its first settlers, there should still exist, even in its hinterland, an admitted form of slavery, certain release from which could only be obtained by the payment of redemption money. The almost total absence of any records on the subject up to the time of my immediate predecessor made it difficult to study the question in the light of recorded arguments for or against the local system, but I soon discerned three facts :—

(i) That the system is still firmly established in the life of the people : at many of my first meetings with the chiefs in the various districts the burden of such few appeals as they had to make to me was the need for assistance in the matter of runaway domestics;

(ii) That the existing compromise is much disliked by most political officers who are obviously frequently embarrassed by the difficulty of reconciling the traditional British attitude towards slavery with the ambiguous nature of the local law, whereunder they feel bound, in fairness to the chiefs, to inquire into the numberless " palavers " arising directly or indirectly out of the domestic slavery system; and

(iii) That on the other hand there is a total absence of any " public opinion " in Sierra Leone adverse to the system. Churches and missions abound in Sierra Leone, but I have received no word from them on the subject, nor can I find any record of any representation from them to any of my predecessors. The only reference in the Freetown Press since my arrival has been a severe criticism of a district commissioner who had had the hardihood to advocate reforms in connection with what the Editor called a " really delicate matter." (See Enclosure 2.*)

In my first address to the Legislative Council (November, 1922) I made a guarded reference to the status of " those natives who are euphemistically called domestics," expressing my conviction that the present system needed " investigation as to whether it is not one of the local conditions which hinder rather than help Sierra Leone on its road to prosperity." I added that I had grave doubts whether any enduring progress could be made while the system remains in force. I hoped that this hint would elicit some expressions of opinion from unofficial persons in Sierra Leone or elsewhere who are competent to appreciate the situation, but no such opinion has been vouchsafed.

The only direct action that I took therefore during my first tour was (*a*) to call for returns from the Provincial Commissioners

* Page 36.

showing the number of persons redeemed from servitude yearly in each district since the division of the Protectorate into Provinces; and (*b*) to write privately to my predecessor, Mr. Wilkinson, asking him for his opinion as to the extent to which slavery existed in Sierra Leone.

As regards (*a*), I enclose a schedule* of the "Redemption returns" furnished by the Provincial Commissioners, showing that in some thirty months approximately 2,000 slaves had been redeemed, or say 800 a year.

Mr. Wilkinson wrote: "I think you will find that there are not 100,000 domestics in Sierra Leone, perhaps not 50,000." Captain Stanley, however, considers these figures (for reasons which appear later) to be materially underestimated, while as to registration he points out that there are some 25,000 villages in the Protectorate, extending over 27,000 square miles, and that even if the entire political staff devoted their undivided attention to the matter registration would be a terribly lengthy business.

When in April, 1923, I went on leave I asked Captain Stanley to let me have, on my return, his considered views and recommendations, and I now enclose a copy† of a most lucid and valuable minute by him dated 9th October, 1923.

Captain Stanley's Minute.

The chief points in Captain Stanley's minute, apart from a review of the law in other West African Colonies (which I have already dealt with) are as follows:—

(i) Both master and slave see nothing wrong in domestic servitude.

(ii) The number of persons redeemed under section 38 of Ordinance 33 of 1901‡ has averaged about 800 per annum since 1920, but this number affords little indication of the number of persons in servitude.

(iii) The number of "redemptions" could be largely increased if Government allowed *any one* to redeem the slaves, but the practical result of such a policy would merely be the resumption of slave *trading*.

(iv) We cannot therefore look to redemption alone for a solution of the problem.

(v) Even if Government redeemed all those now in servitude probably many of those redeemed would find their way back to a condition very similar to their present one.

(vi) A general proclamation that all slaves are free would have "a similar chaotic effect" and would give rise to grave discontent and, probably, much emigration into French territory.

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* *See* page 38. † *See* page 38.
‡ Now section 7 of Cap. 167.

(vii) It is true that the children of slaves are born slaves, but every generation makes a difference in their status. New slaves can no longer be captured or bought, and there must be now comparatively few whose slave status so originated. Slaves of the second generation have always been known as "slaves of the house," and these have farms allotted to them and not infrequently marry into the family of their master and rise to positions of trust. "In the fourth generation such persons are practically indistinguishable from freemen. On the other hand native public opinion in this respect may have undergone some modification due to the fact that it is no longer possible to acquire new slaves. It is not unreasonable to suppose that some masters will be reluctant to grant any marked change of status to slaves of the second generation."

(viii) It follows from the above that "sooner or later servitude in the Sierra Leone Protectorate will become so attenuated as to cease to exist; but this would probably not actually occur before the expiration of another fifty years and more, which is obviously too long to wait."

(ix) "Practically no complaints are received from slaves in regard to ill-treatment." (When, however, at a meeting with native chiefs at Makump in August, 1922, I warned them, *inter alia*, to see to it that domestics were well treated, there was a loud demonstration of approval from the assembled crowd which evidently included many slaves.)

(x) Remarkably few slaves run away to French territory or to the Colony, where they could settle in freedom if they wished to do so.

(xi) Scarcely any of the many slaves among the 7,000 carriers who went to East Africa redeemed themselves on their return, though they returned from the war with £30-40 due to them in wages. A few of them, it is true, remained in Freetown, but the great majority went back to their masters who took no portion of their slave's wages.

(xii) Captain Stanley computes the number of slaves in Sierra Leone at about 219,000, or, say, 15.15 per cent. of the population, i.e., excluding slaves of the fourth generation who are practically free. "Speaking generally, the tribes who were most successful in war and trade acquired most slaves, sometimes at the expense of the less warlike tribes. In the former category we find the Susu, Yalunka, Temne, Mendi, Mandingo, Vai, and possibly Bullom tribes: amongst the latter we find the Koranko, Konno, Limba, Lokko, Gola, Krim, Sherbro, and possibly Kissi tribes."

(xiii) Captain Stanley "does not find that agriculture is more rigorously conducted by the tribes among which servitude hardly exists: on the contrary, they are as a rule poorer,

cultivate less land, and have smaller reserves of foodstuffs than is usually the case with tribes among whom servitude is practised." In this connection he further observes: "Bearing in mind the African temperament, it is not impossible that with servitude in its present state and form the average slave is made to work just a little harder than he would do if he enjoyed his freedom, but in order to get him to do this the average master also works just a little harder than he would otherwise do. If one questions the head of an ordinary family, having in its possession three or four domestic slaves, he will invariably tell you that unless he personally goes on his farm and works to the best of his ability things do not go on to his satisfaction."

It will be seen from the above summary that Captain Stanley is at pains to make it clear that "no semblance of scandal" attaches to the type of domestic slavery prevalent in Sierra Leone, which exists only "in a mild and comparatively inoffensive form." No doubt this conclusion—the accuracy of which is in my opinion unquestionable—accounts for Captain Stanley's obvious hesitation in suggesting the taking of any action. He notes, however, the curious fact that despite the origin of this Colony—the capital of which is called Freetown—and despite the existence of an exceptionally large number and variety of missionary societies, Sierra Leone is backward in its legislation with regard to slavery, and he definitely expresses the opinion that "some remedial steps are necessary."

He tentatively suggests (in paragraphs 20 and 21 of his minute) that the Gambia precedent should be followed, viz., to legislate so that—

(*a*) All persons born after the commencement of the Ordinance should be free, and that

(*b*) Slaves of every degree should become free on the death of their masters.

The only comment which my late Colonial Secretary, Mr. Furley, made when submitting Captain Stanley's minute was as follows:—

"Speaking generally and with little local knowledge I should think that Captain Stanley's surmises of the probable effect of universal emancipation on agricultural development, to which he refers in paragraph 23, would be correct. It would probably in any case be a considerable time before any benefit could be decidedly traced to emancipation."

In subsequent discussion with me, Mr. Furley remarked that a point requiring consideration was how, if the status of servitude is abolished, those who are now domestics (and who as such are given land by their masters to cultivate) are to obtain land for their future use. He surmised that unless there is some way whereby free slaves can attach themselves to, or be incorporated

in, some existing families, their last state may be worse than their first, and the economic effects may be the exact opposite of those anticipated by Dr. Maxwell.

Opinion of the Provincial Commissioners.

On receipt of Captain Stanley's minute, I caused it and all the available papers to be circulated to the other Provincial Commissioners (Mr. Bowden, Mr. Ross and Mr. Hooker*), with a request that they would study the question carefully with a view to discussion at a conference of Provincial Commissioners to be held in the spring of this year. This was done and the Provincial Commissioners dealt with the subject at their conference from 25th-30th April last.

The following is an extract from the report of the conference :—

> " We have examined and dealt with the collected opinions and facts on this subject, with particular attention to Captain Stanley's minute. We are of opinion that the time has arrived when domestic slavery should be abolished in the Protectorate. If it is a fact that domestic slavery is gradually diminishing, and of this we have no satisfactory evidence, such diminishment is extremely slow and does not admit of further procrastination in abolition. Although we are in agreement that, compared to other West African colonies, the type of slavery existing here is mild and not productive of great oppression, its social evils and sustained effect on economic conditions cannot but be harmful to the welfare of the general development of the country. We do not anticipate that total abolition will cause the social upheaval and concomitant emigration that in some quarters has been feared and deprecated. We rather lean to the opinion that abolition, although carried into effect definitely and absolutely, will in its actual incidence be gradual in its effects on the population of this Protectorate. The fact recorded above that the slavery existing here is of a milder type than elsewhere strengthens our conviction that its abolition in the way and in the time we recommend will have no drastic and sudden effect on the social and economic activities of the people. We are of opinion that compensation to slave-owners is not expected, is not desirable, and is not necessary, and that retrospective legislation embodying abolition is neither desirable nor applicable to the condition of the Protectorate we are dealing with.
>
> " We are of opinion that on the Liberian frontier the importation of slaves continues and is not diminishing. We are also of opinion that masters or owners of slaves thus intro-

* Mr. Hooker's substantive rank is that of a District Commissioner, but he has acted as Provincial Commissioner of the Northern Province for the greater part of the last two years.

ducing slaves into this Protectorate should be considered as trafficking in these slaves, for in practice this most frequently occurs, and though we are aware of this fact it is obviously most difficult to trace, follow up, and prove, as such traffickers have means of covering up their tracks and the purpose for which they enter this territory. Also to admit the slaves of such owners or masters would be to perpetuate a means of endangering or nullifying the very benefits of the abolition we recommend."

Recommendations of Provincial Commissioners' Conference.

The Provincial Commissioners' actual recommendations are as follows :—

" We have the following definite recommendations to make on which we are unanimous. (1) That slaves introduced into this Protectorate from Liberia or other foreign territory should, *ipso facto*, become free. (2) That domestic slavery should be abolished in this Protectorate, and that on a certain future date all domestic slaves in this Protectorate should be declared free and that a clean cut abolition, including prohibition of all future dealing in domestic slaves or enslaving of free persons, take effect from that date.

" We find after long discussion that we are not in agreement as to the date on which such abolition should come into force. The President of this Conference (Mr. Bowden) is of opinion that 1st January, 1925, should be the date, for the reason that there has been considerable delay in dealing actively with this question, and as, presumably, legislation will not be retrospective the people and their social conditions will not in fact suffer as much as did those people in other West African colonies where such retrospective legislation was enacted. Mr. Ross and Mr. Hooker are of opinion that the date of abolition should be 1st January, 1929, for the reason that the people should have ample warning of the change contemplated, and that those affected may have opportunity to settle themselves on lands other than those of their present masters—should they so desire to do; that time should be afforded the political officers for inculcating the intended change into the chiefs and people, and to enable such officers to weigh and consider the apparent effects and consequences emerging from the attitude of the people towards the proposed change. We are of opinion that these separate views should be recorded with our definite recommendations for the information of His Excellency the Governor."

Before I proceed to examine these drastic recommendations it will perhaps be worth while to consider what possible courses it is open to Government to adopt.

(I) It can adhere to the present policy, i.e., of leaving slavery to die a natural death, which it may be reasonably assumed will occur in some 50 years or so.

(II) It can leave the law as it stands but issue instructions to political officers that they are to take no cognizance whatever, either in their judicial or *executive* capacity, of complaints which involve the recognition of the status of slavery.

(III) It can alter the law by explicitly declaring that slavery shall receive no legal recognition, and coupling with such declaration one of the following provisions :—

(*a*) Declaration that all children born in, and all persons brought into, the country subsequent to a date later than the date of the Abolition Ordinance are free.

This was, I gather, the course followed in Northern Nigeria. The Protectorate Government which took over the Niger Company's responsibilities in 1900 decreed, as one of its earliest enactments, that all children born after 1st April, 1901, would be free.

(*b*) Declaration that all children born after the commencement of the Ordinance are free from birth, and that any persons held in any manner of servitude shall be free on the death of their masters.

This was the course followed in the Gambia in 1906 (? earlier) and is the course favoured by Captain Stanley.

(*c*) Absolute emancipation of all slaves on a date appreciably later than the date of passing of the Abolition Ordinance.

This is the course advocated by Mr. Ross and Mr. Hooker, the date recommended being some four years ahead.

(*d*) Absolute emancipation of all slaves from the date of passing the Abolition Ordinance.

This was, I understand, the course followed in the Gold Coast in 1874, and is practically the course recommended by Mr. Bowden.

(IV) Adoption of one of the courses specified in III, but with additional provision for the payment of compensation to the slave-owners.

In support of the first of these courses it may be argued :—

(*a*) That there has been no local expression of public opinion (outside the official class) in favour of any change;

(*b*) That admittedly the system is gradually dying a natural death;

(*c*) That slavery in Sierra Leone is mild and inoffensive and free from scandal;

(*d*) That it is still nevertheless a cherished custom among the principal tribes, who would certainly be disturbed by further interference, and who might possibly thereby be

diverted for some considerable time from that more intense agricultural activity which Government is now assiduously preaching;

(*e*) That the economic effects of emancipation may be to produce a "landless" class, and so hamper rather than stimulate agricultural development.

There is something to be said for course II. I confess that I find it difficult to resist the impression that clear instructions ought to have been issued to District Commissioners in 1903 that section 5 of Ordinance 6 of 1903* was to be strictly observed in the spirit as well as the letter: no doubt, however, there were good reasons why that course was not followed, and as for over 20 years Government has recognised slavery in Sierra Leone by allowing its officers to inquire executively into complaints arising therefrom, a change of policy which was not backed by a change in the law would, I consider, place the political officers in an invidious position.

The real choice lies, in my judgment, between maintaining the present policy and making a definite change in the law on the lines of course III or course IV. I have above outlined the case for maintaining the *status quo*, and in attempting to formulate the arguments for a definite change of policy it will be convenient to consider first the various arguments in favour of inaction.

(*a*) While it is true that there has been no expression of local opinion outside the official class in favour of any change, the exception noted is important. I understand from the Provincial Commissioners that practically all the District Commissioners and Assistant District Commissioners (who it must be remembered come closely into contact with native affairs every day of their lives) are all in favour of the total abolition of slavery, if only for the reason that a large part of their time is wasted over the innumerable "palavers" that arise therefrom. This may not be a lofty way of looking at the subject, but it is a reasonable point of view: a District Commissioner's work necessarily consists largely of settling tedious disputes, many of them of a trifling character, but the tedium must often border on exasperation when the officer has to bolster up a system which is totally repugnant to one of his most cherished traditions. With the law in its present state he has to do this in fairness to the masters.

Moreover, though unofficial opinion has been strangely silent, the historical summary in the beginning of this despatch shows that my predecessor and Dr. Maxwell (the latter with a very long experience of Sierra Leone) were emphatically opposed to the present system, and recent Secretaries of State, viz., Lord Milner and Mr. Winston Churchill, have agreed that some further steps should be taken.

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* Now section 4 of Cap. 169.

(*b*) While it is probably true that the system will die a natural death, the consideration noted by Captain Stanley in paragraph 6 of his minute (quoted above) must be kept in view, and in any case the natural death is admitted to be some half a century distant. A policy of inaction would mean therefore that Great Britain was content to see slavery persist in one of His Majesty's Protectorates for some 25 years after Queen Victoria proclaimed British jurisdiction therein.

(*c*) Admitting that slavery in Sierra Leone is generally of a very mild type (though I am not aware on what evidence the Provincial Commissioners Conference aver that it is milder than in any other West African Colonies where the status of slavery has been abolished) the fact remains that a domestic slave *is* a slave, and that a bad master has powers over him or her which are repugnant to the principles of British justice.

Sir Frederick Lugard in *The Dual Mandate* characterises the effect of slavery thus :—

> " However inevitable in the earliest stages of development the institution of slavery may be, its moral results are undeniably disastrous. To the slave-owners the exercise of despotic power, without external check, in all the relations of daily life is demoralising. Self-control is weakened, susceptibility to flattery, harshness, or even cruelty, as well as immorality, are encouraged, and indolence, with a contempt for industry, becomes natural."
>
> " To the slave the effect is hardly less demoralising. He is deprived of the dignity of manhood. He is without responsibility and without incentive to work other than the fear of punishment. His status approximates to that of his master's cattle.
>
> " By perpetuating the institution of slavery the African is denied the opportunity of rising to a higher plane of individual and corporate responsibility and progress in social life.
>
> " Slavery as an institution is essentially bad, demoralising to the master, and debasing to the slave, whom (except in rare instances) it robs of ambition, initiative, and responsibility. It is economically bad, for the freeman does more work than the slave, who, moreover, is indifferent to the productivity of the soil and careless of posterity."

(*d*) An announcement that Government intends finally to abolish the legal status of slavery may at first occasion the Protectorate tribes some concern, but I gather from Sir Frederick Lugard's book and also from Dr. Maxwell that the change was effected in Nigeria without any serious results, and there appears to be no reason why Sierra Leone, where the chiefs, now at least, are quite loyal, should have a different experience. The possibility, however, of

popular excitement over the change continuing for some time is an argument for the adoption of one of the less drastic courses enumerated above.

(*e*) The fifth reason for inaction, viz., that the economic effects of emancipation may be to produce a "landless" class and so hamper rather than stimulate agricultural development—is based on the consideration suggested by Mr. Furley, see above. I had hoped that the Provincial Commissioners would deal explicitly with this point in their report, but the only reference to it is in the passage quoted above, where Mr. Ross and Mr. Hooker advocate that the date of abolition should not be earlier than 1st January, 1929, "for the reason that the people should have ample warning of the change contemplated, and that those affected may have opportunity to settle themselves on lands other than those of their present masters—should they desire to do so." In my discussion of the subject with Mr. Ross he pointed out that by well-established native custom no man is allowed to possess more land than he and his household can cultivate; consequently there would be no temptation for slave-owners to deprive emancipated domestics of the land that they have hitherto cultivated on their own account, as the masters would not be allowed to retain it in their possession. Practically, therefore, the probable change as regards land would be merely that the emancipated domestic would be free from all *obligation* to give his former master any share of the produce. For some years to come, however, he would probably continue to give such a share voluntarily, and the *status quo ante* would be little disturbed. In this connection I may invite attention to Section 16 of Ordinance 16 of 1905* which reads as follows:—

> "No chief (including the paramount chief in his capacity as chief) shall cultivate or order to be cultivated for his own benefit a larger area than can be cultivated by his labourers and by the people aforesaid, without preventing such people from having sufficient time to cultivate their own lands."

The reasons for taking action may perhaps be classified under two heads:—

(*a*) Humanitarian and Moral.

(*b*) Economic.

(*a*) *Humanitarian and moral reasons for abolishing slavery.* In addition to the general considerations summarised by Sir Frederick Lugard and quoted above, I may briefly notice two special evils which result from the continuance of the slave status—(i) it fosters abuses arising from the "adoption" of children, and (ii) it lends cover to the purchase of Protectorate girls for concubinage.

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* Now section 14 of Cap. 170.

As to (i), it is worthy of note that in the Nigeria Slavery Ordinance (35 of 1916) quoted above, special provision is made for the Governor in Council to make regulations "restricting or imposing conditions on the adoption of children or the custody and employment of children by persons other than their legal guardian." Apparently, however, no such regulations have yet been framed.

As to (ii), I may remark that unless political officers exercise great care the "redemption system" is undoubtedly used as a cheap way of securing a slave concubine, and inevitably cases must occur where all the political officer's efforts to prevent such abuses are frustrated.

It is not contended that the legal abolition of the status of slavery will at once, or ever wholly, put a stop to these social evils, but as long as the status is practically recognised by Government, so much the longer will the habit of regarding women and children as marketable chattels remain ingrained in the natives of the Protectorate, and I fear also in some of the Colony Africans.

(*b*) *Economic reasons for abolition of slavery.* As indicated in the historical section of this despatch, these reasons may be thus formulated :—

(i) Slave labour is wasteful. A man will work harder for himself, and for a master who will give him fair wages, than for a master who is not bound to do more than feed, clothe, and house him.

You will not have failed to notice that Captain Stanley doubts whether this theory holds good in practice. He contends that those tribes in the Protectorate which are most addicted to slavery are also the most productive, and he advances the double proposition (*a*) that a slave works actually harder for a master than he would for himself, and (*b*) that the master, in order to secure good work from his slaves, himself works rather harder than he would ordinarily do as an incentive to his slaves. The latter theory is ingenious, but is, I think, based on a fallacy. All labour, both slave and free, requires supervision in order to produce the maximum result —hence the necessity for "gangers" and "foremen." It is more difficult to explain why the *free* natives in the eastern part of the Colony (which is similar agriculturally to the Protectorate) compare so unfavourably in energy and productiveness with the "slave" population further inland. I can only attribute it to the unfortunate example set by the Colony Africans proper, who have largely abandoned agriculture for clerical pursuits. The soil west of Waterloo is certainly very discouraging.

Personally, however, I have no doubt about the wasteful character of slave labour. Let me give an example. At Njala the other day I saw a "bush" house, for one of the agricultural instructors, being built by communal labour supplied by one of the surrounding chiefs. The number of men supplied was about 100, and the "dash" (present) that would be paid to the chief for this labour worked out at about 1*d*. a day per head (assuming—which is doubtful—that any appreciable part of it found its way into the labourers' hands). At first sight this appears to be a very cheap form of labour, but further investigation showed that only some twenty-five of the men were working at any particular moment, and that the building would therefore take three or four times longer to build than it should. There was no incentive to the slaves to work hard; consequently 75 per cent. of the labour was wasted when it might have been agriculturally productive.

(ii) Slaves have no security of land tenure. It is true that Dr. Maxwell himself, in the extract quoted above, has explained how liberally "slaves of the house" are treated in the matter of land, and Captain Stanley has laid great stress on this in his minute. Nevertheless the fact remains that any land which is given them to cultivate is theirs on sufferance only, and if they wish to redeem themselves and strike out a new line elsewhere they forfeit all claim to the plot on which they may have spent much labour

(iii) The practical recognition by Government of domestic servitude fosters the tendency for manual labourers to be regarded as a servile class, and consequently manual labour itself is looked down upon by many who would both in their own interests and those of the Colony more profitably be engaged on the land or in some form of manual industry. A frequent excuse given by inhabitants of the peninsula villages for not doing more in the way of agriculture is that they cannot obtain "labour"; they will not "turn to" themselves—it would be *infra dig*—"only slaves work on the land."

If you agree that a case for some action has been made out, it remains to consider which of the courses set out in this despatch it will be best to pursue.

One of my four senior political officers (Captain Stanley) is in favour of the Gambia precedent; two others (Mr. Ross and Mr. Hooker) advocate total abolition in four years' time; the fourth (Mr. Bowden, who has been longest in Sierra Leone) recommends total abolition from the beginning of next year. None of these recommends payment of any compensation, and all of them recommend that slaves brought into Sierra Leone from Liberia, for whatever purpose, should *ipso facto* become free.

Views of Members of the Executive Council.

I have placed the whole question, as summarised in the foregoing paragraphs of this despatch, before the Executive Council.

The questions that I put to the Executive Council were two :—

(1) Whether any action should be taken?

(2) If so, of what character?

The members unanimously advise that early steps should be taken to accelerate the total abolition of slavery in Sierra Leone and, what is more significant, they are also practically unanimous in advising that the Gambia precedent should be followed, i.e., that an ordinance should be introduced to enact that all persons born in Sierra Leone after its commencement shall be free from birth, and that any persons held in any manner of servitude shall be, and become, free for all intents and purposes on the death of their masters.

This is exactly the course which my study of the problem had commended to my own mind, but I purposely refrained from recording this conclusion before I remitted the question to the members of the Executive Council, as I wished to elicit their independent opinions. It will be observed that the Executive Council advise the adoption of the course favoured by Captain Stanley rather than either of the more drastic courses recommended by Mr. Bowden, Mr. Ross, and Mr. Hooker. On the other hand, it should be noted that the course followed in the Gambia was distinctly more drastic than that followed in Northern Nigeria, and I submit that it provides for a comparatively rapid total extinction of slavery without exposing Government to the charge of injustice to owners of property, or of precipitate suppression of a cherished native custom which, however opposed to British traditions, is comparatively innocuous in actual practice.

The Executive Council also unanimously advise that the new legislation should make it clear that slaves introduced into the Protectorate from Liberia or elsewhere will, *ipso facto*, become free. As Mr. Luke pertinently remarks, "legislation on these lines would form a fitting corollary to Chief Justice Mansfield's historical judgment of 1772, a judgment to which the Colony of Sierra Leone traces its foundation."

In considering the advice of the members of the Executive Council I would ask you to remember that Colonel Faunce (the Officer Commanding the Troops) first came to West Africa thirty-two years ago, and that he has served in Sierra Leone for over seventeen years; that Mr. Luke (the Colonial Secretary) served here under Sir Leslie Probyn fourteen years ago; that Mr. McDonnell (the Attorney-General) has seen service in the Gold Coast, the Gambia, and Sierra Leone; and that each of the other

two members have seventeen years' West African service behind them. This accumulated experience entitles their opinions and their advice to peculiar weight. It is no doubt true that the three political officers who have recommended more drastic measures have also long service and a more direct experience of the Sierra Leone natives, but I think it is fair to say that the one Provincial Commissioner (Captain Stanley) who advocates a more cautious policy is the officer who has most carefully thought out the many aspects of the problem.

Conclusions and Recommendations.

I am emphatically of the opinion :—

(*a*) That the abolition of domestic slavery in Sierra Leone should be accelerated.

(*b*) That the *immediate* emancipation, however, of *all* existing domestic slaves is both impolitic and unnecessary; impolitic because it would be likely seriously to upset the chiefs and people at a time when their energies and good will are particularly required for the furtherance of our agricultural development policy, and unnecessary because the nature of domestic slavery in Sierra Leone is so mild that it is practically free from abuse and has evoked no public demand for its abolition;

(*c*) That there is no legal or moral obligation on Government to pay compensation for any domestic slaves redeemed, and that such a course would be highly inexpedient.

I recommend—

(i) That a Bill to amend Ordinance No. 33 of 1901 be introduced, providing that from 1st January, 1925, all persons brought into the Protectorate from Liberia or elsewhere shall become, *ipso facto*, free, i.e., that section 37* of the Ordinance be amended by the omission of the words " in order that . . . . debt "

(ii) That an entirely new Bill be drafted on the Gambia precedent with an addition similar to section 2 of the Nigerian Ordinance No. 35 of 1916.

(iii) That after the first reading a few months should be allowed to elapse in order that the political officers may fully explain the proposed new law to the chiefs and people, and report any facts or criticisms which may thereby be elicited and which deserve consideration.

I am not very sanguine that it will be found practicable to incorporate in the second Bill " definite provision to secure adequate cultivable lands for the slaves to be freed " as suggested by the

* Now section 6 of Cap. 167.

Colonial Secretary, but I agree with Mr. Luke that this phase of the problem is important and requires further study. I propose to obtain Captain Stanley's views on this point on his return from leave.*

I earnestly trust that the far-reaching reform which is advocated in this despatch, a reform which commands in its principle the unanimous assent of all my senior officials, as it has commanded the assent of my predecessor and of at least two previous Secretaries of State, will commend itself to His Majesty's Government. I consider that a firmer policy in regard to slavery has been long overdue in Sierra Leone; I feel confident that the measures herein recommended will, when explained, be accepted as just and reasonable by the chiefs, and it is certain that they will, in the course of time, greatly increase the prosperity of Sierra Leone and the happiness of its peoples.

I have, etc.,
A. R. SLATER,
Governor.

Enclosure 1 *in No.* 3.

No.....

PROTECTORATE OF SIERRA LEONE.

REDEMPTION CERTIFICATE.

TO ALL TO WHOM IT MAY CONCERN.

This is to certify that the bearer..... who was the domestic of.....of.....Chiefdom .....District, has this.....day of..... obtained freedom; the sum of.....pounds having been paid by one.....of.....in the..... Chiefdom.....District, for this purpose, the said .....is hereby, in accordance with section 38 of Ordinance No. 33 of 1901, declared to be a free.....

Any person depriving or attempting to deprive the said..... .....of.....liberty will be liable for prosecution.

In witness whereof I have hereunto set my Hand and Official Seal at.....in the.....District, in the Protectorate of Sierra Leone, this.....day of.....192 .

.....
District Commissioner.

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* *See* No. 4.

Enclosure 2 in No. 3.

LEADING ARTICLE IN THE "SIERRA LEONE WEEKLY NEWS," SATURDAY, 30TH SEPTEMBER, 1922.

THE ANNUAL REPORTS OF THE NORTHERN AND SOUTHERN PROVINCES, 1921.

There is another question to which attention has been drawn and which demands the exercise of much discretion and great commonsense by the men responsible. It is with reference to what are known as domestic slaves or dependents. In the Koinadugu and Port Lokko Districts, 162 are said to have been redeemed. This is really a delicate matter and we are glad Captain Stanley has dealt with it as should be. With due deference to Messrs. Hodgson and Sayers, we think they have not yet acquired the right perspective at which to look at the question, and we fervently express the hope that they would not be actuated with zeal without fuller knowledge of such an intricate domestic and economic problem. We agree with Captain Stanley that the case cited by Mr. Hodgson of a man who hanged himself rather than return to his master is a new experience of which we have never heard, and consequently cannot appreciate the premium he has sought to make of it. We entirely endorse what Captain Stanley has stated, to the effect that in all respects these slaves are practically free men; for not only are they free to move unmolested in the country and are sent out to great distances wherefrom, if they wish, they could betake themselves to French territories or to Freetown, but they also enjoy several domestic advantages from their masters to the extent of eating with them from the same dish; besides, they are also granted facilities to keep and rear a family and enjoy the close protection of their masters. These men are useful to their masters in that they help to work their farms, in return for which they are allowed certain days in the week to work their own farms and look after their own personal business. We have some personal knowledge of the institution and see in the academic attitude of reform of these political officers a sort of hazard, treading towards "the danger zone" of the productive capacity of the people, and this, we repeat, they need to do cautiously.

It is known that farms are worked after a communistic system and the greater the number of the dependents of a man the larger his chances of turning a great yield; if this is interfered with without great care, we are apprehensive that it would be like, not only slaying the goose responsible for the golden eggs, but, alas, also tightening the cords of restriction on the people almost to breaking point. Then there is also the tendency of encouraging the influx of idlers and do-nothings into the Colony and city to become plagues and dangerous customers to honest persons and, ultimately, dependents of the Government in the prison yard, a veritable penny

wise and a pound foolish policy after all. Whilst these zealous political officers are so devoted to make literally free those who for years have enjoyed the good will of their masters, it ought not to be overlooked that Freetown has always afforded great attractions to loafers and people of doubtful honesty; and care should be exercised that, after all, the Government does not help to make it easier that those who have grown tired of working their farms should make the city a den of thieves. We emphatically affirm that it is the duty of the District Commissioners to discourage such tendency rather, otherwise it would soon be found that there are not many able-bodied men left in the country to maintain the revenue at the position from which Mr. Hodgson is anxious it should make a leap.

Enclosure 3 *in No.* 3.

AN ORDINANCE DECLARING THE ABOLITION OF THE LEGAL STATUS OF SLAVERY IN THE PROTECTORATE OF NIGERIA.

Ordinances No. 35 of 1916, No. 20 of 1918.

(31*st August*, 1916.)

1. This Ordinance may be cited as the Slavery Ordinance. **Short title.**

2. The legal status of slavery is hereby declared to be abolished throughout the Protectorate. **Legal status of slavery abolished.**

3. All persons hereto or hereafter born in or brought within the Southern Provinces, and all persons born in or brought within the Northern Provinces after the 31st March, 1901, are hereby declared to be free persons. **Persons declared free.**

4. 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. (*Added by* 20 *of* 1918, *Section* 2.) **Certificates of freedom granted by native tribunals.**

5. Every contract in which it is stipulated or agreed that any person shall be bought or sold, or placed in servitude, or be transferred either as a pledge or security for debt, or in any other way, shall be absolutely illegal. **Slave dealing contracts.**

6. No claims for compensation from Government to persons claiming to be owners shall be recognised in respect of slaves who may acquire their freedom by virtue of this Ordinance. **Compensation.**

7. The Governor in Council may make regulations. **Regulations.**

Enclosure 4 *in No.* 3.

NUMBER OF SLAVES REDEEMED IN THE PROTECTORATE SINCE THE FORMATION OF THE PROTECTORATE INTO PROVINCES (i.e., from 1st January, 1920, to September, 1922).

NORTHERN PROVINCE.		
Karene	66	
Koinadugu	35	
Port Lokko	434	
Bombali	84	
		619
CENTRAL PROVINCE.		
Moyamba	67	
Kennema	465	
Pendembu	291	
Konno	135	
		958
SOUTHERN PROVINCE.		
Pujehun	253	
Gbangbama	19	
Sumbuya	84	
Mano River	17	
		373
Northern Province	619	
Central Province	958	
Southern Province	373	
	1,950	

Enclosure 5 *in No.* 3.

MINUTE BY CAPTAIN W. B. STANLEY, C.M.G., M.B.E.

From the above summary it will be seen that since the division of the Protectorate into provinces, which took place in May, 1920, until September, 1922, when these returns were rendered by the provincial commissioners, a period of some thirty months, approximately 2,000 slaves have been redeemed in the Protectorate. The exact figures are—

Northern Province	619
Central Province	958
Southern Province	373
	1,950

That is to say, the yearly average number of slaves redeemed in the Protectorate is 800.

2. The above figures, whilst interesting and showing that the law in regard to the redemption of slaves must generally be well known throughout the Protectorate, do not afford us much assistance in endeavouring to arrive at my conclusion as to the number of persons under servitude in this Protectorate. Nevertheless, it is instructive to endeavour to analyse these figures by considering what class of case comes before the political officer which results in an average redemption of 800 slaves a year, which figure almost certainly comprises the total number of slaves redeemed, as, although there is no legal objection to a slave being redeemed elsewhere than in the presence of a political officer, I question if any such redemptions take place, as great importance is not unnaturally attached to the stamped counterfoil document which bears the seal of the district commissioner and which is handed to the person redeemed from servitude.

3. Whilst since 1896 slave-dealing or the transfer of slaves by any means other than devolution by inheritance has been firmly put down, domestic servitude has been recognised in this Protectorate by the Government ever since it came under the influence of the Government, and has not been interfered with in any way save by limiting to a definite figure the amount to be paid for redemption (sections 36 to 40 of Ordinance No. 33 of 1901) and providing that no Protectorate court of law shall entertain any claim in respect of the person of any slave (section 5 of Ordinance No. 6 of 1903). Such being the case, the average political officer does not go out of his way to urge upon the community the necessity or importance of attempting to do away with domestic servitude by means of redemption, nor, for certain reasons, would it be either desirable or efficacious to do so, as I propose to show a little later on. After one or two tours in the country the political officer realises that apparently both master and slave see nothing radically wrong in domestic servitude; they regard it, in fact, as a natural state of affairs in much the same light as they regard polygamy; and so, as long as it is recognised by the Government without demur, he feels that it is his principal duty to endeavour to deal fairly by both master and slave whilst at the same time endeavouring to effect as many genuine redemptions as possible. Such being the case, I think I am safe in saying that the 800 slaves who are redeemed annually fall under the two main classes (*a*) cases of redemption by free-born relatives with a genuine interest in the persons they redeem—a privilege which has always been recognised by native customary law, and (in fewer number) (*b*) cases in which runaway slaves have so long enjoyed their freedom that redemption for a nominal sum is the only way by which the matter may be equitably settled.

4. These are the principal cases of redemption which come before the average political officer. Eight hundred cases of redemption per annum out of a population which numbers very nearly a million

and a-half seems an extraordinarily low figure if domestic servitude is in any way common in the Protectorate, and those who are not intimately acquainted with the subject might very well form the opinion that the number of persons in servitude cannot be very great, since a slave can either be redeemed by a free-born relative or can run away and hide in some other part of the Protectorate for a number of years, and thereby gain his freedom as it were by prescription, or at any rate claim to redeem himself before a political officer at a nominal figure. In point of fact, the number of persons redeemed from servitude affords little indication of the number of persons in servitude. Were it customary in native law and were it the policy of the Government to allow anyone without question to redeem slaves who could raise the money to do so, I have little hestitation in saying that the number of so-called redemptions would run into many thousands annually, but the results would be extremely unsatisfactory; young girls would be redeemed in large numbers for the purpose of cohabitation, as being a cheap form of marriage by which dower is avoided (at present if a man wishes to marry a slave he must first redeem her and then pay dower, he will then also probably be expected to redeem her parents). Natives and non-natives would rapidly, by means of redemption, acquire young children to work as servants in their houses and on their farms, and a condition of affairs would arise which would be little less objectionable than the existing system under which persons in servitude remain in the same family. As an example of what is meant, I have on more than one occasion as a district commissioner had natives from another district apply to me for the return of their redemption money on the ground that the slaves they had redeemed would not consent to live with them or obey their orders. In other words, these persons had redeemed slaves, not so much because they wanted them to be free, but because they wished to make profit out of them at the expense of their real owners; to hold them in fact under conditions nearly approaching servitude. Had the ex-slaves been young persons they would doubtless have succeeded in doing so for a number of years, and I would have heard no more of the matter.

5. From the above it will be gathered that although something definite is annually being achieved through the redemption of slaves, we cannot look to redemption alone for a solution of this problem. Even if the Government was prepared and was in a position to redeem all those in servitude, the result would in all probability be chaotic, and it seems more than probable that a large proportion of those redeemed would in a very short time find their way back into a condition which, although it might never again be styled slavery, would be very similar to some of the milder forms of domestic servitude which exist in this Protectorate. This is inevitable with natives who are prepared to pledge

their services to anyone whom they know and respect, who will pay their debts, or pay a fine, or get them out of any immediate and pressing difficulty. A general Proclamation that all slaves are free would have a similar chaotic effect, and would also give rise to grave discontent and probably much emigration to French territory. I have heard such a step proposed, but in my opinion it is outside the region of practical politics and would in any case be unjustifiable, having regard to the length of time the Government has tolerated the existing state of affairs without taking any step (during the past twenty-two years) to alter it. This does not mean, however, that the existing state of affairs should be perpetuated indefinitely, nor in my humble opinion is the Government to blame for having allowed it to go on unchecked for so long a period, neither does it mean that things have gone from bad to worse as, for the following reasons, I propose to show.

6. It is true that the children of slaves are born slaves, but every generation makes a difference in their status. Slaves born of slaves, whether captured or bought, i.e. slaves of the second generation, all become what is generally known as " slaves of the house " which at once places them on a different footing to those placed under servitude for the first time. Farms are allotted to them permanently which they cultivate principally for their own use, although the head of the house may demand a portion of crop. They not infrequently marry into the family of their master and rise to positions of trust (the case of Madam Kema and her slave Kanre is a good illustration of this). In the fourth generation such persons are practically indistinguishable from freemen, and frequently live in another part of the same chiefdom, merely paying tribute to the head of the house on much the same principle as the head of the house pays tribute to the village chief or headman. They may in fact safely be regarded as falling within the latter portion of section 36 of Part III of the Protectorate Ordinance (No. 33 of 1901)* which reads as follows :—

> " Provided that nothing in this Ordinance shall apply to any such authority as may lawfully be exercised . . . . by virtue of the rights of parents and *other rights* not being repugnant to the laws of England arising out of the family and tribal relations customarily used and observed in the Colony or Protectorate."

Much depends, however, on the master, and a bad master may make no difference between slaves of the first and second generation; in doing so, however, he is disregarding tribal customs which existed long before the advent of the Government, and will be looked upon with disfavour by his neighbours and will receive scant sympathy or help from the chief if his slaves run away. But at the same time it must be borne in mind that native public opinion

* Now section 5 of Cap. 167.

in this respect may have undergone some modification due to the fact that it is no longer possible to acquire new slaves. It is not unreasonable to suppose that some masters will be reluctant to grant any marked change of status to slaves of the second generation (slaves born of persons who enjoyed their freedom before they passed into servitude).

7. From the above, I think it is clear that so far from the number of pesons in servitude in this Protectorate having increased during the past thirty years, it has materially diminished because enslavement of free-born persons by war and purchase has been effectually stopped by the Government for over twenty years, whilst at the same time many of the older slaves have either died, left their masters and so become free, or else been redeemed. Further, as I have already pointed out, slaves of the fourth generation have, as a rule, automatically acquired a status which cannot be regarded as servitude. Any of the older chiefs if questioned on the subject will, I think, confirm this opinion. Now if such is the case it would appear that sooner or later servitude in this Protectorate will become so attenuated as to cease to exist; this, I believe, would actually occur, but not before the expiration of another fifty years and more which is obviously too long to wait. Dr. Maxwell in his despatch of the 18th October, 1921, considers that Mr. Wilkinson's suggested system of registration, without any amendment of the law, would perpetuate existing circumstances for a generation; when he made this statement I think he must have had in mind the conditions referred to above.

8. Despite the fact that the law in regard to slavery in Sierra Leone has remained unaltered since 1901, other factors besides tribal customs have been at work in assisting to ameliorate the condition of slaves. The political staff and missionaries (of whom there are a large number) have constantly impressed on the people the necessity of treating kindly those in servitude under them, with the result, as I mentioned in the annual report on the Northern Province in 1921, that practically no complaints are received from slaves in regard to ill-treatment: further, remarkably few of them run away to French territory or to the Colony where they could settle in freedom if they wished to do so, and, lastly, it is usually impossible from their appearance to distinguish between slaves and free-born natives. It is a well-known fact that out of the 7,000 or so natives who served in East Africa and the Cameroons as carriers during the war many were slaves of the second generation. They worked side by side with the free-born sons of their masters in a foreign country, and when they returned from the war with thirty and forty pounds due to them in wages scarcely any of them redeemed themselves. They were, moreover, practically all paid off in the various district offices and

sent straight to their homes; so there can be no doubt about their having had the opportunity to redeem themselves had they cared to do so. Theoretically speaking, their wages belonged to their masters. But I was informed at the time by everyone from whom I enquired, including chiefs, headmen, masters, and slaves, that not a penny was demanded from them, although in every case they gave the masters a present. Such being the case I submit that not even the semblance of scandal attaches to the condition of Sierra Leone in this respect and that such remedial measures as may be necessary, and I am of opinion that some are necessary, need not be of a very drastic character.

9. Before comparing the backward position of Sierra Leone in regard to legislation of this nature with that of other West African colonies, I propose to attempt to estimate the number of slaves in this Protectorate.

10. Speaking generally, the tribes who were most successful in war and trade acquired most slaves, sometimes at the expense of the less warlike tribes. In the former category we find the Susu, Yalunka, Temne, Mende, Mandingo, Vai, and possibly Bullom tribes: amongst the latter we find the Koranko, Konno, Limba, Lokko, Gola, Krim, Sherbro, and possibly Kissi tribes.

11. In considering the question of the existing probable number of persons in servitude in the Protectorate, it is advisable also to examine the customs of the various tribes in regard to servitude; thus, the Limba tribe of the Wara-Wara chiefdoms in the Koinadugu District is not a slave-owning people, and it is almost certain that very few families possess slaves; neither, curiously enough, have any of them fallen under servitude amongst other tribes, probably owing to the mountainous nature of the country in which they reside, the consequent inaccessibility of their villages and their general poverty. On the other hand, in places where the Limba has lived in close contact with other tribes who are slave-owners, as, for example, the Limba of Sella and Tonko chiefdoms in the Karene District, and more especially where they have also accepted the Mohammedan faith, they have become slave-owners, but not to the extent of their neighbours. The same remark applies to the Lokko (another backward tribe), where it has remained of pure blood and has retained its tribal characteristics, as in some of the upper Lokko chiefdoms. There one finds very few persons in servitude amongst them, but where they have been closely associated with Temnes and have adopted Temne customs they have, to some extent, become slave-owners. The Mandingo tribe is particularly interesting in this connection, and I find the Mandingo who occupies the Maboli valley in the Biriwa and Tamiso chiefdoms of the Bombali and Koinadugu districts differ but little in the respect from the Mandingo of the Gambia, five hundred miles north, from whom they are cut off by several inter-

vening tribes. No tribe I am acquainted with is more addicted to slave-owning than the Mandingo. In Sierra Leone they are all Mohammedans with Mohammedan ancestors. Their religion not only recognises slavery, but enjoins that, in certain cases, a man must provide his daughter on marriage with one or two female slaves (according to her position) to act as her handmaids. Yet in no other tribe I am acquainted with does the fact that numbers of slaves are owned by practically every family of importance obtrude itself less, and this, despite the fact that from a social point of view, they regard their domestic slaves as distinctly inferior to themselves. The reason is that the Mandingo, especially when he is away from his own country, treats those in servitude under him with exceptional liberality and consideration. He sees that they work for themselves on their own farm for at least three days in the week; he sees that the young men are married at a suitable age and that all have decent clothes to wear on Fridays and holidays. In some of the large towns the whole of the slaves live together in a separate portion of the town which is openly referred to as " Jong Kunda " or slave town. The Krim (Southern Province) is another community which treats those in servitude under it with exceptional consideration, allowing them to rise to high positions and even inter-marrying with them. I recollect one case of Krim ownership of slaves coming before me, in which I was greatly puzzled by the apparently almost complete indifference of the so-called " slaves " to redemption, until the owner quietly explained that they were the second and third generation of slaves, and added, " we have never told them they are slaves." This particular claim by an alleged relation to the right to redeem was met by the owner manumitting the slaves himself, each one receiving a written document to that effect signed and sealed by the district commissioner. Similarly, the Koranko and the Konno tribes are not slave-owners to any extent, but they have been much raided by other tribes in search of slaves. On the other hand, the Susu and Yalunka (but especially the Susu) own numbers of slaves.

12. Of the two tribes which comprise the greater portion of the population of Sierra Leone, the Temne and the Mende, both are slave-owners, and although they may attach less importance to the difference in status between a slave and a freeman than does the Mandingo, they are probably not such good masters as the latter, especially in regard to slaves who have not become slaves of the house or family slaves.

13. The Gallinas or Vai, although located in the Southern Province, closely resemble the Mandingo in many ways, including the custom of holding persons in servitude. They are also a Mohammedan community. Situated as they are amongst tribes who are far less addicted to this custom, their position in this respect is apt to be exaggerated by officers whose experience has been gained solely in the extreme south of this Protectorate.

14. From my experience of the tribes in this Protectorate I would credit each tribe with having, approximately, the following percentage of persons in servitude :—

Tribe.	*Total Population, 1921 Census.*	*Percentage of Persons in Servitude.*	*Number of Persons in Servitude.*
Mandingo	8,705	35	3,046
Susu	53,753	33	17,738
Vai	24,541	30	7,362
Yalunka	12,400	25	3,100
Temne	311,418	20	62,283
Bullom	56,556	20	11,311
Mende	557,674	15	83,651
Fulla	6,001	15	900
Gola	8,773	10	897
Krim	23,471	10	2,347
Koranko	30,100	10	3,010
Konno	112,215	10	11,221
Sherbro	37,200	6	2,232
Lokko	45,052	5	2,252
Kissi	46,506	5	2,325
Limba	112,010	5	5,600
	1,446,375		219,275

That is to say, 15.15 per cent. of the total population is under servitude either as slaves or slaves of the house (slaves of the second and third generation) : slaves of the fourth generation are, as I have already pointed out in paragraph 6 of this minute, to all intents and purposes free persons and need not in my opinion be taken into account. I may say that in placing the tribes in the above order I have consulted several political officers of experience; on the other hand the estimate of persons under servitude in each tribe is purely the result of my own conclusions. The above figures do not include 1,886 natives of the Bandi tribe (which I have never met), or 2,642 persons described in the Census report as " miscellaneous."

15. A glance at the main provisions of the ordinances dealing with slavery in Nigeria, the Gold Coast, and the Gambia shows that, despite the presence in this Colony (scattered over the Protectorate) of 4,607 non-natives, including missionaries, ministers of religion, persons interested in education, and the descendants of liberated Africans (locally known as Creoles), Sierra Leone from the point of view of legislation is far behind the other West African colonies. I submit, however, that the fact that under these conditions the Government has not been compelled by public opinion to strengthen legislation dealing with slavery affords strong evidence that servitude in this Protectorate exists in a mild and comparatively inoffensive form and that this fact should be borne in mind in introducing new legislation.

16. In Nigeria we find that the " legal status " of slaves both in the Northern and Southern Provinces was abolished in 1916,

and all persons born in or brought within the Southern and Northern Provinces after the 31st March, 1901, are declared to be free persons (Ordinance No. 35 of 1916). This Ordinance, however, does not repeal the Native House Rule Ordinance (P. No. 26 of 1901), which Dr. Maxwell states has been repealed, and it would appear, therefore, that it must have been repealed by some other ordinance which I have not seen. It is not improbable that, like our own Protectorate Native Law Ordinance, the Native House Rule Ordinance was designed partly to avoid breaches of the peace through persons disregarding native custom.

17. Legislation against slavery on the Gold Coast, although its phraseology may be more elastic, is even more advanced than in Nigeria. Chapter 6 of Ordinance No. 2 of 1874 declares all persons born in slavery within the protected territories on the Gold Coast after the 5th November, 1874, to be free; provided that the rights and obligations of parents of children *and other rights and obligations* not being repugnant to the law of England arising out of the family and tribal relations customary in the protected territories are not affected. Practically the same proviso appears in our own Protectorate Ordinance, No. 33 of 1901, in part IV (slave dealing, etc.), section 36, which reads as follows :—

> "Provided that nothing in this Ordinance shall apply to any such authority as may lawfully be exercised by 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 and Protectorate."

Slaves of the fourth and subsequent generations would appear to me to come under the provision underlined by me in these two Ordinances.

18. In the Gambia, under Ordinance No. 5 of 1906 (The Slave Trade Abolition Ordinance) all persons born after the commencement of the Ordinance are free from birth, whilst under section 2 any persons *held in any manner of servitude* shall be and become free for all intents and purposes *on the death of their masters*. In other respects, also, the law of the Gambia on this subject is very clear and comprehensive, which is not quite the case in Sierra Leone.

19. In Sierra Leone no steps have as yet been taken to fix a date after which all persons born in slavery shall be free. And, again, although under section 36 of Ordinance No. 33 of 1901* bequests of slaves are absolutely void, slaves by inheritance may pass from one master to another. Further, it would appear that slaves who accompany their masters into Sierra Leone from neighbouring foreign countries do not, *ipso facto*, become free as in the case in

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* Now (1926) section 5 of Cap. 167.

the Gambia. In expressing an opinion in 1917 on these two important points, the then Attorney-General (Mr. Greenwood) wrote as follows:—

> " These are questions of native custom and must be decided according to such custom, limited only so far as may have been done by ordinance. Although English law does not recognise the status of slavery, and British policy is in favour of its total abolition, yet it would be idle to assert that the Government does not recognise the status of slavery in the Protectorate.
>
> " 2. (*a*) Strictly speaking, a slave can have no ' free will,' and his passing into the Protectorate is presumed to be by the act of his master. Section 37 is directed against ' trafficking ' in slaves, and a slave in my opinion does not become free under that section unless the immediate object of his being brought into the Protectorate is to traffic with him in one of the methods specified, which do not include the act of ' continuing to possess as a slave.' He can, of course, purchase his freedom under Section 38.
>
> " 3. (*b*) A bequest is a disposition by will of property to some person who would otherwise not get that property, and it is an artificial excrescence upon the customary law of inheritance. Therefore by the use of the word ' bequest ' I think the Ordinance excludes devolution by inheritance. Slaves thus pass to the heir. Even if I am wrong, you will doubtless agree that for the time being at least no change should be made in the prevailing custom."

20. From the above it is, I think, abundantly clear that Sierra Leone is backward in legislation in regard to slavery. I do not consider, however, that this can be used as an argument for drastic reform on the ground that we must make up for lost time. If it is decided that persons who are born in slavery will after a certain date be free, I would suggest that, as in the Gambia, that date should be the date on which the amending ordinance becomes law. If this is considered insufficient, I would suggest that at most it be made retrospective so as to include very young persons in servitude who are not yet capable of doing serious work for their masters, say, children under six years of age.

21. The most drastic clause which I can find in any of the ordinances in West Africa is that by which, in the Gambia, slaves of every degree are free on the death of their master. The fact that I believe slavery in Sierra Leone to be mild in character tempts me to recommend that this clause be adopted in Sierra Leone, but the views of the other Commissioners and one or two selected chiefs might be obtained. This clause was not, I think, enacted for the first time in the Gambia in 1906; so far as my memory goes, it appeared in an ordinance enacted eight or ten years previously.

22. By the ordinances of both the Gold Coast and the Gambia, it is quite clear that all slaves from French territory became free when they immigrate, with their masters, into British territory. Personally, however, I can see no particular objection to the law of Sierra Leone, as it stands at present, provided it is in accordance with the law in French territory, and I would suggest that enquiry be made on this point from the Consul-General at Dakar. At present, if a slave leaves his master in French territory, and comes to British territory, he enjoys his freedom, and the same thing occurs when a slave from English territory takes refuge in French territory. But that is not quite the same thing as a slave who considers it is his duty to accompany his master into British territory. I hesitate to recommend any policy which might deter immigration into Sierra Leone, or encourage emigration to French territory, and I am strongly against passing laws which are so drastic that it may prove inexpedient fully to enforce them. These are the only points on which the law of Sierra Leone in regard to slavery differs from the law of the other colonies.

23. Personally, I do not believe that we can safely count on the financial position of Sierra Leone benefiting greatly if domestic servitude is abolished. I cannot find that agriculture, on which the people of this country depend, is more vigorously conducted by the tribes amongst which servitude hardly exists : on the contrary, they are as a rule poorer, cultivate less land, and have smaller reserves of foodstuffs than is usually the case with tribes amongst which servitude is practised. Nor can I find that the native farmers in the Colony, who belong to a number of different tribes, and amongst whom there are no slaves, are better and more vigorous agriculturists than the slave-owning families in the Protectorate, and this despite the fact that they have infinitely less work of a tribal nature to perform, such as making roads and bridges, building rest-houses, and cleaning waterways. It is true, however, in the first case that the tribes who were able to capture slaves are in every way more vigorous than those who could not do so, and that in the second case the land in the Colony may be poorer and more overworked than land in the Protectorate. Bearing in mind the African temperament, however, it is not impossible that with servitude in its present state and form, the average slave is made to work just a little harder than he would do if he enjoyed his freedom, but in order to get him to do this the average master also works just a little harder than he would otherwise do. If one questions the head of an ordinary family, having in its possession three or four domestic slaves, he will invariably tell you that unless he personally goes on his farm and works to the best of his ability things do not go on to his satisfaction.

24. In conclusion, I would remark that it is interesting to note in connection with the temperament of these tribes that apart from

slave raiding, which was usually a form of warfare, the system of slavery originally obtaining was largely a penal one, which public opinion considered necessary to maintain the tribe at a certain moral standard. I have endeavoured to show how the status of slaves gradually alters until they become free, but even a slave of the first generation, i.e., a person who enjoyed his freedom before he became a slave, might by good work or good deeds obtain his freedom; similarly a freeman might through his misdeeds become a slave. In this matter, as in many others, native custom recognises the necessity of maintaining strong discipline amongst its members.

9*th October*, 1923. W. B. S.

No. 4.

Minute by Captain W. B. Stanley, C.M.G., M.B.E., Commissioner of the Northern Province.

With reference to His Excellency's despatch dated the 20th of June last,* on the subject of domestic slavery in Sierra Leone, for the following reasons I am of opinion that if His Excellency's recommendations are approved by the Secretary of State there will be no necessity to provide by ordinance that emancipated slaves shall be granted farm lands adequate to their needs as soon as they become free.

2. I do not for a moment anticipate that His Excellency's recommendations will meet with active resentment of a kind which might lead slave owners to interfere with persons who were formerly slaves under them or with persons whom, but for the new ordinance, they would have inherited as slaves. On the other hand, if every slave in the entire Protectorate was in a position to assert his freedom on a certain date, legislation of the kind referred to by the Honourable Colonial Secretary would be essential, as a very difficult situation might easily arise which is not without precedent elsewhere in Africa.

3. Under His Excellency's proposals, slaves will acquire their freedom in four different ways:—

(i) By redemption;
(ii) By birth;
(iii) On the death of their master;
(iv) On entry into the Protectorate from neighbouring French or Liberian territory.

4. In regard to (i) there has never, up to the present, been the slightest difficulty, as redemption is fully recognised by native customary law and consequently a redeemed slave does not suffer any disability in respect of land or anything else.

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* No. 3.

5. In regard to (ii), in practice the new-born child would remain with its slave-born parents and would in due course, if the law is properly promulgated, become aware of the fact that he or she is a freeborn person. If a male, he would not require land until he is in a position to support himself; if by that time the demise of his master has not already occurred and his parents and the remainder of the family also thereby become free, every one will be reconciled to the fact that he is by law born free, and native custom will allow him to occupy as much land as he can cultivate. If a female, she will marry into another family and will be granted such rights over land as tribal custom permits in the case of free women.

6. In regard to (iii), which is not quite so simple, until the law is thoroughly well known, cases will probably occur (as they did in the Gambia) in which heirs will claim what they believe to be their lawful inheritance and, on learning that this is no longer the case, may raise objection to the recently freed slaves cultivating land for themselves which, but for the law of the Government, they would have been compelled to cultivate, at least partly for their masters. In such cases, provided the land occupied by deceased and his heir, whom we will assume reside in the same village or in villages quite close together, if sufficient for the requirements of the two families including the freed slaves, native custom would not allow the heir to occupy more land than he could cultivate to the exclusion of the emancipated slaves, since the system of land tenure in practically the whole of this Protectorate and Colony administered as Protectorate is purely communal; there would therefore be no objection to the recently freed slaves occupying, on their own account, a portion of the land formerly cultivated either by their late master or his heir; but they would have to take what was left over and would not be allowed to claim land over which they might consider they had acquired rights by reason of having cultivated it as slaves. If on the other hand an heir can prove that the land barely suffices for the needs of his own family and the family of the deceased (possibly now merged into one), the village headman or the chief would decide against the freed slaves, but would be obliged by native law to find adequate lands for them elsewhere. There would, however, probably be little difficulty in doing this, and at the most it might entail the freed slaves moving into another locality in the same chiefdom.

7. I do not anticipate that the above class of case will be very common. In many cases, where no ill-will exists between the slaves and the heir, a mutual arrangement will be arrived at under which the former remain in the heir's family as free persons, in which case the question of land will not arise. In other cases it will happen that the heir resides at a distance and that the free-born family of deceased will remove themselves into the town in

which he dwells; in which case the village headman would recognize that the freed slaves, if they elect to remain where they are, have a prior claim to the land they cultivated as against any one else who has not cultivated it before. Then again, there will be cases when the freed slaves, especially if they are a family with a man at its head, will wish to dissociate themselves from the place of their servitude and will go to the paramount chief or a sub-chief and ask and obtain permission, as free persons, to occupy and cultivate vacant tribal lands.

8. In regard to (iv), strangers, whether accompanied by slaves or freeborn persons, are always welcome in any chiefdom in this Protectorate, and the paramount chief invariably finds them land even if it may entail some slight sacrifice by his own people in a thickly-populated area. If an owner of slaves, in ignorance of the law, brings his slaves into British territory and then raises objection on finding that they are automatically free on crossing the frontier, the chief, in order to avoid friction, may have to find the freed slaves lands situated at a distance from those cultivated by their late master, but, as I have already said, there should be no difficulty about this. It is obvious that when the law becomes well known a man will not bring his slaves to British territory unless he wishes them to become free.

W. B. S.

4th October, 1924.

No. 5.

Despatch from the Secretary of State for the Colonies to the Governor of Sierra Leone.

Downing Street,
7th September, 1925.

SIR,

I have deferred replying to your despatch of the 12th of March,* enclosing the draft of an ordinance to amend the Protectorate Ordinance, No. 33 of 1901, until I had had an opportunity of perusing the report of the Temporary Slavery Commission of the League of Nations, which was presented to the President of the Council in a letter from their Chairman, dated 25th July last. This report, which was drawn up after an examination of the anti-slavery legislation of all countries, makes no special reference to the situation in Sierra Leone. It does, however, contain the following statement of a general character, which is of importance in connection with the question of the abolition of the legal status of slavery :—

> "The legality of the status of slavery is not recognised in any Christian State (Mother Country, Colonial Dependencies, and Mandated Territories) except Abyssinia."

* Not printed

2. It is evident from this pronouncement that the Commission regard the existing provision in section 4 of the Sierra Leone Protectorate Courts Jurisdiction Ordinance :—

> " No claim for or in respect of the person of any slave shall be entertained by any of the courts established or recognised by this Ordinance for the administration of justice in the Protectorate,"

as justifying the conclusion that the " legal status of slavery " does not exist in the Protectorate of Sierra Leone, and I may add that in 1900, when the " legal status " was announced by public notification as " abolished " in Southern Nigeria and the Lagos Protectorate, this expression was explained to mean that " courts established and conducted by the Government do not recognise that one man can be the property of any other man, and that the courts will not order a fugitive slave to be handed back to an owner."

3. The existing law in India is the East India Company's Act No. V of 1843, of which I enclose a copy, and the Tanganyika Territory Ordinance, No. 13 of 1922, follows this Indian Act somewhat closely. Although the words " legal status " do not occur in the Act, it is commonly regarded as the standard or model law for the abolition of the " legal status," which is taken to mean the recognition by local law of the status of slavery, and not the status of slavery itself.

4. I have thought it advisable to call your attention to the possible ambiguity attaching to the expression " legal status of slavery," in order that you may consider whether it is necessary to include in your proposed ordinance the provision in section 3 for the abolition of the legal status. I am disposed to consider that the provisions of section 2 of the draft provide, in effect, for the abolition of the " legal status " (as that expression has been commonly interpreted elsewhere) and that no specific provision for such abolition is required.

5. Subject to this suggestion, I concur in the enactment of the Bill enclosed in your despatch.

I have, etc.,
L. S. AMERY.

Enclosure in No. 5.

EAST INDIA COMPANY'S ACT, No. V OF 1843.

An Act for declaring and amending the law regarding the condition of slavery within the territories of the East India Company.

I. It is hereby enacted and declared, that no public officer shall, in execution of any decree or order of court, or for the enforcement

of any demand of rent or revenue, sell or cause to be sold any person, or the right to the compulsory labour or services of any person, on the ground that such persons is in a state of slavery.

II. And it is hereby declared and enacted, that no rights arising out of alleged property in the person and services of another as a slave shall be enforced by any civil or criminal court or magistrate within the territories of the East India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry or by the exercise of any art, calling, or profession, or by inheritance, assignment, gift, or bequest shall be dispossessed of such property or prevented from taking possession thereof on the ground that such person or that the person from whom the property may have been derived was a slave.

IV. And it is hereby enacted that any act which would be a penal offence if done to a free man shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

No. 6.

Despatch from the Governor of Sierra Leone to the Secretary of State for the Colonies.

[*Answered by No. 7.*]

GOVERNMENT HOUSE,
FREETOWN,
12th April, 1926.

SIR,

With reference to your despatch of the 7th September, 1925,* I have the honour to forward herewith, for the signification of His Majesty's pleasure, two copies of Ordinance No. 9 of 1926,† together with the Attorney-General's report‡ thereon. The Ordinance, though bearing the prosaic title of the "Protectorate (No. 2) (Amendment) Ordinance, 1926," is in effect an Ordinance to make further provision for putting an end to slavery in Sierra Leone.

2. After consulting with the Attorney-General and the Provincial Commissioners, I was glad to give effect to the suggestion in paragraph 4 of your despatch, viz., to exclude all reference to the "legal status of slavery."

3. The Bill so amended was gazetted on 11th December, 1925, and was read a first time on 3rd December, 1925. The second reading was deferred in order to give the Provincial Commissioners and the Paramount Chiefs Members of Council opportunity to explain its provisions to the Protectorate chiefs and people. As

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* No. 5. † Enclosure 1. ‡ Enclosure 2.

an example of the method adopted, I enclose a copy of a letter* from the Commissioner, Southern Province (Mr. H. Ross). I may add that before Members of Council dispersed after the December sitting I briefly explained to the three Paramount Chiefs, at the usual farewell interview, the provisions of the Bill and the very gradual character of the coming change. Though they were evidently impressed with the importance of the measure, they exhibited no undue concern, even when I made it clear that no question of compensation could be considered.

4. The Bill evoked singularly little comment locally—perhaps owing to the occurrence of the railway strike: such criticism as there was centred round the absence of provision for compensation. At least one of the newspapers mischievously misrepresented the effect of the Bill as complete and immediate emancipation of all domestic slaves, and it is noteworthy that in the debate on the second reading the Honourable Bai Comber complained of the way in which the Creole settlers had misrepresented the Bill to people in the Central Province.

5. The second reading debate is briefly summarised in the Attorney-General's report. The Government case was effectively presented by the Attorney-General, the Colonial Secretary, and each of the three Provincial Commissioners, and it received warm support from the Honourable and Reverend James Denton and from the Honourable A. E. Tuboku-Metzger, who remarked that the Bill was long overdue. The other two Elected Members, one of whom began his speech by acknowledging that he was a descendant of one of the original freed slaves who were settled in Sierra Leone, appeared to be almost wholly concerned with making the most of the opportunity vehemently to attack Government for omitting compensation. The Honourable Beoku Betts described the Bill, in effect, as a sop to sentiment, and the Honourable Dr. Bankole Bright denounced it as "an iniquitous and unrighteous Act." The two Paramount Chiefs, on the other hand (the third was absent through illness which subsequently proved fatal), while pleading for "justice to the owners" and for the payment of "redemption" money, voted with the Government on an amendment by the Urban Member that the Bill should be referred to a Select Committee to consider the question of compensation. I enclose reports† of their speeches: the Honourable Bai Kompa (Temne) scored an effective point (with reference to clause 2 (2) of the Bill) by observing that according to native custom the master of a slave could not be said to die as long as he had children: "he is only dead when he has no child."

I will forward a complete report of the debate when it is in print.

6. I am confident that His Majesty will not be advised to exercise His powers of disallowance in respect of this measure which

* Enclosure 3. † Enclosure 4.

marks another instance of the traditional determination of His Majesty's Government to abolish all form of servitude throughout the British dominions.

7. I enclose a copy of an instruction* that is being issued to Provincial Commissioners.

I have, etc.,
A. R. SLATER,
Governor.

Enclosure 1 in No. 6.

PROTECTORATE (No. 2) (AMENDMENT) ORDINANCE, 1926.

COLONY OF SIERRA LEONE.

No. 9 OF 1926.

In His Majesty's Name I assent to this Ordinance this second day of April, 1926.

(L.S.) A. R. SLATER,
Governor.

An Ordinance to Amend the Protectorate Ordinance, 1924.

(14th April, 1926.) Date of commencement.

BE IT ENACTED by the Governor of the Colony of Sierra Leone, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Protectorate (No. 2) (Amendment) Ordinance, 1926. Short title.

2. Section six of the Protectorate Ordinance, 1924, shall be repealed and the following section shall be substituted therefor :— Substitution of a new section for Cap. 167 section 6.

" 6. After the commencement of this Ordinance

" (1) All persons born or brought into the Protectorate are hereby declared to be free. Persons declared free.

" (2) All persons treated as slaves or held in any manner of servitude shall be and become free on the death of their master or owner.

" (3) No claim for or in respect of any slave shall be entertained by any of the Courts of the Protectorate." Claims relating to slaves not to be entertained.

Passed in the Legislative Council this twenty-ninth day of March, in the year of our Lord One thousand nine hundred and twenty-six.

J. L. JOHN,
Clerk of Legislative Council.

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* Enclosure 5.

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 copy of the said Bill.

J. L. JOHN,
Clerk of Legislative Council.

Enclosure 2 in No. 6.

REPORT ON AN ORDINANCE TO AMEND THE PROTECTORATE ORDINANCE, 1924.

This Ordinance has been the result of correspondence with the Right Honourable the Secretary of State in whose despatch of 7th September, 1925,* there was approved in general terms a Bill which had been submitted and which aimed at the termination of the status of domestic servitude persisting in the Protectorate.

2. In paragraph 4 of the Secretary of State's despatch a certain omission from the draft Bill was suggested, and this suggestion was acted upon.

3. After a certain amount of discussion on the second reading and in the Committee stage this Bill was read a second and third time *nemine contradicente.*

4. A good deal of criticism of the Bill by the two Urban Elected Creole members of the Legislative Council was directed against the fact that no compensation was to be paid to dispossessed slave owners. One of these members, in an impassioned speech, denounced the omission to give such compensation as " iniquitous and unrighteous," but it is significant that the Protectorate chief who represents the Central Province raised no objection on this or any other score to the Bill, but complained with some emphasis that settlers (i.e., Creole immigrants) in the Protectorate had been disseminating false representations as to the aims of the Government throughout his Province.

5. The answer made by the Government was that in no instance was there any record of compensation being paid where the abolition of slavery was effected not at a single blow but as in this case in the course of nature by the liberation of *ante nati* on their master's death and of *post nati* from their birth.

6. A further point taken by the Rural Member as to the possibility of evasion by a transfer *inter vivos* by a dying master was disposed of by pointing out that under Section 8 (1) of Cap. 167 any such transfer is already illegal.

7. As has been said before, in spite of the use of violent language referred to in paragraph 4 hereof, the second and third readings were

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* No. 5.

unopposed, a fact which seems to show that there was not much conviction behind the mischievous words which were employed.

8. I am of opinion that the assent of His Excellency the Governor may properly be given to this Ordinance.

MICHAEL F. J. McDONNELL,
Attorney-General.

CROWN LAW OFFICERS' CHAMBERS,
FREETOWN, SIERRA LEONE,
31*st March*, 1926.

Enclosure 3 *in No.* 6.

FROM THE PROVINCIAL COMMISSIONER, SOUTHERN PROVINCE, TO THE HONOURABLE THE COLONIAL SECRETARY, FREETOWN.

7th January, 1926.

SIR,

I have the honour to inform you that in the course of a tour in this Province made with the object of disseminating news and obtaining influential views as to the Slavery Bill I interviewed in, or near, their principal towns the following Paramount Chiefs :—

Paramount Chief B. J. Tucker, Gbapp.
Paramount Chief Solokko, Bagru.
Paramount Chief A. J. Caulker, Bumpe.
Paramount Chief S. Caulker, Shenge.
Paramount Chief Papa Poi, Mano Bagru.
Paramount Chief Sam Margai, Banta.
Paramount Chief Tuano Kategbe Imperri.
Paramount Chief A. J. Tucker, Jong.
Paramount Chief Bimba Kelli, Mokelli.
Paramount Chief Kenneh Koker, Bagbor.
Paramount Chief Bobor, Bumpeh.
Paramount Chief Seh Bureh, Bum.
Paramount Chief Wonni Bio, Sogbini.
Paramount Chief Tom Kebbi, Malain.
Paramount Chief Alimami Kai Kai, Kpanga.

2. As the foregoing Chiefs are very representative, and I have discussed the matter fully with each one, I have thought before dealing with the remainder of the Province (Mano River District), as I am doing this month, I would submit an interim report.

3. The District Commissioner at Sembehun had, owing to a misapprehension, sent the Bill to some of his chiefs pointing out its provisions, but making no other comment. I interviewed these chiefs and, although they were in no way alarmed, such a very

succint presentation of the matter had somewhat puzzled them and they had several hypothetical cases to put before me. They had undoubtedly discussed the matter among themselves. Solokko, of Sembehun, voiced the opinions of several others when he asked if (1) the slaves a man had inherited would become free when the Bill became operative; (2) if slaves becoming free through death of their masters would be entitled to squat on bush or land they had previously farmed without paying tribute to the chief or sub-chief; (3) the difficulty presented by a child's mother and father being slaves and the child itself free; could it justly resist parental control?

On the whole it was illuminating to listen to the views of these chiefs who had simply had the provisions of the Bill unaccompanied by any explanatory illustration.

4. In Banta, Imperri, and Jong I found the matter taken very quietly, and the chiefs and tribal authorities willing to let the Bill and the gradual incidence of its provisions pursue its natural course. They seemed gratified and relieved to know that they would have the tutelary advice of the Commissioners when any difficult aspects of special cases presented themselves.

5. Chief Seh Bureh of Bum, Bobo of Bumpeh, and Kenneh Koker of Bagbor exhibited very much the same attitude and put to me a number of questions principally referring to whether manumitted slaves were entitled to settle on land without paying tribute. All chiefs were in favour of retaining the freed slaves on the land providing ordinary tribute payable by an ordinary freeman was forthcoming. All chiefs and all elders whom I interviewed " in the house " were much impressed with the salient fact that no living owner was to be deprived of domestics now living during his, the owner's, life-time.

6. I have yet to deal with Gallinas and some of the big slave-owning chiefdoms, but if the attitude exhibited there is even on a much smaller degree akin to the chiefs and tribal elders I have already interviewed we may, I think, in this Province anticipate no social, political, or tribal disruption, but rather the gradual and sure process of elimination contemplated in the provisions of the Bill.

I have, etc.,

H. Ross,

Commissioner, Southern Province.

Enclosure 4 *in No.* 6.

PARAMOUNT CHIEF BAI KOMPA: Your Excellency, I want to speak to you, but I want an interpreter as I wish to speak in Temne.

The Council having granted permission, Momo Kabbia was called in and interpreted as follows :—

" He calls me to interpret for him and asks me to interpret well. He is happy to sit here among you all; he is very glad indeed. He is speaking in Temne for me to interpret. This country that we are all living in now is Temne country; it is part of Koya. When you came you met us all settling here. Formerly we used to sit together and talk. We used to sit in this part of the country. Your early friends are Pa Demba, King Tom, and King Jimmy. They were big men. Before you came here they owned the country, but friendship existed between us all. Then you started to make the country properly, the place was measured and we were handed small money. You settled from here on to Waterloo. But from Songo we do not know who sold that portion.

" About the slave matter. We own slaves. We, all black men, are slaves, because the chiefs are the people Europeans tell not to do certain things. They give us orders. They say we must set the slaves free. Suppose we set them free, will we be paid? We work for the people and our slaves work for us. Since we chiefs entered this Council I have said nothing about anything, but, as to this slave matter, we do not agree to it. If the slaves want freedom, they should redeem themselves or they should be redeemed so that we can put the money into the bank.

" They say when the master of a slave dies the slave must be set free. How can the master of a slave die when he has got a child? He is only dead when he has no child. If a man gets money and puts it into the bank on the death of the owner, if he has no son the Government will take it. In the case of the master and the slave, the master bears children and the slave bears children also, they grow together and live as brothers. When the master dies his son takes the slaves. If on the death of the master the slaves are set free, who will work for the children of the master, who will support them, some of whom used to be young and unable to do anything? If the slaves are to be set free on the death of their master, who will support and care for their young masters?

" We are all one, we all live in this country, we are friends; we paramount chiefs and you are friends. That is all I wish to say. I do not agree; if the slaves are to be set free, they should be redeemed."

PARAMOUNT CHIEF BAI COMBER : I cannot swear that I am not one of the slave owners though I am not without mercy for the slaves and justice for the owners. It has been said in the Bible

that the burden of our deeds is to be reckoned by the Almighty God. All our affairs are in the hands of the Government. It appears to me that the Bill has been wrongly interpreted by some of the settlers in the Protectorate. We chiefs, especially those who are in the Council, are to assist the Government in every possible way. If instruction is given for an assembly of chiefs to be held, some of us will be present to enable us to give our people true interpretation of the Bill, and then I am sure the object of the Bill will be generally carried out without any trouble. On this ground, that is, on the ground that the Bill is being wrongly interpreted in the Protectorate, I support the motion that a general assembly of chiefs be held in all the Provinces of the Protectorate.

Enclosure 5 in No. 6.

FROM THE COLONIAL SECRETARY TO PROVINCIAL COMMISSIONERS.

I am directed by the Governor to refer to the Protectorate No. (2) Amendment Ordinance of 1926, which passed its third reading in the Legislative Council on the 29th March, 1926.

2. By section 2 of this Ordinance, section 6 of the Protectorate Ordinance 1924 is amended as follows :—

" 6. After the commencement of this Ordinance

(1) All persons born or brought into the Protectorate are hereby declared to be free.

(2) All persons treated as slaves or held in any manner of servitude shall be and become free on the death of their master or owner.

(3) No claim for or in respect of any slave shall be entertained by any of the Courts of the Protectorate."

3. You and your District Commissioners will in future cease to render any assistance whatever to masters who seek your aid in order to recover runaway domestics. You will explain to them (if necessary) that it is against the law for Government officers even in their executive capacity to recognize the legal status of slavery; that this does not mean that there is anything illegal in their holding domestic slaves (provided such domestics have not obtained their freedom under the new Ordinance) but that they cannot be assisted to recover their domestics if they lose them.

4. There will, of course, be no objection to you and your officers carefully explaining (after such enquiry as may be necessary) to any master or domestic, who seeks advice, what their actual position is, and you will not doubt, in your discretion, endeavour to secure that there is as little economic disturbance as possible when masters die.

5. If any slaves who automatically obtain their freedom in due course as the result of the new Ordinance *apply* for Redemption Certificates, free certificates should be granted.

H. C. LUKE,
Colonial Secretary.

10th April, 1926.

No. 7.

Despatch from the Secretary of State for the Colonies to the Officer Administering the Government of Sierra Leone.

DOWNING STREET,
17th May, 1926.

SIR,

I have the honour to acknowledge the receipt of Sir Ransford Slater's despatch of the 12th of April,* reporting the enactment of the Protectorate (No. 2) (Amendment) Ordinance, 1926, in pursuance of the policy which has been decided upon in order to put an end to domestic slavery in the Sierra Leone Protectorate.

2. I have read with much interest Sir R. Slater's account of the passage of this important measure; and I need hardly say that His Majesty will not be advised to exercise his power of disallowance with respect thereto.

I have, etc.,
L. S. AMERY.

No. 8.

Telegram from the Secretary of State for the Colonies to the Officer Administering the Government of Sierra Leone.

(Sent 27th July, 1927.)

[*Answered by No.* 9.]

Please forward as soon as possible full text of judgments Full Court, referred to in Sierra Leone Press beginning of this month, on slavery in Protectorate.—SECRETARY OF STATE FOR THE COLONIES.

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* No. 6.

No. 9.

Extract from despatch from the Officer Administering the Government of Sierra Leone to the Secretary of State for the Colonies.

[*Answered by No.* 10.]

GOVERNMENT HOUSE,
FREETOWN,
1st August, 1927.

SIR,

In compliance with the instructions contained in your telegram of the 27th July,* I have the honour to enclose copies of the majority judgments† (by Mr. Justice Sawrey-Cookson, President, and Mr. Justice Aitken) of the Full Court in the case of *Rex* v. *Salla Silla*, and of the dissentient judgment‡ of Mr. Justice Petrides.

I have, etc.,
H. C. LUKE,
Acting Governor.

Enclosure 1 *in No.* 9.

IN THE FULL COURT OF THE SUPREME COURT OF THE COLONY OF SIERRA LEONE.

Rex v. *Salla Silla.*

and

Rex v. *M'fa Nonko and others.*

I agree these cases have been consolidated for the purpose of appeal and quite briefly the question here involved is: Can a run-away slave in the Protectorate Territory of this Colony take action against his master who re-takes him and so regains his rights of possession in him against the slave's will? A consideration of this question naturally involves the wider and main one, viz., whether any such status as that of a slave is recognised to any, and if so to what extent by the law of this Colony, and to that question there can only be one answer. It is clearly recognised to some extent if only for the reason that freedom from that status may be acquired by a certain payment made to the master—under section 7 of Cap. 167, which lays it down that every slave within the limits of the Protectorate shall, on payment made by him or on his behalf to his *owner* or master of such sum as may be fixed by the Governor (not exceeding in the case of an adult four pounds and in the case of a child two pounds) be and become to all intents and purposes free, and the children thereafter to be born to any such person shall be free from their birth.

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* No. 8. † Enclosure 1. ‡ Enclosure 2.

Here then we have the clearest possible recognition of a slave who is owned much as a chattel can be owned, and it must logically result that there is a right to follow and regain by use of any lawful means the rights of ownership in and possession of the property of which he has been deprived by the absconding of his slave. Fortunately the learned Circuit Judge has found that no more force than was reasonable was used in the re-taking of the person here concerned, so that much of the difficulty which I should otherwise have felt in construing the word " unlawfully " (as found in section 8 sub-section (8) of Cap. 167) disappears—for, as I have indicated above, it follows that if slavery in the Protectorate is recognised then the use of reasonable force in the re-taking of a run-away slave must also be recognised.

So that the only difficulty, as it appears to me, is whether this sub-section (8) which makes it an offence to use any form of coercion or restraint in unlawfully compelling the service of any person directly and specifically destroys that logical consequence of the right to own a slave, i.e., the right to use a reasonable amount of force in re-taking him after he has run away.

A portion of my learned brother Aitken's very lucid judgment gets over this difficulty and for my part I will only add that the use of that term " unlawfully " cannot mean that the employment of any form of coercion in the re-taking is forbidden by the law for the simple reason indicated, viz., that it would reduce the former provision of the Ordinance to a manifest absurdity. There obviously must be coercion of a kind used. It must be as absurd to deny an owner of a slave his rights to re-take a run-away slave as to deny a husband certain rights which follow on a lawfully contracted marriage.

So that we must give the word " unlawfully " some other meaning, and I think Mr. Wright's view is correct when he says, after pointing out significantly that the word " unlawfully " appears only in this the last sub-section of section 8, that only those persons can be held under that sub-section to compel unlawfully who use coercion or restraint in defiance of other provisions of the Ordinance, e.g., where a person to whom a slave has been unlawfully transferred compels that slave to serve him. Until the Legislature makes it perfectly clear that no such right to re-take is to be recognised, I cannot find that the law as it stands at present denies that right to the slave owner in the Protectorate.

I am of the opinion therefore that the re-taking in this instance was lawful and no assault was committed, from which it follows of course that there has been no conspiracy and both convictions must be quashed.

S. SAWREY-COOKSON, J.,
President,
1. VII. 27.

IN THE FULL COURT OF THE SUPREME COURT OF THE COLONY OF SIERRA LEONE.

Rex v. *Salla Silla.*

and

Rex v. *M'fa Nonko and others.*

JUDGMENT.

Both these cases raise the same question, namely, whether, in the Protectorate, the master of a slave who has run away has a right to use reasonable force to re-take him.

The Sierra Leone Protectorate was constituted by an Order of the Queen in Council made on the 24th August, 1895. At that date it is admitted, on all hands, that the institution of slavery flourished throughout the territories comprised in the new Protectorate; and there can be no doubt that native law and custom clearly recognised a right, in the owner, to re-capture his run-away slave by any means within his power. Indeed, wherever throughout the world that odious institution has flourished a right of re-capture has always been regarded as a necessary incident thereto; and it is difficult to see how it could have been otherwise.

The first Protectorate Ordinance was passed in the year 1896, but was quickly repealed and replaced by an Ordinance of the year 1897; and that in its turn was repealed and replaced by the present Ordinance No. 33 of 1901, which appears to have been altered and amended by no fewer than twenty-two Ordinances between the years 1903 and 1926. From the very beginning the institution of slavery was recognised, regulated, and controlled; and it obviously exercised the mind of the local legislature in no small degree. The provisions of sections 5, 7, and 8 of the present Ordinance, with one trifling and immaterial exception, have been in force from the very beginning; but last year the provisions of section 6 thereof, which also dated back to the year 1896, were replaced by the following much wider section:—

> " (1) After the commencement of this Ordinance all persons born or brought into the Protectorate are hereby declared to be free.
>
> " (2) All persons treated as slaves or held in any manner of servitude shall be and become free on the death of their master and owner.
>
> " (3) No claim for or in respect of any slave shall be entertained by any of the Courts in the Protectorate."

I do not think that I need go further into the history of the matter. It would seem that this last amendment has led to a large number of slaves in the Protectorate running away from their masters, and to efforts on the part of more than a few aggrieved masters to re-capture their run-away slaves. Hence

these prosecutions; hence the able arguments to which we have had the pleasure and advantage of listening; and hence the statement of these cases for our decision.

Now it seems to me that the former rights of a slave owner over his slave remain in force in the Protectorate, except in so far as they have been modified or taken away by the express provisions of the Legislature, or any necessary implication. I have not arrived at this proposition easily. I have turned it over and over in my mind and considered it from every viewpoint suggested by Mr. de Hart in his able argument; I hope and believe it is correct and sound. It is therefore incumbent on me to consider, with meticulous care, the provisions of the Protectorate Ordinance 1924, and the Protectorate Courts Jurisdiction Ordinance 1924, to see if I can discover anything which directly, or by necessary implication, abrogates a slave owner's former right to re-capture his run-away slave. I may here say that the learned Circuit Judge has expressly found that none but reasonable force was used in either of the two cases now before us, so that the question is fortunately not complicated by difficulties that might have arisen had either slave suffered bodily injury in the act of re-capture. Mr. de Hart relied on sections 6 and 8 of the Protectorate Ordinance 1924, and sections 4 and 78 of the Protectorate Courts Jurisdiction Ordinance of the same year. I have already expressed my obligation to him for his able argument, and feel confident that I need not trouble very much about anything on which he did not rely. For a few brief moments I have experienced some doubts as to whether he should not have placed some reliance on the proviso to section 5 of the Protectorate Ordinance, but a careful consideration thereof has convinced me that he was right in not doing so. The expression " not being repugnant to the law of England " clearly refers to rights arising out of parental, family, and tribal relations and to such rights only. It does not touch the question now before us, and I will proceed to an anxious examination of the sections on which Mr. de Hart based his main argument. As to section 6 of the Protectorate Ordinance and section 4 of the Protectorate Courts Jurisdiction Ordinance, these to my mind present no difficulty. They bar the slave owners' legal remedy, it is true; but according to a well-known principle of the English Law they do not take away his rights. As to section 78 of the latter Ordinance, that is a general section which applies the law in force in the Colony to matters or causes before the Circuit and District Commissioners' Courts, but only so far as possible. Assuming that the slave owner has a right to re-capture his run-away slave, then it seems to me a legal impossibility to hold that an owner who exercises that right by the use of only reasonable force, and without doing a slave any bodily injury, has committed any offence against such laws. Surely the reasonable exercise of an existing civil right can never become a criminal wrong.

It is also a well-known canon of construction that a legislature is not presumed to intend any substantial alteration in the law beyond what it explicitly declares or, in other words, beyond the scope and object of the statute. In this connection I need only point out that the words used are the very reverse of explicit, and that the object and scope of the Ordinance itself was the establishment of Courts of Justice in the Protectorate and the definition of their respective jurisdictions.

There remains section 8 of the Protectorate Ordinance 1924, and that, in my opinion, is the real crux of the argument for and against the learned Judge's decision. Now, the first seven sub-sections of this section prohibit certain acts in relation to slave dealing in an absolute and unqualified manner, but the eighth sub-section prohibits a certain act when done " unlawfully," that is, the act of compelling the service of any person by any species of coercion or restraint. What is the meaning of " unlawfully "? After considering every authority I have been able to discover, I adopt the meaning given to the term by Stephen J. in *Regina* v. *Clarence*, 22 Q.B.D., page 23, where he says that the expression " unlawful " in its ordinary import means " forbidden by some definite law ". I must next ask myself, has the exercise of the right of re-capture where no bodily harm is done being forbidden by any definite provision contained in the laws applying to the Protectorate; and the answer seems to me to be in the negative. Moreover, it is quite easy to give this sub-section a useful meaning without applying it to the reasonable acts of a master in relation to his own slave. Thus, it would clearly be an act of unlawful compulsion for a person to coerce any other person except his own slave to serve him; and it would, I submit, be unlawful compulsion for a master to coerce even his own slave to serve him if the latter was able and anxious to purchase his freedom under section 7 of the same Ordinance. This solves the conundrum that the local Legislature has presented to us, at any rate so far as I am concerned. I hold that the defendants in each of these two cases should have been acquitted, and that the judgments of convictions in the Court below should be set aside and judgments of acquittal in lieu thereof be pronounced and entered in the Court Records. I should add, perhaps, that both the slaves in question were recaptured in the Protectorate. Had they succeeded in escaping to the Colony it is obvious that their masters could not have touched them so long as they resided there.

Delivered this 1st day of July, 1927.

J. AITKEN, J.

Enclosure 2 in No. 9.

IN THE FULL COURT OF THE SUPREME COURT OF THE COLONY OF SIERRA LEONE.

Rex v. *Salla Silla.*

and

Rex v. *M'fa Nonko and others.*

JUDGMENT.

On the 31st day of August, 1896, a Protectorate was proclaimed over the territories adjacent to the Colony of Sierra Leone.

On the 16th September, Ordinance (1896) No. 20 of 1896 was passed to exercise and provide (as stated in the preamble) for giving effect to all such jurisdiction as Her Majesty may at any time before or after the passing of the Order in Council of the 25th of August, 1895, have acquired in the territories adjacent to the Colony of Sierra Leone.

Part III of that Ordinance dealt with "Slave dealing, &c." Shortly that part—

(1) Made dealing in slaves unlawful;

(2) Provided that persons brought into the Protectorate for slave dealing purposes shall be free;

(3) Permitted slaves to purchase their freedom;

(4) Provided penalties for certain offences connected with slave dealing.

It will be seen from a perusal of Part III that there was at the inception of the Protectorate no attempt to make the holding of slaves illegal or even to provide that the children of slaves should be free. The aim of the legislature at that time appears to have been to prohibit the transfer of slaves.

The present law relating to slave dealing, &c., is contained in Part II of Cap. 167, as amended by Ordinance 9 of 1926. These provisions are to a great extent a reproduction of the provisions contained in Ordinance 20 of 1896, although it must be said that Ordinance No. 1 of 1926 marks an advance on the then existing law by providing that children of slaves are to be free and that when a slave owner dies his slaves shall be free. It is clear that the status of slavery has not been abolished in the Protectorate and the existence of slavery thereof is recognised by necessary implication. Slavery in the Protectorate is a creature of native law and there can be no doubt that according to native law an owner can re-capture a run-away slave. It has been argued that the re-capture of a slave is an assault and therefore the offence of assault has been committed by Salla Silla, and that the defendants in the other case have been guilty of conspiracy and assault by the Law of England which applies to the Protectorate by virtue of the

Protectorate Courts Jurisdiction Ordinance, 1924, section 78 (Cap 169). That section reads as follows :—

> " In hearing and determining matters or causes, the Circuit Court and the Courts of the District Commissioners shall, as far as possible, be guided in arriving at a decision by the laws in force in the Colony."

Among the laws in force in the Colony is the English Criminal law as it existed on the 1st January, 1880, and the Circuit Judge should have been guided in arriving at a decision by that law as far as possible. Its application is, of course, subject to Cap. 165, section 5. This section, *inter alia*, provides :—

> " Nothing in this Ordinance.....shall deprive any person of the benefit of any law or custom existing in the Protectorate, and not being repugnant to natural justice, equity, and good conscience, nor incompatible, either directly or by necessary implication, with any enactment of the Colonial legislature existing at the commencement of this Ordinance, or which may hereafter come into operation."

It has been argued by the Acting Solicitor-General that though the existence of slavery may be recognised by the laws in force in the Protectorate those laws do not recognise the right of re-capture as they especially provide by paragraph 8 (8) of Cap. 167 that an offence " has been committed if any person by any species of coercion or restraint, unlawfully compels or attempts to compel, the service of any person."

The word " unlawfully " clearly qualifies the whole sub-section, Unlawfully may be construed as meaning " forbidden by some definite law " (Stroud's *Judicial Dictionary*).

I have not the slightest doubt that the right of re-capture has been recognised by native law and custom ever since the inception of slavery in those territories which are now the Protectorate. It is admitted that no unreasonable force has been used in the re-capture of the slaves in the present instances. It is necessary in this case to consider whether the re-capture of slaves in such circumstances is " repugnant to natural justice, equity and good conscience." It is said it is not, as slavery has never been forbidden in the Protectorate since its creation, and that far from it having been forbidden it has been recognised and there is provision in the law for the manumission of slaves on payment of such sum of money as the Governor may fix, not exceeding in the case of an adult four pounds and in the case of a child two pounds. It has been argued that if the law recognises slavery then the law should recognise the right of a slave owner to re-capture a run-away slave provided undue force is not used. This line of argument leaves me unmoved, two wrongs do not make a right. The Legislature may have neglected its duty, they may have for many years allowed a wrong to exist. If a wrong has been done by the

Legislature, it is not for a Court of Justice to do another wrong and say, because the Legislature has allowed slavery to exist justice will also blind its eyes and approve of assault. This Court must approach the matter with its mind untramelled and its conscience unblunted by any act of the Legislature recognising slavery. One has to ask one's self whether one can reconcile one's conscience to the fact that a human being desirous of and seeking to obtain man's most priceless gift of freedom is to be brought back by force, however reasonable, to serfdom from which he has escaped. One can well imagine the mental torture an escaped slave suffers when his former master approaches to take him back to the state of slavery from which he has escaped, no doubt to disciplinary treatment, if nothing worse, for his attempted escape.

I have not the slightest doubt that it is in the words of Cap. 165, section 5, " repugnant to natural justice, equity, and good conscience " that a man who has sought his freedom by flight should be forced back to slavery and that a native custom which permits such a state of affairs is not one to which a Court of Justice can and will give effect. Holding the view that the native custom as to re-capture is of no effect, I can find no lawful authority for the act of re-capture and therefore hold that the captors and those who entered into conspiracy to re-capture escaped slaves have committed an offence under section 8 (8) in unlawfully compelling or attempting to compel the service of a person or conspiring so to do. I think that by reason of section 78 offences against the Criminal Law in force in the Protectorate have been committed and that full effect should be given to that section in the present case.

Although I have based my judgment on what I consider is the correct interpretation of section 8 (8) of Cap 167, it is necessary to add that that section only replaces identical sections in previous laws and that what is set forth in this section was in effect enacted in section 31 (8) of Ordinance No. 20 of 1896, and that in my view although slavery has been recognised by successive Ordinances up to the present time the effect of that provision has been, ever since the Protectorate was proclaimed, to water down slavery to such an extent that it has been slavery only in name.

The position of a slave ever since Ordinance 20 of 1896 was passed has, in my opinion, been that a slave cannot be seized if he leaves his master and asserts his freedom, and his master is liable criminally if he attempts to re-capture him by force, however reasonable the amount of force used may be. I think the position of a slave in this Protectorate is somewhat analogous to that of a slave in a country where the status of slavery has been abolished and that, to quote the words of Sir Frederick Lugard, dealing with slavery in Nigeria, at page 368 of the *Dual Mandate*, which were referred to by the Circuit Judge in his judgment, the effect of the laws of this Protectorate is " the institution of domestic slavery is not thereby abolished, as would be the case under a decree of general

emancipation. A master is not compelled to dismiss his slaves and so long as the two work harmoniously together the law does not interfere."

I think for the reasons I have given that the learned Circuit Judge was right and that the accused persons were properly convicted.

Delivered this 1st day of July, 1927.

P. B. PETRIDES,
Judge.

No. 10.

Extract from telegram from the Secretary of State for the Colonies to the Officer Administering the Government of Sierra Leone.

(Sent 30th August, 1927.)

[*Answered by No.* 11.]

Your despatch 1st August.* Slavery. The judgment reveals deficiency in Sierra Leone Law which I should find it impossible to defend. I regard matter as one in which speedy action is necessary and should be obliged if you would expedite framing of new Ordinance and telegraph me as soon as possible text of effective clauses.—SECRETARY OF STATE FOR THE COLONIES.

No. 11.

Telegram from the Officer Administering the Government of Sierra Leone to the Secretary of State for the Colonies.

(Dated 31st August, 1927.)

[*Answered by No.* 12.]

Your telegram of 30th August.† New Ordinance is being framed and text of effective clauses will be telegraphed‡ to you within the next few days. Legislative Council was adjourned yesterday and would not normally be again convoked until November. Please telegraph if you consider this sufficiently early for introduction of the new measure or if you consider preferable to hold special earlier sitting for the purpose. In the latter event I would propose summoning the Council a few days before the arrival of Sir Joseph Byrne.—LUKE.

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* No. 9. † No. 10. ‡ *See* No. 13.

No. 12.

Telegram from the Secretary of State for the Colonies to the Officer Administering the Government of Sierra Leone.

(Sent 2nd September, 1927.)

Your telegram 31st August.* Slavery. I consider special earlier sitting should be held.—SECRETARY OF STATE FOR THE COLONIES.

No. 13.

Telegram from the Officer Administering the Government of Sierra Leone to the Secretary of State for the Colonies.

(Dated 6th September, 1927.)

[*Answered by No.* 14.]

Your telegram of 2nd September† and in continuation of my telegram of 31st August,‡ on the subject of Slavery. The new Bill contains three clauses. First clause provides that Ordinance shall come into force from 1st January, 1928, or 1st January, 1929, as Provincial Commissioners, all of whose recommendations not yet to hand, advise. Second clause is as follows :—The legal status of slavery is hereby declared to be abolished throughout the Protectorate. Third clause repeals section 7 Cap. 167. With reference to Colonial Regulation 173, request you will telegraph urgently your approval of the object and reasons to append to the Bill when gazetted, including the following passage. *Begins:* The Secretary of State moreover has informed the Government that the cases to which reference has been made have revealed deficiencies in the law of the Protectorate relating to slavery which he is unable to defend and he has requested that a new Ordinance should be introduced at a specially summoned meeting of the Legislative Council: *Ends.* I propose that the Bill be introduced into the Legislative Council on 15th September and pass its final stage on 22nd September.—LUKE.

No. 14.

Telegram from the Secretary of State for the Colonies to the Officer Administering the Government of Sierra Leone.

(Sent 8th September, 1927.)

[*Answered by No.* 15.]

Your telegram 6th September.§ It is suggested to me that from legal point of view it would be desirable in order to prevent any possible confusion for Ordinance No. 9 of 1926 to be repealed as

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* No. 11. † No. 12. ‡ No. 11. § No. 13.

from date of coming into force of proposed new Ordinance. You have no doubt considered this, but I should be glad to know briefly what objection there is to it. I agree to inclusion of proposed passage in statement of objects and reasons. Have you yet received advice of Provincial Commissioners as to date, and, if so, what do you propose? Hope earliest practicable date will be considered. —SECRETARY OF STATE FOR THE COLONIES.

No. 15.

Extract from telegram from the Officer Administering the Government of Sierra Leone to the Secretary of State for the Colonies.

(Dated 10th September, 1927.)

Your telegram 8th September,* Slavery, has been considered at length in Executive Council. Majority of the Provincial Commissioners advise in favour of 1929 as commencing date, but am pressing them to reconsider in favour of 1928, which date has been inserted in the Bill for the first reading. As the second reading not due to be taken till 22nd September, there will be ample time for you to telegraph any further views, but meanwhile am provisionally adding repeal clause.—LUKE.

No. 16.

Extract from telegram from the Secretary of State for the Colonies to the Officer Administering the Government of Sierra Leone.

(Sent 14th September, 1927.)

[*Answered by No.* 17.]

Alternative to insertion of repeal clause in new Ordinance would be to pass further law about time Ordinance comes into force repealing Ordinance No. 9 of 1926. If you think this preferable, I see no objection. Please telegraph me in due course what you finally decide regarding repeal clause and date. I am grateful for prompt way in which you have dealt with matter.—SECRETARY OF STATE FOR THE COLONIES.

No. 17.

Telegram from the Officer Administering the Government of Sierra Leone to the Secretary of State for the Colonies.

(Dated 15th September, 1927.)

Your telegram of 14th September.† First reading of Slavery Bill passed to-day with repealing clause and with 1928 as com-

* No. 14. † No. 16.

mencing date. Unless Provincial Commissioners, who do not reach Freetown till 20th September, have strong reasons to the contrary, propose to carry Bill through subsequently unchanged. Your concluding sentence noted with thanks.—LUKE.

No. 18.

Extract from telegram from the Officer Administering the Government of Sierra Leone to the Secretary of State for the Colonies.

(Dated 22nd September, 1927.)

After full but harmonious debate, Slavery Bill unanimously passed third reading to-day and has received my assent. Compensation issues raised in debate by Elected Members but not by Chiefs. Ordinance comes into force 1st January, 1928, and repeals Ordinance No. 9 of 1926. Transmission of copy follows by mail of 28th September.—LUKE.

No. 19.

Extract from despatch from the Officer Administering the Government of Sierra Leone to the Secretary of State for the Colonies.

[*Answered by No.* 20.]

GOVERNMENT HOUSE,
SIERRA LEONE.
23rd September, 1927.

SIR,

In continuation of my telegram of yesterday's date,* informing you of the passage of a Bill entitled "An Ordinance to Abolish the Legal Status of Slavery in the Protectorate." I have the honour to transmit herewith two authenticated copies of Ordinance No. 24 of 1927† of the Legislature of this Colony, together with a detailed report thereon by the Attorney-General,‡ for the signification of the King's pleasure.

It will be observed that this Ordinance, which is to come into force on the 1st January, 1928, besides abolishing the legal status of slavery throughout the Protectorate, repeals Ordinance No. 9 of 1926 and makes certain consequential and drafting amendments in Part II of the Protectorate Ordinance, 1924, and in the Protectorate Courts Jurisdiction Ordinance, 1924.

I will forward a complete report of the proceedings on all the stages of the Bill as soon as it is in print. I need only say now that the debate on the second reading was full but harmonious, and

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* No. 18. † Enclosure 1. ‡ Enclosure 2.

that the principle of the Bill was endorsed by all the Unofficial Members, both by those of the Colony and those of the Protectorate. Two of the Elected Members, indeed, raised the issue of compensation, but received no support in this respect from any of the Paramount Chiefs or from the other African Unofficial Member present, the Honourable Mr. Songo Davies.

I am confident that His Majesty will not be advised to exercise his powers of disallowance in respect of this Ordinance, which will, I trust, be found to complete the measures that have been enacted for the abolition of slavery in the Protectorate of Sierra Leone.

I have, etc.,
H. C. LUKE,
Acting Governor.

Enclosure 1 *in No.* 19.

LEGAL STATUS OF SLAVERY (ABOLITION) ORDINANCE, 1927.

COLONY OF SIERRA LEONE.

No. 24 of 1927.

(L.S.) In His Majesty's name I assent to this Ordinance this twenty-second day of September, 1927.

H. C. LUKE,
Acting Governor.

An Ordinance to Abolish the Legal Status of Slavery in the Protectorate.

Date of commencement. (1st January, 1928.)

Be it enacted by the Governor of the Colony of Sierra Leone, with the advice and consent of the Legislative Council thereof, as follows :—

Short title, application and commencement. 1. This Ordinance may be cited as the Legal Status of Slavery (Abolition) Ordinance, 1927; it shall apply to the Protectorate, and shall come into operation on the first day of January, 1928.

Abolition of legal status of slavery. 2. The legal status of slavery is hereby declared to be abolished throughout the Protectorate.

Amendment of Cap. 167. 3. For the heading to Part II of the Protectorate Ordinance, 1924, namely " Slave Dealing, etc." there shall be substituted the heading " Dealing in Persons, etc."

Repeal of sections 5 and 7 of Cap. 167. 4. Sections five and seven of the Protectorate Ordinance, 1924, are hereby repealed.

5. Section eight of the Protectorate Ordinance, 1924, shall be amended in the following particulars :— Amendment of section 8 of Cap. 167.

(*a*) In paragraph (1) for the word " slave " there shall be substituted the word " person " ;

(*b*) Paragraph (2) shall be deleted;

(*c*) In paragraph (3) for the word " servitude " there shall be substituted the words " any service " ;

(*d*) In paragraph (4) the words " or become a slave " shall be deleted, and for the word " servitude " there shall be substituted the words " any service " ;

(*e*) In paragraph (5) the words " or in any service " shall be inserted between the words " in servitude " and the words " as a pledge " ;

(*f*) In paragraph (7) for the words " slaves or other " there shall be substituted the word " any."

6. The Protectorate (No. 2) (Amendment) Ordinance, 1926, is hereby repealed. Repeal of No. 9 of 1926.

7. The Protectorate Courts Jurisdiction Ordinance, 1924, shall be amended in the following particulars :— Amendment of Cap. 169.

(*a*) Section four shall be repealed;

(*b*) In paragraph (2) (*a*) of section seven and in paragraph (2) (*a*) of section twenty-four for the word " slaves " there shall be substituted the word " persons."

Passed in the Legislative Council this twenty-second day of September, in the year of our Lord One thousand nine hundred and twenty-seven.

J. L. JOHN,
Clerk of Legislative Council.

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 copy of the said Bill.

J. L. JOHN,
Clerk of Legislative Council.

Enclosure 2 in No. 19.

REPORT ON THE LEGAL STATUS OF SLAVERY (ABOLITION) ORDINANCE, 1927.

This Ordinance was introduced in the Legislative Council in consequence of the decision of a majority of the judges of the Full Court in the recent cases of *Rex* versus *Salla Silla* and *Rex* versus *M'fa Nonko* that neither the Protectorate (No. 2)

(Amendment) Ordinance, No. 9 of 1926, nor any other Ordinance in force in the Protectorate, had the effect of making it illegal for a master to use a not unreasonable amount of force for the purpose of recapturing his runaway slave.

2. Government did not envisage that after the passing of Ordinance No. 9 of 1926 a master would still have the right to effect the forceful re-capture of a run-away slave, nor, it is supposed, did Government believe that that Ordinance would allow of the use of force to detain a slave who was minded to run away, or, generally, that the Ordinance would permit of the use of force in any case in which the use of force would be illegal in the case of an admittedly free man.

3. In the view of the Government the time is past when these cases can properly be dealt with piecemeal, and in order that the status of slavery with its concomitant disabilities should finally disappear, section 2 of the Ordinance abolishes the legal status of slavery.

4. To abolish the legal status of slavery is tantamount to making all slaves legally free. Section 7 of the Protectorate Ordinance, 1924 (Cap. 167), under which slaves could redeem themselves on the payment of a sum not exceeding four pounds, therefore becomes superfluous, and is accordingly repealed by section 4 of the Ordinance under report. For the same reason the first two provisions of the section 6 which was introduced into the Protectorate Ordinance, 1924 (Cap. 167), by the Protectorate (No. 2) (Amendment) Ordinance, No. 9 of 1926, also becomes unnecessary, and, since the third provision of that section and section 4 of the Protectorate Courts Jurisdiction Ordinance, 1924 (Cap. 169), are merged in the wider provision of section 2 of the Ordinance under report, the Protectorate (No. 2) (Amendment) Ordinance, No. 9 of 1926, and section 4 of the Protectorate Courts Jurisdiction Ordinance, 1924 (Cap. 169), are repealed by sections 6 and 7 (*a*) of the Ordinance.

5. It was considered unnecessary and undesirable to retain section 5 of the Protectorate Ordinance, 1924 (Cap. 167); unnecessary, because some of the transactions which are declared to be unlawful or void are criminal offences under section 8 of that Ordinance, or will now become void as being contrary to public policy; and undesirable, because while section 5 specifically mentions bequests of slaves, it makes no reference to the inheritance of slaves, and, further, because it has been suggested that, *inter alia*, the proviso has the effect of legalising the tribute paid to their nominal masters by slaves of the fourth generation.

6. The consequential amendments made by sections 3, 5 and 7 (*b*) do not appear to call for special remark.

7. Some of the consequential amendments which are made in the existing law by the Ordinance were inserted during the Committee stage. The provisions of the Ordinance when introduced were sections 1, 2, 6, and so much of section 4 as effects the repeal of section 7 of the Protectorate Ordinance, 1924 (Cap. 167). It was considered better that the Ordinance as introduced should contain only such provisions as were deemed essential to effect the abolition of the legal status of slavery, and that merely consequential amendments should form the subject of another Ordinance to be passed later, unless the Legislative Council when in Committee should show a readiness to incorporate these amendments into this Ordinance. With the latter possibility in view, typewritten copies of the provisions to be amended and of the amendments required were in readiness for circulation. Fortunately the Council in Committee unanimously agreed to His Excellency's suggestion that the amendments in question should be considered, and they have all been made by the Ordinance as passed.

8. The Ordinance was passed unanimously. The question of compensation was raised by the Rural Member and by the First Urban Member, but, quite apart from the opposition which the proposal encountered from Official Members, carefully reasoned arguments were presented against it by the Honourable J. A. Songo Davies. The question of the provision of lands for the freed slaves was another subject raised by the Rural Member, but Paramount Chief Bai Comber, who made an interesting and instructive contribution to the debate on the second reading, assured the Council that the freed slaves would have no trouble in obtaining land, and his view was confirmed by the Commissioner of the Northern Province. And it may be added that both of these Members expressed the opinion that inter-marriage would prove a considerable solvent of some of the social problems to which the Ordinance may be expected to give rise.

9. I have already advised that the Ordinance is one to which His Excellency the Acting Governor may properly assent.

A. C. V. PRIOR,
Attorney-General.

CROWN LAW OFFICERS' CHAMBERS,
FREETOWN, SIERRA LEONE,
23*rd September*, 1927.

No. 20.

Despatch from the Secretary of State for the Colonies to the Governor of Sierra Leone.

DOWNING STREET,
17th October, 1927.

SIR,

I have the honour to acknowledge the receipt of Mr. Luke's despatch of the 23rd September,* transmitting, for the signification of His Majesty's pleasure, copies of the Legal Status of Slavery (Abolition) Ordinance, 1927.

2. I am gratified to learn of the harmonious passage of this important Ordinance, and I note with peculiar pleasure the loyal and public-spirited attitude adopted by the Paramount Chiefs in the Council towards a measure which was admittedly in conflict with their personal interests.

3. I need hardly add that His Majesty will not be advised to exercise his power of disallowance with regard to the Ordinance.

I have, etc.,
(for the Secretary of State)
W. ORMSBY GORE.

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* No. 19.

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