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ABOLITION

OF THE

LEGAL STATUS OF SLAVERY

IN

ZANZIBAR AND PEMBA.

*Presented to both Houses of Parliament by Command of Her Majesty.
June 1897.*

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Abolition of the Legal Status of Slavery in Zanzibar and Pemba.

[In continuation of "Africa No. 1, 1897."]

No. 1.

Mr. A. Hardinge to the Marquess of Salisbury.—(Received May 12.)*

(Extract.)

Zanzibar, April 9, 1897.

ON receipt of your Lordship's despatch of the 10th February I proceeded to the Palace, and explained to the Sultan as fully and clearly as possible the lines on which you recommended that the abolition of the legal status of slavery, to which His Highness had already assented in principle, should be carried out. Sir Lloyd Mathews was present at our interview.

The Sultan said that the scheme I had described to him seemed in many ways a good one, but that he would like to consider carefully the terms of the Decrees and instructions to Walis, which it would be necessary to issue. He would then summon the principal Arabs from the interior of Zanzibar and from Pemba, and would explain these measures to them, and endeavour to enlist their co-operation in giving effect to them.

His Highness spent some days in considering the question of the Decrees before informing me that he was ready to issue them. He then sent out a summons to the chief country and Pemba Arabs, most of whom reached the capital by the end of last week. There was a good deal of anxious speculation among them as to the object with which they had been sent for; but whether derived from foreign or Indian informants who had access to the English press, the impression was general among them that it was connected with impending changes respecting slavery, and perhaps with the announcement of a general emancipation of slaves, which, ever since the bombardment, had been expected, or, at least, considered likely.

On the morning of the 6th instant the Sultan, who had signed the two Decrees respecting the Walis and the abolition of the legal status on the previous day, formally announced their contents to his own immediate relatives, to the Walis of Mwera, and Kokotoni (the Wali of Chuaka was not present), and to one or two of the principal Arabs of Zanzibar, whom he instructed to communicate them in their turn to the four or five leading Sheikhs of the capital and to the Deputies from the country districts and from Pemba, all of whom, including the two Walis and a representative of each of the Arab tribes in the islands, were immediately convoked for the purpose.

In communicating them he made a speech, which he subsequently repeated to the assembled Arabs, and which Sir Lloyd Mathews, who was present, informed me was very forcible and to the point, explaining that the efforts of the Protecting Power had for many years been tending in the direction of the extinction of slavery; that the present Decrees were merely the natural consequences of a process which had been begun by Seyyid Barghash, and had probably been precipitated by the insane rebellion of Seyyid Khalid; that they were in themselves moderate, and if honestly accepted and worked wisely and

* Substance received by telegraph April 6.

with good-will need not entail any disastrous consequences, and that he relied on their loyalty to obey them and assist him in carrying them out.

The Princes and Walis, after asking a few questions, which the Sultan readily answered, professed their obedience to His Highness' will, and I hear that the great body of the Arabs, when the measures were in their turn explained to them, expressed acquiescence, without a dissentient voice, in their provisions, and that many of them seemed greatly relieved at the moderate character of a reform which they had been led, by the wild rumours circulated during the last few days, to believe would be far more drastic. They expected, in fact, to be ordered to produce lists of all their slaves, who would then be taken from them and freed on the spot without any compensation, and the permission to retain those that were willing to remain, the provision about concubines, the compensation clauses, and the instructions respecting vagrancy, made the scheme appear to them so tolerable in comparison with the prospects which alarmists had held out to them, that they felt grateful for their escape from the ruin and break-up of their homes which some of them had been led to fear as certain.

The Decree abolishing the legal status of slavery was published on the walls of the Prime Minister's office and of the Custom-house at midday, and a few hours later its contents were known and talked of throughout the town. In the afternoon and evening there was a brief panic among the Indian traders, a certain number of whom in the native quarters closed their shops and transferred their stock-in-trade to the houses of some of the larger merchants, but it very soon subsided, and the night having passed in quiet, they reopened and resumed business next day, and there is not, so far, any indication that the announcement of the abolition of the legal status has produced any excitement, or, indeed, aroused the slightest interest among the mass of the slave population of the capital.

Yesterday, I hear, a certain number of slave girls left their mistresses, declaring they were now free, and would do no more work, but not getting their usual supper they reconsidered their position, and returned this morning to their ordinary avocations.

It would, however, be premature to conclude, from the attitude of the generally light-hearted and contented town slave living in Zanzibar, the ideal residence of the Swahili and East Coast negro, that the change will have as little effect in the plantations as it gradually becomes known among the rural, or, as your Lordship calls them in your despatch, the "predial slaves."

Sir Lloyd Mathews' chief overseer, himself a freed slave, anticipates that a large number of the latter class will run away and live in the bush, coming out at night to steal, unless the Government acts with considerable severity and energy during the first month or so after the Decree begins to be understood, and makes it clear to the slaves that freedom does not mean idleness, and that in some form or another they will have to work for their own maintenance. At the least, two or three months must elapse while the real scope and meaning of the Decrees are being impressed on the plantation slaves, not merely by vague rumours which have often been spread and proved idle in the past, but by the test of practical experience, before we are in a position to judge of their real effect, or of the sufficiency of the precautions by which we have endeavoured to surmount them.

I should wish to call your Lordship's attention to the vigour and promptness with which the Sultan has carried through the reform. It was not one with which he could be expected to feel any sympathy, but once he realized that it had to be done, and that Her Majesty's Government relied upon his assistance, he threw himself into the work with loyalty and thoroughness; and he let it be known from the first that he would brook no opposition. As an earnest of his sincerity, His Highness has made an arrangement with all his slaves, under which they are to work for him for three days in the week in return for their holdings, whilst on the other three they are to work for themselves, or if they work for him to receive wages, and has ordered his overseers to cease in their dealings with them to use the old designation of slaves, substituting for it that of "watoto" (boys or children).

How far his benevolent intentions will be imitated by others, or really carried out by his own servants, I cannot say; but to me personally it appears

that the whole system of slavery is so deeply rooted in the life of every class of this people, that only the lapse of time can eradicate the ideas and habits which have grown up with it for generations past. His Highness has likewise taken up a very sensible position with regard to compensation. When some leading Arabs came to see him yesterday, and asked him how they could set about applying for it, he told them not to do so without his order, but to go home first and exhaust every means of effecting an amicable arrangement with their slaves, under which the latter should continue to work for them, before raising any question of compensation.

I have the honour to forward a translation of a note which I have addressed to the Sultan, and of His Highness' reply.

I have also the honour to inclose herewith a copy of the official Zanzibar "Gazette" of the 7th instant, which contains a translation of the Decree abolishing the legal status of slavery, as well as of that creating the new districts and Walis.

Inclosure 1 in No. 1.

Mr. A. Hardinge to the Sultan of Zanzibar.

(After compliments.)

Zanzibar, April 8, 1897.

GENERAL MATHEWS has informed me of the reception of your Highness' Decree of the 1st of Zulkada by your subjects, and I have learnt with great satisfaction that it has been quietly accepted, and that there has been no disturbance of peace and order.

I feel sure that when Her Majesty's Government learn from me, as they shortly will, all that has passed in this matter, they will greatly appreciate the wisdom, firmness, and promptitude with which your Highness has carried out this important measure, and I trust that when we look back upon it some years hence, we shall be able to date from it the beginning of a new era of prosperity for the country.

(Signed) ARTHUR H. HARDINGE.

Inclosure 2 in No. 1.

The Sultan of Zanzibar to Mr. A. Hardinge.

(Translation.)

(After compliments.)

Zanzibar, 6th Zulkada, 1314.

YOUR letter dated the 8th April has reached us, and your friend understood what you stated in it. I am likewise greatly satisfied at your satisfaction as regards the Decree. According to what has been told you by our mutual friend, our Minister, Sir Lloyd William Mathews, our subjects have no objection on their part against what we have ordered them (to do), especially against what is desired by your High Government, for we feel sure that you desire nothing save that which will bring about tranquillity and advantage to us, as your actions have been known to be equitable in arranging matters, and public reforms and your clemency to all our subjects (is also known). We are trying our best to strive to maintain tranquillity, and under your High guidance, helping us, we hope for progress in our affairs, and repose for all our subjects.

Of course, we will always do what will please Her Majesty's Government, and we will accomplish her desires, for that is what behoves us to do; I believe that her desire is only for the welfare of our people, and the increase of prosperity in our country, and, by your wise policy and clemency, we expect that all things will be administered in such a way as to promote peace.

Written by his order by his slave, Salim-bin-Mohamed.

Inclosure 3 in No. 1.

Extract from the Zanzibar "Gazette" of April 7, 1897.

Decree dated 1st of Zilkada, 1314.

(Translation.)

FROM Seyyid Hamoud-bin-Mahomed-bin-Said to all his subjects:

Whereas by a Treaty concluded in 1290 between Her Majesty the Queen of England and His Highness the late Seyyid Barghash, &c., the importation of slaves into the Islands of Zanzibar and Pemba was forbidden and declared to be illegal.

And whereas, owing to the lapse of years and other causes, the number of slaves legally imported and held in these islands has greatly decreased, so that many estates have gone out of cultivation.

And whereas the present system of slavery deters free labourers from coming to Our islands to take the place of those who have, from death or other causes, disappeared, to the detriment of agriculture and of Our subjects, who are thus driven to borrow money at high interest against the Law of Islam and their own welfare, both of which are the objects of Our deepest solicitude.

And whereas the Apostle Mahomed (may God grant him blessings and peace!) has set before us as most praiseworthy the liberation of slaves, and We are Ourselves desirous of following his precepts, and of encouraging the introduction of free labour.

And whereas Our late predecessor, Seyyid Ali, in the Decree in which he forbade for the future the sale of slaves or their transmission except by direct inheritance, declared that, subject to the conditions stated in that Decree, all slaves lawfully possessed on that date by his subjects should remain with their owners, and that their status should be unchanged, so that it would not be equitable to deprive them of any rights enjoyed under that Decree without awarding compensation to their present possessors.

We, therefore, having considered this question most carefully in all its aspects, and having in view the benefiting of all classes of Our faithful subjects, have decided, with the advice of Our First Minister, to promulgate, and We do hereby promulgate the following Decree:—

Article 1. From and after this 1st day of Zilkada, all claims of whatever description made before any Court or public authority in respect of the alleged relations of master and slave shall be referred to the District Court (Mehkemet-el-Wilaya) within whose jurisdiction they may arise, and shall be cognizable by that Court alone.

Art. 2. From and after this 1st day of Zilkada the District Court shall decline to enforce any alleged rights over the body, service, or property of any person on the ground that such person is a slave, but wherever any person shall claim that he was lawfully possessed of such rights, in accordance with the Decrees of Our predecessors, before the publication of the present Decree, and has now by the application of the said Decree been deprived of them, and has suffered loss by such deprivation, then the Court, unless satisfied that the claim is unfounded, shall report to Our First Minister that it deems the claimant entitled, in consideration of the loss of such rights and damage resulting therefrom, to such pecuniary compensation as may be a just and reasonable equivalent for their value, and Our First Minister shall then award to him such sum.

Art. 3. The compensation money thus awarded shall not be liable to be claimed in respect of any debt for which the person of the slave for whom it was granted could not previously by law be seized.

Art. 4. Any person whose right to freedom shall have been formally recognized under the 2nd Article shall be liable to any tax, abatement, corvée, or payment in lieu of corvée, which Our Government may at any time hereafter see fit to impose on the general body of its subjects, and shall be bound, on pain of being declared a vagrant, to show that he possesses a regular domicile and means of subsistence, and where such domicile is situated on land owned by any other person, to pay to the owner of such land such rent (which

may take the form of an equivalent in labour or produce) as may be agreed upon between them before the District Court.

Art. 5. Concubines shall be regarded as inmates of the Harem in the same sense as wives, and shall remain in their present relations unless they should demand their dissolution on the ground of cruelty, in which case the District Court shall grant it if the alleged cruelty has been proved to its satisfaction. A concubine not having borne children may be redeemed with the sanction of the Court.

Art. 6. Any person making any claim under any of the provisions of this Decree shall have the right to appeal from the decision of the District Court to Ourselves, or to such Judge or other public authority as We may from time to time see fit to delegate for the purpose.

Written by his order by his slave, Salim-bin-Mahomed.

(Signed) HAMOUD-BIN-MAHOMED-BIN-SAÏD.

Inclosure 4 in No. 1.

Extract from the Zanzibar "Gazette" of April 7, 1897.

Decree dated 29th of Shawal, 1314.

(Translation.)

WHEREAS it is expedient to make further provision for the good government of our subjects in the interior of the Islands of Zanzibar and Pemba. We hereby enact as follows:—

1. The Island of Zanzibar is divided into the three following districts (Wilayat) which shall supersede all previous existing administrative divisions:

(1.) The district of Kokotoni, bounded on the north-west and east by the sea, and on the south by a straight line which, starting from a point on the west coast half-a-mile to the south of Nnanjale, shall run to a point on the east coast one mile to the north of the village of Pongwi.

(2.) The district of Mwera, bounded to the north by the southern boundary of the district of Kokotoni, on the south and west by the sea, and on the east by a line which, starting in a northerly direction from Sungi Inlet, shall cross the high road from Zanzibar to Chwaka, a quarter of a-mile to the west of the village of Indijana and shall run in a straight line to the north till it meets the southern boundary of the district of Kokotoni.

(3.) The district of Chwaka, bounded on the north by the southern boundary of the district of Kokotoni, on the east, south, and south-west by the sea, and on the west by the eastern boundary of the district of Mwera.

Except where otherwise provided, all adjacent islands and inlets shall be held to belong to the district to whose coast they are in closest proximity.

2. The city of Zanzibar, including Ngambo and the islands in Zanzibar harbour, is excluded from the jurisdiction of the Wali of Mwera, whose powers shall be exercised within it by our First Minister.

3. We hereby place over each of the districts above mentioned, an Arab official who shall have the rank of Wali, and direct all Cadis, Akidas, Sheikhs, Headmen, and other local authorities within the boundaries of the district assigned to him, to regard him as our representative, and to exercise any powers now vested in them, subject to his supervision and direction. All are to obey his orders.

4. The Walis shall form and constitute in each of their districts a District Court of summary jurisdiction, to be called the District Court, which shall henceforth be the chief Court of the district, but from which an appeal shall always lie to ourselves or to such Judge or public authority as we may from time to time see fit to delegate.

5. The powers of the present Walis in Chaki-Chaki and Weti in our Island of Pemba shall be identical with those of the Walis hereby appointed over the Island of Zanzibar.

6. The following are appointed hereby Walis:—

For the district of Kokotoni, to reside at Kokotoni, Suleiman-bin-Hamid;

for the district of Mwera, to reside at Mwera Bridge, Serhan-bin-Nasr; for the district of Chwaka, to reside at Chwaka, Hilal-bin-Mahomed.

Written by his order by his slave Salim-bin-Mahomed.

(Signed)

HAMOUD-BIN-MAHOMED-BIN-SAÏD.

No. 2.

The Marquess of Salisbury to Mr. A. Hardinge.

(Telegraphic.)

Foreign Office, April 16, 1897, 5 P.M.

ASSURE Sultan from me that the measures which he has adopted for abolition of the status of slavery in his territories are highly appreciated by Her Majesty's Government, who are very sensible of the loyalty displayed by His Highness under most difficult circumstances.

ABOLITION of the Legal Status of Slavery in
Zanzibar and Pemba.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. June 1897.*

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