

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	<i>1019</i>	<u>Press</u> <u>Mis</u>
Dated	<i>30-9-1965.</i>	

Not to be folded or roughly handled

No. 162. Read the following Despatch from the Right Honorable EARL RUSSELL, K. G., for the Secretary of State for India, to His Excellency the Honorable the Governor in Council, Fort Saint George; dated India Office, London, 17th August 1865, No. 20.

I forward, for your information, a copy of letters from the Foreign office, with their enclosures, relating to the arrival at Martinique of the ship *Mansard*, with Indian Emigrants from Pondicherry and Karikal.

Dated 24th June 1865.
" 18th July "
" 1st August "

2. You will observe that the Emigrants experienced much ill-treatment on boardship, and that the rations provided for the coolies were very insufficient.

3. I have to request that you will call on Her Majesty's Consul at Pondicherry for a report of all the circumstances connected with the sailing and provisioning of the ship *Mansard*, and the steps which he may have taken to ensure the shipment of the prescribed supplies of provisions.

From J. MURRAY, Esq., Assistant Under Secretary of State, Foreign Office, to the Under Secretary of State, India Office; dated Foreign Office, 24th June 1865, A.

I am directed by Earl Russell to transmit to you, for the information of Secretary Sir C. Wood, the accompanying Despatch from Her Majesty's Consul at Martinique, reporting the arrival in that island of the first batch of coolies

No. 16.

introduced under the Treaty of 1861, and the steps which he had taken to ensure their proper treatment.

2. I am to request that Consul Lawless' Despatch, which is sent in original, may be returned, when done with.

From W. LAWLESS, Esq., Her Majesty's Consul at Martinique, to the Right Honorable EARL RUSSELL, K. G., Her Majesty's Principal Secretary of State for Foreign Affairs, Foreign Office, London; dated Saint Pierre, 26th May 1865, No. 16.

I have the honor to report, for your Lordship's information, the arrival at Fort de France, on the 20th instant, of the French ship *Mansard*, having on board the first batch of Cooly Immigrants introduced into this Island under the terms of the convention concluded with the French Government on the 1st of July 1861.

2. The *Mansard*, which is a vessel of 555 tons, French measurement, sailed from Pondicherry on the 8th of February, and from Karikal, where she called to complete her complement of passengers, on the 13th of the same month. At the former port, she embarked 218 men, 82 females, and 18 children of both sexes, or 318 in all; and at Karikal 107 persons were taken on board, forming a total of 425 Immigrants, counting for 413 adults.

3. During the passage, two births occurred and twenty-two deaths, including those of the two children born on board. The principal cause of these mortalities appears to have been dysentery, a disease from the effects of which not less than 95 of the remaining passengers were found to be suffering on the arrival of the *Mansard* at this port, some of whom, I fear, are beyond all hopes of recovery, although they were at once conveyed to the hospital on the arrival of the ship in port.

4. Having received advice of the arrival of the *Mansard*, on the 21st instant, from the Commissary of Immigration, who, at the same time, transmitted two letters to my address, from the British Consular Agents at Pondicherry

1 and 2.

and at Karikal, copies of which are annexed, I proceeded next day to the dépôt at Fort

de France, where I was engaged during two days, with the Commissary of Immigration, in ascer-

*Proceedings of the Madras Government, Public Department,
30th September 1865.*

taining the identity of the Immigrants, whether they had come to the Colony of their own accord, and were provided with the proper Form of engagement.

5. I have pleasure in reporting to your Lordship that no complaints of compulsion were made, except in two cases, when it was satisfactorily shewn, by the other Immigrants, that they were unfounded; but, in regard to the contract, it appeared to me that, generally, its terms were not perfectly understood. I must add, however, that, among the passengers by the *Mansard*, were two persons who had already served a previous engagement in this Colony, and were, consequently, quite capable of acquainting their fellow passengers with their new obligations and privileges.

6. As I have just received a fresh communication from the Commissary of Immigration, informing me that the appointment of the laborers into lots, previous to their distribution among the planters, will take place tomorrow, I purpose to again proceed to Fort de France, to be present on the occasion, and see that proper care be taken not to separate families and relatives, as any neglect on this score is sure to produce complaints and engender great discontent.

7. By the next mail, I shall transmit any further particulars that may appear of interest. Meanwhile I trust that the steps which I have taken, in the absence of special instructions on the subject, may meet with your Lordship's approval.

From B. T. NORFOR, Esq., British Consular Agent, Pondicherry, to Her Britannic Majesty's Consul, Martinique; dated Pondicherry, 8th February 1865, No. 310.

I have the honor to inform you that the French ship *Mansard*, Captain Debalch, sails from this port with 318 Indian laborers for your Colony, and for which I beg to forward you the nominal list required by article XX of the Convention.

2. The vessel touches at Karikal, to make up the complement of passengers.

From A. SAM, Esq., British Consular Agent at Karikal, to the British Consul at Martinique; dated Karikal, 13th February 1865, No. 41.

I have the honor to enclose a nominal list of Emigrants embarked here on this Ship, the *Mansard*, Captain J. Debalch, for your place, consisting of—

80 Men.

21 Women, and

6 Children.

107 Persons.

Each of the Emigrants is furnished with a certificate corresponding with the nominal list.

From J. MURRAY, Esq., Assistant Under Secretary of State, Foreign Office, to the Under Secretary of State, India Office; dated Foreign Office, 18th July 1865.

With reference to my letter of the 24th ultimo, I am directed by Earl Russell to transmit to

Consul Lawless, No. 18.
Do. No. 19.

you, herewith, two despatches from Her Majesty's Consul at Martinique, reporting the appointment and proceedings of a Court of In-

quiry instituted to investigate the complaints made by the Cooly Immigrants who arrived in that Colony, on board the Ship *Mansard*, and I am to request that you will inform Secretary Sir Charles Wood that, if he concurs, Lord Russell proposes to approve the Consul's proceedings, and to thank the French authorities at Martinique, through Her Majesty's Ambassador at Paris.

From W. LAWLESS, Esq., Her Majesty's Consul at Martinique, to the Right Honorable EARL RUSSELL, K. G., &c., &c., Foreign Office; dated Saint Pierre, 9th June 1865, No. 18.

Referring to the despatch, No. 16, which I had the honor to transmit to your Lordship on the 26th ultimo, to report the arrival of the Ship *Mansard* from India, and the steps taken

*Proceedings of the Madras Government, Public Department,
30th September 1865.*

by me in regard to the immigrants introduced into this Colony by that vessel, I have now to acquaint your Lordship that I again proceeded to Fort de France on the 27th of May, to ascertain that proper care had been taken, in the appointment of the immigrants into lots, previous to their distribution among the planters, not to separate families or relatives.

2. On this occasion I discovered, among these immigrants, a man who had served as a Drummer in the Indian Army, from which he had been discharged on account of illness with a most satisfactory character from the Colonel of the Regiment in which he had served.

3. This man spoke English pretty fluently, and from him I gathered, for the first time, that the passengers by the *Mansard* complained they had not been taken proper care of; that they had not received sufficient rations; and, further, that they had been beaten and ill-treated during the passage by the master, the officers, and even by the sailors of the Ship. I learned also that the cases of illness on board were, in a great measure, to be ascribed to want of care and sufficient food. Having questioned, through this man, several of the Immigrants, some of whom shewed me the marks left by the blows which they stated they had received on board, and having received similar complaints from most of them, I deemed it my duty to take an early opportunity of waiting upon the Governor, whom I acquainted with the statements that had been made to me and at the same time I submitted to His Excellency whether, under the circumstances, it did not appear to him that an inquiry should be made into the facts, at which I expressed myself willing to assist.

3. His Excellency informed me, in reply, that reports of a similar character had already been brought under his notice, and that, on examination, they had assumed so substantial a form that, viewed in connection with the unusual ratio of mortality, and the numerous cases of illness that had occurred on board of the *Mansard*, he had already appointed a superior Commission to investigate the whole matter. Referring to my presence at the Court of Enquiry, His Excellency stated that there could be no objection to my assisting. He added, however, that the investigation would occupy several days, and necessitate a sitting, or perhaps two, on board the Ship and that if I left the question wholly in the hands of the executive, I might depend that it would be thoroughly sifted, and that a full copy of the report of the Commission would be sent to me, with the least possible delay, after the conclusion of its labors.

4. After this offer on the part of the Governor, it appeared to me proper not to persist in expressing a desire to be present at the sittings of the Commission, in whose members I had besides, reason to place every confidence; and I trust your Lordship will be pleased to approve of the view I took of the case.

5. The Commission has since closed its investigations, which lasted several days, and I am in hourly expectation of receiving the report, which I hope to be able to send forward with the present despatch.

6. I regret to have to state that I have been informed, on good authority, that the charge made against the Master of the *Mansard*, and a portion of his crew, have proved to be but too well founded, and that the Commission have given it as their opinion—

1st.—That the Master and the Mate were in the habit of ill-treating the Immigrants, and that one man died from the effects of the injuries inflicted by the former.

2nd.—That the rations were insufficient, and that, with the exception of rice, the proper amount of provisions had not been taken on board.

3rd.—That the prescribed amount of rice was not served out each day.

4th.—That the Medical man in charge was, at least, very inattentive to the passengers.

5th.—That a man disappeared from on board, under circumstances that have not been clearly ascertained.

7. In a conversation which I had with the Governor lately, His Excellency informed me that, in consequence of the above facts, the Master and the Mate of the *Mansard* will be brought before the proper tribunals, and that a Civil action will be taken against the owners, or behalf of the Immigrants, to obtain damages for the rations withheld.

*Proceedings of the Madras Government, Public Department,
30th September 1865.*

From W. LAWLESS, Esq., H. M.'s Consul at Martinique, to the Right Honorable Earl RUSSELL, K. G., &c., &c., Foreign Office; dated St Pierre, 26th June 1865, No. 19.

I missed transmitting, by the last Mail, my despatch of the 9th instant, No. 18, in my desire to be enabled to send forward at the same time the report therein alluded to, which did not, however, reach me for several days afterwards, a delay which its extent explains.

2. I have the honor of enclosing the report herewith, together with the enclosure therein referred to, and I have also to submit to your Lordship a copy of a letter to me from Governor de Lapelin, which accompanied these documents, together with a copy of my reply to His Excellency, which will, I trust, meet with your Lordship's approval.

No. 1.

No. 2.

No. 3.

No. 4.

3. I have it from a source worthy of credit that the Commission forwarded with their report a note addressed particularly to the Governor, in which they express their regret that the authorities at Pondicherry did not oblige the owners of the *Mansard* to put on board the full amount of provisions forming the official allowance, "*la ration réglementaire*."

4. In concluding this despatch, I deem it my duty to testify to the promptitude and the efficiency of the measures taken so far by the local Government, to have justice done in the case of the *Mansard*; nor must I omit to mention the facilities that have been afforded me in connection with this matter, and the courtesy I have met with from the authorities.

GOUVERNEMENT DE LA MARTINIQUE,
FORT-DE-FRANCE, 17 JUIN 1865.

Monsieur le Consul d'Angleterre, St. Pierre,

MONSIEUR LE CONSUL,

Vous m'avez témoigné le désir connaître le résultat de l'enquête que j'ai prescrite à l'arrivée de "*Mansard*," pour rechercher les causes probables du mauvais état de santé de la plupart des immigrants faisant partie de ce convoi.

J'ai l'honneur de vous adresser aujourd'hui, pour recevoir telle destination que vous jugerez convenable, une copie du procès-verbal de la Commission Supérieure, accompagnée de douze pièces justificatives résumés dans un bordereaux.

D'après la communication que j'ai reçue de M. le Procureur Général, entre les mains duquel cette affaire se trouve remise, le Capitaine, Debalch, et le Second, Capelle, sont poursuivis tous deux pour coups et blessures à divers immigrants du convoi, lesquels coups et blessures n'ont entraîné aucune maladie ou incapacité de travail personnel, pendant plus de vingt jours.

Le Capitaine est, en outre, poursuivi :

- 1° Pour avoir porté des coups à l'Indien Pavadé, lesquels coups auraient entraîné la mort de celui-ci, sans qu'il y ait eu intention de la donner.
- 2° Pour n'avoir pas fourni aux immigrants, pendant la traversée, les rations de vivres déterminées par le réglemens (contravention prévue par les Articles 16, 24 et 30 du décret-loi du 27 Mars 1852.)

En outre, toutes les mesures sont prises pour que le syndicat d'arrondissement, introduise à l'audience, comme partie civile au procès, une demande en dommages intérêts en faveur des immigrants, et notamment celle prévue par l'Article 30 du décret précité du 27 Mars 1852.

Le Chirurgien du bord n'est pas judiciairement compromis. La procédure n'a relevé contre lui aucun fait délictueux.

Quant à la disparition d'un individu qui aurait été dénoncé par un ou deux témoins entendus par la Commission d'enquête, l'autorité judiciaire vient de prescrire quelques nouvelles investigations. Jusqu'à présent tous les témoins qui ont déposé devant le Magistrat instructeur, ont déclaré n'avoir eu aucune connaissance de cet incident.

Proceedings of the Madras Government, Public Department,

30th September 1865.

Si, comme je le pense, il y a lieu d'infliger une sévère répression au Capitaine de ce bâtiment, vous voudrez bien reconnaître, Monsieur le Consul, que l'administration de la Colonie a dévancée toute réclamation des intéressés pour arriver à une bonne et prompte justice.

Agréé, &c.

Le Gouverneur,

(Signé) T. DeLAPELIN.

CONSULAT D'ANGLETERRE
A LA MARTINIQUE,
ST. PIERRE, 21 JUIN, 1865.
No. 17.

Monsieur le Gouverneur de la Martinique, Fort-de-France.

MONSIEUR LE GOUVERNEUR,

J'ai l'honneur de vous accuser réception de la lettre que vous avez bien voulu m'adresser, en date du 17 de ce mois, pour me remettre la copie du procès-verbal de la Commission Supérieure que vous avez nommée à l'arrivée du "*Mansard*," pour rechercher les causes probables du mauvais état de santé dans lequel s'est trouvé un grand nombre des Indiens faisant parti de ce convoi.

Comme le premier effet de cette enquête a été de conduire devant le Tribunal, jugé compétent dans l'espèce, le Capitaine et le Second du "*Mansard*," je m'abstiendrai ici de toute réflexion touchant les graves faits qui leur sont reprochés, persuadé d'ailleurs, que la justice saura reprimer, avec la sévérité qu'elle mérite, une conduite regrettable qui paraît avoir été la principale cause de résultats si fâcheux.

Quoiqu'il en soit, Monsieur le Gouverneur, en remettant au Gouvernement de Sa Majesté la copie du rapport que j'ai reçue de vous, et les pièces qui s'y trouvent jointes, je me ferai un devoir de témoigner de la promptitude des mesures prises par l'administration de la Colonie pour saufer garder les droits de tous, et des facilités qui m'ont été accordées pour en suivre les résultats.

Agréé, &c.

(Signé) W. LAWLESS,

Le Consul d'Angleterre.

From J. MURRAY, Esq., Assistant Under Secretary of State, Foreign Office, to the Under Secretary of State, India Office; dated Foreign Office, 1st August 1865.

With reference to my letter of the 18th ultimo, I am directed by Earl Russell to transmit to you, herewith, to be laid before the Secretary of State for India in Council, a copy of a despatch from Her Majesty's Consul at Martinique, reporting the result of the proceedings taken against the Master and crew of the French Emigrant Ship *Mansard*.

From W. LAWLESS, Esq., H. M.'s Consul at Martinique, to the Right Honorable EARL RUSSELL, K. G., &c., &c.; dated Martinique, 11th July 1865, No. 21.

Referring to the despatch, No. 19, which I had the honor to address to your Lordship on the 26th ultimo, on the subject of the Ship *Mansard* lately arrived in this Colony with Cooly Immigrants, I now beg leave to send forward for your Lordship's information, a copy of a letter addressed to me by Mr. Governor de Lapelin, to acquaint me with the result of the proceedings instituted by the local authorities, in the Court of Correctional Police, against the Master and a portion of the crew of that vessel, on the grounds set forth in the report forming enclosure No. 1 in the abovementioned Despatch. I have also to submit, for your Lordship's approval, a copy of my reply to His Excellency's communication.

2. I regret to be unable to give your Lordship the particulars of the trial in question, at which I was unable to assist, having had no information of the date on which it was to take place, although in the course of a conversation with Governor de Lapelin, I had previously expressed a desire to be present on the occasion.

Proceedings of the Madras Government, Public Department,
30th September 1865.

FORT-DE-FRANCE,
le 6 Juillet 1865.

Monsieur le Consul de Sa Majesté Britannique.

MONSIEUR LE CONSUL,

J'ai l'honneur de vous informer que le Tribunal de Fort-de-France vient de rendre le jugement suivant dans l'affaire du "Mansard."

Le Sr. Debalch a été condamné à 61 f. d'amende pour la contravention, et à 100 f. d'amende pour le délit de corps et blessures. Les Srs. Capelle et Agostini, le premier à deux mois d'emprisonnement, et le second à un mois de la même peine. Sur l'action à fins civiles, le Sr. Debalch a été condamné à payer 5000 f. pour inexécution du contrat civil.

Agréé, &

(Signé) T. DELAPELIN.

Il n'a été alloué au Syndicat que les dépens pour tous dommages intérêts.

(Signé) T. DELAPELIN.

MARTINIQUE,
le 10 Juillet 1865.

M. le Gouverneur de la Martinique.

MONSIEUR LE GOUVERNEUR,

J'ai reçu la lettre que vous m'avez fait l'honneur de m'adresser, en date du 6 de ce mois, pour me faire connaître le jugement rendu par le Tribunal de Fort-de-France dans le procès intenté par l'administration au Capitaine, et à l'équipage du navire "Mansard."

Je vous remercie, Monsieur le Gouverneur, de l'empressement que vous avez bien voulu mettre à m'instruire du résultat de ce procès, auquel j'aurais été heureux d'assister si j'avais eu connaissance du jour où il devait se juger, afin d'être à même de fournir, au besoin, à mon Gouvernement tous les détails qu'il pourrait lui importer de connaître sans avoir à recourir de nouveau à l'obligeance de l'Administration.

Agréé, &

(Signé) W. LAWLESS,

No. 163.

ORDER THEREON, 30th September 1865, No. 1019.

Resolved that a copy of this Despatch be furnished to the Protector of Emigrants, for communication to the British Consular Agents at Pondicherry and Karikal, and in view to Mr. Norfor being called upon to submit a report upon the several points noticed in its concluding paragraph.

Acting Secretary to Government.

To the Protector of Emigrants

Exd. J. H. Burns.

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

*Recd the following
Despatch from the Right Honourable
the Secretary of State for India.
(Received 17th August 1865. No. 20)*

Order thereon 30 September 1865. No. 1019

*Resolved that a copy
of this Despatch be furnished to
the Protector of Emigrants for
communication to the British
Consular Agents at Pondicherry
and Karikal, and in view to
Mr. Norfor being called upon
to submit a report upon the
several points noticed in its
concluding paragraph.*

To the Protector of Emigrants

Pro. of Adm.
Public 1845-Sept 1846
17-1849.

Proceedings of the Court

Said 3d with 1849-

Transacting to the Protocols
of Impunity for Communi-
cations to the British Consular
Agents at Providence and
Hankat, copy of the Report
from the Secretary of State.
respecting a lot of Impunity
officers from Providence
and Hankat. Washington
by the Honorable

1849-1850-1851

182-184