

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1175	Press Mis.
Dated	14-11-	1965

Not to be folded or roughly handled

Read the following papers:—

No. 53. From the Special Commissioner for Mauritius, to the Chief Secretary to Government, Fort Saint George; dated Madras, 22nd September 1865.

I have the honor to represent, for the consideration of His Excellency the Governor in Council, that under Section 31 of Act XIII of 1864, it is provided that “on proof of the desertion of any emigrant before reaching the Depôt for which he was registered, the fee paid in respect of such emigrant may be refunded by the Magistrate to the Recruiter by whom it was paid, under such rules as shall from time to time be made in that behalf by the Governor General in Council.”

2. No rules have, as far as I am aware, yet been made, and consequently the fees paid have, in cases of desertion (which are not infrequent), never been recovered.

3. I believe it will be very easy for the Protector of Emigrants to certify on the back of the certificate of the Magistrate by whom the men were passed, that only a certain number of the men borne thereon have been brought to the Depôt; and I would submit, for His Excellency's consideration, whether this evidence would not be sufficient.

4. I would also beg to call His Excellency's attention to the fact that no allusion appears to be made in this Act to refund of the fee if the men desert after reaching the Depôt, which occurs quite as frequently as desertion before reaching the Depôt. Perhaps, however, the interpretation of the Clause 31 may be sufficiently wide to admit of provision being made for this by the Rules.

Referred to the Protector of Emigrants, for his remarks.

(Signed) W. HUDLESTON,

2nd October 1865.

Acting Secretary to Government.

No. 54. From the Protector of Emigrants, to the Secretary to Government, Fort Saint George; dated Madras, 5th October 1865, No. 157.

I have the honor to return the letter from the Special Commissioner for Mauritius of the 22nd ultimo, pointing

Referred for my remarks on 2nd instant.

out that Section 31 of Act XIII of 1864, provided for the refund of the Registra-

tion fee (1 Rupee), on proof of the desertion of an emigrant before reaching the Depôt for which he had been engaged, and inquiring if the Protector's endorsement on the man's ticket might not be considered as sufficient proof.

2. I see no difficulty about the proof, but, this established, it does not follow that the fee should be returned. The Act says “may be refunded;” and I believe it was so worded advisedly.

3. Finding that recruiters were in the habit of getting any one passed by a Magistrate, and then trusting to chance to be able to carry them out of the District without interference from their families or friends, who nevertheless used to induce large numbers to desert, I established payment of a certain sum for every emigrant registered, which sum the recruiter lost if the man deserted. He was consequently careful to register only those who were not likely to desert.

*Proceedings of the Madras Government, Public Department,
14th November 1865.*

4. This check the present law imposes. If good cause is shown for it, the registry fee *may* be returned. I would not recommend that it should be refunded as a matter of course in all cases of desertion, nor do I think the Act contemplates such a measure.

No. 55. ORDER THEREON, 14th November 1865, No. 1175.

The Governor in Council concurs in the opinion of the Protector of Emigrants, which will be communicated to Mr. Marsh.

(True Extract).

Chief Secretary.

To the Protector of Emigrants.

To W. H. Marsh, Esq., Special Commissioner for Mauritius, Bombay.

Read letter from W. H. Marsh Esq.

Special Commr for Mauritius. 27th Sep. /65.

From Protector of Emigrants. 2/5 Oct. /65. No. 157.

Order thereon. 14 November 1865 No. 1175.

*The Governor in Council concurs
in the opinion of the Protector of
Emigrants, which will be
communicated to Mr Marsh.*

W.H.

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Protector of Emigrants

*W. H. Marsh Esq.
Special Commissioner for
Mauritius - Bombay.*

despd 16/11