

1. Number of pages. 10
2. Date of receipt. 10-16
3. Initials of Signatory. [Signature]

M.R.O. 1-82,400-22-11-20

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

30-31

G.O. No. 1256 Press
Mis.

Dated 12. 12 1866.

Not to be folded or roughly handled

Read the following :—

No. 30. Letter from the Acting Colonial Secretary, Natal, to the Secretary to the Government of India; dated 22nd February 1866.

I am directed by His Excellency the Administrator of the Government to forward, for information of the Indian Government, six copies of the undermentioned Laws relating to coolie management in this Colony, viz. :—

Law No. 17 of 1864.—To extend terms of assignment of Coolie Immigrants from three to five years.

Law No. 18 of 1864.—To regulate the payments to be made by the Masters or Employers of Coolie Immigrants.

Law No. 29 of 1865.—To declare and amend the Law No. 14 of 1859, entitled " Law to provide for the Immigration of coolies into this Colony at the public expense, and for the regulation and government of such Immigrants."

No. 17 of 1864.

(Signed) J. SCOTT.

Law—To extend terms of assignment of Coolie Immigrants from three to five years (enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof).

WHEREAS Her Majesty's Government have been pleased to allow the introduction of Coolie Immigrants into other Colonies from India under Indenture of service for five years:

AND WHEREAS IT IS EXPEDIENT to extend the duration of contracts to be entered into in this Colony with Coolie Immigrants to a period not exceeding five years, instead of for a period not exceeding three years, as prescribed in Law No. 14, 1859:

BE IT THEREFORE ENACTED by the Lieutenant-Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall be lawful for the Coolie Immigration Agent to assign the services of Immigrants who may hereafter be introduced under the provision of any Laws in force in this Colony, in the manner provided in those Laws, for a period not exceeding five years.

Coolie Immigrants may be assigned for five years.

2. And on the completion of an industrial service of five years under this Law, each such Coolie shall be entitled to a certificate of discharge from any further obligatory contract of service.

When Coolie Immigrant entitled to certificate of discharge.

3. So much of the provisions of Laws Nos. 14 and 15, 1859, as may be repugnant to the provision of this Law, shall not apply to any Coolie Immigrant introduced into the Colony after the passing of this Law.

Provisions of Laws Nos. 14 and 15, 1859, not to apply to Coolies introduced under this Law.

4. This Law shall take effect as from date as shall be fixed by the Lieutenant-Governor, by Proclamation.

Law when it takes effect.

GIVEN at Government House this seventeenth day of September 1864.

By Command of His Excellency the Lieutenant-Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

*Proceedings of the Madras Government, Public Department,
12th December 1866.*

No. 18 of 1864.

(Signed) J. SCOTT.

Law—To regulate the payments to be made by the Masters or Employers of Coolie Immigrants (enacted by the Lieutenant-Governor of Natal, with the advice and consent of the Legislative Council thereof).

WHEREAS by Law No. 20 of 1863, entitled "to regulate the payments to be made by the Masters and Employers of Coolie Immigrants," provisions are set forth regulating the amount to be paid and the mode of payment, on the assignment of coolies.

Preamble.

AND WHEREAS IT IS EXPEDIENT in regard to Coolie Immigrants henceforth to be introduced in this Colony, to make in some respects other and further provisions in regard to the amount to be paid and to the mode of payment by the employers of the said coolies :

BE IT THEREFORE ENACTED, by the Lieutenant-Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. On and after the coming in force of this law, and in respect to any male statute adult Coolie Immigrant to be henceforth brought into this Colony under the provisions of Law No. 14 of 1859,

£3 to be paid annually in advance, for the term of assigned service of Coolie.

there shall be paid to the Immigration Agent, or such other person as the Lieutenant-Governor may from time to time appoint, by the employer to whom the services of any such coolie so assigned for service a yearly sum of three pounds sterling, which said annual payment shall be made in advance; that is to say, on the date of the assignment a sum of three pounds, and at the commencement of each following year, reckoning from the date of the contract or assignment, a like sum of three pounds: Provided always, that no demand for payment shall be made on the person to

When annual payment to cease.

whom the services of any such coolie shall have been assigned in respect of any such coolie who shall have died prior to the date of the next annual payment becoming due, nor in respect of any such coolie whose services shall have been transferred from any such person or employer, in accordance with the provisions of the aforesaid Law No. 14, 1859, prior to the date of the next annual payment falling due.

2. Whenever the services of any Coolie Immigrant shall be transferred from one employer to another employer, in accordance with the provisions of the aforesaid Law, No. 14 of 1859, there shall be payable to the said Immigration Agent, or to such other person as the Lieutenant-Governor may from time to time appoint, by the person or employer to whom the services of any such Coolie Immigrant are transferred or ceded, the annual payment in the preceding clauses of this Law mentioned, and, in like manner, in advance, and on the date of such payment becoming due: Provided always, that when such transfer shall have been made by order of the Lieutenant-Governor, under the powers vested in him by Clauses 11 and 12 of the aforesaid

Same payments to be made on assignment of Coolie to another Employer.

Law No. 14 of 1859, there shall also be payable on each coolie so transferred, by the person or employer to whom the services of any coolie shall have been so transferred, a sum of twenty shillings for the current year in or during which the said transfer shall be made.

If assignment made under Clauses 11 and 12, Law 14, 1859, 20 shillings to be paid for current year.

3. Each and every aforesaid annual payment to be made in respect of each Immigrant Coolie assigned or transferred, shall be paid, on the date of its becoming due, to the Coolie Immigration Agent, or to such other person as the Lieutenant-Governor may from time to time appoint, without any demand being made

Such payments to be made, when due, without demand.

as the Lieutenant-Governor may from time to time appoint, without any demand being made

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by him; and in case any such payment shall not be made on the date on which the same shall be due, there shall be payable, in addition to the annual payment due by the said employer, a penalty of one shilling per diem for each day the said annual payment shall be over-due and until the said payment shall be made or be recovered by law.

Penalty for delay.

4. Every person at whose instance, or on whose requisition, any coolie shall be brought into this Colony, shall claim and remove such Immigrant as shall be allotted to him within seven clear days after such Immigrant shall have arrived at the Depôt at Durban; and in case of any default on the part of any such person or requisitioner to claim and remove such Immigrant within the said seven days, he, the said person or requisitioner, shall pay to the Immigration Agent, or to such other person as the Lieutenant-Governor may from time to time appoint, one shilling per diem for each Immigrant, to cover the cost and maintenance of such Immigrant during the interval between his arrival at the Depôt and his removal there from; Provided always,

Person, at whose requisition Coolies brought into the Colony, to remove them from the Depôt within seven days.

Penalty on failure.

that the Immigration Agent shall transmit by Post a circular to the requisitioner, notifying the arrival of the vessel with coolies, and stating the probable number that will be allotted to said requisitioner: And provided always that, should any such Immigrant be placed in quarantine, the date of his arrival at the Depôt shall be taken to be the date of his release from such quarantine.

5. In case any person at whose instance, or on whose requisition, any coolie shall be brought into this Colony, shall fail to claim and remove such Coolie Immigrant as shall be allotted to him within fourteen days from the date of his arrival at the Depôt, it shall and may be lawful for the Immigration Agent to assign any such Coolie Immigrant to any other person: Provided always, that should the Immigration Agent so assign any such Coolie Immigrant to any other person, the payment of one shilling per diem, as in the preceding clause mentioned, for the cost and maintenance of such Immigrant at the Depôt to the date of such assignment, shall be paid by the said person or requisitioner to whom the said coolie was in the first instance allotted. And in case any such Coolie Immigrant shall be so assigned to any such other person as aforesaid, he, the said other person, shall remove the said coolie forthwith from the Depôt, under a penalty of one shilling and six-pence per diem for each day the said coolie shall, by default of the said person, remain in Depôt after the date of such assignment:

Coolies not removed within 14 days, may be assigned to another.

6. Provided it shall be lawful for any person to whom such male adult coolie shall be assigned to free himself from any annual payment as aforesaid, by the payment to the Immigration Agent as aforesaid, in one sum of two-thirds of the entire sum in respect of the passage money and other expenses chargeable on such coolie, and also the expense chargeable on him for and in respect of such proportion of females and children as according to regulation shall have been required to accompany the said male Immigrants from India.

Person to whom Coolie assigned may free himself from such annual payment, by paying two-thirds of entire sum.

7. All moneys payable on the assignment or transfer of any Coolie Immigrant, and all penalties and charges under this Law, may be recovered in a summary manner, and as is provided in the 34th Clause of the aforesaid Law No. 14 of 1859, in respect to moneys due under that Law.

Moneys payable and penalties recoverable summarily.

8. All moneys due to the Government under the provisions of this Law shall be, and are hereby declared to be, a first charge on the estate of the person by whom the same shall be payable.

Moneys due to Government a preferable charge.

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9. All the provisions of the aforesaid Law No. 14 of 1859, shall be applicable to Coolie Immigrants introduced into this Colony subsequent to the passing of this Law, and to the Masters or Employers of such coolies, except in so far as the provisions of the aforesaid Law No. 14, 1859, shall be at variance with the provisions of this Law.

10. Nothing in this Law set forth shall be taken to apply to any Coolie Immigrants brought into this Colony, or for whom contracts have been entered into with the Government prior to the passing of this Law, nor to any payments due or to become due, in reference to the assignment of any Coolie Immigrant already in the Colony; but the aforesaid Law No. 14 of 1859, and Law No. 20 of 1863, shall in respect to such coolies, their Masters or Employers, and all matters or things done under the said Laws, remain in all their provisions in full force and effect.

Law when to take effect.

11. This Law shall come into force and take effect on and after the publication thereof in the *Government Gazette*.

Given at Government House this twenty-sixth day of September 1864.

By Command of His Excellency the Lieutenant-Governor,

(Signed) D. ERSKINE,

Colonial Secretary.

No. 29 of 1865.

(Signed) J. W. THOMAS.

Law—To declare and amend the Law No. 14, 1859, entitled "Law to provide for the Immigration of Coolies into this Colony at the public expense, and for the regulation and government of such Immigrants" (enacted by the Administrator of the Government of Natal, by and with the advice and consent of the Legislative Council thereof).

WHEREAS doubts have arisen in reference to the construction and effect of certain provisions of the said Law No. 14, 1859; and it is expedient to remove such doubts by defining and declaring, and otherwise amending, such provisions:

BE IT THEREFORE ENACTED by the Lieutenant-Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. That the terms "industrial service" and "industrial residence," when no part of such industrial residence shall have been commuted under said Law No. 14, 1859, Section 7, where such terms occur in Sections 7, 8, 9, 24 and 30

of said Law No. 14, 1859, shall be taken and deemed to mean actual service, whether rendered during the contracted period of such service or after the termination thereof, in virtue of the provisions of Section 5 of this Law, provided the employer of the coolie shall claim the continuation of his services after the expiration of the contracted period as therein provided.

2. Any person who shall harbour or receive into his employment any coolie, whether male or female, whose term of industrial service, as in the preceding Section defined, shall not have expired, or which male or female coolie may

Meaning of "Industrial Service."

Penalty for harbouring Coolies.

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have been assigned or allotted to any other person, or which male or female coolie may be in receipt of or entitled to receive wages from any other person, shall be liable to the penalties specified in Section 15 of said Law No. 14, 1859, unless such coolie shall have been duly assigned or allotted to such person by the Immigration Agent: Provided that one-half of the penalty of £10, specified in said Section 15, may be awarded to the

Half may be paid to informer.

Coolie Agent to be considered as person to whom Coolie assigned.

informer through whose information such person shall have been convicted: Provided always that the Coolie Agent shall, for the purpose of prosecuting under this Section, be considered as the person to whom a coolie is assigned when such coolie shall have completed his industrial service of three years, and who shall not have either commuted or redeemed his further service by a money payment or entered into a new contract of service.

3. The words "without lawful excuse," in Section 16 of said Law No. 14, 1859, shall be construed to include all occasions in which a coolie shall be absent from his employment

without leave of his employer, unless it shall appear by a certificate under the hand of a licensed medical practitioner that such absence was occasioned by incapacity for work in consequence of sickness or other bodily infirmity, or special circumstances sufficient to justify such absence shall be shown to the satisfaction of the resident Magistrate.

4. When a coolie shall have absented himself from his employment without leave, for the purpose of making a complaint against his employer, and such complaint shall be adjudged by the resident Magistrate to be groundless or frivolous, such coolie shall be liable to the penalties contained in Section 19 of Law No. 14, 1859.

5. The provision in Section 16 of said Law No. 14, 1859, that a coolie shall forfeit two days' wages for every day's absence from his employment without lawful excuse, shall be construed to mean that he shall forfeit all claim to his wages for the period during which he is so absent, and shall in addition forfeit to his employer for every day's absence a sum equal to one day's wages; and such sum or sums may be retained by such employer out of any wages which may be due by him to such coolie previous to such absence, or which may be due thereafter; and after the expiration of the contracted period of service such coolie shall be bound to serve out the number of days he was so absent at the rate of wages originally stipulated: Provided that in the event of a complaint being made by such coolie on account of the non-payment of wages so retained, before any resident Magistrate, the employer shall be bound to justify such retention to the satisfaction of the resident Magistrate.

6. All prosecutions for harbouring coolies shall be made at the instance of the Coolie Immigration Agent, on complaint made by the employer of such coolies or by any informer; and if that Officer shall decline to prosecute, he shall be

bound to state in writing to such coolie employer or informer his reasons for so declining; in which event such employer or informer shall be entitled forthwith to institute any such prosecution in his own name.

7. It shall be lawful for the Coolie Immigration Agent to assign the services of any Coolie Immigrants, who shall have executed the usual bond binding themselves to serve the Natal Government, to any applicants who may desire such

Agent may assign Coolies at rate stipulated in India.

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assignment, whether such Immigrants shall have been introduced into the Colony under the provisions of said Law No. 14, 1859, or of any subsequent Law, at such rate of wages and on such conditions as to wages and food as may have been stipulated in India by the Agent towards such Immigrant : Provided however that the assignment of females and younger persons shall be only for such lighter varieties of labor as such female Immigrant and younger person are fitted for.

Proviso as to females and children.

8. When a coolie shall have been three several times convicted and suffered imprisonment,

When Coolie may be re-assigned to a stranger or to Government.

for the offence of absence from his master's service without a written ticket of-leave, under Section 18 of said Law No. 14, 1859, and it shall not appear to whom such coolie's services are legally due under assignment, it shall be lawful for the Coolie Immigration Agent to assign the services of such coolie to any person who shall be willing to accept and pay the charges of such assignment ; and if no person shall accept such assignment within ten days from the release of such coolie from prison, the Coolie Immigration Agent shall assign the services of such coolie to the Colonial Government for employment in any public

Original employer to be indemnified.

works : Provided always that on every such case of re-assignment the Coolie Agent shall, when it can be ascertained to whom such coolie was originally assigned, pay to such original employer the sums paid by him consequent upon the original assignment of such coolie less the sum of five shillings per month for each month such coolie served such original employer ; and that after such re-assignment the original employer shall not be liable for any instalment of payment accruing after such re-assignment : And provided further that in case the original employer shall elect he may call on the Coolie Immigration Agent to

Original employer may demand re-assignment of Coolie.

cancel such second assignment and to have re-stored to him the services of such coolie, and such coolie shall be compelled to render such original employer actual service for the time he was originally assigned, and the person to whom such coolie was re-assigned when such re-assignment shall be cancelled shall be entitled to have repaid to him by the Coolie Immigration Agent such sum as he may have paid on such second assignment minus the sum of five shillings per month for each month such coolie shall have served such second employer.

9. It shall be lawful for the Lieutenant-Governor to issue by proclamation, from time to

Governor may proclaim Rules.

time, such Rules and Regulations as may be deemed necessary for the control and management of Coolie Immigrants during their stay in the Depot ; Regulations for the guidance of (and if deemed necessary, conferring special powers upon) resident Magistrates, Constables, and others in reference to and in order to facilitate the arrest of absconding coolies, or coolies found at a distance from their employer's residence, without passes or tickets-of-leave, regulating the procedure to be observed on the release of coolies from prison and the restoring them in custody ; directing notice of such release to be transmitted to the employers of such coolies, or otherwise published, and regulating all other matters and things connected with the matters specified in this Section.

Effect from promulgation.

10. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

GIVEN at Government House this twenty-fourth day of August 1865.

By Command of His Excellency the Administrator of the Government,

(Signed) D. ERSKINE,
Colonial Secretary.

*Proceedings of the Madras Government, Public Department,
12th December 1866.*

No. 496.

Copy forwarded to the Government of Fort Saint George, for information.

(By Order).

HOME DEPARTMENT, PUBLIC,
13th November 1866.

(Signed) A. M. MONTEATH,
Under Secy. to the Govt. of India.

No. 31.

ORDER THEREON, 12th December 1866, No. 1256.

Communicated to the Protector of Emigrants.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Protector of Emigrants.

Exd. J. H. Burns.

12 Decr 1866 H: 1256-

Communicated
to the Protector of Immigrants.

To the Pres. of Am. Assn. 12/12

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