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M.R.O. 1-80,000-16-10-38.

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	468	Press ~~Mis.~~
Dated	12-4-	191869

Not to be folded or roughly handled

12th April 1869.

No. 103. Read the following Despatch from the Right Honorable the Secretary of State for India, to His Excellency the Right Honorable the Governor General of India in Council; dated India Office, London, 4th February 1869, No. 12, (Public).

In continuation of my predecessor's Despatches of the 11th of March and 30th of June 1868, Nos. 59 and 120, I forward herewith, for the information of your Excellency in Council, a copy of two

Dated 30th September 1868, No. 532.
Do. „ 533.

Despatches addressed by the Acting Governor of the Windward Islands to the Secretary of State for the Colonies, the one reporting the circumstances of the death of a cooly on the Clarke's Court Estate in Grenada, and the other covering the report of the Immigration Agent on the condition of the Indian immigrants in the colony during the first half of 1868.

2. I also enclose a copy of the report by the Emigration Commissioners on the above Despatches, and copy of the reply of the Secretary of State for the Colonies to Despatch No. 532.

Dated 20th November 1868.

Do. 15th December 1868, No. 1.

3. Your Excellency in Council will perceive that the general report for the first half of the past year is satisfactory, the rate of mortality being considerably lower than in the preceding year 1867: and that the Officer administering the Government of Grenada states his intention of again bringing the whole subject of immigration before the local Legislature, and hopes to procure the passing of an Act calculated to protect the immigrants.

4. As regards the circumstances connected with the death of the cooly immigrant Jeeayan on the Clarke's Court Estate, you will observe that Earl Granville has approved the course adopted by Major Mundy, and has expressed his opinion that it is desirable that an amendment of the law should be made, to remove any doubts as to whether the refusing to allow the medical practitioner to attend an immigrant falls within the Act of 1855 as it now stands.

From His Excellency R. M. MUNDY, Lieutenant Governor of the Windward Islands, to His Grace the DUKE OF BUCKINGHAM AND CHANDOS, &c., &c., &c., Grenada; dated Barbados, 30th September 1868, No. 532.

I have the honour to forward to your Grace copies of an inquisition held on the body of an unindentured cooly who was located on the Clarke's Court Estate, and also of the proceedings taken against the Manager of the said estate for contravention of the 50th Clause of the Act No. CCXXX., in not providing medicine and medical attendance as required by that section of the Act.

2. I will, as shortly as possible, endeavour to explain to your Grace the measures taken, and the delay that has occurred in bringing this case to a more speedy decision.

3. Early in the month of February last, the Immigration Agent reported to me that an unindentured cooly, named Jeeayan, had died rather suddenly on the Clarke's Court Estate, and that, from the evidence at the inquest, he considered great culpability attached to the Manager for not calling in the medical attendant in proper time. I ordered him to lay a complaint before the Police Magistrate of the District under the 50th Section of the Act CCXXX. against Mr. Als, the Manager of the estate, which was done. The Police Magistrate, Mr. Horne, dismissed the case, on which I requested the Colonial Secretary to procure a copy of the proceedings before the

Magistrate; and not feeling satisfied with his decision, and finding that, from his having neglected to give a certificate of dismissal, there was no bar to the case being re-heard, I ordered Mr. Horne to change districts with Mr. Palmer, in charge of the Western District; and on Mr. Palmer assuming the charge of the St. George's District, I instructed the Emigration Agent to have the case re-heard before Mr. Palmer, and, after a long and patient investigation, succeeded in obtaining a conviction against Mr. Als, the Manager. Notice of appeal having been given by Mr. Als's counsel, the case came on for hearing before the Chief Justice in March; but from the state of health of the Immigration Agent, and the counsel for the defendant, the final adjudication was postponed until the 13th August.

4. The Chief Justice, Mr. Gresham, then quashed the proceedings, and the matter having been reported to me, I at once wrote to the Officer administering the Government, requesting him to call on the Chief Justice for his reasons for considering the 50th Clause of the Act No. CCXXX. imperfect.

5. I have carefully perused the documents written by Mr. Gresham, and I cannot but believe that he has taken an erroneous view of the meaning and operation of the clause in question, and in this opinion I am fully supported by the Law Officers of the Crown in Barbados.

6. Mr. Gresham's decision, however adverse to the Government, being final, and the Attorney General having reported that he considered no proceedings of a criminal nature would hold against Mr. Als, I could only instruct Mr. A. Munro, after consultation with his Law Officer, to consider whether it would not be advisable to recommend a re-consideration and amendment of the 50th Clause of the Act to the House of Assembly.

From His Excellency R. M. MUNDY, Lieutenant Governor of the Windward Islands, to His Grace the DUKE OF BUCKINGHAM AND CHANDOS, &c., &c., &c., Grenada;
dated Barbados, 30th September 1868, No. 533.

I have the honour to forward to your Grace a Despatch from the Officer administering the Government of Grenada, covering the usual half-yearly report of the Immigration Agent on the condition of the Indian immigrants to 30th June last.

24th September 1868, No. 92.

2. In my Despatch, No. 532, of this day's date, I have reported all the circumstances connected with the death of the cooly Jeeayan and the subsequent failure of the prosecution against the proprietor of Clarke's Court Estate in consequence of a defect in the law as construed by the Chief Justice.

3. I am glad to find, in other respects, that the report is a satisfactory one.

From A. MUNRO, Esq., to His Excellency Lieutenant Governor MUNDY, &c., &c., &c.; dated Grenada, the 24th September 1868.

I have the honour to transmit to your Excellency the Immigration Agent's report on the sanitary condition of the Indian immigrants in this island to the 30th June last.

2. There were twenty births and twenty deaths among these people during that period, the death-rate being fourteen less than that of the last preceding half-year, and at the rate of 1.15 per cent. of the number in the colony on 31st December last.

3. The health of the coolies generally appears to have been satisfactory, but it is to be regretted that there has been a failure of justice in the Clarke's Court case on the appeal before the Chief Justice on the complaint of the Immigration Agent.

4. I shall take an early opportunity again to bring the whole subject of immigration before the Legislature; and, believing as I do, that the planters are now alive to the benefits of cooly immigration, and have a desire to avail themselves of an early continuance of the same, I trust to be able to procure the passing of such an Act as will ensure adequate provisions for the protection of these people.

GRENADA.

GENERAL REPORT on the sanitary condition of the Indian Immigrants located on the Plantations in this Colony, together with a statement of the increase and mortality among them during the half-year ended 30th June 1868.

No. of Return.	Name of Plantation.	Name of Employers.	No. on Estate, 30th June 1868.		Births in half-year.		Deaths in half-year.		Name of Deceased.	Date of Death.	Cause of Death.	
			Male.	Female.	Male.	Female.	Male.	Female.				
1	Hope Vale.....	P. J. Marecheau.	9	5	..	..	..	..	Seesaha.....	February..	Excessive drinking of spirits.	Ex Ship Jalawar.
2	Montreuil.....	D. Webster.....	22	7	..	..	..	..	.....	.....	.....	.....
3	Prospect Park.	J. Wells.....	2	..	..	..	..	..	Mattadeen...	8th March.	Apoplexy.....	Ex Countess of Ripon.
4	Belmont.....	W. McEwen, Receiver.....	37	21	..	..	..	..	Nanyeck.....	29th Jan....	General debility..	Ex Maidstone.
5	Grand Bacolet.	T. Chichester, Receiver.....	52	28	..	..	..	..	Sewnundun..	2nd Jan....	Worms, (a boy)...	Ex Countess of Ripon.
6	Tuileries.....	Do.	31	17	..	..	..	..	Luckhee.....	1st April....	Heart disease....	Ex Maidstone.
7	River Antoine.	Thomson, Hankey and Co.....	15	7	..	..	..	..	Beebejaun..	28th June....	Dropsy.....	Ex Ganges.
8	Simon.....	Do.	22	7	..	..	..	..	Jeeayan.....	2nd Feb....	Liver complaint..	Ex Athleta.
9	Lataste.....	Do.	21	8	..	..	..	..	Khoora.....	12th do. ...	Debility.....	Ex Ganges.
10	Dunfermline..	Do.	44	19	..	..	..	..	Batheseca...	16th April...	Consumption.....	Both born in Grenada.
11	Carriere.....	W. McEwen.....	41	18	..	..	..	..	Samuel.....	31st March...	Dropsy.....	Do.
12	Clarke's Court.	T. W. O'Neale....	18	12	..	..	..	..	Infant girl...	13th April...	Do.	Do.
13	Plains.....	J. Shand.....	53	22	..	..	..	..	.....	.....	.....	Do.
14	Mount Horne...	H. Berkeley.....	26	12	..	..	..	..	.....	.....	.....	Do.
15	Snell Hall.....	C. Thomson.....	5	2	..	..	..	..	.....	.....	.....	Do.
16	Pearls.....	H. Paul and Co..	26	13	..	..	..	..	.....	.....	.....	Do.
17	Lafortune.....	C. Thomson.....	32	19	..	..	..	..	Anjodiah.....	14th April...	Do.	Ex Countess of Ripon.

Proceedings of the Madras Government, Public Department,
12th April 1869.

GENERAL REPORT on the sanitary condition of the Indian Immigrants located on the Plantations, &c.--(Continued).

No. of Return.	Name of Plan- tation.	Name of Employ- ers.	No. on Estate, 30th June 1868.		Births in half- year.		Deaths in half-year.		Name of Deceased.	Date of Death.	Cause of Death.	
			Male.	Female.	Male.	Female.	Male.	Female.				
18	Crochu.....	A. Lyons.....	5	...	...	1	...	...				
19	Palmiste.....	W. P. Garry.....	19	14	...	...	...	...				
20	Dougaldstone..	F. Prendhomme..	13	5	...	...	...	...				
21	Lower Latante.	H. N. Lord.....	4	...	...	...	...	...				
22	Guyave.....	J. A. Duncan.....	2	...	...	...	...	...				
23	Mount Rich....	W. McEwen.....	34	24	...	1	...	...				
24	Paradise.....	A. Paul and Co.,	32	20	...	2	...	...				
25	Telescope.....	Colonial Company	48	26	...	1	...	...				
26	Mount Rodney.	W. McEwen.....	8	5	...	...	...	...				
27	Observatory...	John Langdon...	7	4	...	...	...	...				
28	Corinth.....	G. A. Whiteman.	19	13	...	...	...	...				
29	Baillies Bacolet	Do.	4	1	...	...	...	...				
30	Balthazar.....	Salvo Cassar....	29	19	1	...	...	...	Lugony.....	15th April...	Child-bed, infant still-born.	Ex Ship <i>Athleta</i> .
31	Mornefendue...	J. Shand.....	20	15	...	...	...	1	...	...	...	
32	Requin.....	T. Hankey and Co.	37	14	...	...	...	...	...	...	...	
33	Westerhall.....	F. Prendhomme..	42	25	...	1	...	...	...	...	...	
34	Caliviny.....	T. Hankey and Company.....	50	29	...	...	1	...	Thaja	23rd March.	Old age and debi- lity.	Ex Ganges, 1862.
35	Mount Parnas- sus.....	M. A. Corbin.....	11	11	...	...	...	...	...	...	...	
36	Burnside.....	G. McFarlane....	1	3	...	...	...	1	Infant.....	20th Jan....	Pneumonia.....	Child of Radiah. Ex Countess of Ripon, Carriacou.
37	Orange Vale...	G. V. Morin.....	1	...	...	...	...	...	...	...	...	
38	Meribean and St. Cyr.....	J. Langdon.....	36	29	...	...	...	...	...	...	...	

Proceedings of the Madras Government, Public Department,
12th April 1869.

39	Piedmont.....	L. G. Munro.....	3	17	...	...	...	...	1	...	9th March.	Breaking of a blood vessel.	Ex Accrington.
40	Montrose.....	W. McEwen.....	42	12	...	...	...	...	...	...	...	...	
41	Samaritan	A. Munro.....	20	20	...	...	...	...	...	...	...	...	
42	Grand Bras....	T. Hankey and Company.....	49	20	1	...	...	1	...	Nussimudeen	May... ..	Overdose of lauda- num.	Ex Ganges.
43	Marli.....	T. Pender.....	22	9	...	1	...	...	...	...	...	...	
44	Mount Craven.	H. Langdon.....	9	5	...	...	...	...	...	...	...	...	
45	Constantine ...	J. Purcell.....	2	...	...	...	...	...	...	...	...	...	
46	Do.	E. Brathwaite...	1	...	...	...	...	...	...	...	...	...	
47	Vendome.....	L. De Bellot.....	5	...	...	...	...	...	...	...	...	...	
48	L. Esterre.....	T. Hardford.....	15	6	...	...	...	...	...	...	...	...	
49	Hampden Hall.	T. Renwick.....	1	...	...	...	...	...	...	...	...	...	
50	Bologne.....	A. Paul and Com- pany.....	52	27	...	1	...	...	...	...	...	...	
...	Deaths in the Colony Hospital..		...	...	...	...	...	2	1	Adhur..... Jowaheer, ... De Gaum....	30th March. 3rd May... 11th June...	Consumption..... Do. Dropsy.....	Ex <i>Athleta</i> . Do. Ex Ganges.
	Total.....		...	...	5	15	12	8					

Proceedings of the Madras Government, Public Department,
12th April 1869.

REMARKS.

Taking the cooly population in the Colony as 1725 souls on 1st January 1868, the increase among them during the half-year ended 30th June last is equal to 1.21 per cent., which is less than that of last year.

The decrease by deaths among the immigrants during the same period is in an equal ratio with the birth, and, as compared with the previous half-year, shows a decrease by 14 souls.

This result may be owing, in some measure, to acclimatization, but chiefly, I think, to the operation of the Auxiliary Hospital for the coolies connected with the Colonial Hospital at the Capital, where 92 Indian labourers from the plantations were admitted for treatment therein.

Although the attendance of the medical practitioners employed on estates have been pretty regular, and the prescriptions for the sick duly observed, yet I cannot report that the hospitals have been rendered as practically useful as they might be made. Employers appear rather desirous of availing themselves of the Colony Hospital for serious and tedious cases as being less expensive.

There were six casualties according to the returns sent in, namely—

Seesaha, on the Tuileries Estate, who died from the effects of excessive rum-drinking.

Mattadeen, on Simon Estate, who died from apoplexy.

Luckhee, on Carriere Estate, who was found dead in her bed from heart disease.

Jecayan, on Clarke's Court Estate, who was cruelly refused medical aid and medicine by the Manager.

Nungia, on Montrose Estate, from rupture of a blood vessel.

Nussimudeen, on Grand Bras Estate, from an overdose of laudanum.

Exclusive of these, mortality on estates has been very inconsiderable.

The only casualties for explanation are those of Nussimudeen and Jecayan.

In the former, this man complained of pain in the bowels, and sent a comrade to the Overseer for something to relieve him. The Overseer sent the messenger to the Manager's house for some laudanum. A phial of laudanum was given to him, and, instead of taking the same to the Overseer, carried it to the sick man, who took it and drank its contents. The mistake was not discovered until too late to save the man's life.

The case of Jecayan, on Clarke's Court Estate, requires special report as involving serious consequences to the Indian immigrants in the Colony, and also great discouragement to me in discharging my duties as their Protector. I did not know of this man being ill on that estate, or of the Manager having refused the medical attendant to prescribe for him, until after his death; and although legal proceedings were instituted by me against the proprietors for "refusing and neglecting to provide medical attendance and medicine for this immigrant under the provisions contained in the 50th Section of the Immigration Law No. CCXXX." and a conviction was obtained before Police Magistrate Palmer and a fine of four pounds imposed, yet this conviction was ordered to be quashed by Chief Justice Gresham on appeal, heard on 13th August, on the grounds that the 50th Section of the Immigration Law makes no provision for refusing and neglecting to provide medical attendants and medicines. So that, although the law secures for the immigrant both a hospital and the employment of a medical man and a nurse to attend him on the estate, yet, if the Manager chooses to refuse a located labourer either of these requisites, there is no protection against such abuse of power, according to the decisions of the Chief Justice.

It is, however, satisfactory to be able to report, from a recent inspection of the immigrants on the plantations during the week ended 19th instant, that they were, generally speaking, in good health, and working steadily; a few cases of jaws came under notice, which did not appear to

Proceedings of the Madras Government, Public Department,
12th April 1869.

require hospital confinement, the parties pursuing their daily avocations whilst under treatment by the Estate's Doctor.

(Signed) G. G. MUNRO,
Immigration Agent, Grenada.

23rd September 1868.

From F. W. E. MURDOCH, Esq., to Sir F. ROGERS, Bart., &c., &c., &c.; dated Emigration Board, 20th November 1868.

I have to acknowledge your letter of 11th instant, with two Despatches from the Acting Governor of the Windward Islands, the first enclosing the half-yearly report of the Immigration Agent of Grenada to 30th June last, the

No. 532, dated 30th September.
,, 533, do.

second transmitting documents connected with an inquiry into the death of a cooly immigrant who died on the Clarke's Court Estate in that island.

2. The first Despatch offers little for remark. The number of immigrants on estates on 30th June last was—

Males	...	...	...	...	...	...	1,099
Females	...	...	...	...	...	...	570
Total...							1,669

among whom 20 deaths and 20 births occurred during the half-year, being at the rate of 1.18 per cent. The record of deaths presents nothing requiring notice, unless, perhaps, it be the prevalence of dropsy. Of the 20 deaths, five or one-fourth of the whole were from that disease.

3. The second Despatch is more important. It appears that an unindentured immigrant, named Jecayan, employed on Clarke's Court Estate, died on the 2nd February without having been seen by the medical attendant of the estate, or received any medical assistance whatever. The Lieutenant Governor in consequence directed a prosecution against the Manager of the Estate under the 50th Section of the Immigration Act of 1855, but the case was dismissed by the Police Magistrate. As, however, there was an informality in the certificate of dismissal, the Lieutenant Governor brought the case before a second Police Magistrate, when the defendant was convicted and fined in a penalty of £4, the amount fined by the Act. An appeal was brought from this conviction to the Supreme Court, and it was eventually quashed by the Chief Justice. Enclosed in Mr. Mundy's Despatch is a letter from the Chief Justice, explaining the grounds of his judgment, and one from the Acting Attorney General of the Island commenting on it.

4. The deceased died of liver complaint, but it was stated by the medical man at the inquest that nearly every organ in his body was in a diseased state. The Manager admitted that he had refused to give the man medical attendance as he was not an indentured labourer. Whether any medical attendance could have saved the man's life may be doubted, but it was assumed on all sides that the neglect with which he had been treated hastened his death.

5. The proceedings against the Manager were taken, as I have said, under the 50th Section of the Immigration Act of 1855. That Section provides that "every estate on which such immigrants, whether indentured or unindentured, are located, shall be provided with comfortable and sufficient dwellings, and with a proper hospital and hospital furniture, medicines and nurses, and shall have a regularly licensed medical practitioner to attend the sick, and, in default thereof, the proprietor of such estate shall be liable to a penalty of £1," &c. The offence of which the Manager had been convicted was that "he refused and neglected to administer medicines, and refused and neglected to provide medical attendance" to the immigrant in question. The Chief Justice held that

the Immigration Law being a Penal Statute must be construed strictly, and that the offence of which the appellant had been convicted did not fall within the terms of the 50th Section above quoted. He pointed out, moreover, that the offence committed by the Manager, if his neglect had really caused the death of the immigrant, amounted to manslaughter, and that a fine of £4 was absurdly inadequate for such an offence. He suggested, therefore, that proceedings should be taken against the manager for manslaughter in the Supreme Court.

6. Major Mundy, supported by the Acting Attorney General of Grenada, questions the soundness of the law as laid down by the Chief Justice. Be that, however, as it may, there is no power in the Executive Government to revise it, nor is there any mode of appeal by which it could be brought before a higher tribunal. If the Chief Justice's view is correct, it is clear that the law is defective and requires amendment. Lieutenant Governor Mundy has directed the Officer administering the Government of Grenada to consult with his Attorney General as to the steps to be taken for amending it. I do not see that anything else can at present be done. I would, therefore, submit that Lieutenant Governor Mundy's course on this point, as well as the steps he took to bring the Manager of Clarke's Court Estate to justice, should receive the approval of the Duke of Buckingham and Chandos.

From LORD GRANVILLE, to His Excellency Lieutenant Governor MUNDY, &c., &c., &c.,
Grenada; dated Downing Street, 15th December 1868, No. 1.

I have had under my consideration your Despatch, No. 532, of 30th September, reporting the circumstances attending the death of an unindentured cooly labourer on the Clarke's Court Estate, Grenada, and the result of the proceedings that were thereupon instituted against the Manager of the Estate under the 50th Section of the Immigration Act of 1855.

I have carefully perused the various documents that accompany your Despatch, and, although the opinion of the Chief Justice is at variance with your own, I feel it due to you to express my approval of the course adopted by you in this case, as well as of the steps taken by you to bring the Manager of the Clarke's Court Estate to justice. As doubts are entertained whether the refusing to allow the medical practitioner to attend an immigrant falls within the Act as it now stands, it appears to me desirable that an amendment to remove such doubt should be made forthwith.

No. 1616.

Copy forwarded to the Government of Fort Saint George in continuation of endorsement, No. 2087, dated the 29th April 1868.

(By order of the Governor General in Council).

FORT WILLIAM,
HOME DEPARTMENT, PUBLIC,
24th March 1869.

(Signed) J. T. WHEELER,
Asst. Secy., for Under Secy. to the Govt. of India.

No. 104. ORDER THEREON, 12th April 1869, No. 468.

Forwarded to the Protector of Emigrants.

(True Extract).

R. S. ELLIS,
Chief Secretary.

To the Protector of Emigrants,

Ed. A. S. Rodgers.

Govt. of 1869, ~~G. O.~~ *G. O.*

PUBLIC.

To

THE PROTECTOR OF EMIGRANTS.

Dated April, 12th.

Recd.

Encl.

G. O., 12th April 1869, No. 468.

**APRIL.
Nos. 103-104.**

Forwarding papers received from Government
of India regarding the health of the cooly emi-
grants in Grenada during the first half of 1868.

Govt. of 1869: Madras.

Public

The Protector of Emigrants

11 April 12.

From

12 April

1868. A. 468.

Nos. 103. 104.

Forwarding papers received
from Govt. of India regarding
the health of the coolie emi-
grants in Grenada during the
first half of 1868.

12 May 68 No. 123-124.

104 to 201

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Public 1869 Sept
13
From
Under Secy, Govt. of India
Home Dept 16/6.

12 April

104 to 201

Forwarding papers from
Home Govt. regarding
the health of the coolie
emigrants in Grenada
during first half of
1868

104 to 201