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MADRAS RECORD OFFICE.

Government of Madras.

P. K. S. S.
DEPARTMENT.

G.O. No.	Press Mis.
Dated 5-1-1937	1937

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
5th January 1871.*

No. 2-A. Read the following Despatch from the Right Honourable the Secretary of State for India, to His Excellency the Right Honourable the Governor-General of India in Council, Fort Saint George, dated India Office, London, 6th October 1870, No. 92 (Public):—

I forward, herewith, for the information of your Excellency in Council, a translation* of a Brazilian Decree, which has been transmitted by Her Majesty's Charge d'Affaires at Rio de Janeiro to the Foreign Office, granting the exclusive right, for ten years, to a Company to import Asiatic labourers destined for field labour into Brazil. I likewise forward a report† by the Emigration Board on the decree in question, and, for the reasons stated in that report, I concur in the opinion expressed by Mr. Walcott that the decree cannot contemplate immigration from British India, and consider it could not be allowed to apply to our Indian subjects.

* 9th July 1870, No. 4547.

† 6th September 1870.

Translation of a Brazilian Decree, No. 4547, of 9th July 1870.

Grants to Manoel Jose da Costa Luna Vianna and Joao Antonio de Miranda e Silva, or to the Company which they may form, authority to import Asiatic labourers.

In consideration of the petition of Manoel Jose da Costa Luna Vianna, and of Joao Antonio de Miranda e Silva, it is my pleasure to grant them authority to import into the Empire by themselves, or by means of a Company which they may form, Asiatic labourers, in conformity with the clauses below this, signed by Diogo Velho Cavalcanti de Albrquerque, Member of my Council, Minister and Secretary of State for the Affairs of Agriculture, Commerce, and Public Works, who will so understand it and cause the same to be put in force.

Palace of Rio de Janeiro, 9th July 1870, 49th year of the Independence and of the Empire. With the Sign Manual of His Majesty the Emperor. Diogo Velho Cavalcanti de Albrquerque.

Clauses to which Decree, No. 4547, of this date refers.

The Imperial Government grants to Manoel Jose da Costa Luna Vianna, and Joao Antonio de Miranda e Silva, or to the Company which they may form, authority to import Asiatic labourers destined for field labour in Brazil.

2. The duration of the grant shall be for ten years, counting from the date of arrival of the first party of labourers at one of the places in the Empire.

During that term no other parties can import labourers from the same country for the same purpose.

3. The labourers shall sign an agreement which shall state—

1st.—His or her respective age, sex, people, and place of birth.

2nd.—The time of duration of the agreement.

3rd.—The wages, time of payment and species of money in which such payment shall be made, the quality and quantity of food, the clothing, treatment when ill, and the furnishing of necessary medicine as obligatory on the master.

4th.—The stoppage of wages in case of interruption of work from causes independent of the will of the master.

5th.—The number of working hours daily, which shall not exceed ten, may be extended to twelve by compensation being made, or by diminishing the work by a corresponding time, or by giving a gratuity which may be agreed upon.

6th.—The obligation of the labour to indemnify the master for loss of time through the fault of the former.

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5th January 1871.*

7th.—The subjection of the labourer to the discipline of the estate, factory or establishment, provided such is not opposed to the dispositions of the laws and regulations in force.

8th.—The renunciation on the part of the labourer of the right of complaint against the stipulated wages, even though other free labourers or slaves of Brazil may be earning more.

9th.—The right of the labourer to rescind the agreement by the previous payments—

- (a), of the amount of expenses to which he has put the master, the proportional sum for service rendered being deducted therefrom ;
- (b), of what he may owe to make good the service which he has failed to give, or from any other cause which shall be proved ;
- (c), of the loss which he may cause the master, from the difficulty which the latter may meet with in contracting for a substitute, if he be not a simple labourer, or if the rescission be demanded in crop time.

10th.—The master's privilege of making over the contract to another person for the term still unexpired, or the hiring out the labourer under the same conditions stipulated.

11th.—The obligation under which the labourer lies of making a fresh contract within two months after the completion of the first, if he should wish to remain in the Empire, and, in the contrary case, to leave the country at his own cost.

4. The contracts shall be written in Portuguese, and in the language of the labourer, signed and sealed by the Consul or Consular Agent of Brazil, merely for the sake of authentication. Six copies shall be made—one for the labourer, one for the Consulate, the third for the Contracting Agents in Asia, the fourth for the Imperial Government, the others for the contracting parties in Brazil.

5. In the process of enlisting the labourers and contracting with them, the contractors must keep within the laws and regulations in vigor in the respective localities, this service being performed under their exclusive responsibility, and without the right to claim, under any form whatever, the intervention of the Imperial Government, or that of their Consuls or Official Agents.

6. The labourers should be robust, and especially accustomed to agricultural labour, it not being permitted that more than one-tenth part of the individuals forming a party should be of any other trade or calling.

The importation of labourers accustomed to the use of opium of those of weak constitution, or who are beyond forty-five years of age, is prohibited. The infraction of the present clause will subject the grantees to fine of \$100 for each individual who shall be imported, contrary to the conditions prescribed, and to the obligation of re-exporting such individual without delay.

7. The vessels employed in conveying Asiatic labourers to Brazil shall be subject to the dispositions of Decree, No. 2168, of 1st May 1858.

8. In conformity with Decree, No. 3254, of 20th April 1854, the Official Agent of Colonization shall exercise the functions of Commissioner of Immigrants in the capital.

The Government shall name a fit person for the same service in the Provinces.

9. For each adult labourer who shall land, the consignee shall pay a tax of \$3 under the head of expenses of *Expediente* duty.

The amount of that tax shall be recovered by the Official Agent in the capital, and by those who exercise the same functions in the Provinces.

10. No party of labourers shall land at ports in Brazil, should the grantees not have prepared the necessary lodgings, and if the captain of the vessel do not present a document which shall prove that he has satisfied all the demands made on him by the laws and regulations of the places from whence he comes.

11. The grantees shall have responsible agents at the places of disembarkation for the fulfilment of their obligations without diminishing the responsibility of the captain of the vessel.

12. The grantees by their agent, or by the consignee of the vessel, shall deposit, within 24 hours, counting from the time of entry of the vessel, a sum corresponding to \$100 for each labourer

*Proceedings of the Madras Government, Public Department,
5th January 1871.*

over fifteen years of age, and of \$50 for each labourer under that age, who is to disembark, or shall give security for such sum.

Restitution shall be made of the deposit or guarantee, as soon as the depositions of this agreement shall have been carried out, relative to the accommodation and food of the labourers until they shall have been put to work.

13. Should the grantees not have provided accommodation for the labourers, the latter shall not be landed, and the grantees shall be liable, and make reparation for the loss occasioned to the labourers.

If after landing they should be in want of maintenance, the Government shall order the necessary outlay to be made against the deposit or security money, and, that being exhausted, the expense shall continue to be made for the account of the grantees.

Should two months have elapsed after the landing of the labourers without their having been engaged, they shall be re-exported at the grantees' cost.

14. The grantees have the right to transfer the contracts made with the labourers under such conditions as may suit them, provided they abide by the clauses of the contract required in this grant.

All cessionaries have a like right during the respective term.

15. In transferring the contracts, it will not be permitted to separate married labourers (from their wives), nor children, still subject to their parents, from those parents, according to the laws of their country, and in case of doubt according to the laws of the Empire.

16. On the termination of the contracts made in Asia, these may be renewed with all legal formality in presence of the Justice of Peace of the District.

The labourers who shall refuse shall, within two months, be sent back at the expense of the grantees, should he not have the means to pay his passage.

17. The protection of the Asiatic labourers, and the guarantee for the reciprocal obligations and duties of the labourers and their masters or employers, shall be regulated by Law, No. 108, of 11th October 1837, or by any other which shall be promulgated.

18. The grantees shall have their chief office either in or out of the Empire, provided they have in this capital, and in each Province, a representative with powers to treat directly with the Government.

It is understood that any questions which may arise between the Government and the grantees, or between these and private parties, shall be settled in Brazil, and according to its respective laws.

19. The grantees shall deposit in the National Treasury thirty contos of reis, of which restitution shall be made on the arrival of the first party of labourers, numbering, at least, one hundred, or shall revert to the public coffers, should none arrive within the time designated in the following clause.

20. The grant shall be cancelled without further formality, save by the act of God, duly proved by the grantees, and decided on by imperial decree, after consulting the proper section of the Council of State—

1st, if within six months from the date of the promulgation of the decree of grant, the deposit which the 19th clause treats of should not have been effected ;

2nd, if the first party of labourers should not have arrived according to the conditions stipulated.

21. The grant shall also be cancelled in relation to any Province of the Empire, whose demand for labourers shall not have been attended to, as to time, number, and reasonable price according to the opinion of the Government which has the claim, and shall decide upon hearing the grantees.

Save in the case of the will of God, in conformity with the preceding clause.

22. At the end of five years, counting from the arrival of the first party, this agreement shall be revised, the Government taking upon itself to alter it with such modification as it may deem fitting for the purpose for which it is destined.

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5th January 1871.

23. In no case will the grantees have a right to indemnity under any pretext whatever, or to favours which are not expressly stated in the present clauses.

(True translation.)

PALACE, RIO DE JANEIRO,
The 9th July 1870.

DIOGO VELHO CAVALCANTI,
DE ALBRIQUERQUE.

From S. WALCOTT, Esq., to Sir F. ROGERS, BART., dated Emigration Board, the 6th September 1870.

I have to acknowledge your letter of the 30th ultimo, with a copy of a letter* from the Foreign Office, enclosing a decree of the Brazil Government granting to two persons therein named, or to any Company they may form, the exclusive right, for ten years, of importing Asiatic labourers.

* 9th July 1870.

2. The term "Asiatic labourers" is wide enough to include Natives of India; but as without a Convention on the subject with our Government and the consent of the Indian Government emigrants cannot lawfully be drawn from our Indian possessions by foreign powers, I presume that the decree does not contemplate immigration from British India, but from China. It is not necessary, therefore, to enter into an examination of the provisions of the decree, which would be open to much objection if proposed to be applied to our Indian subjects.

3. The papers do not appear to me to call for any action on the part of the Secretary of State, unless, indeed, the Earl of Kimberley should think it advisable to forward a copy of the decree for the information of the Secretary of State for India.

No. 5240.

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

(By order of the Governor-General in Council,)

FORT WILLIAM, HOME DEPARTMENT,
PUBLIC, *the 30th November 1870.*

(Signed) W. M. SOUTTAR,
Offg. Under Secy. to the Govt. of India.

No. 2-B.

ORDER THEREON, 5th January 1871, No. 7.
Communicated to the Protector of Emigrants.
(True Extract.)

Chief Secretary.

To the Protector of Emigrants.

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12. The
hours, counting in

- 4th.—The stoppage of wages in case of interruption of work from causes independent of the will of the master.
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5. In the process of enlisting the laborers and contracting with them, the contractors must keep within the laws and regulations in vigor in the respective localities, this service being performed under their exclusive responsibility, and without the right to claim, under any form whatever, the intervention of the Imperial Government, or that of their Consuls or Official Agents.
6. The laborers should be robust, and especially accustomed to agricultural labor, it not being permitted that more than one-tenth part of the individuals forming a party should be of any other trade or calling.
- The importation of laborers accustomed to the use of opium of those of weak constitution, or who are beyond 45 years of age, is prohibited. The infraction of the present clause will subject the grantees to fine of \$100 for each individual who shall be imported, contrary to the conditions prescribed, and to the obligation of re-exporting such individual without delay.
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(True translation.)

PALACE, RIO DE JANEIRO,
The 9th July 1870.

DIOGO VELHO CAVALCANTI
DE ALBRIQUERQUE.

Dated Emigration Board, the 6th September 1870.

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TO—SIR F. ROGERS, BART.

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Copy forwarded to the Government of *East St. George* for information.

By Order of the Governor General in Council

FORT WILLIAM,
HOME DEPT.,
PUNJAB;
The November 1870.

Offg. Under Secy. to the Govt. of India.

[illegible]

15 January 1876 No. 7.
Communicated to the Protector
of Emigrants.

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Mr. G. P. Proctor & Co. Inc. 100 N. 1st St. St. Paul, Minn.

Public
The Protector of Emigrants

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Trans. copy of a Dispatch from
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Gov^t of India forwarding translation
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