

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.

1313

Press
Mis.

Dated

25-8-

19 1871

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
25th August 1871.*

No. 142. Read the following Despatch from the Right Honourable the Secretary of State for India, to His Excellency the Right Honourable the Governor in Council, Fort St. George, dated India Office, London, 23rd June 1871, No. 14 (Public):—

I forward, herewith, for the information and guidance of your Excellency in Council, a copy of a despatch* which I have addressed

* 23rd June 1871, No. 52.

to the Government of India on the subject of emigration from that country to the Island of Penang.

2. I at the same time transmit a copy of the correspondence which has given rise to the above despatch, viz., two letters addressed to this department by desire of the Secretary of State for the Colonies, enclosing each a despatch from the Governor of the Straits' Settlements. I do not include the letter addressed by Sir Harry Ord's Government to your Secretary on the 1st of July last, since it appears in the Proceedings of

9th May 1871.

23rd " "

Enclosed in letter from Colonial Office,
9th May 1871.

your Government under date the 13th of September following; but a copy of a memorial of the inhabitants of Prince of Wales' Island and Province Wellesley on the matter in question is among the papers herewith transmitted.

DESPATCH from the Right Honourable the Secretary of State for India, to His Excellency the Right Honourable the Governor-General of India in Council, dated India Office, London, 23rd June 1871, No. 52 (Public).

I transmit to your Lordship in Council copies of a correspondence which has taken place

Letter from Colonial Office, 9th May 1871, three enclosures.
Do. do. do. 23rd May 1871, one enclosure.
Do. to Colonial Office, 23rd June 1871.

between this department and the Colonial Office respecting an application by Sir Harry Ord, Governor of the Straits' Settlements, who is anxious to obtain certain relaxations of the law as now in force and administered with respect to emigration from India to the Island of Penang.

2. The subject is one within the immediate cognizance of the Government of Madras; but, inasmuch as Sir Harry Ord's application, if complied with, would involve an alteration of an enactment of the Governor-General of India in Council, I address myself to your Lordship, having sent a copy of this despatch to the Governor of Madras.

3. I am somewhat at a loss to understand the legal position of this case, and the reasons for it. By the Emigration Act of 1864 (interpretation Clause, Section 2), the word "India" excludes the Straits' Settlements. But at that time the Straits' Settlements were part of India by Act of Parliament. They did not cease to be so until the Order in Council, made on the Straits' Settlements, Act, 29 and 30 Vic., Cap. 115. How far, therefore, this clause of the Emigration Act may have been valid when passed, may be doubtful; but I will assume that it is, at all events, legally in force now. But I cannot find that this department was ever informed for what reason these islands, which had till then received a free supply of emigrants, were placed in 1864 under the same restriction with foreign places, while Ceylon, which had always been, in this sense, foreign, was exempted from those restrictions, and should be glad of explanation on this subject.

4. The argument, however, of Sir Harry Ord is that Penang is so small a place that its community cannot afford the expense occasioned by its being thus placed under the conditions of the Act, while immigration from India, heretofore free, is essential to its industrial prosperity.

5. There certainly appears to be much force in this representation, nor do I see any reason applying specially to Penang for insisting on the restrictions in question now any more than in former times. I have, indeed, under my eye the correspondence arising out of an article in the

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Friend of India, referred to in the Proceedings of the Madras Government, 13th September 1870, which correspondence called for the letter therein forwarded, addressed to that Government by the Government of the Straits' Settlements on the 1st of July last, and from which it would appear that the exportation of coolies to Penang, Singapore, and elsewhere is thought to "involve" kidnapping of minors and abduction of women. But it does not appear that anything more is meant than that any such emigration is subject to certain hazards of abuses which, it may be thought, must equally exist in the case of the much larger emigration to Ceylon.

6. I would, therefore, recommend for your consideration the proposal made by Sir Harry Ord, in the concluding part of his letter to Lord Kimberley of May 15th last, with a view to the enactment of some such special provisions as he there recommends, and wish, unless some objection occurs for which I am unprepared, that the necessary amendment of the law should take place without delay.

From ROBERT G. W. HERBERT, Esq., to the Under Secretary of State, India Office, dated Downing Street, 9th May 1871.

I am directed by the Earl of Kimberley to transmit to you, for the information of the Duke of Argyll, a despatch, with its enclosures, from Sir H. Ord, the Governor of the Straits' Settlements, on the subject of the emigration from India to Penang, and to state that Sir H. Ord is at present in this country on leave of absence, and that Lord Kimberley would be glad if an opportunity were afforded him of explaining to the India Office his views on this matter.

70, Ebury Street.

2. Sir H. Ord's address is given in the margin.

From Sir H. St. GEORGE ORD, to the Right Honourable the EARL of KIMBERLEY, &c., &c., &c., dated Government House, Singapore, 24th February 1871, No. 39.

On the 21st June 1870 I received, through the Lieutenant-Governor of Penang, copies of certain resolutions passed at a meeting of Planters held for the purpose of taking into consideration the question of Indian coolie immigration into Penang.

2. It appears that a notification was issued on the 5th March 1870 by the Acting District Magistrate of Vallam, in Tanjore, Madras, calling attention to the illegality of encouraging or assisting in the emigration of natives of India to the Straits' Settlements.

3. I accordingly addressed a letter to the Governor of Madras, a copy of which I enclose, pointing out the serious results that would follow if the views of this Magistrate were to be enforced, and received in reply a letter stating that the Madras Government is not prepared to place the Straits' Settlements on the same footing as the Island of Ceylon as regards immigration.

4. The question is one which greatly affects the interests of Penang, and, to a considerable extent, of the settlements generally, and, being fully impressed with its importance, a public meeting was held, at which the enclosed memorial was adopted.

5. Although confident in my own mind that many of the allegations contained in the enclosure to the Madras letter of the 13th September were unfounded or greatly exaggerated, I thought it right to satisfy myself on the point. I accordingly went to Penang at the close of last year, and visited every estate in the settlement which engages coolie labour, and, with the assistance of the Attorney-General, I personally examined a large proportion of the women and lads employed on these estates, and took down their statements of the circumstances under which they had been brought to this country. The result of this inquiry fully confirmed the opinion I had formed: there were a few cases in which boys alleged that they had been sent against their will, but in no case was any satisfactory reason given why they had not protested or complained when they reached Penang. They admitted that the ship was duly visited by Port Officers, &c., and that plenty of opportunity was afforded them at this time, and whilst going to the estates, and since they had been there, to make complaints had they desired. Two women out of nearly 150 also

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made similar statements, but I am bound to say that I entertain grave doubts whether there is any foundation for the statement in any of these cases. I have no doubt but that in some instances advantage has been taken of the discontent of lads with their position, at home, and of girls or young married women having quarrelled with their husbands or relatives, to hold out flattering pictures of the advantages they would obtain in the Straits, and to encourage them to emigrate thither.

6. With these exceptions, I found nothing in the inquiry to support the conclusions at which the Madras Government have arrived as to the evils which attend coolie immigration from the Tanjore coast to the Straits' Settlements, and I trust your Lordship may be pleased to take such measures as are necessary to permit the continuance of it under the same Regulations as are enforced at Ceylon.

To

HIS EXCELLENCY SIR HARRY ST. GEORGE ORD, C.B.,

Governor and Commander-in-Chief of the Straits' Settlements.

The memorial of the inhabitants of Prince of Wales' Island and Province Wellesley.

RESPECTFULLY SHOWETH,

That there has been a constant annual emigration of natives in search of employment from the Coromandel Coast to the Straits for upwards of half a century.

2. These emigrants have for the most part embarked from the ports of Negapatam, Nagore, and Karikal, and, when sailing at the regular season during the south-west monsoon, have always made the passage in eight or ten days, and no loss of life from shipwreck is on record, neither has any serious epidemic ever broken out amongst them at sea.

3. Up to the year 1857 this emigration was entirely voluntary and unaided by employers here, whose action in connexion with it was limited to engaging the men on their arrival and occasionally advancing the small sum their passage cost.

4. Neither had the Indian Government previously interfered; but, having learned about that time that the emigrant ships were occasionally dangerously overcrowded, Act. No. I. of 1857 was passed limiting the number to be carried by such ships to one to each ton for licensed vessels, and one to three tons for unlicensed ones.

5. This Act remained in force for three years, and, on its expiry, Act No. XXV. of 1859, renewing its provisions as regards the Straits, was passed, and still remains unrepealed.

6. The traffic in being so regulated thus received the recognition and approval of the Indian Government.

7. The effect of these Acts reducing the number of passengers to be carried to one-third of what had previously been customary was to greatly increase the cost of the passage and render it difficult for the poorer natives, the class most wanted here to get across.

8. It, therefore, became necessary for large employers of such labour to render some assistance to those desirous of coming over, so on two occasions, in 1858 and 1862, an European Agent was sent to the coast to inquire as to the prospects of getting labour for the future, and to assist intending emigrants with advances of money and otherwise.

9. These missions were undertaken with the full knowledge and consent of the Madras Government, the Agent on the latter occasion having been the bearer of a letter from General Cavenagh, then Governor of the Straits, to the Chief Secretary at Madras, explaining the objects of the mission and testifying to the good treatment the coolies received at the hands of their employers, and to their comfortable circumstances and the excellent health they generally enjoyed.

10. The Madras authorities in consequence expressed their willingness to assist in furthering the object of the mission as far as lay in their power.

11. The only other means used for promoting this emigration have been occasioned advances of money to Tindals and others visiting their country to enable them to bring over a few men, and the payment of a small commission on the coolies so brought over, as is understood to be customary in Ceylon.

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12. The emigration, however, still continued voluntary, no binding agreements being made with the men prior to their arrival here even in the case of those receiving advances, who on re-payment were as free as the others to work where they chose.

13. The results of this emigration have been beneficial to all concerned, the settlements getting a most useful supply of coolies, boatmen, syces, domestic servants, traders, &c., whilst the emigrants all materially improved their condition,—an ordinary coolie earning more than double the amount necessary for his comfortable subsistence,—and numbers rose to positions of considerable wealth and responsibility as shop-keepers, boat and gharry-owners, engine drivers, sugar-boilers, &c., &c.

14. Even the country they have left participated in the advantage, large sums of money being annually remitted by settlers to their relatives, or taken over by those returning to their native place.

15. The treatment of the coolies here is as good as it well could be, all being comfortably housed, and on large estates provided with medical attendance, medicine, and food gratis when sick, and having ready access to the Magistrates when they think themselves aggrieved.

16. Except when they arrive emaciated by famine in their own country, or in a semi-diseased state from other causes, as has more than once been the case, the mortality amongst them is small, and they improve greatly in condition in a short time, and from the well-known salubrity of the climate enjoy better health than in their native country.

17. The number of arrivals from, and departures to, the coast for the last three years, according to the official record, has been as follows :—

	Arrivals.	Departures.
1867...	2,922	1,451
1868...	3,253	1,138
1869...	3,969	1,572

18. The settled Tamil population of the place is estimated at twenty-five thousand out of a total population of one hundred and fifty thousand.

19. This long-established emigration, which has proved so advantageous to those settlements, and has been the means of raising so many of the natives of India from poverty to wealth, has been suddenly prohibited by a notification in the Tanjore Gazette, No. 10, dated 12th March 1870, signed "W. J. Hathaway, Acting District Magistrate," in which the simple act of inducing or assisting a native to emigrate to Penang is designated as "kidnapping" and as a heinous crime to be dealt with in the same manner as "dacoity" and "murder," and several instances are cited of severe punishments inflicted on those guilty of the offence.

20. It is also averred in the same notification that women are likewise kidnapped and brought over here for the purpose of prostitution, and the illegality of both practices is based on an interpretation of Act No. XIII. of 1864.

21. Against the charge of kidnapping, in the usual sense of the word, can be placed the fact that out of the many thousand of men and women who have come to Penang and have had both the Magistrate's Court and the Supreme Court open to them, not one has ever lodged a complaint of having been so kidnapped.

22. That women are, as a rule, brought over for purposes of prostitution is equally untrue, as a large number of them come in company with their husbands, and such is the demand for wives amongst the settled Tamil population, that, though many of the unmarried ones arrive in a diseased state, thus showing the class from which they are drawn, most of them get married in a short time, and lead more reputable and comfortable lives than they ever did before.

23. In presence of these considerations, and of the general feeling which has for some time prevailed in England in favour of encouraging the emigration of the poorer natives from India to more fortunate countries so long as famine cannot be averted from the land, it seems impossible that the framers of Act XIII. of 1864 could have contemplated the prohibition of emigration to the Straits, at that time politically one with India as well as being "geographically, historically, and socially considered analogous to it." Whilst leaving it free to Ceylon and Burmah, and permitting

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it under certain restrictions to such distant places as Mauritius and West Indies, and this view of the matter is borne out by the fact that the Act was in force for six years before it was discovered that it would bear such an interpretation.

24. Though now politically separated from India, these settlements still remain virtually the same as far as natives of that country are concerned, and it would only be justice to the colony, as well as to those natives who have learned to look to it as a place where they can better their fortune amongst friends and kindred already there, to place it by law, as it has hitherto been by custom, on the same footing as Ceylon and British Burmah with respect to emigration from India.

25. Your memorialists, therefore, humbly pray that your Excellency will be pleased to make such representations to the Right Honourable the Secretary of State for the Colonies and His Excellency the Governor-General of India as may have the effect of allowing the emigration of the natives of India to the Straits' Settlements in the same manner as heretofore, and your memorialists will ever pray.

(Signed) LAW. NAIRNE,
Chairman of the Public Meeting,
and seventy-nine other signatures.

From ROBERT G. HERBERT, Esq., to the Under Secretary of State, India Office, dated Downing Street, 23rd May 1871.

With reference to my letter, dated the 9th May, I am directed by the Earl of Kimberley to transmit to you, for the consideration of His Grace the Duke of Argyll, the copy of a letter from Sir H. Ord respecting emigration from India to the Straits' Settlements.

2. I am to state that Lord Kimberley trusts that the Indian Government will not insist upon regulations so stringent as to put an end to an immigration which appears to be beneficial to the Indian labourer, and the termination of which would be most injurious to the Straits' Settlements.

From Sir H. St. GEORGE ORD, Governor of the Straits' Settlements, to the Right Honourable the EARL of KIMBERLEY, &c., &c., dated 70, Ebury Street, 15th May 1871.

I have the honour to acknowledge the receipt of Mr. Herbert's letter of the 9th instant giving cover to an extract from a report from the Emigration Board to the Colonial Office on the subject of coolie emigration from the Madras Presidency to the Straits, and desiring to obtain my opinion on the proposal made by the Madras Government for controlling this emigration.

2. The history of this emigration is correctly and fully set forth in the memorial of the Planters and others, enclosed in my despatch, No. 39, 24th of February 1871. It shows that, after continuing, with the concurrence of the Government of India, for upwards of fifty years, during which time no complaint was made of its being accompanied by any injustice or injury to the immigrants, it has been suddenly, and without any previous notice, put a stop to, on pleas which I do not think are supported by the evidence, and which a careful personal inquiry has satisfied me are at all events considerably exaggerated.

3. From the poorness of the soil of the Malay Peninsula, cultivation can only be carried on profitably when cheap labour can be obtained; the native Malay will not work as a field labourer, and the Chinese immigrants find other and more remunerative occupation. The cessation of, or even the introduction of, any material impediments the emigration of natives from Madras to the Straits will, therefore, necessitate the abandonment of a large and yearly increasing cultivation, especially in Penang and Province Wellesley, and will, in fact, at once bring ruin on the agricultural interests of the settlement, by which alone it has gradually raised itself to the position it occupies.

4. Under these circumstances, it is but natural that the memorialists should ask that an arrangement sanctioned during fifty years by the Government under which they have lived, and

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which they justly contend is as beneficial to the object of it as to themselves, should not be put an end to merely because the local Administration of their affairs has passed to another department of Her Majesty's Government.

5. Sir Clinton Murdock observes that an emigration such as this could not be carried on by means of native agents without leading to serious abuses, and is of opinion that the proposals of the Government of Madras meet the case in a liberal and reasonable manner. Although I have satisfied myself that the statements made with respect to those abuses are greatly exaggerated, I have ascertained that irregularities do occur in connexion with this emigration, and I recognize the necessity of steps being taken to prevent their recurrence.

6. The remedy proposed by the Government of India is to place emigration to the Straits colony under the same restrictions as exist in regard to the West Indies and Mauritius, that is, under the provisions of the Act (XIII. of 1864.)

7. Now, the number of immigrants who arrived in the settlement in the three years (1867, 1868, and 1869), is stated to have averaged about 3,400 per annum; of these, not one-half were received as indentured immigrants by the Planters, for it must be borne in mind that besides the labourers on the estates there is a very large Tamil population in the settlement employed as labourers, washerwomen, drivers, domestic servants, &c. These are recruited every year by fresh arrivals from their own country, coming over either on their own accord or at the instigation of, and to join, their friends, and under circumstances which do not bring them within the operation of the Act. I have ascertained that the actual average number of indentured labourers which the estates have been lately receiving and not likely to require in future to supply vacancies, is about 1200 per annum, and a reference to some of the provisions of the Act will, I think, prove beyond a doubt that it would be impossible for the colony to undertake for such an object the heavy cost which the working of the Act would entail.

8. For instance, by Sections 10, 13, and 17, there will have to be appointed at the port of embarkation an Emigration Agent, a Protector of Emigrants, and a Medical Inspector of Emigrants. As emigration for the Straits will have to be carried on from Negapatam, where none of the other colonies have agencies, no assistance can be derived from existing officers, but fresh appointments will have to be made, and the cost of salaries alone cannot, I think, be put at less than £2,500 per annum. By Section 18 a depôt will have to be established with necessary officers, managers, cooks, &c. By Section 24 paid recruiters will have to be engaged, who will be licensed by the Madras Government; no other person will be allowed to engage labourers.

By Sections 46 and following the vessels in which the emigrants now make the run to Penang in eight or ten days without loss or inconvenience are to be placed under the same restrictions and subjected to the same requirements as those which carry emigrants to the West Indies, a voyage occupying from eighty to one hundred days.

9. If, therefore, it be decided that emigration from India to the Straits can be in future only permitted under such restrictions as these, it is clear that the colony must make up its mind to forego the benefit it has so long enjoyed, and to accept the inevitable result which will follow—the destruction of its agricultural interests.

10. But it does not appear to me to be of absolute necessity that this condition should be insisted upon. Admitting the existence of some faults in the arrangements under which the emigration of indentured labourers to the Straits is at present carried on, it does not follow that such faults can only be remedied by the adoption of a costly and onerous system, applicable to cases of colonies thousands of miles distant from India, and receiving an immigration which is numbered by thousands in place of hundreds.

11. Leaving out of sight altogether the interests of the colony, I contend that the emigration which has hitherto existed from India to the Straits is beneficial to the emigrant, who finds himself in a climate well suited to his constitution, working amongst a population composed extensively of his own friends and country people, at a labour with which he is not unfamiliar and for which he receives a remuneration largely in excess of that obtainable in his own country, and that in his interest alone it is right that this emigration should be maintained and supported

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under no further restrictions than are necessary to secure his personal freedom, health, and immunity from unfair dealing.

12. The memorialists have asked that it may be permitted with the same freedom that exists in regard to Ceylon; but there are certain differences in the circumstances of the two colonies which must be taken into account, and I consider that the interests of all concerned will be best secured by recognizing an intermediate course between the perfect freedom allowed in Ceylon and the complete prohibition which the Act (XIII. of 1864) would entail.

13. I would propose, therefore, that a special Act should be passed by the Government of India legalizing the emigration of natives to the Straits' Settlements on indenture, provided the colony established at any port, which with the consent of the Indian Government might be opened for the purpose, a Protector of Emigrants and a depôt whereat intending emigrants can be received, if necessary, prior to embarkation, and that they should only be embarked in ships which have received the approval and license of the Protector.

14. Should this suggestion meet the approval of Her Majesty's Government, I shall be prepared to submit the details which it will be necessary to embody in the Act for the guidance of the Protector and others employed to carry out its provisions.

No. 143. To the Secretary to the Government of India, Department of Agriculture, Revenue and Commerce, dated Ootacamund, 25th August 1871, No. 1313.

I am directed to inform His Excellency the Governor-General in Council that this Government have had under their consideration the Despatches marginally noted and their enclosures relative to emigration of natives of this Presidency to the Island of Penang.

Public, No. 32, dated 23rd June 1871,
to the Government of India.
Public, No. 14, dated 23rd June 1871,
to the Government of Madras.

2. The enclosed Proceedings of this Government, dated 13th September 1870, of which a copy has already been furnished to the Government of India, fully explain how the correspondence on this subject has arisen.

3. The letter from the Acting Sub-Collector of Tanjore, dated 21st June 1870, No. 249, which forms part of the Proceedings of Government above quoted, sets forth the evils that have arisen in connexion with the unrestricted emigration which takes place from the Tanjore District to Penang. These evils may be briefly stated as follow:—

1st.—The irregularity in the process of recruiting and the false representations made by the recruiting agents to the ignorant class from which the emigrants are drawn.

2nd.—The incidental crimping of women and boys.

3rd.—The illegal restraint and confinement of the coolies at the godowns or depôt at Negapatam before embarkation.

4. In the letter addressed by this Government to the Colonial Secretary at Singapore, dated 13th September last, No. 1153, contained in Proceedings of the same date enclosed, His Excellency in Council, while approving of the measures of repression as regards these violations of the law taken by the Tanjore Magistracy, stated that he had no wish that any impediments should be placed in the way of voluntary cooly emigration to the Straits Settlements, provided that the necessary steps are taken for legalizing the emigration, and for securing for intending emigrants the protection that is provided for coolies proceeding from India to the British Colonies under the existing emigration laws.

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5. His Excellency Sir H. Ord, in his letter to the Secretary of State for the Colonies dated 15th May 1871, objects to the proposal of His Excellency the Governor in Council on the ground of the heavy expense involved in the application of the provisions of Act VII. of 1871 to emigration of coolies to Penang. Sir H. Ord states that the planters do not require more than an annual supply of 1,200 coolies on indenture as labourers on the estates, and that to enforce the provisions of Act VII. of 1871 would be tantamount to prohibiting the emigration.

6. The case on behalf of the interests of Penang is argued with much fairness by Sir H. Ord, who recognises the necessity of steps being taken to prevent the recurrence of irregularities, in connexion with the emigration to Penang, brought to notice by the Tanjore Magistracy, and admits the existence of faults in the present arrangements. Sir H. Ord proposes that a special Act should be passed by the Government of India legalizing the emigration of natives to the Straits Settlements on indenture, provided the Colony establishes at any port, which, with the consent of the Indian Government, might be opened for the purpose, a Protector of Emigrants and a Dépôt whereat intending emigrants can be received, if necessary, prior to embarkation, and that they should only be embarked in ships which have received the approval and license of the Protector.

7. I am to point out that there is a considerable discrepancy in the statistics of emigration contained in paragraph 7 of Sir H. Ord's letter and in those furnished by the Tanjore Magistrate. According to Sir H. Ord, the number of Indian emigrants to Penang for the three years 1867, 1868, and 1869 averaged 3,400 per annum, of which not half were received as indentured immigrants by the planters, the remaining number coming out on their own account or on the invitation of their countrymen already resident on the Island. In contrast to this statement, I am to invite attention to the statistics contained in paragraph 11 of the Sub-Collector's letter, which is annexed to No. 41 of the correspondence contained in the Proceedings of this Government of 13th September last above quoted. From this it would appear

On licensed vessels carrying one passenger per ton	5,385
On unlicensed vessels carrying one passenger to every four tons.....	2,830
Total...	8,215

as. that the annual average, during the three years taken by Sir H. Ord, of coolies who proceeded to Penang was 8,215 classified as per margin. These figures are quoted to show the proportions which emigration to Penang has assumed. It is not in the power of this

Government to affirm what proportion of these coolies was, on arrival, transferred as agricultural labourers on estates, as hitherto no written contracts were made.

8. The appointment of a Protector of Emigrants, as proposed by Sir H. Ord, would, no doubt, tend to regulate the emigration, and would protect the emigrants to a considerable extent from the frauds of recruiting Maistries and from illegal restraint and confinement in the Dépôts. It is presumed that the Protector of Emigrants would be appointed subject to the approval of the Madras Government, though paid by the Government of the Straits Settlements.

9. The Government consider that written contracts should be made in India in respect of all coolies who are to be under indenture as agricultural labourers, and that all such coolies should be examined and registered before a Magistrate as provided in Sections 27 and 28 and 31 of Act VII. of 1871, and that the freest access to the Dépôt should be allowed to the local Magistracy.

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10. With reference to the important local interests brought to notice by Sir H. Ord, to the favourable conditions under which the Indian coolies proceed to Penang, and to the great interest shown in them by His Excellency the Governor of the Straits Settlement, the Government of Madras are unwilling, at present, to impose any further conditions on emigration from this Presidency to Penang than those indicated above.

11. In conclusion, I am to request that the Madras Government may have an opportunity of offering their remarks on any Draft Bill that may be framed for legalizing the emigration from this Presidency to the Island of Penang.

(Signed) R. S. ELLIS,
Chief Secretary.

Copy to the Colonial Secretary, Straits Settlements.

Ed. J. Wright.

1871.

AGRICULTURE, REVENUE, AND
COMMERCE DEPARTMENT.

From

The Chief Secretary to Government,

Fort St. George,

To

The Secretary to the Govt. of India,

Agriculture, Revenue, and Commerce

Department.

Dated 25th August 1871.

Recd.

No. 1313.

Enclosure.

AUGUST.
Nos. 142-143.

Communicating the views of this Government
on the subject of emigration of labourers from India
to Penang.

India Office,
London, 23rd June 1871.

Public

No 52

My Lord,

Letter from Colonial Office 9th May/71
3 Enclosures. -
" " " 23rd May 1871
1 Enclosure. -
" to Col^l: Office 23rd June/71

1. I transmit to your
Lordship in Council copies
of a correspondence which
has taken place between
this Department and the
Colonial Office respecting
an application by His Highness
Ord, Governor of the Straits
Settlements, who is anxious
to obtain certain relaxations
of the law, as now in force
and administered with
respect to Emigration from
India to the Island of Penang.

2. The subject is one
within

His Excellency
The Right Honorable,
The Governor General of India,
in Council.

within the immediate
Cognizance of the Government
of Madras; but inasmuch
as Sir Henry Ord's application
if complied with, would involve
an alteration of an enactment
of the Governor General of
India in Council, I address
myself to your Lordship,
having sent a copy of this
Despatch to the Governor of
Madras. —

3. I am somewhat at
a loss to understand
the legal position of this
Case, and the reasons for
it. By the Emigration
Act of 1864 (interpretation
Clause, sec. 2) the word
India excludes the Straits
Settlements. But at that
time

13
time the Straits Settlements
were part of India by Act
of Parliament. They did not
cease to be so until the order
in Council, made on the
Straits Settlements Act, 29
and 30 Vict. c. 115. How far
therefore this clause of the
Emigration Act may have
been valid when passed
may be doubtful; but I
will assume that it is at
all events legally in force
now. But I cannot find
that this Department was
ever informed for what reason
these Islands, which had
till then received a free
supply of emigrants, were
placed in 1864 under the
same restrictions with foreign
places

places, while Ceylon, which
had always been in this
sense foreign, was exempted
from those restrictions; and
should be glad of explanation
on this subject.

4. The argument, however,
of Sir Henry D. is that
Penang is so small a place
that its community
cannot afford the expense
occasioned by its being
thus placed under the
conditions of the Act;
while immigration from
India, heretofore free,
is essential to its industrial
prosperity.

5. There certainly appears
to be much force in this
representation, nor do I
see

15
see any reason applying
specially to Penang for insisting
on the restrictions in question
now any more than in former
times. I have indeed under-
my eye the correspondence
arising out of an article
in the "Friend of India",
referred to in the Proceedings
of the Madras Government,
13th September 1870, which
correspondence called for
the letter therein forwarded,
addressed to that Government
by the Government of the Straits
Settlements on the 1st of July
last, and from which it
would appear that the
exportation of coolies to
Penang, Singapore and
elsewhere is thought to involve
kidnapping of minors and
abduction

abduction of women. But
it does not appear that
anything more is meant—
that that any such emigration
is subject to certain hazards
of abuses which, it may
be thought, must equally
exist in the case of the
much larger emigration
to Ceylon. —

6. I would, therefore,
recommend for your
consideration the proposal
made by Sir Henry Ord
in the concluding part of
his letter to Lord Kimberley
of May 15th last, with a
view to the enactment
of some such special
provisions as he there
recommends

recommends and wish, unless
some objection occurs for
which I am unprepared,
that the necessary amendment
of the law should take
place without delay

I have the
hon^rble signature
Aggyle

No. 3. B.

Copy Public Despatch to the Govt. of India.
No. 52 dated 23rd June 1871

Referred to in Public Letter to
Madras. No. 14. dated 23rd June 1871.
Page 1.

Downing Street,
9th May, 1871

Sir,

1039.28. July 1871
I am directed by the Earl of
Kimberley to transmit to you, for
the information of the Duke of Argyll,
a Despatch with its Enclosures, from
Sir H. Ord, the Governor of the Straits
Settlements, on the subject of the emigration
from India to Penang, and to state
that Sir H. Ord is at present in this
Country on leave of absence, and that
Lord Kimberley would be glad if an
opportunity were afforded him of
explaining to the India Office, his views
on this matter.

The H. Ord's ad ref is given in the
to Downy St. margin.

I am &c
J. Robert G. H. Herbert

The Undersecretary of State
India Office

Sir H. St. George Ord to the Earl of Kimberley

Straits Settlements

No 39.

Government House, Singapore.

21st February, 1871.

My Lord,

On the 21st June 1870, I received through the Lieutenant Governor of Penang, Copies of certain Resolutions passed at a Meeting of Council held for the purpose of taking into consideration the question of Indian Coolie Immigration into Penang.

2. It appears that a notification was issued on the 24th March 1870, by the acting District Magistrate of Malacca in Singapore, Madras, calling attention to the illegality of encouraging or assisting in the Emigration of natives of India to the Straits Settlements.

3. I accordingly addressed a Letter to the Governor of Malacca, a Copy of which I enclose, pointing out the serious results that would follow, if the views of this Magistrate were to be enforced, and

1 July 1870.

received in reply a Letter stating that
the headras Government is not prepared
to place the Straits Settlements on the
same footing as the Island of Ceylon,
as regards Immigration.

13 Sept. 1870.
No 7153.

4. The question is one which
greatly affects the interests of Penang,
and to a considerable extent of the
Settlements generally, and being fully
impressed with its importance, a
public meeting was held at which the
enclosed memorial was adopted.

5. Although confident in
my own mind, that many of the
allegations contained in the Enclosure
to the headras Letter of the 13th September
were unfounded or greatly exaggerated,
I thought it right to satisfy myself
on the point. Accordingly, went to
Penang at the close of last year, and
visited every Estate in the Settlement
which engages Coolie Labour, and with
the assistance of the Attorney General
personally examined a large
proportion

proportion of the houses and lands employed
on the Estates, and took down their
statements of the circumstances under
which they had been brought to this
Country. The result of this enquiry
fully confirmed the opinion I had
formed, there were a few cases in which
boys alleged that they had been sent
against their will, but in no case
was any satisfactory reason given
why they had not protested or complained
when they reached Penang. They admitted
that the ship was duly visited by
Port Officers &c and that plenty of
opportunity was afforded them at this
time, and whilst going to the States,
and since they had been there, to make
complaints had they desired. Two
women out of nearly 150 also made
similar statements, but I am bound
to say, that I entertain grave doubts
whether there is any foundation for
the statement in any of these cases.
I have no doubt but that in some
instances advantage has been taken
of the discount of loads with H.

part.

position at home, and of girls or young married women having quarrelled with their husbands or relatives to hold out flattering pictures of the advantages they would obtain in the Straits, and to encourage them to emigrate thither.

With these exceptions I found nothing in the enquiry to support the conclusions at which the Madras Government have arrived as to the evils which attend Coast Emigration from the Tanjore Coast, to the Straits Settlements and must your Lordship may be pleased to take such measures as are necessary to prevent the continuance of it under the same Regulations as are enforced at Aylmer.

I have &c.

J. H. St. George Esq.

Wm. P. H. H. H.
The Earl of Kimberley

Unto

His Excellency
Sir Harry St. George Esq. C.B.
Governor and Commander in Chief
of the Straits Settlements

The Memorial of the
Inhabitants of Prince of
Wales Island and Province
Mellesley

Respectfully sheweth,

1. That there has been a constant annual emigration of natives in search of employment from the Comandul Coast to the Straits for upwards of half a century.

2. These emigrants leave for the most part embarked from the ports of Negapatam, Nagore and Karikal, and when sailing at the regular season during the South West Monsoon, have always made the passage in 8 or 10

days

days, and no loss of life from shipwreck is on record; neither has any serious epidemic ever broken out amongst them at sea.

3. Up to the year 1857 this emigration was entirely voluntary, and unaided by employers here, whose action in connection with it was limited to engaging the men on their arrival and occasionally advancing the small sum their passage cost.

4. Neither had the Indian Government previously interfered, but having learned about that time that the emigrant ships were occasionally dangerously overcrowded, Act No. 1 of 1857 was passed limiting the number to be carried by such ships to one to each ton for licensed vessels, and one to three tons for unlicensed ones.

This

5. This Act remained in force for three years, and on its expiry Act No. 25 of 1859 renewing its provisions as regards the Straits was passed and still remains unrepealed.

6. The traffic in being so regulated thus received the recognition and approval of the Indian Government.

7. The effect of these Acts reducing the number of passengers to be carried to one third of what had previously been customary, was to greatly increase the cost of the passage and render it difficult for the poorer cabins, the class most wanted here to get across.

8. It therefore became necessary for large employers of such labour to render some assistance to those desirous

of

of coming over, so on two occasions
in 1858 and 1862, an European Agent
was sent to the Coast to enquire as
to the prospects of getting labour for the
future, and to assist intending
emigrants with advances of money and
otherwise.

9. These Missions were
undertaken with the full knowledge
and consent of the Madras Government
the Agent on the latter occasion having
been the bearer of a letter from General
Cavenagh, then Governor of the Straits
to the Chief Secretary at Madras, explaining
the objects of the Mission and testifying
to the good treatment the Coolies
received at the hands of their employers
and to their comfortable circumstances
and the excellent health they generally
enjoyed.

The

10. The Madras Authorities in
consequence expressed their willingness
to assist in furthering the object of the
Mission as far as lay in their power.

11. The only other means used
for promoting this emigration have been
occasional advances of money to Sundals
and others visiting their country to
enable them to bring over a few new,
and the payment of a small Commission
on the Coolies so brought over, as
is understood to be customary in
Ceylon.

12. The emigration however
still continued voluntary, no binding
agreements being made with the men
prior to their arrival here even in the
case of those receiving advances, who
on repayment were as free as the others

to work where they chose.

13. The results of this emigration have been beneficial to all concerned, the Settlements getting a most useful supply of Coolies, boatmen, Sayers, domestic servants, Traders & whilst the emigrants all materially improved their condition. - an ordinary Coolie earning more than double the amount necessary for his comfortable subsistence, and numbers rose to positions of considerable wealth and responsibility as shopkeepers, boat and Gharry owners, Engine drivers, sugar boilers &c. &c. -

14. Even the Country they have left participated in the advantage, large sums of money being annually remitted by settlers to their relatives or taken over by those returning to their native place.

15. The treatment of the Coolies here is as good as it well could be, all being comfortably housed, and on large Estates provided with medical attendance, medicine and food gratis when sick and having ready access to the Magistrates when they think themselves aggrieved.

16. Except when they arrive emaciated by famine in their own Country, or in a semi-diseased state from other causes, as has more than once been the case, the mortality amongst them is small, and they improve greatly in condition in a short time, and from the well known salubrity of the climate enjoy better health than in their native Country.

17. The number of arrivals from

from and departures in the Coast
for the last three years according to
the official record has been as
follows:

	Arrivals	Departures
1867	2922	1851
1868	2253	1138
1869	3369	1572

18. The settled Tamil Population
of the place is estimated at Twenty
five thousand out of a total population
of one hundred and fifty thousand.

19. This long established
immigration, which has proved so
advantageous to these settlements, and
has been the means of raising so many
of the natives of India from poverty to
wealth has been suddenly prohibited
by a notification in the Tanjore Gazette
No. 10, dated 12 March 1840 signed
H. J. Hathaway, Acting District Magistrate

in which the simple act of
inducing or assisting a Native
to emigrate to Penang, is
designated as "Kidnapping" and as
a heinous crime to be dealt
with in the same manner as
"dacoity" and "murder", and several
instances are cited of severe
punishments inflicted on those
guilty of the offence.

20. It is also averred in the
same Notification that women
are likewise kidnapped and brought
over here for the purpose of
prostitution, and the illegality
of both practices is based on an
interpretation of act No. 13 of 1864.

21. Against the charge of
kidnapping in the usual sense
of the word, can be placed
the fact that out of the many
thousand of men and women
who have come to Penang and
have had both the Magistrates
Court and the Supreme Court
open to them, not one has ever
brought a complaint of having been

been so kidnapped.

22. That women are as a rule brought over for purposes of prostitution is equally untrue, as a large number of them come in company with their husbands, and such is the demand for wives amongst the settled Tamil population that though many of the unmarried ones arrive in a dejected state, thus showing the class from which they are drawn, most of them get married in a short time, and lead more reputable and comfortable lives than they did before.

23. In presence of these considerations, and of the general feeling which has for some time prevailed in England in favor of encouraging the emigration of the poorer natives from India to more fortunate countries, so long as families can not be averted from the land, it seems impossible that the framers of Act 13 of 1864 could have contemplated the prohibition of emigration to the Straits at that time. Politically

one with India, as well as being "geographically, historically, and socially considered analogous to it." Whilst leaving it free to Ceylon and Burmah, and permitting it under certain restrictions to such distant places as Mauritius and West Indies, and this view of the matter is borne out by the fact that the act was in force for six years before it was discovered that it would bear such an interpretation.

24. Though now politically separated from India, these settlements still remain virtually the same as far as Natives & of that Country are concerned, and it would only be justice to the Colonies as well as to those natives who have learned to look to it as a place where they can better their fortune, amongst friends and kindred already there, to place it by law, as it has hitherto been by custom, on the same footing as Ceylon and British Burmah with

with respect to emigration from India.

25. Your Memorialists therefore humbly pray that Your Excellency will be pleased to make such representations to the Right Honourable the Secretary of State for the Colonies and His Excellency the Governor General of India as may have the effect of allowing the emigration of the Natives of India to the Straits Settlements in the same manner as hitherto.

and your Memorialists will ever pray.

(Sd) Law: Nairne
Chairman of the
Public Meeting
and 79 other signatures

Copy.

Downing Street,
28th May 1871.

Sir

15 May
With reference to my letter dated the 9th of May, I am directed by the Earl of Kimberley to transmit to you, for the consideration of His Grace the Duke of Argyll, the copy of a letter from Sir H. Ord respecting emigration from India to the Straits Settlements.

I am to state that Lord Kimberley trusts that the Indian Government will not insist upon regulations so stringent as to put an end to an immigration which appears to be beneficial to the Indian labourer, and the termination of which would be most injurious to the Straits Settlements.

I am, Sir,

Your most obedient servant,

(Signed) Robert Geo. Herbert.

The Under Secretary of State
India Office.

No.

Copy Correspondence

Mr. Lord's letter
seems like a carded
& scrawled one.

Referred to in Public Letter to
Madras No. 14, dated 23 Jan. 1871
P. 100

A. A.

14

Recd. 22nd July 1871. B. B. B. & B. B. B.

40 Chury Street
15th May 1871

My Lord,

I have the honor to
acknowledge the receipt of Mr.
Herbert's letter of the 9th Instant
giving cover to an extract from
a report from the Emigration
Board to the Colonial Office on
the subject of Coolie Emigration
from the Madras Presidency to
the Straits, and desiring to obtain
my opinion on the proposal
made by the Madras Government
for controlling this Emigration.

2 The history of this
Emigration is correctly and fully

Set

set forth in the Memorial of
the Planters and others enclosed
in my despatch No 39, 24th of
February 1871, - it shows that after
continuing, with the concurrence of
the Government of India, for
upwards of fifty years, during
which time no complaint was
made of its being accompanied
by any injustice or injury to
the Immigrants, it has been
suddenly, and without any previous
notice, put a stop to, on
pleas which I do not think
are supported by the evidence,
and which a careful personal
enquiry has satisfied me are

at

17
at all events considerably
exaggerated.

3. From the poorness of
the soil of the Malay Peninsula,
cultivation can only be carried on
profitably when cheap labour can
be obtained, the native Malay will
not work as a field labourer, and
the Chinese Immigrants find
other and more remunerative
occupation. The cessation of,
or even the introduction of,
any material impediments to
the Emigration of natives from
Madras to the Straits will,
therefore, necessitate the
abandonment of a large and
yearly

yearly increasing cultivation
especially in Penang and Province
Wellisley; and will, in fact at
once bring ruin on the agricultural
interests of the Settlement by which
alone it has gradually raised
itself to the position it occupies. —

4. Under these circumstances
it is but natural that the Memorial-
ists should ask that an arrangement
sanctioned during fifty years by the
Government under which they have
lived, and which they justly contend
is as beneficial to the object of it
as to themselves, should not be put an
end to merely because the local
Administration of their affairs
has passed to another Department
of

45
of Her Majesty's Government.

5. Sir Clinton Murdock observed
that an immigration such as
this could not be carried on
by means of native agents
without leading to serious
abuses, and is of opinion
that the proposals of the
Government of ~~Madras~~ meet
the case in a liberal and
reasonable manner. Although
I have satisfied myself that
the statements made with
respect to these abuses are
greatly exaggerated, I have
ascertained that irregularities
do occur in connection with
this Emigration, and I
recognize the necessity of steps
being

being taken to prevent their recurrence. —

6. The remedy proposed by the Government of India is to place Emigration to the Straits Colony under the same restrictions as exist in regard to the West Indies and Mauritius, ~~that is~~ ^{that is under the provisions} of the Act XIII of 1864. —

7. Now the number of Immigrants who arrived in the Settlement in the three years 1864-8 and 9, is stated to have averaged about 3,400 per Annum; of these not one half were received as indentured Immigrants by the Planters, for it must be borne in mind that besides the laborers on the

Estates

Estates, there is a very large Indian population in the Settlement employed as laborers, Washerwomen, drivers, domestic servants &c. — These are recruited every year by fresh arrivals from their own Country, coming over either on their own accord or at the instigation of, and to join, their friends, and under circumstances which do not bring them within the operation of the Act. I have ascertained that the actual average number of indentured labours which the Estates have been lately receiving are not likely to require in future to supply vacancies, is about 1,200 per

Annum

Annex, and a reference to some of the provisions of the Act will I think prove beyond a doubt that it would be impossible for the Colony to undertake for such an object the heavy cost which the working of the Act would entail.

8. For instance, by Sections 10, 12, and 14, there will have to be appointed at the Port of embarkation an Emigration Agent, a Protector of Emigrants and a Medical Inspector of Emigrants. As emigration for the Straits will have to be carried on from Negapatane, where none of the other Colonies have agencies no assistance can

be

1308

be derived from existing Officers, but fresh appointments will have to be made, and the cost of salaries alone cannot, I think, be put at less than £2,500 per annum. By Section 18, a Depot will have to be established with necessary Officers, Managers, Cooks, &c. By Section 24, Paid Recruiters will have to be engaged who will be licensed by the Madras Government. No other person will be allowed to engage labourers.

By Sections 46 and following the Vessels in which the Emigrants now make the run to Penang in eight or ten days without loss or inconvenience are to be placed under the same restrictions and subjected to the same requirements, as those which carry Emigrants to the West Indies, a voyage occupying from eighty to one hundred days.

9. If, therefore, it be decided that Emigration from India to the Straits can be in future only permitted under such restrictions as these, it is clear that the Colony must make up its mind to forego the benefit it has so long enjoyed, and to accept the inevitable result which will follow the destruction of its agricultural interests.

10. But it does not appear to me to be of absolute necessity that this

Condition

condition should be insisted upon...
Submitting the existence of some faults
in the arrangements under which the
Emigration of Indentured Labourers to
the Straits is at present carried on, it
does not follow that such faults can only
be remedied by the adoption of a costly
and onerous system, applicable to cases
of Colonies thousands of miles distant
from India, and receiving an Immigration
which is numbered by thousands in
place of hundreds.

11. - Leaving out of sight altogether
the interests of the Colony, I contend that
the Emigration which has hitherto existed
from India to the Straits is beneficial to
the Emigrant who finds himself in a climate
well suited to his constitution, working
amongst a Population composed exclusively
of his own friends and Country people, at
a labour with which he is not unfamiliar,
and for which he receives a remuneration
largely in excess of that obtainable in his
own Country, and that in his interest alone
it is right that this Emigration should
be maintained and supported under no
further restrictions than are necessary
to secure his personal freedom, health,
and immunity from unfair dealing.

12. - The Memorialists have asked
that it may be permitted with the same
freedom

freedom that exists in regard to Ceylon;
but there are certain differences in the
circumstances of the two Colonies which
must be taken into account, and I consider
that the interests of all concerned will be
best secured by recognising an intermediate
course between the perfect freedom allowed
in Ceylon, and the complete prohibition
which the Act XIII of 1864 would entail.

13. - I would propose, therefore,
that a special Act should be passed by the
Government of India legalising the Emigration
of Natives to the Straits Settlements on
indenture, provided the Colony established
at any Port, which with the consent of
the Indian Government might be opened
for the purpose, a Protector of Emigrants and
a Depot whereat intending Emigrants can
be received if necessary prior to embarkation,
and that they should only be embarked in
ships which have received the approval
and License of the Protector.

14. - Should this suggestion meet
the approval of Her Majesty's Government,
I shall be prepared to submit the details
which it will be necessary to embody
in the Act for the guidance of the
Protector and others employed to carry
out its provisions.

The Right Honble

The Earl of Kimberley

70 70 70

I have &c

(Signed) H. St George Ord

India Office, London
23rd June 1871.

Public
No 14

My Lord,

I forward
herewith, for the
information and guidance
of Your Excellency in
Council, a copy of
a Despatch which I
have addressed to the
Government of India on
the subject of Emigration
from that Country to
the Island of Penang.

2. I at the same time
transmit a copy of the
correspondence which

His Excellency
The Right Honorable
The Governor in Council
Fort St. George.

23rd June 1871. No 52

Plg - Pub. Dept
7.25 Aug 1871
No 13. No 142

has given rise to the above
Despatch, namely two
letters addressed to this
Department by ~~the~~ ^{the} Secretary of State for
the Colonies, ~~and~~ ^{each}, a Despatch from
the Governor of the Straits
Settlements. I do not
include the letter
addressed by Sir Henry
Ord's Government to your
Secretary on the 1st of
July last, since it
appears in the proceedings
of your Government under
date the 13th of September
following; - but a copy
of a Memorial of the
Inhabitants of Prince of

9 May 1871.

1 Enclosure

23 May 1871.

1 enclosure

Enclosed in letter from
Colonial Office 9 May, 1871.

Waller Island and
Province Wellesley on
the matter in question
is among the papers
herewith transmitted.

I have the honor to be,
My Lord,
Your Lordship's most obedient
humble servant

Agst.

" 16" 1870
 " 16" 1870
 " 16" 1870

The
 Letter to Port St. George
 No. 114

Commenced
 at the Protection
 of Immigrants.

10 Jan 1871 of 20 Aug 71

In order to inform and
 guidance a copy of a despatch
 addressed to the Govt of
 India, with their correspondence
 on the subject of Immigration
 from the Government of India.

The Protector
 of Immigrants.

1142

with Pro. 13 Sept. 1870.
 Despd in Mss. 28-8-71.

Public Department.
 No. 13131

To
 The Secretary to Government
 of India.
 Home Department.

Sir,

I am directed to inform
 His Excellency the Governor Genl.
 in Council that this Govern-
 ment have had under their
 consideration the despatches
 marginally noted and their
 enclosures relative to Immigration
 operations of this Presidency to
 the Island of Penang.

Public No. 52 of 23 June 1871 to
 the Govt of India.
 — 9214 of 23 June 1871 to
 the Govt of Madras.

N
 J. O. S.
 A. A.

2. The enclosed Proceedings
 of this Govt. of 13 September 1870
 of which a copy has already been
 furnished to the Govt. of India,
 fully explain how the corre-
 spondence on this subject
 has arisen.

3. The letter from the
 Agt. Sub Collector of Tanjore of
 21 June 1870. No. 249, which
 forms part of the Proceedings

10 Jan 1871 of 20 Aug 71

of Govt. above quoted, sets forth the evils that have arisen in connection with the unregulated emigration which takes place from the Tanjore District to Penang. These evils may be briefly stated as follows:

- 1st. The irregularity in the process of recruiting and the false representations made by the recruiting agents to the ignorant class from which the emigrants are drawn.
- 2nd. The incidental crimping of recruits & boys.
- 3rd. The illegal restraint and confinement of the coolies at the Godowns or Depots at Negapatnam before embarkation.

In the letter addressed by this Govt. to the Colonial Secretary at Singapore of 13th September last - No. 1153, contained in Part of the same date Enclosed, His Excellency informed while approving of the measures of

of repression as regards these violations of the Law taken by the Tanjore Magistrate, stating that he had no wish that any impediments should be placed in the way of voluntary coolie emigration to the Straits Settlements, provided that the necessary steps are taken for legalizing the emigration, and for securing for intending emigrants the protection that is provided for coolies proceeding from India to the British Colonies under the existing Emigration Laws.

5. His Excellency Sir H. Ord, in his letter to the Secy. of State for the Colonies of 15th May 1871, objects to the proposal of His Excellency the Governor in Council on the ground of the heavy expense involved in the application of the provisions of Act VII of 1871.

to Emigration of Coolies to Penang.
Sir H. Ord states that the
Planters do not require more
than an annual supply of
1200 Coolies on indenture as
labours on the Estates, and
that to enforce the provisions
of Act VII of 1871 would be
tantamount to prohibiting
the Emigration.

6. The case on behalf
of the interests of Penang is
argued with much fairness
by Sir H. Ord, who recognizes
the necessity of steps being
taken to prevent the recurrence
of irregularities in connection
with the Emigration to Penang,
through the notice by the Tanjong
Magistrate, and admits the
existence of faults in the present
arrangements. Sir H. Ord
proposes that a special Act
should be passed by the Govt.
to India legalizing the Emi-
gration of natives in the
Chinese Settlements on indenture,
provided

provided the Colony establishes
at any Port, which with the
consent of the Indian Govt.
might be opened for the pur-
pose, a Protector of Emigrants
and a Depot whereat intending
Emigrants can be received
if necessary prior to embark-
-tion, and that they should
only be embarked in ships
which have received the
approval and license of the
Protector.

7. I am to point out
that there is a considerable
discrepancy in the Statistics
of Emigration contained in para-
7 of Sir H. Ord's letter and in
those furnished by the Tanjong
Magistrate. According to
Sir H. Ord the number of
Indian Emigrants to Penang
for the three years 1867-8-9 averages
3400 per annum, of which
not half were received as in-
-dentured Emigrants by the
Planters - the remaining
number

number coming out on their own account or on the invitation of their countrymen already resident on the island. In contrast to this statement I am to invite attention to the statistics contained in para 10 of the Sub-Collector's letter which is annexed to No. 41 of the correspondence contained in the Proc. of this Govt. of 13 September last above quoted. From this it would appear that the annual average, during the three years lasten by Sir H. Ord, of coolies who proceeded to Penang was 8215. Classified as per margin. These figures are quoted to show the proportions which emigration to Penang has assumed. It is not in the power of this Govt. to affirm what proportion of these coolies was on arrival transferred as agricultural laborers in Sabah, as hitherto no written contracts were made.

* Unlicensed vessels carrying	
1 Passenger per m	5385
In licensed vessels carrying	
1 Passenger & 4	2830
tons.	
Total	8215

8. The appointment of a Protector of Emigrants as proposed by Sir H. Ord would no doubt tend to regulate the emigration, and would protect the emigrants to a considerable extent from the frauds of recruiting masters and from illegal restraint and confinement in the ships. It is presumed that the Protector of Emigrants would be appointed subject to the approval of the Madras Govt. the point by the Govt. of the Straits Settlements.

9. The Government consider that written contracts should be made in India in respect of all coolies who are to be under indenture as agricultural laborers and that all such coolies should be examined and registered before a Magistrate as provided in Sec. 27 and 28 and 31 of Act VII of 1871, and that

that the first access to the
Depôt should be allowed to
the Local Magistracy.

10. While most unwilling to throw obstacles in the way of legitimate emigration to Penang (and thereby to cause serious injury to the agricult. & rural interests of the Island) His Excellency in Council, having in view the large numbers of natives who proceed annually from the Port of Negapatam in the Tanjore District to Penang, entertains serious doubts as to the policy of relaxing to the extent above indicated the existing Emigration Law. His Excellency in Council is content, however, to leave the interests involved to the consideration of His Excellency the Governor General in Council.

11. *da conclusionem* *San*

I would wish this.
If we want of this
little we shall
have to consider the
real interests of
India - which has
no other but - i.
JOS

10. With reference to the ^{important} ~~important~~ ^{important local interests} ~~important~~ brought to notice by Sir H. Ord,
to the favorable conditions under which
the Indian Coolies proceed to Penang
& to the ~~are~~ great interest shown
in them by H. E. the Govr. of the
Straits Settlement. The Govt. of Malacca
are unwilling, at present, to impose
any further conditions on Immigration
from this Presidency to Penang than
those indicated above.

to request that the Honorable
Govt. may have an opportunity
of having ^{Wm} their re-
marks ~~regarding~~ ^{on} any
~~the same~~ ^{on} any
Draft Bill that may be framed
for legalizing the Emigration
from this Presidency to the
Island of Penang.

Gotacamund.
25th Aug 1871.

Copy to Colonial Secy. Straits } desd 28-8-71.
Settlements -

*Public Secretary
Sept 17/97*

25/11/97

Sept 18/97,

Department

No. 1613

To
The Secretary to the
Government of *India*
Department

Dated *28 Aug 1871* 1871.

101/11/97

101/8