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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

DEPARTMENT

G.O. No. B.P. No.	2477	Press Mis.
Dated	29-11-1986	196

Not to be folded or roughly handled

Opinion

With reference to the Order of Government, dated the 29th October 1886, N^o 2294, Public, and the papers sent to me with it, I am of opinion that Messrs Parry & Co are liable to prosecution under the Indian Emigration Act, XXI of 1883 Section 82. Section 29 of the Act provides that every agreement to emigrate must, if executed within the limits of any Port from which emigration is lawful, be executed in the presence of the Protector, and Section 82 of the Act specifies the penalty which may be imposed in case of a breach. In this case Messrs Parry & Co entered into an agreement with five natives of India in Madras, by which they agreed to proceed to Natal there to labour for hire; but the Agreement was

not

not executed in the presence of the Protector.
The Natives were sent in the first instance,
to Calcutta, and were to go from Calcutta
to Natal. Messrs Parry & Co may also be
sued under Section 100 of the Act. I do
not think however that a prosecution
under Section 82 of the Act would be
advisable in the circumstances, for I infer
that their failure to comply with the require-
ments of the Act was unwitting. As to
a suit under Section 100, that would depend
upon whether the defendants have sustained
any damage, which cannot be at present
ascertained.

I do not think a prosecution would
be successful in British India against
the Master of the Ship "Mirvoti" in the
circumstances of this case. For the reasons
indicated

indicated in the note of the Chief Secretary
(Signed) J. O'Sullivan
Advocate General

Madras
12 November 1886

A True Copy

Wm Morgan
Acting Government Solicitor
per S. B. B. B.

29/10/86 No 229/86
Public 1886/86
No 1821/87

H.M.

For orders.

Submitted that the return
of the men must be awaited.
Meanwhile the note & opinion
might be communicated to
the Protector of Emigrants
& he might be asked how the
agreements are taken got hold
of. They will be necessary
pieces of evidence in the
case against Perry &c.

W
23/11

S.O. 29 Nov 1886, No 2477
Communicated (the Protector
of Emigrants &c. will inform
you as soon as the men
are returned & send us
a bill in the mean time
obtain approved copies
of the agreements entered
into with Messrs Perry
&c.

(For orders) W
5/11

Protector of Emigrants Despd
80/11

Public 1886/86 Department

2477
29-11-86

From
15-11-86

William Morgan
Cg. Government Solicitor
Madras

The Chief Secretary
to Government
Madras.

No 527

Dated 13 Nov 1886
Recd

Enclosure 1

Forwarded with enclosure with
reference to the Order of
Government dated 29 October
1886 No 2296 Public.

W Morgan
Cg. Government Solicitor
Madras

P.T.O.

GOVERNMENT OF MADRAS

DEPARTMENT