

(1) பக்கங்களின் எண்ணிக்கை

(2) புதுக்கித் திருப்பிய நாள்

(3) ஆதாரக் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

புதுக்கித் திருப்பிய நாள்

அரசாணை எண். 227-228-	அச்சகம்
மு. கோப்புத் தாள் எண்.	பலவகை
நாள் : 5 3: 1889	100

மீட்டிங் கோ கண்டபடி கையாளவோ கூடாது.

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To—The Government of India.

* 13th February 1894, with printed closure.

requesting sanction for the introduction of Indian immigrants into the territory of the Company.

Dated London, the 12th February 1884.

From—R. ALCOCK, Esq., Chairman of the British North Borneo Company,

To—Her Majesty's Secretary of State for India.

THE Court of Directors of the British North Borneo Company having learnt that on Your Lordship's recommendation the Government of India has entered into a convention with the Government of the Straits Settlements whereby Indian labour may be introduced into that colony; and whereas from an official note by the Honourable C. Buck, dated 26th July 1883, and published in the *Straits Times* newspaper in Singapore on the 16th August 1883, it would appear that His Excellency the Governor of the Straits Settlements has been allowed to extend this privilege to the Protected Native States of the Malay Peninsula, I have the honour to submit, for Your Lordship's consideration, a request that the Indian Government will allow the introduction of Indian immigrants, on the same terms and conditions, into the territory of the British North Borneo Company for the following reasons:—

(1) For the development of the country it is most essential that planters and capitalists should be able to procure suitable labour at fair rates.

(2) The experience gained in Province Wellesley and Singapore has proved beyond a doubt the superiority of Indian labourers for sugar and other planting and road-making.

(3) The British North Borneo Company has been incorporated by Royal Charter, whereby the chief representative must always be subject to the approval of one of Her Majesty's Secretaries of State, and the present Governor, Mr. William Hood Treacher, has been so appointed, having previously acted as the Governor of the British Colony of Labuan, and is in fact at present provisionally administering the Government of that Colony (as well as that of North Borneo) on behalf of Her Majesty's Government.

(1) Regular Courts of Law have been established throughout the Company's territory, and the law of the country has been assimilated, in as far as is compatible with the existing customs of the natives, to the principles of the Indian Penal Code, as for the time being in force.

(5) I send for Your Lordship's information the copy of an Ordinance for the protection of labourers and coolies which has been promulgated in North Borneo, and which is based upon that in force in the Straits Settlements.

(6) The British North Borneo Company is further willing to make any modifications or amendments to meet the requirements of the Indian Government if necessary; and to recognise the powers of the Indian Immigration Agent appointed to superintend his department in the Straits Settlements.

Trusting that this request may meet with Your Lordship's favourable consideration.

No. 13, dated Simla, the 24th May 1884.

From—The Government of India,

To—Her Majesty's Secretary of State for India.

WE have the honour to acknowledge receipt of Your Lordship's Despatch No. 16 (Public—Emigration), dated the 6th March, enclosing an application from the British North Borneo Company for sanction to the emigration of Indian labourers to their territory. The Company desire that the emigration should proceed on the same terms and conditions as those which regulate emigration from India to the Straits Settlements and their application is accompanied by an Ordinance which has been promulgated in North Borneo for the

protection of labourers, and which is based on the Indian Immigration Ordinance in force in the Straits Settlements.

2. In reply we would observe that according to the Indian law as it stands at present emigration to North Borneo is only permissible under the general Emigration Act, XXI of 1883. Emigration to the Straits Settlements being to a great extent of a special character, is provided for by a special law (Act V of 1877), which does not apply to emigration to other countries. The natives of the Madras Presidency are well acquainted with the Straits Settlements, and have been in the habit of emigrating thither for many years. It was not till a comparatively recent date that the emigration was in any way controlled by legislation, and then only as regards labourers recruited for agricultural work. At the present time there is a free ebb and flow of emigration and immigration between India and the Straits Settlements independent of the law. In fact the labourers coming under the Act form but a small proportion of the total number of emigrant Indians who find their way to the Straits Settlements. These conditions do not exist in the case of Borneo, and we think that if emigration is allowed to the territory of the British North Borneo Company it should proceed, at any rate in the first instance, under the general Emigration Act. The principle of the Act is that the Government of the country to which emigration is permitted charges itself with the recruitment of the emigrants in India, with providing work for them, and protecting them against the individual employers to whom they may be allotted on arrival, and with the cost of the free return-passages. The Government of India has no direct dealings with the individual employers, nor are they permitted to recruit for themselves in India, as all recruiting operations are conducted by an Emigration Agent in the name of the Government of the country to which emigration is allowed. If the British North Borneo Company exercises sovereign rights in its territories, we presume that we should be at liberty to regard it as a Government within the meaning of the Emigration Act, and to authorise emigration to its territories under certain conditions.

3. Before, however, we can come to a decision whether emigration can be allowed at all, we require to be assured of the ability of the Company to fulfil its engagements with the emigrants proceeding to its territory and to carry out the measures of protection which the Indian law requires. We have no authentic information regarding the constitution of the Company, the organisation of its government, or the extent of its powers and responsibilities; and before further considering the present question, we would beg to be supplied with full particulars on these points. Should the information furnished prove satisfactory, we shall be prepared to sanction emigration; meanwhile it would be premature to discuss in what respects the Ordinance forwarded would require alteration, but we would direct the attention of the Company to the immigration laws in force in the West Indies and Fiji, as representing the requirements of the Government of India when emigration to those colonies was authorised under the general Emigration Act.

No. 132 (Public—Emigration), dated India Office, London, the 3rd November 1887.

From—THE RIGHT HON'BLE VISCOUNT CROSS, G.C.B., *H. M.'s Secy. of State for India*,
To—The Government of India.

WITH reference to Your Excellency's letter No. 13, dated 24th of May 1884, on the subject of an application from the British North Borneo Company for sanction to the emigration of Indian labourers to their territory, I forward, herewith, for the information of Your Lordship's Government, a copy of the correspondence with the Company noted in the margin.

2. I also forward a copy of a letter (with enclosures), dated 28th September last, from the Foreign Office, relative to a similar application recently made by the Company to the Colonial Office.

No. 1102 J. & P., dated India Office, London, the 28th June 1884.

From—The Under-Secretary of State for India,
To—SIR RUTHERFORD ALCOCK, K.C.B., *Chairman, British North Borneo Co.*

IN continuation of Mr. Walpole's letter of the 29th of February last, I am directed by the Secretary of State for India in Council to forward to you, for the information of the British North Borneo Company, copy of a despatch* received from the Government of India in reply to the reference which was made to them in consequence of your letter of the 13th of February, on the question of the introduction of Indian immigrants into the territory of the Company.

Dated 4 and 3 Throgmorton Avenue, E. C., the 10th July 1884.

From—B. T. KINDERSLEY, Esq., *Secretary, British North Borneo Company*,
To—The Under-Secretary of State for India.

I AM instructed to acknowledge the receipt of Mr. J. K. Cross's letter of the 28th ultimo, J. & P., No. 1102, and to thank you for the copy of a despatch from the Government of India, Emigration, 24th May 1884, No. 13, enclosed therein, in reference to the introduction of Indian immigrants into North Borneo.

Dated 4 Throgmorton Avenue, E. C., the 14th October 1887.

From—B. T. KINDERSLEY, Esq., *Secretary, British North Borneo Company*,
To—The Under-Secretary of State for India.

I UNDERSTAND that an application from this Company, in reference to the permission of coolie emigration from India to British North Borneo, which was addressed to Her Majesty's Secretary of State for the Colonies under date 13th ultimo, has been forwarded to the Secretary of State for India.

IN view of the further information which, by their letter of the 24th May 1884, the Government of India desired to have before going into the matter, I beg now to hand you copies (two of each) of our charter and deed of settlement, which will afford full particulars of the nature and constitution of this Company, as also of the objects for which it was formed. I may also add that the administration of the territory is based on the Indian Criminal and Civil Codes, and so far as the Court of Directors is aware, has hitherto met with the approval of the Secretaries of State, both for Foreign Affairs and for the Colonies. As to the ability of this Company to fulfil its engagements, I would point out that the revenue and trade of the country are steadily increasing year by year, and that the amount of our uncalled capital is over £180,000, for which our shareholders would be liable in case of need.

Should the Government of India require any further information, I shall be happy to supply it so far as lies in my power.

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Dated Foreign Office, London, the 28th September 1887.

From—SIR P. W. CURRIE, *Under-Secretary of State for Foreign Affairs*,
To—The *Under-Secretary of State for India*.

I AM directed by the Marquis of Salisbury to transmit to you a letter from the Chairman of the British North Borneo Company on the subject of coolie emigration from India to the territory of that Company which was addressed to Her Majesty's Secretary of State for the Colonies by whom it has been forwarded to this Department.

I am to request that in laying this communication before Her Majesty's Secretary of State for India in Council, you will move Lord Cross to take the request therein contained into favourable consideration.

Dated 4 Throgmorton Avenue, E. C., the 13th September 1887.

From—SIR RUTHERFORD ALCOCK, K.C.B., *Chairman, North Borneo Company*,
To—The *Secretary of State for the Colonies*.

I HAVE the honour to forward the enclosed correspondence* from Mr. Crocker, the Acting Governor of British North Borneo, addressed to the Court of Directors, concerning the employment of Indian coolies for working in the territory of the Company.

Mr. Crocker's letter to the Court, of the 18th July, calls its attention to the opening prospects for coffee plantations in British North Borneo, provided the assent of the Government of India to immigration be obtained. It is shown to be of the utmost importance to the employers of labour and the welfare of the colony, that existing restrictions to the employment of Indian coolies should be removed, and the accompanying papers and correspondence furnish the necessary particulars and information bearing upon the subject.

It will be seen by the concluding letter of the series, from Mr. Dickson, the Colonial Secretary at Singapore, under date 26th November 1886, that a previous application of the Governor of British North Borneo, in reference to the engagement of Sikhs for the Constabulary from the Straits Settlements, could not be granted in respect of any natives of India of the agricultural class, unless specially sanctioned by the Indian Government, and the endeavour to obtain this special sanction was not at this date successful.

Circumstances, however, have much altered since that period. The planting of tobacco and other products in the colony has greatly extended: the emigration of coolies from Hong-Kong to North Borneo under a special ordinance founded on that of the Straits Settlements, and of which a copy was forwarded for your information in my letter of 28th February last, has been sanctioned by you in a despatch under date 23rd March last, while the means of transport and communication between Singapore (where the Madras coolies would be transhipped) and British North Borneo, have been regularised and much facilitated.

Under these conditions it is, as mentioned by Mr. Crocker, that Sir Frederick Weld, who has been instrumental in introducing Indian labour into the Straits Settlements and Native States, has lately visited the Company's territory, and will, it is believed, be prepared to supply information, if he has not already done so in his report, as to the character of, and securities offered by, the Company's Government, which will remove all cause of hesitation on the part of the Indian Government to assent to Indian immigration to British North Borneo, under similar terms as have been approved in the case of the Native States in connection with the Straits Settlements.

I am desired, therefore, by the Court of Directors to submit to Her Majesty's Secretary of State the above particulars, with a request that you will be pleased to take into consideration the importance of a favourable decision on the part of the Indian Government and afford the Company the recommendations and assistance deemed essential to give effect to an application on the part of the Court for the same privilege as has been granted to the Straits Settlements and Native States.

No. 85, dated Sandakan, the 18th July 1887.

From—HIS EXCELLENCY W. M. CROCKER, *Acting Governor of British North Borneo*,
To—SIR RUTHERFORD ALCOCK, K.C.B., *Chairman, British North Borneo Co.*

DURING my late visit to Kudat I inspected Mr. Christian's Liberian Coffee Estate. I

found the young plants in a 38-acre block of land looking well. It is the intention of Mr. Christian to extend the cultivation gradually.

2. He is of opinion that the late rise in the price of coffee may induce other planters to open estates in our territory, and therefore he proposes that we should endeavour to obtain the assent of the Government of India to Indian immigration, and a copy of a correspondence I have received from him on the subject is enclosed for the information of the Court.

3. It is doubtless of the utmost importance to the employers of labour and the welfare of this country that all restrictions to the importation of Indian coolies should be removed, and I trust that the Court will now make another application to the Indian Government.

Sir E. C. Buck, the Secretary to the Government of India, Revenue and Agricultural Department, who visited Singapore in 1883, has gone thoroughly into the question; in fact, he assisted in drafting a bill which was eventually adopted, removing all objection to the engagement of Indian coolies for labour on estates in Native States on the Malay Peninsula.

4. I would respectfully suggest that a letter should be written by the Court of Directors pointing out that ample protection is afforded by our form of Government and labour ordinance, but that should it be absolutely necessary they will further guarantee that all regulations introduced into the ordinance in force in the Native States affecting the Statute labour shall be carried out in Borneo under the directions of the Governor and his officers.

5. It may perhaps be advisable to mention that Sir Frederick Weld, who has been instrumental in introducing Indian labour into the Straits Settlements and Native States, has lately visited the Company's territory and would no doubt supply information as to the character of the Government which would remove all cause for hesitation on the part of the Indian Government to assent to Indian immigration to British North Borneo.

P. S.—Since writing this letter I have found a despatch from the Colonial Secretary of the Straits Settlements, dated 26th March 1886, refusing to allow three Sikhs to embark for our territory for the purpose of being enlisted in the Constabulary, advising an application to be made to the Indian Government and offering us every assistance in the matter.

A copy of this letter I enclose, as it is another argument showing how desirable it is that we should endeavour to obtain from the Indian Government privileges as to immigration similar to those enjoyed by the Straits Government and Native States.

Dated Kudat, the 24th June 1887.

From—P. CHRISTIAN, Esq.,

To—HIS EXCELLENCY W. M. CROCKER, *Governor of British North Borneo*.

ENCLOSED is a letter from Messrs. Parry & Co. of Madras in reply to one of mine, enquiring whether there would be any objection to planters in British North Borneo recruiting coolies in the Presidency of Madras for working in North Borneo.

The object for substituting foreign for native labour is that the men only engage for three or four months and then return to their villages where their wives and children are, who do not hire themselves out to work. The natives do very well for opening up an estate, but after it comes into bearing it will be necessary to have people who will remain longer and bring their wives and children with them. The people I should like to get are Tamils, as I have long been used to them in Ceylon, and they understand coffee, tea, cinchona, and cocoa planting.

North Borneo is in the same latitude north as Ceylon, and will be much the same sort of place when it is opened up; the temperature is much the same as it is in the part of India the coolies belong to.

North Borneo grows all Southern India vegetables, and native cultivation consists of rice, sago, cocoanuts, maize, &c. Fruit trees such as mango, durian, orange, lime, plaintain, pineapple, &c., grow all over the country.

Wages 8 annas per day for good men, and 6 annas for good women; boys and girls would be paid (as in Ceylon) in proportion to men and women's wages according to their ability, and their pay would increase till it reached the amount paid to men and women.

Payment of wages, say January wages to be paid on 5th February; but if the coolies wished to have their wages paid every half month as the natives here do, we would do so. The money used in Borneo is dollars, one rupee = 45 cents of a dollar. Thus a man working 24 days a month at 25 cents per day would get \$ 6 or 13½ rupees.

Lazy people who only work 15 days a month would not get so much, because they do not perform the same amount of work per day as men who work regularly; this is the custom in Ceylon.

Coolies should only bring the clothes they wear in India, and two cumblies (blankets).

Railway fare would be paid from the cooly villages to Negapatam, and they would be kept there till a steamer sailed. Messrs. Boustead and Company have steamers running between Negapatam and Singapore in which all coolies going to Singapore sail.

If the coolies had to remain a day or two in Singapore waiting the sailing of a steamer for North Borneo, a place to live in will be in readiness for them.

There are five steamers plying between Singapore and North Borneo, all of which are licensed to carry coolies.

An agreement of three years would be long enough, but they would require to find their own way back, unless they went on account of their employers to recruit other coolies.

It is well that coolies should return to their homes as often as possible; it keeps up their spirits and respectability and makes them more intelligent.

Hours of work would be from 6 A.M. to 5 P.M., with two hours' interval from 11 A.M. to 1 P.M.

In some cases task work would be given, when by working harder, coolies would get off there would be no task work.

At coffee-picking they would be paid (as in Ceylon) according to the quantity of coffee on the trees, that is, a task would be given in the morning, and if they picked more they could be paid cash in proportion.

Proper house room will be provided for the coolies with as much garden room as is necessary; there are no cheetas or jackals in Borneo, so they will not lose their pigs or fowls. Rations would be supplied to coolies if they wish it, but I think they would prefer going to the bazaar themselves to buy curry stuffs, &c., because they can buy much cheaper than for themselves. Rice will be supplied, as we can do that cheaper than the coolies could do.

Rice costs the same in Borneo as in Ceylon; for good rice the price is \$2.60 per picul of 133lb, equal to about 3½ rupees per maund of 80lb, or Colombo price \$2.60 per bushel of 60lb. All rations supplied to coolies will be charged to them at cost price.

Borneo is a place coolies are sure to like, as their pay will be good, and their living will cost no more than it does in Colombo or Kandy, and coolies there can live much cheaper than those on coffee estates further up country. Tamil coolies here will easily save half their pay if they work regularly. Chinese sell all coolie requirements in the bazaars; but should numbers of Tamils come, Madras Chetties settled in Singapore are sure to start branch establishments where they are likely to pay in Borneo.

Present existing estates are near settlements where there is a Government doctor who can do all the work at present; but when a number of estates are opened, the owners would get a doctor for themselves, and I should advise the adoption of the Ceylon Medical Ordinance then.

I do not think there is anything else to say, unless that it will be the planters' business so to treat coolies that they will look on North Borneo as favourably as they do, or at any rate did, on Ceylon before the leaf disease spoiled it.

P. S.—The Natal arrangements are not for us at all, and there should be no holidays except the coolies' own ones, viz., the *Teeloh* in October, and the *Pungol* in January.

Coolies of course would take their food on board steamer, but the steamer supplies water, food, during voyage, and passage money would be paid for by employer.

Dated Madras, the 16th March 1887.

From—MESSRS. PARRY & Co., Madras,

To—P. CHRISTIAN, Esq., British North Borneo.

Your letter, dated 14th ultimo, has been delivered to us, and in reply we beg to say we shall be happy to act for your Colony in the matter of coolie immigration, and could do so with advantage, as we have experience in that line, being Agents for emigration to Natal.

The first thing to be done would be to get the Government of India to permit emigration to North Borneo, and to obtain the sanction you should move your Government to apply to the Government of India requesting permission to recruit free coolies in the Madras Presidency for embarkation at Negapatam.

The application should contain detailed information regarding the following:—

- (1) The climate of North Borneo.
- (2) What the products are.

- (3) The terms of engagements with the coolies including their pay (whether monthly or task work).
- (4) The hours of work.
- (5) Duration of the engagement.
- (6) Hospital accommodation.
- (7) Conditions regarding return passages for emigrants.
- (8) Some law should be passed protecting coolie emigrants by the Government of North Borneo, copy of same accompanying application.

With regard to our remuneration we cannot fix it until we hear further from you as to the number of coolies you will require.

The cost of recruiting coolies varies from R10 to R16 per adult according to the demand there may be for them at the time.

The best time to secure emigrants is during April, May, and June when very little agricultural work is going on here.

For your information we send you herewith particulars of the terms offered by the Natal Government, and under them we have little difficulty in securing a fair supply of emigrants for that colony.

Hoping to hear from you soon giving us fuller particulars.

Notice to Coolies intending to emigrate to Natal.

1. You will be taken free of expense to Madras, and while there will be well fed and properly lodged until the ship sails, and should you be ill, the greatest care will be taken of you.
2. When the ship is ready you will be supplied with good clothing; the finest ships are selected, and the voyage takes about five or six weeks. The food, machines, and other appliances on board are of good quality, and your health, comfort, and safety will be most carefully attended to. The Indian Government has appointed officers who are most strict and vigilant in securing for you all these advantages.
3. On and after your arrival in Natal, there is a Protector of Immigrants ready to advise you.
4. Your religion will in no way be interfered with, and both Hindoos and Mahomedans are alike protected.
5. You will find over 25,000 of your countrymen settled there.
6. You will have a house rent-free to live in, with plenty of garden ground to cultivate at your leisure, and care is taken not to separate families and relatives.
7. The climate is remarkably healthy, and there is an abundance of good water, fruits, and vegetables. If you are ill, medical attendance, medicines, and nourishment are provided free of charge.
8. Great varieties of work, either for strong men or for women and children, are available in the cultivation of the sugar-cane on the coast, and as agricultural labourers on up-country farms.
9. You will have to work for five years, six days in the week for nine hours between sunrise and sunset, and all Sundays and holidays excepted.
10. Besides rations the men receive—

	R.	s.	d.
for the 1st year 10s. monthly	6	9	2
" 2nd " 11s. "	7	3	8
" 3rd " 12s. "	7	14	2
" 4th " 13s. "	8	8	9
" 5th " 14s. "	9	3	3

(a) The women are paid half wages and minors in proportion, viz.,—

	R.	s.	d.
Boys from 10 to 11 years inclusive 5s. monthly	3	4	7
" " 12 to 14 " " 6s. "	3	15	2
" " 15 to 17 " " 8s. "	5	4	2
" " 18 and upwards " 10s. "	6	9	2

11. After five years you may return to India at your own expense, and after ten years you will be entitled to a free passage back.

12. Adults will receive rations as follows: 1½ lb. (4½ ollocks) of rice daily, or for three days in the week in lieu of rice, two lb. (5½ ollocks) of maize meal.

Dholl	2lb. (5½ ollocks) per month.
Salt	1lb. (2½ ") " "
Salt fish	2lb. (26½ polls) " "
Ghee or oil	1lb. (19½ ") " "

Immigrants under 12 years of age will receive three-fourths of the above rations.

(Sd.)

Protector of Immigrants, Emigration Agent for Natal.

N. B.—Whilst at Natal every facility will be given by the Protector of Immigrants in case you wish to write to your relatives or friends here in India, and in the event you desire to make remittances, make your request known to the Protector at Natal and he will cause arrangements to be made as speedily as possible to carry out your wishes for payment to be made to such of your relatives and friends here, in India, through us.

No. 9329 Emigration, dated Singapore, the 26th November 1886.

From—J. F. DICKSON, Esq., Colonial Secretary, Singapore,
To—The Acting Governor of North Borneo.

I HAVE the honour to inform you that the Indian Immigration Agent has referred to me your note, dated 27th ultimo, asking him to allow three Sikhs to embark for British North Borneo for the purpose of being enlisted in the local Constabulary on their arrival.

2. I regret to have to inform you that in view of the engagements entered into between this Government and the Government of India, by which the former is pledged not to allow natives of India of the agricultural class (and Sikhs come under this description) to leave the colony except for places to which the emigration of natives of that class has been specially sanctioned by the Indian Government, this Government is unable to comply with your request.

3. I venture to suggest that the best course would be for the Government of British North Borneo to address the Indian Government with a view to obtaining privileges as to immigration similar to those enjoyed by this colony, and this Government will be glad to render any assistance in its power towards the accomplishment of this object.

No. 3, dated Calcutta, the 13th March 1888.

From—HIS EXCELLENCY LORD DUFFERIN, Viceroy, and the HON'BLE GENERAL G. CHEENEY HON'BLE A. R. SCOBLE, HON'BLE SIR C. U. AITCHISON, HON'BLE SIR C. A. ELLIOTT, and HON'BLE J. WESTLAND, Members of Council,
To—Her Majesty's Secretary of State for India.

WE have the honour to acknowledge the receipt of Your Lordship's Despatch No. 132 (Public—Emigration) of the 3rd November last, forwarding for our information correspondence on the subject of the application made by the British North Borneo Company for sanction to the emigration of Indian labourers to their territory.

2. We have given the correspondence our careful consideration, and while we are prepared to admit that it would be advantageous to secure Borneo as a field for Indian labour, we regret that in the present stage of the case we are still unable to deal with the Company's request that we should permit emigration from India to their possessions, without some guarantee from Her Majesty's Government that we may safely enter into the necessary negotiations.

3. We have considered the terms stated in Mr. Christian's letter of the 24th June 1887, addressed to the Governor of British Borneo, as open to Indian labourers, but are of opinion that they are not in a form sufficiently definite for immediate acceptance. We would take this opportunity to inform

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Your Lordship that we are at present making, at the request of the Government of Netherlands India, a preliminary examination of the terms which might be considered suitable for the conduct of emigration operations in respect to the Dutch Colonies, in the event of the Government of Holland making an application for the extension of the Emigration Act to their possessions in the East Indies. Our proceedings will in due course be submitted to Your Lordship for information, and may, we suggest, be made the basis of any negotiations which, on receiving satisfactory authority from Your Lordship, may be opened with the British North Borneo Company.

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No. 369, dated Sandakan, the 15th October 1888.

From—C. V. CREAGH, Esq., *Colonial Secretary, Govt. of British North Borneo,*
To—*The Secretary to the Government of India.*

I AM directed by His Excellency the Governor to inform you that several Companies have recently been established in Europe for the development of agricultural industry in this State, and large tracts of land are now being opened up by Chinese, Javanese, and Malay labour for the cultivation of tobacco, pepper, coffee, and other tropical products.

2. No Indian labour has as yet been tried in British North Borneo, but some of the gentlemen of Indian experience interested in coffee planting are of opinion that natives of Madras or Bengal are better suited to the work than any of the labourers now obtained here, and I am directed by His Excellency the Governor to enquire whether your Government would be disposed to sanction the employment of indentured Indian labour in British North Borneo on the same terms as labour of this class has been permitted in the Straits Settlements and the Malay Peninsula.

3. I am to inform you that although negotiations have not yet been concluded for placing this State formally under British protection, its political constitution does not differ materially from some of the Protected States, the Administration being authorised and regulated by Royal Charter under the control of Her Majesty's Secretary of State.

4. Although British North Borneo is by no means free from the malarial diseases common to all other tropical countries, the climate is quite as good as that of the Straits Settlements and the Protected Malay States, and there is reason to suppose that the inland and mountain estates now about to be opened on which Indian coolies would be chiefly employed will be exceptionally salubrious and suitable to the natives of India.

5. I am to state that, as it is not the intention of planters, at least in the first instance, to import Indian coolies in large numbers, the Government is unable to undertake the cost of an Indian Immigration Department similar to that of the Straits Settlements; but it is hoped that the Government of India will sanction the employment of contract labour here on terms similar to those in force in Perak and Selangor. Should these terms meet with the approval of your Government, it is the Governor's intention to at once adopt the Perak Ordinance and to appoint an officer acquainted with the language of the coolies as Assistant Immigration Agent.

6. His Excellency Sir Cecil Clementi Smith, the Governor of Singapore, has kindly consented to endeavour to arrange for the periodical inspection of local estates by Mr. McGregor, the Indian Immigration Agent in that Colony, should the Government of India approve of this arrangement.

7. In submitting this application for the favourable consideration of the Indian Government, I am directed to state that it is the intention of the Governor (who has resided for several years in India, and who formerly served in the Punjab Police) to discourage, as far as possible, the employment of Indian labour on estates that are managed by persons wholly ignorant of the language and customs of natives of India.

A.

Draft of Convention between the Netherlands and Great Britain to regulate the Emigration of Labourers from the British Territories in India to the Netherlands East Indian Colonies.

ARTICLE I.

The Netherlands Government shall be at liberty to recruit and engage labourers in the Indian territories belonging to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, for the parts of the Netherlands East Indian Colonies named in the schedule herewith attached and also for such other parts as may be from time to time appointed by the Government of Netherlands India, and with the concurrence of the Governor-General of India in Council to embark emigrants from the ports of Madras and Negapatam and any other ports in British India which shall be hereafter designated by the Governor-General of India in Council for that purpose under the conditions hereafter stipulated.

SCHEDULE.

Java, Sumatra, except Achcen, Amboyna, Banca, Billiton, and Rhio.

ARTICLE II.

1. The Netherlands Government shall entrust the direction of its operations in every centre of recruitment in British India to an Agent chosen by itself.

These Agents must be approved by the Governor General of India in Council.

2. Such approval is assimilated with regard to the right of granting and withdrawal to the exequatur given to Consular Agents.

ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established for the recruitment of labourers for British Colonies; and it is understood that the effect of the present Convention is not to give to the Netherlands Government at any time or place any privilege in respect of emigration which is not at the same time and place enjoyed by the British Colonies.

ARTICLE IV.

The Netherlands Agent shall, with regard to the operations of recruitment which are entrusted to him enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the recruiting agents for British Colonies.

ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those ports where emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

ARTICLE VI.

No emigrant shall be embarked unless the Agent described in the preceding articles shall have been enabled to satisfy himself that his engagement is

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voluntary and that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different obligations and advantages connected with his engagement.

ARTICLE VII.

The contracts of service, with the exception provided for by section 4 of Article IX and by sections 2 and 3 of Article X, shall be made in British India, and shall bind the emigrant to serve a person, designated by name, on his arrival in Netherlands India.

ARTICLE VIII.

The contracts shall, moreover, make stipulation for—

(1) The duration of the engagement, at the expiration of which the immigrant shall receive a free return passage to British India, and the terms on which it will be competent to him to renounce his right to a free return passage;

(2) The number of days and hours of work;

(3) The wages and rations (in case rations are given) as well as the rate of payment for extra work, and all the advantages promised to the immigrant;

(4) Gratuitous medical treatment for the immigrant except in cases where in the opinion of the competent medical officer, his illness shall have arisen from his own misconduct.

2. In every contract of engagement, there shall be inserted an exact copy of Articles IX, X, XIV and XV of the present Convention.

ARTICLE IX.

1. The duration of the emigrant's engagements shall not be more than three years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every immigrant who shall have attained the age of twelve years at the time of his departure from British India, shall be entitled to a free return passage.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in Netherlands India without any engagement, but from that time he will lose his right to a free return passage.

4. If he consents to contract a new engagement, he will be entitled to an enhanced rate of wages, and will retain his right to a free return passage at the expiration of such second engagement.

5. Any immigrant, who has completed his engagement in Netherlands India, shall be at liberty, instead of either remaining there or return to British India, to remove to any other colony or country at his own expense.

The right of the immigrant to a free return passage extends to his wife, and to his children, who left British India under the age of twelve years, as well as to those born in Netherlands India.

ARTICLE X.

1. The immigrant shall not be bound to work more than six days in seven, nor more than nine hours and a half in a day.

2. If any immigrant, instead of working for day's wages, does task work, the rates shall be approved by the immigration agent and shall not be less

than sufficient to afford to a male of fifteen years of age or upwards at least 35 guilder cents a day with only ordinary exertion.

3. The conditions of the task work and every other kind of regulation for work shall be freely arranged with the labourers.

4. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

ARTICLE XI.

The arrangements which precede the departure from British India of the emigrants shall be conformable to those prescribed by the regulations for British Colonies.

ARTICLE XII.

In the ports of embarkation the emigrants shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depôts or other place in which they may be lodged, in order to communicate with the British Indian Agents, who may, at any reasonable hour, visit the places in which the emigrants are collected and lodged.

ARTICLE XIII.

1. Emigrants may leave British India for Netherlands India only in vessels using steam-power, which have complied with the regulations of the ports from which they sail and may embark at any time of the year.

2. Emigrants receiving return passages to British India at the expense of their employers shall be despatched in similar vessels.

ARTICLE XIV.

No obstacles shall be opposed to the labourers communicating with Magistrates, with officers of the Immigration Department, or with British officials.

ARTICLE XV.

In the distribution of labourers, no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless to the person who has acquired the property on which he is employed. Immigrants who may become permanently incapable of work either by sickness or by any other cause beyond their own control, shall be sent back with free passage, whatever time may still be wanting to entitle them to a free return passage under the provisions of Article IX of this Convention.

ARTICLE XVI.

All operations of immigration may be carried on in Netherlands India by Netherlands or British vessels without distinction. British vessels which may engage in those operations shall be bound to conform to all the measures of police, health, and equipment which may apply to Netherlands vessels.

ARTICLE XVII.

1. The Labour Ordinance of Netherlands India for British Indian Immigration of 1888 shall serve as a basis for the contracts which shall be made with the immigrants.

2. The Netherlands Government engages not to introduce into that regulation any modification which would have the effect of imposing upon them harder conditions of labour than those stipulated by the said regulation.

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ARTICLE XVIII.

Every facility for procuring information regarding the condition of British Indian labourers or for visiting districts where they are employed shall be offered by the Netherlands Government to British Consular Agents, or to such British officers as may from time to time be deputed to Netherlands India by the Governor-General of India in Council.

ARTICLE XIX.

The provisions of the present Convention shall apply not only to the Indian subjects of Her Britannic Majesty, but also to the natives of every Indian State which is under the protection or political control of Her said Majesty, or which shall be in alliance with the British Government, or of which the Government shall have acknowledged supremacy of the British Crown.

ARTICLE XX.

1. The present Convention shall begin to take effect two months after the exchange of the ratifications thereof; its duration is fixed at six years. It shall remain in full force, if notice for its termination be not given in the course of the last month of the fifth year, and then notice can be given only in the course of the same month of each succeeding year.

2. In case of such notice being given, it shall cease eighteen months afterwards. Nevertheless the Governor-General of India in Council shall have the power to suspend at any time emigration to Netherlands India or any part thereof in the event of his having reason to believe that proper measures have not been taken there for the protection of the emigrants immediately upon their arrival or during their residence there, or for the safe return to British India of any such emigrants or about the time at which they are entitled to such return passage.

3. In case, however, the power thus reserved to the Governor-General of India in Council should ~~any time~~ be exercised, the Netherlands Government shall have the right immediately to terminate the whole Convention if they should think proper to do so. But in the event of the termination of the present Convention, from whatever cause, the stipulations relative to British Indian immigrants introduced into Netherlands India shall be maintained in force in favour of the said immigrants, until they shall either have been sent back to their own country or have renounced their right to a return passage to British India, or shall have removed to some other colony or country.

ARTICLE XXI.

It is understood that wherever in this Convention mention is made of the Netherlands Government, the Colonial Government of Netherlands East India is equally comprised under that denomination, and also that for the purposes of this Convention the Netherlands East Indian Colonies only are comprised under the denomination of Netherlands India.

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LABOUR ORDINANCE FOR BRITISH INDIAN IMMIGRATION.

PART I.

Preliminary.

1. This Ordinance shall come into operation at such time as the Governor-General may direct.

2. In this Ordinance each of the following terms shall have the meaning assigned to it by this section, unless there be something inconsistent with such meaning in the subject or context:—

“Advances” means money paid to, or expended on behalf of, an immigrant on account of any of the purposes mentioned in section 21 hereof.

“Contract under this Ordinance” means a contract entered into by an immigrant before the Emigration Agent in British India to labour on an estate in Netherlands India where agricultural or industrial operations are carried on.

“Employer” means the person for whose service a contract of labour is entered into, and in his absence from the estate, includes his Agent or Manager or other person in charge of the business on the estate.

“Estate” means a place where a contract under this Ordinance is to be performed.

“Immigrant” means a native of British India who immigrates under contract and whose contract has not expired, and who has not received permission to remain without engagement in the Colonies.

“Magistrate” means a salaried Magistrate of Police acting for the district where the matter requiring the cognizance of a Magistrate arises.

“Master” means the person for the time being in charge of a ship.

“Medical Officer” means a duly qualified medical practitioner.

“Ship” includes every kind of steam vessel used for the conveyance of passengers by water.

“Colonies” means the Netherlands East Indian Colonies included in the Convention.

3. This Ordinance is divided into parts, as follows:—

- Part I.—Preliminary.
- „ II.—Immigration Officers.
- „ III.—Arrival and departure of immigrants.
- „ IV.—Contracts of immigrants.
- „ V.—Treatment of immigrants on estates.
- „ VI.—Localities unfit for residence and employment of immigrants.
- „ VII.—Immigration Officers' Inspection and Report.
- „ VIII.—Offences committed by immigrants.
- „ IX.—Offences committed against immigrants.

PART II.

Immigration Officers.

4. The Governor-General will appoint an officer to be styled the Inspector General of British Indian Immigration, and such other officers with such powers

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as may be necessary for carrying into effect the provisions of this Ordinance, at all places where the number of immigrants renders such an appointment expedient.

5. The Inspector-General of British Indian Immigration shall, not later than six months after the close of each calendar year, submit to the Government his report for that year. The report shall review the history of immigration during the year, noticing all points of importance, and shall furnish such particulars as may from time to time be required by the Government.

6. The Governor-General may from time to time frame rules and orders for the conduct of the duties of the officers under this Ordinance.

PART III.

Arrival and departure of Immigrants.

7. No immigrant shall land in the Colonies except at such ports as authorized by the Governor-General, and any Master causing or permitting any immigrant to land contrary to the provisions of this section shall be liable to a fine not exceeding one hundred guilders for each immigrant so landing. A Master, from whose ship an immigrant shall land contrary to the provisions of this section, shall, in the absence of proof to the contrary, be deemed to have caused or permitted him so to land.

8. On the arrival of a ship having immigrants on board, the Master shall give immediate notice to the Harbour Master of the number of immigrants on board and deliver the passenger list or lists mentioned under section 10. A Master omitting to comply with the provisions of this section shall be liable to a fine not exceeding five hundred guilders.

9. It shall not be lawful for any person other than the Health Officer, Harbour Master, Immigration Officer, or the agent or consignee of the ship, to communicate with any such ship, as in the preceding section mentioned on its arrival in port, except for the purpose of landing cargo or passengers, or disembarking immigrants under the provisions of this Ordinance, until after the immigrants on board thereof have been disembarked; and no immigrant shall disembark or land or attempt to disembark or land from any such ship except as provided by this Ordinance.

Nothing in this section shall be held to prevent the Consul-General, Consul, Vice-Consul, or Consular Agent of any Foreign Power from boarding any ship of the nationality represented by him.

Any person communicating or attempting to communicate with any such ship, contrary to the provisions of this section, and any immigrant disembarking or attempting to disembark, contrary to the provisions of this Ordinance, and any person aiding or abetting any immigrant to disembark from any such ship, contrary to the provisions of this Ordinance, shall be liable to a fine not exceeding one thousand guilders, and, in default of payment, to imprisonment for a period not exceeding six months.

10. On the arrival of the ship the Harbour Master shall give immediate notice to the Immigration Officer and transmit to him the passenger list or lists. The Immigration Officer shall then ascertain whether the number and description of immigrants on board are in accordance therewith.

11. By order of the Governor-General, examination depôts will be established at each of the ports designated, under Section 7 hereof, for the examination and detention of immigrants, and also license depôts for the detention of immigrants; and rules will be framed for the management and regulation of such depôts, and to frame tables of fees and charges to be paid for the use thereof and for the maintenance of immigrants detained therein.

12. The Immigration Officer shall require every immigrant to go from the ship to an examination depôt, where he shall be examined by a medical officer.

13. Any immigrant found on examination to be unfit for labour from disease or physical debility shall be sent to an hospital for medical treatment, and shall be detained there till declared by the medical officer in charge of the hospital to be fit for labour, when he shall be handed over to the Immigration Officer for detention in a depôt under the preceding section, or to his employer; and if the immigrant is declared to be incurable or permanently unfit for labour under a contract under this Ordinance, he shall be sent back at the expense of the employer.

All expenses incurred under this section, whatever the amount, shall be recovered from the employer, who shall be held legally responsible therefor.

14. Any immigrant who—

(a) omits to go to an examination depôt or to a depôt licensed under this Ordinance, after having been lawfully required by an Immigration Officer to do so; or

(b) leaves such depôt without the written permission of the Immigration Officer to proceed to the estate of his employer; shall be liable to a fine not exceeding one hundred guilders, or imprisonment for a period not exceeding three months.

15. Any immigrant unlawfully omitting or refusing to go to a depôt or unlawfully leaving the same, may be arrested by any Police Officer or by any officer of the British Indian Immigration Department and taken before a Magistrate to be dealt with according to law.

16. Any person or persons who shall induce or attempt to induce any immigrant to go to any place other than a depôt established under this Ordinance, or who shall entice or attempt to entice away from any such depôt any such immigrant, shall be liable to a fine not exceeding one hundred guilders for each immigrant in respect of whom such offence shall have been committed or attempted to be committed.

PART IV.

Contracts of Immigrants.

17. Every contract or engagement in writing made or entered into after the coming into operation of this Ordinance by an immigrant to labour on an estate where agricultural or industrial operations are carried on, or to labour elsewhere at such work or labour as next hereinafter mentioned, shall be void and of no effect unless it shall have been in accordance with the provisions of this Ordinance.

18. Any contract with an immigrant, if he consents to contract a new engagement, may be executed before a Magistrate, provided that it be sent to, and confirmed within three months of its execution by an Immigration Officer, who, before such confirmation, shall personally ascertain that the immigrant is fully aware of the terms to which he has agreed, and shall certify at the foot thereof accordingly.

19. Every contract shall be executed in triplicate in Dutch and in the vernacular language of the immigrant by whom it is executed, and shall be in the form provided by schedule A hereto, or in such other form not inconsistent with the provisions of this Ordinance as may from time to time be sanctioned by the Governor-General.

20. One triplicate of the contract shall be given to the employer or to his agent and one to the immigrant. An entry of the terms of the contract shall be made in the register to be kept in the office of the Immigration Officer, who will also hold a triplicate of the contract. For such registration a stamp duty of guilders shall be paid by the employer.

21. The amount of any advances made to the immigrant by or for the employer shall be entered in the contract under the following heads:—

1. Maintenance in British India.
2. Cost of conveyance to port of embarkation.
3. Clothes.
4. Cash given in British India.
5. Passage-money.
6. Maintenance on board ship.

22. The maximum sum which an immigrant shall by any contract under this Ordinance be bound to repay shall not exceed thirty guilders, and not more than two guilders and a half in respect thereof shall be deducted from his wages in any one month.

23. The term of the contract, which shall not exceed three years, shall be exclusive of—

- (a) every day spent by the immigrant in prison or in going to or returning from prison;
- (b) every day spent by the immigrant in going to, attending before and returning from a Court in or about a case in which he shall be convicted of an offence, or in respect of which the Judge or Magistrate before whom a case is tried certifies that such attendance was not necessary for the ends of public justice;
- (c) every period in respect of which an endorsement has been made on the contract by the Immigration Officer under section 35 or 69 hereof;
- (d) every whole day during which the immigrant shall without reasonable excuse neglect to labour.

For the purposes of sub-sections (a) and (b) any part of a day shall be counted as one day.

24. If the sum repayable by the immigrant be not paid at the end of the term of contract, he may be required to labour until such sum has been paid in full.

In every such case the employer shall endorse on the contract the amount remaining due at the end of the term, and shall produce such endorsement to the Immigration Officer on his next visit for his allowance.

25. It shall not be lawful to contract with an immigrant for wages at less than the rates following, viz.:—

For a male over 15	...	30	guilder cents per day during the first year.
		35	ditto ditto second and subsequent years.
For a female or for a male under 15.	...	22	guilder cents per day for the first year.
		26	ditto ditto second and subsequent years.

Provided that the higher rate shall not come into operation unless and until the sum contracted to be repaid has been paid or tendered.

The wages of an immigrant shall be payable monthly on or before the fifteenth day of the month next following.

An enhanced rate of wages shall be given to immigrants who may contract a new engagement after expiration of the original contract.

26. No immigrant shall be bound to work on more than six days in one week, or more than six consecutive hours, or (subject as hereinafter mentioned) more than nine hours and a half a day of actual labour. He shall for one day in each week receive wages without working on that day, if he has worked six full days in the week.

No immigrant shall be bound to work on the days of the three principal annual festivals of his religion, and the provisions of this section as to work and wages on the seventh day of each week shall apply to such festival days.

If he works for and at the request of his employer more than six days in any one week, he shall be paid for any work that he may do on the seventh day extra wages at the contract rate.

If he works for and at the request of his employer more than nine hours and a half in any one day, he shall be paid for such extra work the sum of ten guilder cents:

Provided that it shall at all times be lawful for the employer to require from an immigrant, over and above the work which he is bound to perform as aforesaid, any reasonable and customary labour for—

- (a) The care of animals.
- (b) The cleaning of machinery.
- (c) The maintenance of machinery in an efficient condition.
- (d) The observance of usual sanitary regulations.

Provided also that any immigrant, who is employed exclusively in factory work, may be lawfully required by the employer, in case of need, to work for any time not exceeding three hours in any one day, over and above the nine hours and a half hereinbefore mentioned, and shall be entitled to receive for such extra work the extra pay of ten guilder cents hereinbefore mentioned.

27. The immigrant shall not be bound to labour outside the limits of the Residency for which the contract is made, but his contract may, with his own consent and the approval of the Immigration Officer, be transferred to any other employer in any part of the colonies to which emigration is authorised.

28. Every immigrant who has completed his contract shall be entitled to appear forthwith before the Immigration Officer in order that the completion of the contract may be registered, and all wages due to the immigrant shall be paid within forty-eight hours of such completion. Any employer who in any way obstructs such immigrant in appearing before the Immigration Officer, or fails or neglects to pay such wages within the time hereinbefore mentioned, shall be liable to a fine not exceeding two hundred guilders.

29. At the expiration of the contract, the employer shall give the immigrant a certificate of discharge.

Within eight days of the discharge the employer shall give notice thereof to the Immigration Officer, who shall thereupon endorse the certificate of discharge, and record whether the immigrant to whom eight days shall be given to decide desires to remain in the Colonies with or without an engagement or to return to British India.

30. At the expiration of the contract, the immigrant shall receive a return passage to British India at the expense of the employer, which right extends to his wife and to his children who quitted British India under the age of twelve years, as well as to those born in the colonies.

The immigrant loses his right to free return passage unless he has, under the preceding section, declared his desire to return to British India or to renew a first engagement.

PART V.

Treatment of Immigrants on Estates.

31. The employer of an immigrant shall, so long as the contract is in force, provide for him, subject to the provisions of this and the following sections:—

- (a) Sufficient and proper house-accommodation.
- (b) A sufficient supply of wholesome water.

- (c) Sufficient and proper sanitary arrangements.
- (d) Uncooked rations at wholesale current market-prices (in case rations are given).
- (e) Hospital accommodation.
- (f) Medical attendance.
- (g) A sufficient quantity of medicines of good quality.

The provision to be made in accordance with the clauses of this section shall be such as shall be considered sufficient and proper by the Immigration Officer and Medical Officer of the district.

32. If an immigrant be received for medical treatment in a Government hospital, the expenses attending the feeding and medical care of such immigrant, shall be paid for by his employer at such rate as the Government may prescribe.

33. If it shall at any time appear to a Medical Officer or Immigration Officer, that an immigrant is suffering from a contagious or infectious disease, or that it is otherwise proper for his health that he should be attended to in hospital, such immigrant shall forthwith be placed in such hospital as such Medical Officer may direct, and shall be detained therein for treatment until discharged by order in writing under the hand of the Medical Officer.

34. Any immigrant who is declared by a Medical Officer to be incapacitated for work by sickness, pregnancy, or other sufficient cause, shall be entitled to be received into and kept in hospital, where he or she shall be fed and clothed at the expense of the employer during such incapacity, but shall not be entitled to any wages for such period.

35. If any immigrant is compelled to absent himself from work on account of sickness for a period or periods exceeding the total number of thirty days in any one year, and the employer, as soon as such number is exceeded, gives such immigrant a notice in writing to that effect, the Indian Immigration Officer shall from time to time endorse on the contract of such immigrant, after such enquiry as may be necessary, the number of days of absence in excess of thirty.

If the absence from work of an immigrant for any period is certified by a Medical Officer to be the direct result of the immigrant's intemperance, immorality, or wilful misconduct, the Immigration Officer may endorse on the contract of such immigrant, after such enquiry as may be necessary, the period of such absence.

PART VI.

Localities unfit for residence and employment of Immigrants.

36. If the Immigration Officer shall at any time have reason to believe that any estate or portion of an estate on which immigrants are living or employed, is from any cause unfit for their residence or employment, he shall report his opinion in writing to the Resident, who shall forthwith summon a Committee of Enquiry. Such Committee shall consist of a Magistrate, a Medical Officer, and one or more employers of immigrants when such persons are available.

37. Such Committee shall proceed with as little delay as possible to enquire into the condition of the estate or portion of estate to which the order appointing the Committee has reference, and shall hear such evidence on the subject as the Immigration Officer and the owner of the estate or portion of estate or the employer may desire to place before it; and if such Committee, or the majority of members thereof, is of opinion that such estate or portion of estate is unfit for the residence or employment of immigrants, it shall report a resolution to that effect to the Resident, who shall be understood to employ as provided in section 38, any estate or portion of estate.

38. The Resident may by notification declare any estate or portion of estate unfit for the residence or employment of immigrants without the appointment of any such Committee, or notwithstanding any report of such Committee to the contrary, if the whole number of immigrants who have died on such estate or portion of estate during the preceding twelve months bears a larger proportion to the whole number of immigrants residing or employed thereon during such period than seven per centum, or if the average annual number of immigrants who have died on such estate or portion of estate during the preceding three years bears a larger proportion to the whole number of immigrants residing or employed thereon during such period than five per centum.

A notification under this section shall have the same effect as a notification under the preceding section.

39. On subsequent proof being made to the satisfaction of the Resident, that an estate or portion of estate found or declared unfit under either of the two last preceding sections has been improved in its sanitary condition, and has again become fit for the residence or employment of immigrants, the Resident may issue a declaration to that effect, whereupon the estate or portion of estate may be used again for the residence or employment of immigrants.

40. In cases of exceptional mortality arising from epidemic diseases, not attributable to circumstances peculiar to the locality, the rates of deaths shall, for the purposes of this Part, be calculated as far as possible exclusively of such exceptional mortality.

PART VII.

Immigration Officers' Inspection and Report.

Inspections.

41. Every employer shall in the months of January and July in each year make out in writing and deliver to the Immigration Officer, in such forms as the Governor-General may prescribe, a return of the number of immigrants employed by such employer during the preceding six months, and a return of the sickness, births, deaths, unlawful absences, desertions and arrests among them during the same period.

42. If any employer shall omit duly to send in any such return, or shall send in an incorrect return, he shall, in the absence of proof that such omission or incorrectness was occasioned by accident or a bona fide mistake, be liable to a fine not exceeding one thousand guilders.

43. An Immigration Officer, accompanied by a Medical Officer, shall once within each of such periods as may be fixed for such purpose by the Governor-General, visit all estates on which any immigrants shall reside or be employed, and inspect every house, hospital, tent, camp, or building in any way used by immigrants, and enquire into the condition of such immigrants, and investigate the account books of their wages; and for such purpose the Immigration Officer may require the employer to produce before him all or any of the immigrants then under contract with him, together with all contracts and account books of wages, written in Dutch, and to answer such questions relating thereto as the Immigration Officer may think proper to ask.

44. The Immigration Officer shall keep books in which from time to time shall be entered the number and names of all the immigrants then under contract with each employer, the number and names of all who shall be sick or missing, or incapacitated for labour, or who shall have complained of ill-treatment, with the particulars of such complaints.

45. If any employer or other person wilfully obstructs or impedes any entry, inspection, enquiry or investigation made under this Ordinance, or commits any offence relating to such entry, he shall be punished as provided for by law.

Reports.

46. The Inspector General of British Indian Immigration shall make such reports to the Government relative to the conduct of the duties of his office, in such form and with such particulars as the Governor-General may direct.

PART VIII.

Offences committed by Immigrants.

Neglect to Labour and Disobedience.

47. Any immigrant who shall without reasonable excuse neglect to labour as required by the employer, such labour being reasonable and proper, shall be liable to a fine not exceeding one guilder for each day during which such neglect shall continue; and in case such neglect shall have continued for seven consecutive days, or in case such immigrant shall have been already convicted of a like offence within a period of three months, such immigrant may be furthermore sentenced, at the request of the employer, to imprisonment for a period not exceeding fourteen days.

48. Any immigrant who without reasonable excuse disobeys any lawful order given by his employer, or wilfully and knowingly omits to do any duty necessary to be done by him for the management, discipline, and good order of the estate, shall be liable to a fine not exceeding one guilder for a first offence, and for a second or subsequent offence shall be liable to imprisonment for a period not exceeding one month.

Unlawful Absence.

49. An immigrant who is unlawfully absent from the estate of his employer, shall be liable to a fine not exceeding one guilder.

An immigrant is unlawfully absent from the estate of his employer who without reasonable excuse goes or is beyond the boundaries of the estate during working hours.

50. Provided that upon the commission by an immigrant of any of the offences described in the three last preceding sections, the employer may, instead of proceeding against him before a Magistrate, make deductions from the wages next coming due to such immigrant in manner following, that is to say—

In cases of neglect to labour or unlawful absence, one day's wages may be deducted for every day or portion of a day on or during which such neglect or absence may occur or continue.

In case of disobedience to a lawful order, half a day's wages may be deducted.

Every such deduction shall be subject to the confirmation of the Immigration Officer upon his next visit, and unless then attested by his signature, shall be deemed to be unlawful and of no effect.

Desertion.

51. Every immigrant who deserts or attempts to desert from his employer's service, shall be liable to imprisonment for a period not exceeding one month, and every immigrant who, after having been convicted of desertion, shall again desert from his employer's service, shall be liable to imprisonment for a period not exceeding two months; and every immigrant who, after having been twice convicted of desertion, shall again desert shall be liable to imprisonment for a period not exceeding three months.

An immigrant deserts from his employer's service when he is continuously absent from his employer's estate for more than twenty-four hours, exclusive of any Sunday or authorised holiday, without leave from his

employer or without reasonable excuse; or when he is absent from the estate under such circumstances as shew that he does not intend to return to perform his contract.

An immigrant shall be deemed to attempt to desert from his employer's service, if he is found either on or off the estate under circumstances from which it may be reasonably inferred that he intends to desert.

52. Ill-treatment of an immigrant by his employer, or the neglect of the employer to fulfil any condition of the contract, may be deemed a reasonable excuse under this Part.

Arrest and Charge of deserters and absentees.

53. If any immigrant deserts or attempts to desert from his employer's service, or is unlawfully absent from the estate, or leaves a hospital in which he has been ordered to remain for medical treatment under Section 33 hereof without leave from the Officer in charge of such hospital, his employer or any other person acting in his behalf or any Officer of the Immigration Department may, without warrant and without the assistance of any Police Officer (who nevertheless shall be bound to give such assistance if called upon to do so), apprehend such immigrant wherever he may be found, and take him back to the estate or to the hospital or to a Police Station at once, provided that if such immigrant be found in the service of another employer, he shall not be arrested without a warrant.

54. Such employer or other person as aforesaid shall with the least practicable delay, after apprehending any such deserter or absentee, prefer a charge against him under this Part at the nearest Police Office, and shall also enter the charge in a book to be kept for that purpose on the estate for the inspection of the Immigration Officer, to whom on his next visit to the estate the entry shall be shewn by the employer, and who shall initial the same.

Any immigrant so charged may be conveyed before a Magistrate who shall adjudicate upon such charge. But the employer, instead of proceeding before a Magistrate, may release the accused and withdraw the charge, in which case it shall not be necessary for the accused to be taken before a Magistrate.

Malingering.

55. Any immigrant who wilfully inflicts on himself any injury or wilfully does any act by which he may be made unable to work, and any person abetting the infliction of such injury or the doing of such act, the injury or act being of such a character as to prevent the immigrant from labouring according to the terms of his contract, shall be liable to imprisonment for a period not exceeding one month.

Selling Rations.

56. Any immigrant who without the consent of his employer sells, barter or disposes of for profit any ration (cooked or uncooked) purchased by him from his employer under the provisions of Part V hereof, shall be liable to imprisonment for a period not exceeding seven days; and any person who without such consent as aforesaid knowingly buys; takes in exchange, or otherwise receives any such ration, shall be liable to a fine not exceeding fifty guilders, or to imprisonment for a period not exceeding one month.

57. Any immigrant guilty of wilfully disregarding any sanitary regulation which has been approved by the Immigration Officer and publicly notified for observance on the estate on which such immigrant is employed, shall be liable to a fine not exceeding ten guilders, or to imprisonment for a period not exceeding one week.

Imprisonment.

58. Whenever an immigrant is convicted of any offence, the Judge or Magistrate before whom such conviction is made shall endorse on the contract a memorandum of the conviction, and shall send to the Immigration Officer a copy thereof.

59. On the termination of any imprisonment to which an immigrant may have been sentenced, it shall be the duty of the gaoler to make him over to any person appointed by his employer to receive charge of him, or, at the expense of the employer, to return him to the estate under charge of the Police.

Cancellation and Transfer of Contract.

60. Whenever any immigrant shall have actually suffered imprisonment amounting in the whole to six months for desertion from his employer's service, the Immigration Officer shall, at the written request of the employer, cancel the contract of such immigrant.

Every such cancellation shall be certified by the Immigration Officer on the back of the contract, and such immigrant shall be liable to work during the remainder of the term of the cancelled contract on such public works for the Government as the Governor-General may direct.

If the services of any such immigrant shall not be required by the Government, the Immigration Officer shall take such steps as may be proper, subject to the provisions of Part IV hereof, for securing employment for him if applied to by him for that purpose.

61. Whenever any immigrant shall have been twice convicted for offences under this Part, the Immigration Officer, on the application of the employer, or of his own accord, may transfer the contract of any immigrant to some other employer willing to accept the same upon such terms and conditions as between the old and new employers as shall appear to him reasonable.

PART IX.

Offences committed against Immigrants.

Separating families.

62. Any person separating or abetting the separation of an immigrant from his wife or from his children under the age of fifteen years, or from any person dependent on him without, in any of the above cases, his or their consent (proof of which consent shall lie on the accused), shall be liable to a fine not exceeding two hundred guilders, and any contract involving such separation shall be void, and such wife, children or dependent shall be forthwith restored to the immigrant by the Immigration Officer.

63. Any employer who shall cause or permit any immigrant to reside or labour upon any such estate or portion of an estate as, under the provisions of Part VI hereof has been found or declared to be unfit for the residence or employment of immigrants, with knowledge of such finding or declaration and whilst such finding or declaration remains in force, shall be liable to a fine not exceeding one thousand guilders, or to imprisonment for a period not exceeding six months.

64. Any employer who omits to comply with such request as is mentioned in Section 28 hereof or with any of the provisions of Section 31 hereof, shall, in the absence of proof that such omission was accidental, be liable to a fine not exceeding four hundred guilders, and to an additional fine of one hundred guilders for each day during which such omission is continued.

65. Any person who whether alone or in combination with others hinders or molests by word, gesture, or act any immigrant in the performance of his contract, shall be liable to a fine not exceeding four hundred guilders, or to imprisonment for a period not exceeding six months.

Complaints by Immigrants.

66. If any immigrant states to his employer or to any person acting for such employer in the conduct of the business of the estate, that he desires to make a complaint to the Immigration Officer of personal ill-usage or breach of

any provision of this Ordinance on the part of such employer or any other person, the employer or person to whom such statement is made shall within forty-eight hours send notice thereof in writing to the Immigration Officer, and, in default of so doing, such employer or person shall be liable to a fine not exceeding two hundred guilders.

Procedure by Immigration Officer.

67. Whenever an Immigration Officer receives such notice in writing as last aforesaid, or whenever any complaint of personal ill-usage or breach of any provision of this Ordinance is made to him by any immigrant against his employer or any person acting for such employer, or when an Immigration Officer has other reasonable grounds for believing that any personal ill-usage or breach of any provision of this Ordinance has been suffered by an immigrant, the Immigration Officer shall, as soon as conveniently may be, proceed to the estate and make full enquiry into the matter.

68. For the purposes of such enquiry the Immigration Officer may summon before him such immigrant and any witnesses.

Any person who in any way wilfully obstructs the service of or obedience to such summons, and any person summoned who neglects to attend as required in such summons, and any person who commits any offence relating to any such complaint or inquiry, shall be punished as provided for by law.

69. If upon any such inquiry made on the complaint of an immigrant, the Immigration Officer is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint and a short statement of the grounds of his opinion respecting it; and in such case he shall endorse on the contract of such complainant the number of days during which such complainant has been absent from work in consequence of such inquiry, and may impose on the complainant a fine not exceeding one guilder, which may be deducted from the immigrant's wages and retained by his employer.

70. If upon enquiry as aforesaid, the Immigration Officer is of opinion that the complaint is well founded, he shall institute such proceedings as he shall deem necessary under the circumstances.

Cancellation of Contract.

71. If any employer or any person placed in authority over any immigrant by such employer, is convicted before a Judge of the Court of Justice of any offence against the person or property of such immigrant, or if any such employer or other person as aforesaid is a second time convicted for transgressions against this Ordinance, if a Magistrate shall, on the report of the Immigration Officer and after due enquiry upon oath in the presence of the parties, be satisfied that any immigrant has been compelled to perform any labour while he was unfit for it, or has been subjected to ill-usage by such employer or any other person placed by him in authority over such immigrant, the competent authority may, on the application of such immigrant, cancel his contract and award to him compensation not exceeding thirty guilders.

Such cancellation shall be certified to the Immigration Officer, who shall make an entry thereof in the books of his department.

Breach of Ordinance.

72. Any transgression of the enactments of this Ordinance for which no specified punishments are stated, shall be punished in the case of Europeans with a fine not exceeding one hundred guilders, and in the case of natives with a fine not exceeding twenty-five guilders.

File No. 24.

Serial No. 5.

1888.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

EMIGRATION.

To

THE HONOURABLE THE COLONIAL SECRETARY,

Government of British North Borneo, Sandakan.

No. ²²³₂₄₋₅ E.

Dated Calcutta, the 12th December 1888.

SUBJECT.

EMIGRATION from India to British North Borneo.

17
227.28

No. ²²³₂₄₋₅ E.

FROM

W. R. LAWRENCE, Esq.,
Offg. Secretary to the Government of India.

TO

THE HONOURABLE THE COLONIAL SECRETARY,
Government of British North Borneo, Sandakan.

Revenue & Agricultural Dept.
Emigration.

CALCUTTA, the 12th December 1888.

SIR,

I AM directed to acknowledge the receipt of your letter No. 369 of the 15th October last, in which you enquire whether the Government of India would be disposed to sanction the emigration of Indian labourers to British North Borneo on the terms that have been adopted in the case of the Straits Settlements and the Native Protected States in the Malay Peninsula.

2. In reply, I am to inform you that the question of permitting emigration from India to British North Borneo has already on two occasions been before the Government of India, which has, however, been unable hitherto to take any action owing to the inadequate information at its disposal and to the want of a guarantee from Her Majesty's Home Government that the necessary negotiations may be safely entered into. Your letter, however, indicates a strong desire to provide for the welfare of Indian immigrants, and I am to say that the Government of India will gladly accept any well-devised scheme which may be prepared for the regulation of emigration to British North Borneo subject to such instructions as may be communicated by Her Majesty's Secretary of State for India when His Lordship receives the proposals of your Government and detailed information as to the climate and daily life of the people in British North Borneo.

3. As at present advised, the Government of India considers that the Convention and Labour Ordinance provisionally adopted for the Netherlands East Indies, pending the confirmation of Her Majesty's Government, might be

found suitable for British North Borneo, and a copy of these papers is accordingly enclosed for your information.

I have the honour to be,

SIR,

Your most obedient servant,

W. R. LAWRENCE,

Offg. Secretary to the Government of India.

Nos. $\frac{224 \& 225}{24-5}$ E.

COPY, with copy of the correspondence marginally noted, forwarded to the Governments of Madras and Bengal for information and for such remarks as His Excellency the Governor in Council may have to offer on the proposal of the Government of British North Borneo.

By order,

Offg. Under-Secy. to the Government of India.

The Secretary to the Government of Madras,

DEPARTMENT.

8/18 January/89
Referred to the Protector
of Emigrants, Madras,
etc. Col. Harris for
remarks.

(by order)

W. Meyer
Asst. Secy.

ask if wanted urgently or if
may retain in Mr. Butler's remarks.

25.1.89

25.1.89

No. $\frac{224-225}{24-5}$ E

Dated

Received

Enclosures 5.

SUBJECT.

Forwarding for
remarks correspondence in the
subject of Emigration from India
to British North Borneo.

N.B.

In the event of the papers being
to forward the papers to Col. Harris
when he has done with them, and
Col. Harris is requested to
return the papers to the Government when submitting.

No. 114

OFFICE OF THE PROTECTOR OF EMIGRANTS,
Madras, 6 February 1887.

From

R. W. Barlow Esq.

19
227.28

PROTECTOR OF EMIGRANTS,
Madras,

To

The Honorable J. F. Price

CHIEF SECRETARY TO GOVERNMENT,
PUBLIC DEPARTMENT,
Fort St. George.

SIR,

With reference to Current No. 4362
Public Department dated the 18th
Ultimo, received in this office on the 23rd
Idem, and retained by my Locum
Tenens Mr. Fiddian. for my remarks, I
have the honor to state that the
Labour Ordinance, provisionally
adopted for the Netherlands East
India Colonies, will, in my opinion,
be found suitable to the Emigrants
going to British North Borneo.

I have the honor to be
Sir,
Your most obedient servant

M. W. Barlow

Secretary of Emigration

Public (1887) Department.

(EMIGRATION.)

From

THE PROTECTOR OF EMIGRANTS,

Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

PUBLIC DEPARTMENT,

Fort St. George.

No.

Dated

Despatched

Received

February 1887



ENCLOSURES.

No. 114

Subject.

Submitting that Emigration
to British Borneo (Borneo
maybe a blame?), under
the Labour Ordinance
provisionally adopted
for the Federated Malay
States.

8th February 1889

No. 69

From

C. Harris
Colonel ~~Douglas~~ ~~Ischur~~, M. S. C.

H. B. M's Consular Agent, Pondicherry & Karikal.

To

The Honorable J. S. Price, C. S.
Chief Secretary to Govt.
Fort St. George.

Sir,

I have the honor to return
the papers regarding Emigration
from India to British North
Borneo and to report that I
have no remarks to offer
as my predecessor in his
letter No. 134 dated 8th March
1888 reported fully on the
Netherlands East Indies

Cover

22
22728

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper ✓

Ref. in Cus. No. 4362,
 Endorsch. of the Govt. of India
 dated 12 Dec. 1888. No. ^{224.25} 20.5.
 Letter fr. the Govt. of Bengal.
 Madras, of 6th Feb. 1889. No. 114.
 " " H. Mr. U. Comr. Agent.
 Pondicherry, of 8th Feb. 1889. No. 6.
 Order. 5th March 1889. No. 227.
 Recorded.

MS
 2. The following letter will
 be sent to the Govt.
 of India.

Letter of 5/3/89 No. 228.
 To

Despatch 5/8/89

Mr. Secy. to the
 Govt. of India
 R. & A. Dept.

Sir.

With refer. to
 your office Endorsch.
 No. ^{224.225} 20.5 I dated 12th
 Dec 1888, forwarded

for the information and
 remarks of the Govt.
 copies of correspondence
 regarding an applica-
 tion that has been made
 by the Govt. of British
 North Borneo to sanc-
 tion the emigration of
 Indian labourers to
 their territory. I am di-
 rected to say that the
 Govt. have no objection
 to the proposal if
 regulated in the ter-
 m of the Convention
 Labour Ordinance pro-
 visionally adopted
 for the Netherlands
 East Indies.

Wm
 24/10

C 28/2

READ AGAIN ORDER OF GOVERNMENT, dated
 188 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No. 282/82

481
 509

STATEMENT WITH DITTO

OF GOVERNMENT

A A

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL (not paid)

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.

FURTHER PAPER, No.

OF 188

Department of Indian Affairs

57/10/11

225 A.C. no 666/87
I 11/19
24-9-12
1882 90

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 5-3-89
No. 227 228.

①

When given for copying

[Despatch Abstract.]

Informing Govt of India
that Madras Govt have
no objection to migration
of Indian laborers to
British North Borneo
in condition specified.

24

225-228 414