

ORDINARY, PRINTED

Public DEPARTMENT.

G.O., DATED 20/9/90

No. 651-2

19/1/91 2049 m

12-9-72
8-2-13

First copy sent to Press. 23/9

Returned for signature. 1/10

Despatched in print. 4/10

[Despatch Abstract]

Emigration.

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FILE No. 17.
SERIAL No. 4.

No. 169, dated 13th April 1889.

From—L. P. BRAUFORT, Esq., Acting Government Secretary, British North Borneo,
To—The Secretary to the Government of India, Revenue and Agricultural Department.

IN reply to your letter No. 223—24-5E. of 12th December 1888, I am directed to send you a copy of a Minute by the Principal Medical Officer, together with the returns, reports, and papers referred to therein, all of which have been either published by Government authority or based on official reports.

I am also directed to inform you that the small native population is broken up into numerous tribes, which occupy the central mountain ranges and plains of the western portion of our territory, and that the eastern portion, which was almost uninhabited until quite lately, is now being rapidly occupied by planters.

Here, so far as we have been able to observe, the climate is unusually healthy, although on a few of the estates fever and beri beri have occurred on the low land taken up for tobacco cultivation. Natives of India would probably be employed further inland, where the soil and elevation are suitable to tea, coffee, and other staples, which could not be profitably worked if adult male labour were exclusively employed. The native population of this region is very sparse; the people are generally friendly towards strangers and nomadic in their habits, and are of their own accord rapidly coming under the control and protection of the Company's Government. The religious beliefs, dialects, and habits and customs of the interior tribes are at present very imperfectly known; but Mahomedanism is finding its way from the coast (where it is now the dominant religion), and there is little doubt that before long it will be the religion of the country. The natives of the interior to the east of the dividing range live chiefly by collecting rattans, camphor, gatta, and other jungle produce, which they barter with the coast tribes. Those on the western side of the range, who, unlike inhabitants of the eastern provinces, have been protected from the periodical invasions of pirates, kidnappers, and robbers by the mountains of the interior and the shallow surf-beaten base of the west coast, have chiefly engaged themselves in agricultural pursuits.

Owing to the probable spread of the Mahomedan religion in the interior of Borneo, it is considered that the Mussulmans of the North-West, Oudh, or the Punjab would be the best classes to introduce either as colonists or agricultural labourers. In either capacity it is believed that natives of India would find in British North Borneo a field offering greater advantages than most other British possessions.

The territory of the Company is now under British protection. During the last twelve or eighteen months about 500,000 acres of land have been taken up by companies whose aggregate working capital equals about half a million sterling. Numerous estates, chiefly for the cultivation of tobacco, and almost exclusively worked by Chinese, have been opened near the coast, while the rich slopes, valleys, and elevated plateaux of the interior are lying waste for want of suitable labour.

Although Chinese agricultural classes have already begun to come here at their own expense in considerable numbers, there is reason to believe that, owing to the rapid development of the tobacco and other planting industries, the demands for agricultural produce will be sufficiently great to induce indented labourers from India to settle permanently in the country, and to bring their relations here to share the advantages that Government is prepared to offer to colonists of that class.

With reference to paragraph 3 of your letter, I am directed to say that this Government would be very willing to accept the conditions embodied in the draft Convention and the draft Ordinance that accompany your letter, and His Excellency the Governor trusts that labourers may be allowed to be engaged for service here on those terms, or on terms similar to those sanctioned for the Native States of the Malay Peninsula.

As regards a guarantee that the negotiations may be safely entered into, and that any obligations undertaken by this Government will be properly fulfilled, I am to point out that the ultimate object of this Government in respect of these negotiations being not so much to secure cheap labour for estates as to encourage natives of India to permanently settle in the large and rich tracts of waste land in the interior, and in other ways to develop the natural resources of the country, it is in the interests of the Government of this Colony as well as of that of India to guard the immigrants against injustice, and to secure to them such a measure of contentment and prosperity as will not only induce them to remain in the country, but to assist their relations to join them.

But should any further guarantee in respect of these points be considered necessary in addition to that secured by Article XX, paragraph 2, of the draft Convention, the Government is quite prepared to appoint an Emigration Agent who has a knowledge of the customs and language of the natives of India, whose official reports could, if necessary, be transmitted for the information of the Indian Government; and, further, the Government is willing to undertake that arrangements will be made to pay the travelling expenses and allowances of the Indian Immigration Agent in Singapore, or any other officer whom the Government of India may depute periodically to visit and report on the condition of the coolies.

Sir C. C. Smith, Governor of Singapore, has kindly consented to assist this Government by occasionally lending the services of the Indian Immigration Agent in that Colony in the event of the Government of India considering it necessary to have the immigrants annually inspected by one of its own officers.

Such an arrangement may, it is hoped, be considered satisfactory; for, in view of the small number of coolies that have so far been imported by the planters of Perak and the other States of the Malay Peninsula under the recent Convention between the India and Singapore Governments, and of the doubt that exists as to the possibility of importing coolies from India into this State on reasonable terms, the Government is naturally reluctant to engage highly paid officials or to undertake any other considerable expense for the protection of coolies until there is some prospect that they will be imported in sufficient numbers to justify such an outlay.

Reply to Minute calling for information asked for in paragraph 2 of Mr. W. R. Lawrence's letter of 12th December 1888.

Dated 9th April 1889.

From—DR. J. H. WALKER, Principal Medical Officer, British North Borneo,
To—The Government Secretary, British North Borneo.

No Medical or Meteorological Reports have been printed as separate or independent papers. I enclose the following papers containing reports, viz:—

- (i) *Australian Medical Gazette* of 15th March 1884 containing a general report (reprinted, I believe, from the *British North Borneo Herald*).
- (ii) *British North Borneo Herald* of 1st May 1886 containing a general report, Meteorological and Medical, up to that date (printed also in the *British North Borneo Hand-book, Colonial and Indian Exhibition, 1886*).
- (iii) *British North Borneo Herald* of August and September 1888 containing the Meteorological Report for 1887, with table, and also a paper by Dr. Lamb on the Jungle of British North Borneo viewed medically.

As I cannot find printed Meteorological reports for 1888, I enclose copies of the tables from such of the stations as forwarded them.

I trust the above will be sufficient for the purpose.

[G. C. F.]

G. C. Press, Simla.—No. 311 R. & A. D.—18-6-90—50.

No. 5 OF 1889.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

EMIGRATION.

To

THE RIGHT HONOURABLE

VISCOUNT CROSS, G.C.B.,

Her Majesty's Secretary of State for India.

Calcutta, the 12th March 1889.

MY LORD,

WE submit herewith, for your Lordship's information, and for instructions as to the course which may be pursued, copies of correspondence relating to the opening of emigration to Sarawak in Borneo.

2. We take the opportunity to explain to Your Lordship that we have in recent years encouraged the policy of facilitating emigration to the countries and islands in the equatorial regions within easy reach of Southern India, as likely to afford in the future a valuable relief to the increasing population of the Indian Peninsula. We have removed the restrictions which interfered with emigration to the Straits Settlements, as well as to the States protected by the Government of that Colony. We have permitted emigration to Johore. We have, as Your Lordship is aware, entered into preliminary negotiations with the Government of Netherlands India for establishing emigration to the Dutch Colonies in the East, of which the area approaches in extent that of British India. We have expressed our willingness to allow emigration to British North Borneo as soon as we receive satisfactory information regarding the conditions of climate and labour in that Colony, as well as Your Lordship's sanction to enter into negotiations with the authorities. We are now, for the same reasons that have influenced us in encouraging emigration to other equatorial Colonies in the East, prepared to give favourable consideration to the present application from the Government of Sarawak.

3. We may take the opportunity to express to Your Lordship our belief that the policy indicated in the preceding paragraph will not interfere with the development of our own territorial possessions in Upper or Lower Burma. In the first place, Lower Burma has always drawn, and will continue to do so, a large proportion of its immigrants from Lower Bengal and from the more Northern Coast districts of Madras; while Upper Burma, from its climate and capabilities for producing the crops which prevail in Upper Bengal, may afford

an opening for the redundant population of Behar. In the second place, it is not probable that any considerable expansion of emigration to the equatorial Colonies will be developed for many years to come. Thirdly, the emigrants to the Colonies in the Eastern seas rarely settle down as residents in the countries to which they go as labourers, and do not therefore belong to the classes which may be expected to form a part of the permanent population in waste tracts directly under our own control.

4. One object which we have had in view in facilitating the emigration of Indian coolies to neighbouring Colonies, is that of preventing India from being forestalled too entirely by China in the occupation of any adjacent labour-fields, which may, at some future time, be of valuable service in meeting the requirements of the overflowing population of South India. We have considered it desirable that the natives of the Indian continent should at least have the same opportunities afforded to them of obtaining a price for their labour in the plantations and fields of the rich equatorial tracts in their neighbourhood that are available to the Chinese. We are of opinion also that the development of steam navigation has now placed the Colonies of the Eastern seas within such easy reach of the coast population in the Peninsula that the removal of restrictions, so far as may be compatible with the reasonable protection of coolie labourers in each Colony, is advisable.

5. We have now to ask Your Lordship whether the Government of Sarawak is of such a character as to justify us in according a favourable consideration to the proposal which has been submitted to us through the Government of the Straits Settlements. We should in that case be prepared to place Sarawak upon the same footing in regard to emigration as Johore and the Protected States of the Malay Peninsula. We may remind Your Lordship that the arrangements effected with the Straits Government involve permission to the Madras Government to depute at any time an official to inspect the plantations or other labour-fields in the Colonies, to which the Straits Settlement Ordinance is extended, and that the official control of the Straits Immigration Department will afford a strong security against any breach of the rules which may, from time to time, be laid down for the regulation of the emigration system.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

LANSDOWNE.

F. S. ROBERTS.

G. CHESNEY.

A. R. SCOBLE.

C. A. ELLIOTT.

P. P. HUTCHINS.

D. M. BARBOUR.

LIST OF ENCLOSURES.

- (1) Letter from Colonial Secretary, Straits Settlements, No. 12146-88, dated 27th November 1888.
- (2) Letter to Madras Government, No. 238, dated 22nd December 1888.
- (3) Letter from Madras Government, No. 91, dated 25th January 1889.

FILE NO. 13.
SERIAL NO. 2.

No.

1889.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL
DEPARTMENT.

EMIGRATION.

NO. 5, DATED CALCUTTA, THE 12TH MARCH 1889.

(Copy.)

*Letter to Her Majesty's Secretary of
State for India.*

*Encl. to 651-52
20-5-90*

SUBJECT.

PROPOSED opening of emigration from India
to Sarawak in Borneo.

[W. F. C.]

G. C. Press, Simla.—No. 308 R. & A. D.—18-6-90.—50.

No. 50 (Public—Emigration), dated India Office, London, the 30th May 1889.

From—The RIGHT HON'BLE Viscount Cross, G. C. B., Her Majesty's Secretary of
State for India,

To—The Government of India.

With reference to your Despatch No. 5, dated the 12th of March last, I transmit, for the
information of Your Excellency in Council, copy of the
reply * received from the Foreign Office as to the propos-
ed opening of emigration from India to Sarawak in Borneo and to British North Borneo.

2. I have no objection to your Government continuing your negotiations on this subject,
but I presume that, if the emigration takes place, no additional cost will be chargeable to the
revenues of India.

Dated Foreign Office, London, the 20th May 1889.

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 acknowledge the receipt of your letter of the
29th ultimo, stating that, in consequence of an application which the Indian Government had
received from the Raja of Sarawak for permission for that State to be placed under the opera-
tion of the Indian Coolie Emigration Act, Lord Cross desired to obtain His Lordship's opinion
whether the Government of Sarawak is of such a character as to justify sanction being given
to the proposed emigration from India.

At the same time Lord Cross enquires as to the advisability of permitting emigration to
the territory of the British North Borneo Company.

I am to request that you will state to His Lordship that, in Lord Salisbury's opinion, the
Governments of Sarawak and of the Company's territory are of such a character as to justify
sanction being given to the negotiations on the part of the India Government with the author-
ities of those States for the purpose of carrying out the object desired by them.

[G. C. F.]

G. C. Press, Simla.—No. 303 R. & A. D.—18-6-90.—50.

No. $\frac{138-E.}{17-5}$

FROM

SIR E. C. BUCK, Kt.,
Secretary to the Government of India,

TO

THE SECRETARY TO THE GOVERNMENT OF BRITISH
NORTH BORNEO.

Simla, the 23rd August 1889.

Rev. & Agri. Dept.
Emigration.

SIR,

I AM directed to acknowledge with thanks the information communicated in your letter No. 169 of the 13th April last on the climate and resources of British North Borneo, and to inform you that the Government of India is now in a position to proceed with the negotiations for the establishment of a system of emigration of Indian labourers to the territories of the British North Borneo Company.

2. It is understood from the correspondence which has taken place on the subject that your Government is desirous that emigration should proceed on a system similar to that on which emigration is conducted from the Madras Presidency to the Straits Settlements and the Protected Native States of the Malay Peninsula. Under the existing law, however, emigration to British North Borneo would come under the provisions of Act XXI of 1883, which controls coolie emigration to the British possessions in South America and other distant countries. The Straits Settlements were exempted from the operation of this Act because, among other reasons, the Malay Peninsula lies within easy reach of the east coast of India, and commercial intercourse between the two countries has existed from ancient times. The broad distinction between the two systems—that applicable to the Straits Settlements, and that in force for the West Indian Colonies, Fiji, Natal, &c.—is that while, in the one case, the recruitment of labourers in India is free, in the other the operations of recruitment and transport are carried on under a special law.

3. Under the Straits system recruiters may be either employés of firms in India or agents sent out by the planters. The recruiter works under a license obtained (free of charge) from the Magistrate of the district in which he recruits,

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and he carries his coolies to a licensed depôt at the port where after examination they are enrolled and embarked. On arrival in the Straits Settlements, the labourers are placed under contract with employers under the Straits Settlements Immigration Ordinance. The maximum term of contract is three years, and there is no obligation to furnish the labourer with a return passage on the expiry of his indenture.

Under Act XXI of 1883, the Government of any Colony seeking to recruit labourers in India must appoint an Emigration Agent at each port from which labourers are to be embarked; recruiters must pay for their licenses; depôts must be established up-country and at the ports; labourers must be placed under contract in the districts in which they are recruited; a certain proportion must be maintained between male and female emigrants: a fee is paid on each emigrant embarked, and the ships for their conveyance must be fitted, provisioned, and manned according to a prescribed scale. On arrival the emigrants are transferred to their employers, and thereafter come under the protection and control of the local Ordinances enacted in that behalf. The usual term of contract is five years, and a further residence of five years entitles the emigrant to a free return passage to India. In other respects the local Immigration Ordinances are framed generally on the same lines as the Straits Ordinance of 1884. Employers are required to provide proper accommodation and medical attendance, and one or more special officers are appointed to inspect estates, report on the treatment of labourers, and otherwise enforce the provisions of the Ordinances.

4. The foregoing remarks indicate in outline the distinctive features of the two systems under which labour emigration from India proceeds, and for information regarding details reference may be made to the documents cited in the margin, copies of which form enclosures to

Madras Rules for Emigration to the Straits Settlements.
Native Passenger Ships Act, 1887.
Indian Emigration Act, 1883 and 1884.
Indian Rules under Emigration Act, 1883.
Straits Emigration Ordinance.
Fiji Immigration Ordinance.

this letter.

The Fiji Ordinance may be taken as typical of the labour law in force in Colonies which obtain coolie labour under Act XXI of 1883.

5. Having explained how the Indian law stands at present in respect to emigration to Borneo, I am directed to say that the Government of India holds the opinion that the simpler system of the Straits Settlements would be more suited to Borneo than Act XXI of 1883. In my letter No. 223, dated 12th December last, it was suggested that the regulations then under consideration for emigration to the Dutch Indies might be adopted for Borneo. The Dutch Government has, however, since withdrawn from the proposal to recruit labour in India for Java and Sumatra, and it will under the circumstances be preferable that the Rules and Ordinances for Borneo should be framed on the lines of those applicable to the Straits Settlements. I am to say that the Government of India will be prepared to consider the draft of an Immigration Labour Ordinance prepared on this basis, and any detailed suggestions regarding arrangements for recruitment, transport, &c., which your Government may desire to make.

6. The Government of India is not aware how far special conditions or requirements in Borneo may entail a modification of the Straits system, and would be glad if the Government of the Straits Settlements, which, it is believed, has interested itself in the scheme, could be associated in framing the necessary regulations. It would also be a satisfaction to the Government of India if the

emigration were conducted through the agency and under the supervision of the Government at Singapore. One of the objects of the stringent provisions of the Emigration Act of 1883 is to guard against the danger of coolies being fraudulently recruited and carried away to countries to which labour emigration is not lawful. This danger is not entirely absent in the case of the Straits Settlements, though carefully provided against by the rules in force both in India and the Straits, and it might be greatly increased in the event of emigration to the more distant settlements of Borneo. The Government of India would therefore find it difficult to justify the removal of the existing legal restrictions unless emigration to Borneo were to be carried on through the intervention and agency of the Government of the only Colony outside India to which labourers are permitted to emigrate free from legislative control. It is upon this condition that emigration has been allowed to certain Native States of the Malay Peninsula, and it is intended to apply it to the State of Sarawak, which is also desirous of recruiting labourers in this country.

7. The Government of British North Borneo having already expressed willingness to permit the inspection of coolies employed in its territories by the Straits Immigration Officer, the Government of India hopes that, should the consent of the Government of the Straits Settlements be forthcoming, no objection will be entertained by the Government of North Borneo to the acceptance of the above proposal. The experience which the Straits Government possesses of Indian emigration will be of material assistance to your Government, and the fact that coolies would under the existing means of communication have to be transhipped at Singapore affords a further argument for the arrangement advocated.

The Government of India must leave it to the Government of the Straits and your Government to determine how the condition for which it is obliged to stipulate before permitting emigration on the system acceptable to your Government can be carried out in the manner most convenient to both the Governments concerned. But I am to indicate that, as at present advised, the Government of India would desire that the agencies employed for recruiting labourers in India and conveying them to Borneo should be subject to the approval of the Straits Government, and that that Government should be placed in a position to assure the Government of India from time to time by the exercise of such powers of inspection as may be necessary of the sufficiency of the laws in force in Borneo for the protection of Indian labourers, and generally of their satisfactory condition and treatment.

8. On receiving the acquiescence of the Government of the British North Borneo Company to the proposals made in this letter and the draft of the Immigration Law asked for in paragraph 5, the Government of India will be prepared to give the case its further consideration.

I have the honour to be,

SIR,

Your most obedient Servant,

E. C. BUCK,

Secretary to the Government of India.

No. 139-E.
13-5

FROM

SIR E. C. BUCK, KT.,
Secretary to the Government of India,

TO

THE HONOURABLE THE COLONIAL SECRETARY,
STRAITS SETTLEMENTS.

Rev. & Agri. Dept.
Emigration.

Simla, the 23rd August 1889.

SIR,

WITH reference to the correspondence ending with my letter No. 48-E.
13-3, dated the 20th of March last, I am directed to state that, the necessary sanction having been received from the Home Government, the Government of India is prepared to consider the application of the Raja of Sarawak to recruit Indian labourers for his territory.

2. The enclosed letter to the Government of the British North Borneo Company will explain the conditions on which the Government of India is prepared to allow emigration on the system which governs the recruitment of labour for the Straits Settlements.

3. These conditions are applicable to Sarawak as well as to British North Borneo; and I am to express a hope that the Government of the Straits Settlements will find itself able to meet the wish of the Government of India that such emigration should proceed under the supervision, and to a certain extent through the agency, of your Government.

I have the honour to be,

SIR,

Your most obedient Servant,

E. C. BUCK,

Secretary to the Government of India.

Enc. sub. 5-1-32
25-9-20

No. 6, Labuan, dated Sandakan, the 9th February 1890.

From—W. B. PRYER, Esq., *Acting Government Secretary, British North Borneo,*
To—*The Secretary to the Government of India.*

I AM directed to inform you that, since I submitted the draft Indian Immigration Proclamation for the consideration of the Indian Government, the Governor of this State has been appointed Governor of the Crown Colony of Labuan, which is situated within 5 or 6 miles of the south-western extremity of the British North Borneo Company's territory, and is the first port of call for ships bound from Singapore to North Borneo.

2. It is the intention of Her Majesty's Government to authorise the Civil Administration of the Colony to be gradually assimilated to that of the Company's possessions, and to make the Governors of British North Borneo, whose appointment is, by the terms of the Company's Charter, subject to the approval of the Secretary of State, *ex-officio* Governors of Labuan.

3. The climate of Labuan is very similar to that of North Borneo, but the whole of the island having been cleared of forest several years ago, it is freer from malarial influences and generally healthier than many of the agricultural districts in this State.

4. Its population, according to the last census (taken in 1881), was 5,995, including 47 Europeans and about 70 natives of India, and its trade and business, which were formerly considerable, have declined so much in recent years that the revenue which in 1879 was £7,541 is now only £3,600.

5. The Letters Patent and Governor's Commission contained in the enclosed copy of the gazette explain the form of Government. The island remains a Crown Colony, but the British North Borneo Company having taken over all its present and future financial responsibilities are to have a voice in its administration.

6. Valuable coal deposits are believed to exist on the island which are now being developed by an English Company, and as it is not improbable that Madras and other Indian coolies would be able to successfully compete with the Malay labourers now employed in this industry, I am directed to suggest that the scheme now under consideration regarding the employment of Indian labour in North Borneo may be made applicable also to Labuan.

7. Should this proposal be favourably entertained by the Indian Government, Governor Creagh undertakes, subject to Her Majesty's approval, that the Government of Labuan will adopt any enactment and rules that may be agreed to in reference to the employment of Indian labour in North Borneo.

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No. 93, dated Sandakan, the 12th February 1890.

From—W. B. PRYER, Esq., *Acting Government Secretary, British North Borneo,*
To—The Secretary to the Government of India.

WITH reference to my previous letter dated 27th December 1889, *re* immigration of Indian labour, I beg now to enclose copy of letter on this subject from the Colonial Secretary, Singapore, as I promised to do then.

No. 12045, dated Singapore, the 27th November 1889.

From—F. J. DICKSON, Esq., *Colonial Secretary, Singapore,*
To—The Government Secretary, *British North Borneo.*

I AM directed by the Governor to acknowledge the receipt of your letter of the 17th October, enclosing a communication from the Indian Government, on the subject of proposed emigration from India to British North Borneo, and to assure you in reply of His Excellency's readiness to co-operate with your Government in this matter on the lines laid down by Sir Edward Buck.

2. With reference to the manner in which coolies should be recruited in India, I observe that Sir Edward Buck expresses a wish (paragraph 6) that the emigration should be conducted through the agency and under the supervision of this Government, and under these circumstances it would appear the best course that recruiters in India should be approved by this Government and coolies dealt with in Negapatam in exactly the same way as coolies for the Straits, fees for examination in India being paid to the Superintendent of the Depot there. This Government is establishing a depot in Negapatam of which the British North Borneo Government can avail itself.

3. It is likely that for some time to come immigrants to North Borneo will for the most part be transhipped at Singapore, and it will probably be found desirable that the British North Borneo Government should establish a depot in this port. Contracts would be explained to the coolies here by the Assistant Indian Immigration Agent and signed by them, and would then be completed in Borneo by the employers before the Indian Immigration Agent there.

4. With respect to the inspection of estates by officers of this Government, suggested in paragraph 7 of Sir Edward Buck's letter, there will not, as far as I can foresee, be any difficulty in arranging that a qualified Tamil-speaking officer from the Colony should make a tour of inspection in North Borneo once a year and prepare a report to be forwarded to the Indian Government. The cost of such inspection, which will include an allowance to the inspecting officer, and the payment of his travelling expenses, will naturally be borne by your Government.

5. I would suggest that the British North Borneo Government should now submit a draft Ordinance, based on the Straits Immigration Ordinance (No. V of 1884), with such modifications as are rendered necessary by special circumstances.

In the preparation of this draft Ordinance the enclosed copies of the Pahang Enactment will, I think, be found useful.

6. The amendments suggested in paragraph 18 of your letter appear to be well considered and open to no objection. The attestation in Borneo of contracts entered into in Singapore will be found sufficiently provided for in Section 34 of the Pahang Enactment and Sections 36 and 37 (39 and 40 of the Straits Ordinance) might stand without alteration.

Similarly, refusal on the part of coolies to admit or perform contracts is, I think, satisfactorily provided against in Sections 23 and 26. The new section proposed in paragraph 18 (a) is a liberal one and should meet with no opposition. The amount of stamp-duty and the increased scale of wages to be allowed are of course matters concerning the British North Borneo Government only. It will be noticed that in the Pahang Enactment (Section 44) the rates are higher than in the Colonial Ordinance (Section 46) where they are admittedly too low.

No. 234, dated Sandakan, 10th April 1890.

From—L. P. BEAUFORT, Esq., Colonial Secretary, to the Government of British North Borneo,

To—The Secretary to the Government of India, Revenue and Agricultural Department, Calcutta.

I HAVE the honor to acknowledge the receipt on the 3rd instant of a telegram from you, stating that my letter No. 801 of 27th December last had been miscarried.

2. I now forward by direction of the Governor a copy of that letter together with one of the enclosures therein.

3. The other enclosure, Sir. C. C. Smith's reply, I believe you duly received with my letter No. 93 of 12th February 1890.

No. 801, dated Sandakan, 27th December 1889.

From—W. B. PRYER, Esq., Acting Colonial Secretary, to the Government of British North Borneo,

To—The Secretary to the Government of India, Revenue and Agricultural Department, Simla.

I AM directed by the Governor to acknowledge with thanks the receipt of your letter No. 138 of August last, stating that the Government of India is now in a position to proceed with the negotiations for the establishment of a system of immigration of Indian labourers to this State, and that the draft of an Immigration Labour Ordinance based on the lines of the Straits Settlements one, will be considered by your Government.

2. In compliance with your suggestion that this Government should communicate with that of the Straits Settlements on the subject, I now beg to enclose copy of a letter addressed from this Office to the Colonial Secretary at Singapore, with which was included copy of your letter of the 23rd of August last, and I also enclose copy of Sir Cecil Smith's reply.

3. The Governor has carefully considered a proclamation drawn on the lines of the Pahang enactment, and I am now directed to submit a copy of it for the approval of your Government.

No. 627, dated Sandakan, 17th October 1889.

From—L. P. BEAUFORT, Esq., Colonial Secretary, to the Government of British North Borneo,

To—The Colonial Secretary, Singapore.

I AM directed to forward the enclosed letter from the Indian Government, regarding the adoption of a scheme for the modification of the restrictions that now exist to employers of Indian labour in this State.

2. His Excellency will observe from paragraphs 5 and 6 of Sir E. Buck's letter that although the Indian Government is of opinion that the Singapore system of emigration would be better suited to the circumstances of British North Borneo than that adopted by Fiji, they would not readily sanction the extension of the Straits system to this State unless it was conducted through the agency and under the supervision of the Singapore Government.

3. His Excellency will also see that in paragraph 7 it is suggested that, should the consent of the Straits Settlements Government be forthcoming, all Statute Immigrants employed in this State should be inspected by the Straits Immigration Officer.

4. Although any arrangement made by the Government of North Borneo respecting Indian Immigration would be subject to the approval of the Court of Directors of the Company, I am directed to say that it is confidently anticipated

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that any scheme that may be provisionally agreed upon with this Government with the concurrence of the Straits Settlements Government will be readily adopted by the Court.

5. The Government of British North Borneo, fully recognising the advantages of the Straits Settlements system over the alternation scheme sanctioned by Act XXI of 1883, is willing to adopt with such slight modifications as are mentioned hereafter (paragraph 18), the rules and ordinances of the Straits Government to permit any Officer appointed by His Excellency the Governor to inspect all coolies in the State, and make any other arrangements that may be necessary to place the Straits Government in a position to ascertain the condition and treatment of the Indian labourers and the manner in which the laws affecting them are administered.

6. Relying on the friendly assistance that His Excellency Sir C. C. Smith has on many occasions accorded to the Government of British North Borneo, the Governor trusts that the Straits Government will not refuse to interest itself in a matter of such importance to this State, to co-operate with this Government in drafting the necessary Ordinance and rules or to undertake to ascertain, and to report periodically to the Indian Government on the condition of any labourers who may be employed in the Company's territory.

7. Indeed it is feared that unless the Straits Government can undertake to inspect the labourers from time to time on behalf of the Indian Government, serious, if not insuperable, obstacles will present themselves to the introduction of this measure.

8. Should the Indian Government consider it, for instance, necessary to maintain an Indian Immigration Agency in this State wholly at the expense of this Government, it is probable that, in view of the present condition of the revenue and of the doubt that must at least for the first year or two exist as to the (i) suitability of Indian labour for the present agricultural and other industries of the country, (ii) the suitability of the climate of particular districts to the constitution of the Natives of India, and (iii) the comparative cost of Indian and other Asiatic labourers, that this Government would not be justified in accepting an arrangement which would involve a considerable expenditure, and might possibly be of no benefit to the Public.

9. It is therefore hoped that at least for a limited time His Excellency will permit one of the Immigration or other officers of his Government to make an annual visit of inspection to this State on payment of such proportion of his salary as may be considered fair, together with travelling and other expenses. The time occupied by such a tour would depend on the number and position of the estates on which Indian labourers might be engaged, but one month from the date of leaving till that of his return to Singapore would probably suffice for all purposes.

10. Trusting that this important point may be satisfactorily settled, I shall now proceed to explain how, with the assistance of your Government, it is proposed to try the experiment of importing indentured Indian labour into this State. Should this system of procedure receive the approval of the Straits Settlements Government, it is considered that with some slight modifications the rules and ordinances that have been passed by your Government may be adopted by this State.

11. It appears from paragraph 3 of Sir E. Buck's letter that coolies after being recruited in India are taken to a licensed depôt where after examination they are enrolled and embarked, and that on arrival in the Straits Settlements the labourers are placed on contract under the Straits Settlements Ordinance.

12. As regards the engagement of coolies in India, their examination, detention at the licensed depôt and their enrolment in that country, it is presumed that any coolies engaged for service here might be treated precisely in the same way as those engaged for Singapore, for this Government assumes that no such coolie can be enrolled or embarked until the examining officer has clearly explained to him the place he is going to, the

nature of the work on which he is to be employed and the terms of the agreement he will have to sign on his arrival at his destination. Any fees or other expenses connected with the recruitment, detention, examination or embarkation in India would, if necessary, be guaranteed by this Government.

13. Indian labourers engaged in Madras for this State might either be conveyed direct from that port to British North Borneo by specially chartered steamers or imported in the regular steamers *via* Singapore.

14. As regards coolies coming here direct, it is anticipated that with the aid of your Government there will be no difficulty in arranging to have the coolies for this State placed on the same footing as those of the protected States of the Peninsula, while they are lodged in the depôt in Madras, and to have them medically and otherwise examined by the same officer on the same terms.

15. As regards coolies coming *via* Singapore, it is proposed that up to the date of their embarkation they should be kept as above in the licensed depôt in Madras, and on arriving in Singapore they and the ships in which they come should be subject to the provisions of Sections 21, 22, 24, 25, 26, 27, 28 and 29 of the Straits Ordinance for the protection of Indian Immigrants (No. V of 1884), all the expenses connected with their management being similarly guaranteed if necessary by this Government, the fees for their detention and examination to be the same as those paid in respect of Perak and Selangor labourers.

16. On landing here the coolies would be lodged in a Government Depôt, examined by an Indian Immigration Agent (to be appointed by the British North Borneo Government) and by a Medical Officer as in Singapore. Those who had come direct from Madras would be required to sign a contract similar to that used in Singapore, or if they refused to sign it would be dealt with under Sections 25 and 28 of Ordinance V of 1884.

17. Those who had previously signed contracts in Singapore would appear together with their employers before the Indian Immigration Agent to have them attested and registered, or in the event of their refusing to acknowledge contracts that they had signed in Singapore would become liable to imprisonment or fine under Section 28 of the Indian Immigrants Ordinance (V of 1884).

18. It is proposed, subject to the approval of the Straits Government, to adopt the above system and to pass an Ordinance in British North Borneo which, *mutatis mutandis*, would be exactly the same as your Ordinance V of 1884 with the following exceptions:—

- (a) Every contract executed in the Straits Settlements for service in British North Borneo would have to be attested here by the Immigration Agent under Section 37; Sections 39 and 40 would have to be modified to provide for this addition.
- (b) Coolies who on coming before the Immigration Agent here refused to admit or perform contracts that they had signed in Singapore would be liable to the penalty provided in Sections 25 and 28 for those who refuse to sign contracts.
- (c) The scale of wages in Section 46 appears too low for Borneo, and it is proposed either to increase it, or to empower the Governor to do so by Notification in the Government Gazette.
- (d) After Section 50 it is intended to add the following: "If in the opinion of the Indian Immigration Agent any Statute Immigrant after the termination of his contract is unable by reasons of infirmity, inability to find suitable employment or any other cause to support himself by labour in the State, such immigrant may be sent back to the place where he was engaged, and all expenses connected with his passage shall be recoverable from his employer as provided in Section 26."

19. It is believed that none of the above amendments will be regarded with disfavour by the Indian Government and that any rules that may have been adopted for the management of Indian Immigrants in Perak will be found in every way applicable to the conditions and requirements of this State.

4
20. In submitting this scheme for the consideration of His Excellency the Governor, I am to state that, in consequence of its inexperience in the application of the Immigration Laws, and of the absence of any steam communication with India, this Government sees but little prospect of being able to establish the scheme on any satisfactory working basis without the active co-operation of the Straits Government on which it now relies.

21. It is therefore sincerely hoped that His Excellency the Governor will not withhold his sanction to the arrangement advocated by the Government of India for placing the recruitment of coolies in India and their management on the estates here under the control of officers of the Straits Settlements Government.

Aug 1882 10

No. 672 E.
30-6

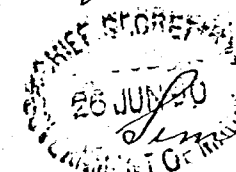
FROM

THE HON'BLE W. C. BENETT, C.S.,

Offg. Secretary to the Government of India,

TO

The Chief Secretary to the Govt. of Madras.



Simla, the 19th June 1890.

Revenue and Agricultural
Department.

Emigration.)

SIR,

Adverting to Mr. Price's letter No. 228 (Cable) of the 5th March 1889, I am directed to forward for the information of His Excellency the Governor in Council a copy of the further correspondence which has passed between the Secretary of State, the Government of India, the Government of the Straits Settlements and the Government of British North Borneo on the question of permitting the emigration of labourers from British India to British North Borneo.

2. I am to request that His Excellency the Governor in Council will favour the Government of India with his opinion upon the details of the Draft Ordinance and the other conditions upon which the Borneo authorities

In P.M.C. No. 1882
Per 1324
2/9

G. C. Press, Simla.—No. 164 R & A. D.—17-5-90.—150.

Encls 68-1-5-2
20-9-90

authorities propose that Emigration should be conducted. I am especially to enquire whether His Excellency agrees to Emigration direct from ^{or other Malay ports} Negapatnam to British North Borneo, or whether he desires that in the first instance it should travel via Singapore. In the latter case, it will be observed that the emigrant practically enters into his contract at Singapore, where it is explained to him before its final ratification before the Indian Immigration Agent in Borneo. Another point to which I am to invite the attention of His Excellency in Council are the provisions proposed for the inspection of the coolies at Borneo. As there will be practically no restrictions on the embarkation of coolies from India these provisions assume a special importance.

I have the honor to be,
Sir,

Your most obedient servant,

W. W. B. W.

Offg. Secretary to the Govt. of India.

List of Enclosures.

1. Despatch to Secretary of State, No. 5, dated 12th March 1889.
2. — do — from — do — 50 — 30th May —
3. Letter to Govt. of Straits Settlements, No. 139 — 23rd August —
4. — do — from Govt. British North Borneo, No. 169 — 13th April —
5. — do — to — do — 138 E. — 23rd August —
- ✓ 6. — do — from — do — 6 — 9th February 1890.
- ✓ 7. — do — do — 93 — 12th February —
- ✓ 8. — do — do — 234 — 10th April 1890.
- ✓ 9. Draft Ordinance, British North Borneo. (To be returned)

5/3/89 No 228-9m
25/1/89 No 91-

2P
7/17 July 1890

From The R. & A. Dept
Simla

File No 657-52
20-9-80

No. 642
30-6-8

Dated 19
Received 26
Enclosures 9

SUBJECT.

Question of permitting the
emigration of labourers from British
India to British North Borneo.

Referred to the
District Magistrate
Singapore, the British Con-
sular Agent Pondicherry
& Karikal, & the British
of Emigrants Madras,
for report, on the
points specially brought
to notice by the Govt of
India.

Attention is directed
to pages 3 & 4 of Mr.
Beaufort's letter No.
1692 of 13 April 1889.

10/7

To the Dist Mgrt Singapore
the B. C. Agent Pak.
the British of Emigrants
17/7

With refer

2200

Her Britannic Majesty's Consulate: Pondicherry.
25th July 1890.

No 311.

From

Colonel C. Harris, M.S.C.

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

To

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

Sir,

I have the honor to make
the following remarks on Reference
on C. No. 1882 of 1890.

2. I observe that the Government
of India attaches great importance
to Emigration to British North Borneo
being conducted under the supervision
of the Government of the Straits
Settlements. It therefore appears
to me that to carry out the wishes
of the Supreme Government,
it is absolutely necessary that

this

5/3/89 No 228-9m
L. R. 01-1

this Emigration should travel via Singapore.

3. As regards inspection of the Coolies at Borneo by an officer from Singapore, I am of opinion that for sometime these visits should take place once in every six months. I observe that Mr. Beaufort admits, that at least for the first year or two, doubt must exist as to the suitability of the climate and work to the Indian laborer; and till these doubts are removed I hardly think an annual inspection would "place" the Straits Government in a "position to ascertain the Condition" and treatment of the Indian "laborers and the manner in"

which

98
"which the laws affecting them" "are administered." In Connection with this point I note that the Colonial Secretary considers one month from date of leaving till return to Singapore would suffice for this inspection.

I have the honor to be,
Sir,

Your most obt. servant,

Chambers Colonel
H.B.'s Consular Agent
Pondicherry & Karikal.

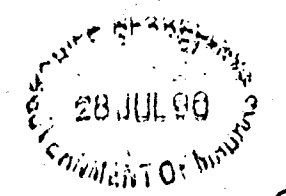
5/2/80 No 072-00

W/ 2200.

Public Department.

Publ^o 651-52
20-9-90

From
Her Britannic Majesty's Consular Agent,
Pondicherry & Karikal.



To
The Honorable J. F. Price, Esq.,
Chief Secretary to Govt
Fort St George

No. 311

Dated 25th July 1890
Received 28

Enclosure. 2

Subject.

Submitting Remarks
on Reference on
C. No: 1882 of 1890 in re
North Borneo Emigration.

Let them
affix name

9/7

10 P

W/ 58/2
Port Emigration Agents Office
Negapatam 25 July 90.

No. A 14
Civ

From
The Post Office & Emigration Agent
Negapatam

To,
The Collector & District Magistrate
Tanjore.

Sir,
In answer to your No 94c
dated 22 July 1890 enclosing copies
of Correspondence as per margin
I have the honor to report that I
can consider there can be no
objection to natives of India being
permitted to emigrate to the
State of British North Borneo,
under the supervision of the
Indian Immigration Agents,
or some other officer appointed
by the Indian Government, at
the same time I would observe
that owing to the similarity
of

Return herewith
one file (11 papers)

of the Climate of Borneo to that of the West Coast of India, Natives of Malabar and South Canara would probably thrive better than those of inland districts.

2 Referring to para 4 of Mr Beaumont's letter dated April 13th 1889, all the Statute Emigrants for the Straits are either Hindus or Native Christians and I do not remember a single case of a Mohammedan going over under Contract from this port.

Every Steamer leaving this port for Penang takes hundreds of Mohammedan Emigrants as free passengers. Should any of these elect to go to Borneo, would they be allowed to land there without a certificate? As the Proclamation only makes provision for Statute and certificated immigrants (class 2, Paras 2, 3 & 4).

108
64
3. Referring to the same gentleman's letter No 627 dated 17th October 1889, Para 13, I do not think that for some time to come there would be a sufficient number of Emigrants to fill a specially chartered steamer to take them direct; should that event occur however, I would suppose that the contracts would be signed here before a Magistrate or the Emigration Agent; as the Borneo Government do not propose to maintain an Indian Immigration Agent at present.

4. I am it would of course have to be filled in and supplied by the Recruiting Agents as in the case of the Straits Settlements, but I would suggest a modification of Clause 38 Paras 7, 8 and 9 of the Proclamation and Schedule B Clause 4 paras 7, 8 and 9.

5 If the Coolies are detained in depots at Sandakan previous to their being sent to the Estates for two or three weeks, it appears to me to be inequitable to compel them to pay for their maintenance in the depot during the period of their enforced idleness. If they are to pay for their maintenance, then they should at least be put on wages from date of arrival at Sandakan. It must be remembered that recoveries from them will be very heavy, the passage money and maintenance on board ship much more than to Penang. Regarding paras 8 & 9, I would object to any entries of cash advanced which was not paid in the presence of the Indian Immigration Agent. At this port I used frequently to find entries of cash advanced

and

and on questioning the Coolies, they have declared they have received nothing; it is another way the recruiters have of making money.

6 Clause 44 of the Proclamation. The scale of wages seems to be fair, but I do not know what as the price of provisions such as Indian Coolies are accustomed to. I would however object to para 2 of the Clause; having served the first year of his indenture the Cooly is fairly entitled to his increment, as, did he not receive it, he would be all the longer struggling to repay the advances, the other party to the Contract benefiting to the extent of retaining his services at the lower rate.

Rate of remuneration. To equalise
 matters the employer might be
 empowered to deduct from the
 labourers wages a sum not
 exceeding half of the increment
 in addition to the sum of \$1.25
 cents already allowed, until the
 advance is cleared off. I
 do not think there is anything
 further to remark.

I have to
 signed P. James
 Post Office & Emigration Agent

True Copy

Thompson

Imperial Magistrate's Office
 Victoria 10 August 1880

District Magistrate

RC

Envelope no 1
In a Letter
From
The District Magistrate
of Tanjore
Established 651-520720970
To The Chief Secretary to
Government
Public Department
Madras

Dated 10
Recd. } August 1890

No 1332

Subject
Submitting copy of letter
from the Port officers and
Immigration Agent Negapatam
reporting on reference on
C No 1882 of 1890.

P. 1/2349
of 1890

108
C No 2349
Tanjore District Magistrate's
No 1332 Office Vallam 10 August 1890

From
J. Thomson Esq.
as District Magistrate of
Tanjore

To The Honorable Mr. J. F. Price,
Chief Secretary to Government
Public Dept. Madras.

Sir,
Referring to Ref. on C No 1882
of 1890 Public Department dated 17th
ultimo (received 22nd idem) regarding
Emigration from Madras to British
North Borneo I have the honor to state
that if the terms of the draft ordinance
are fully carried out I see no reason
for this Government making any exception
to its terms.

But it would appear from the
accompaniments of the Reference

that the British Government contemplates
the appointment of an Indian Immigration
agent only after it is certain that immi-
gration is to succeed; and would
meanwhile have only an annual visit
from a Straits Settlements officer.

Para 9 of Mr Beaufort's letter of 17 October
1887. It is for the Madras Government
to consider whether this will be sufficient;
till an Immigration agent is resident
it is manifest that the bulk of the
ordinance will be a dead letter.

3. Section 29 seems too ^{rigidly} ~~inflexibly~~ drawn:
and Sec. 78a is left incomplete. Under
Sec. 92 an immigrant may be sent
back to where he was engaged: if
that was Singapore, the Straits Govern-
ment may not care to accept him.

4. It will evidently take some time
before there can be any large direct
importation of labour from India to

48

Borneo; till then it may pass through
and be controlled at Singapore.

5. I submit copy of letter from the
Port & Emigration officer at Negapatam
to whom I referred the papers.

6. The papers are sent on today to the
British Consular Agent Pondicherry.

I have the honor to be,
Sir,
Your most obt. Servant

Chowen
As District Magistrate.

Public Department

No. 12229

From

Mr. D. M. S. S. S.

Mr. D. M. S. S. S.

Mr. D. M. S. S. S.

Mr. D. M. S. S. S.

Mr. D. M. S. S. S.

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Mr. D. M. S. S. S.

Mr. D. M. S. S. S.

Mr. D. M. S. S. S.

Mr. D. M. S. S. S.

No. 624

OFFICE OF THE PROTECTOR OF EMIGRANTS,

Madras, 22 August 1890.

From

G. Mewatters Esqre

PROTECTOR OF EMIGRANTS,

Madras,

To

The Hon'ble J. F. Price

CHIEF SECRETARY TO GOVERNMENT,

PUBLIC DEPARTMENT,

Fort St. George.

SIR,

I have the honor to reply to Government reference dated 17th July 1890 on letter from the Government of India, Revenue and Agricultural Department, dated 19th June 1890, No. 672 E and 30-6 to return the Draft Proclamation.

The proposed Proclamation is an adaptation of the Enactment for the Protection of Indian Immigration to the State of Pahang and, so far as I can judge, appears to be suitable for British North Borneo, but everything would depend on the character and qualifications of the Indian Immigration. There is to be no interference with the embarkation from Madras Port; labourers are to receive advance in India on a promise to enter into a contract

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on arrival in North Borneo; if they travel via Singapore they are to have the nature of their contract explained to them there before final ratification by the Indian Immigration Agent in Borneo. On arrival in Borneo they are to be identified by the Immigration Agent with the passenger lists and are to be detained in a depot not exceeding seven days until they enter into contracts with their employers; if they refuse to enter into a contract and are unable to pay back the advances they have received they are liable to be imprisoned and at the end of the imprisonment they are to be sent back to India at the employers' expense or get a ticket of leave to stay in Borneo. Arrangements are also made to meet the cases of illness or permanent invalidism or unfitness for further labour and there are to be periodical inspections. I do not well see what further can be expected to be done for Indian Immigrants but, as I have already stated, everything hinges on the Immigration Agent. If he is an officer in whom the Madras Government has implicit confidence and is

11 P
particularly acquainted with the Indian vernaculars especially with Tamil and Telugu so as to be able to speak to the Coolies without a go-between, then I think that the arrangements will work satisfactorily.

The only extra precaution I would suggest is a mustering of Coolies by the Port or Customs officer on the day of embarkation in order to ascertain beyond a doubt that they are willing to emigrate and know what is before them. A very large number of emigrants come to the depots at Madras on account of petty domestic quarrels and, after they have had a little time to reconsider themselves, are only too glad to get home again.

I would not advocate interference at Singapore. If the Coolies signified at Singapore their unwillingness to go farther I presume they would at once be disembarked and attempts would probably be made to keep them there as Madras labour is in such great demand. The proposal might therefore work against the interests of the

11

North Borneo Emigration... With a qualified
Indian Immigration Agent no additional
precaution of this kind is required.

I think the provision for periodical
inspection of laborers is sufficient. British
North Borneo is not very extensive and the
Magistrate Cooke if he has a real grievance
will soon take steps to let the Immigration
Agent or the Magistracy know of it. Ample
facilities for hearing complaints are
provided for.

I have the honor to be

Sir

Your most obedient servant,

Ever yours

Protecto of Emigrants.

1 1/2

15

Public (1890) Department.

(EMIGRATION.)

From

THE PROTECTOR OF EMIGRANTS,

Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

PUBLIC DEPARTMENT,

Fort St. George.

No.

Dated

Despatched

Received

ENCLOSURES. C. No. 1882 + 1 encl.

No. 624

Subject.

Enbng opinion on the question of
permitting emigration of laborers
from British India to British North
Borneo &c.

TH SEPTEMBER 1890, No. 651, PUBLIC.

GOVERNMENT OF MADRAS

PUBLIC DEPARTMENT.

READ—the following papers:—

From the Honorable W. C. BENNETT, C.S., Officiating Secretary to the Government of India, Revenue and Agricultural Department (Emigration), to the Chief Secretary to the Government of Madras, dated Simla, 19th June 1890, No. 672—30-6-E.

Adverting to Mr. Price's letter, No. 228 (Public), of the 5th March 1889, I am directed to forward, for the information of His Excellency the Governor in Council, a copy of the further correspondence which has passed between the Secretary of State, the Government of India, the Government of the Straits Settlements, and the Government of British North Borneo, on the question of permitting the emigration of laborers from British India to British North Borneo.

2. I am to request that His Excellency the Governor in Council will favor the Government of India with his opinion upon the details of the draft ordinance and the other conditions upon which the Borneo authorities propose that emigration should be conducted. I am especially to enquire whether His Excellency agrees to emigration direct from Negapatam or other Madras ports to British North Borneo, or whether he desires that, in the first instance, it should travel *via* Singapore. In the latter case it will be observed that the emigrant practically enters into his contract at Singapore, where it is explained to him before its final ratification before the Indian Immigration Agent in Borneo. Another point to which I am to invite the attention of His Excellency in Council are the provisions proposed for the inspection of the coolies at Borneo. As there will be practically no restrictions on the embarkation of coolies from India, these provisions assume a special importance.

Reference—dated 17th July 1890.

Referred to the District Magistrate, Tanjore, the British Consular Agent, Pondicherry and Karikal, and the Protector of Emigrants, Madras, for report on the points specially brought to notice by the Government of India.

(Signed) J. F. PRICE,
Chief Secretary.

From J. THOMSON, Esq., Acting District Magistrate of Tanjore, to the Chief Secretary to Government, dated Vallam, 10th August 1890, No. 1332.

Referring to Reference on C. No. 1882 of 1890, Public Department, dated 17th ultimo (received 22nd idem), regarding emigration from Madras to British North Borneo, I have the honor to state that, if the terms of the draft ordinance are fully carried out, I see no reason for this Government taking any exception to its terms.

2. But it would appear from the accompaniments of the reference that the Borneo Government contemplates the appointment of an Indian Immigration Agent only after it is certain that immigration is to succeed, and would, meanwhile, have

only an annual visit from a Straits Settlements officer; paragraph 9 of Mr. Beaufort's letter of 17th October 1889. It is for the Madras Government to consider whether this will be sufficient; till an Immigration Agent is resident, it is manifest that the bulk of the ordinance will be a dead letter.

3. Section 29 seems too widely drawn, and section 78 (a) is left incomplete. Under section 92 an immigrant may be sent back to where he was engaged; if that was Singapore, the Straits Government may not care to accept him.

4. It will evidently take some time before there can be any large direct importation of labor from India to Borneo; till then it may pass through and be controlled at Singapore.

5. I submit copy of letter from the Port and Emigration Officer at Negapatam, to whom I referred the papers.

6. The papers are sent on to-day to the British Consular Agent, Pondicherry.

ENCLOSURE.

From J. P. JAMES, Esq., Port Officer and Emigration Agent, Negapatam, to the Collector and District Magistrate, Tanjore, dated 25th July 1890, No. A-14 En.

Adverting to your No. 94 C., dated 22nd July 1890, enclosing copies * of correspondence as

* (Returned herewith) one file (11 papers).

per margin, I have the honor to report that I consider there can be no objection to natives of India being permitted to emigrate to the State of British North Borneo, under the supervision of the Indian Immigration Agent, Straits Settlements, or some other officer appointed by the Indian Government. At the same time, I would observe that, owing to the similarity of the climate of Borneo to that of the West Coast of India, natives of Malabar and South Canara would probably thrive better than those of inland districts.

2. Referring to paragraph 4 of Mr. Beaufort's letter, dated 13th April 1889, all the Statute emigrants for the Straits are either Hindus or Native Christians, and I do not remember a single case of a Muhammadan going over under contract from this port.

Every steamer leaving this port for Penang takes hundreds of Muhammadan emigrants as free passengers; should any of these elect to go to Borneo, would they be allowed to land there without a certificate? As the proclamation only makes provision for Statute and certificated immigrants (clause 2, paragraphs 2, 3, and 4).

3. Referring to the same gentleman's letter, No. 627, dated 17th October 1889, paragraph 13, I do not think that, for some time to come, there would be a sufficient number of emigrants to fill a specially chartered steamer to take them direct; should that event occur, however, I would suppose that the contracts would be signed here before a Magistrate or the Emigration Agent; as the Borneo Government do not propose to maintain an Indian Immigration Agent at present.

4. Form A would of course have to be filled in and supplied by the recruiting agents as in the case of the Straits Settlements, but I would suggest a modification of clause 38, paragraphs 7, 8 and 9, of the proclamation, and Schedule B, clause 4, paragraphs 7, 8 and 9.

5. If the coolies are detained in depôts at Sandakan previous to their being sent to the estates, for two or three weeks, it appears to me to be inevitable to compel them to pay for their maintenance in the depôt during the period of their enforced idleness. If they are to pay for their maintenance, then they should at least be put on wages from date of arrival at Sandakan. It must be remembered that recoveries from them will be very heavy, the passage-money and maintenance on boardship much more than to Penang. Regarding paragraphs 8 and 9, I would object to any entries of cash advanced which was not paid in the presence of the Indian Immigration Agent. At this port I used frequently to find entries of cash advanced, and on questioning the coolies, they have declared they have received nothing; it is another way the recruiters have of making money.

6. *Clause 44 of the Proclamation.*—The scale of wages seems to be fair, but I do not know what is the price of provisions such as Indian coolies are accustomed to. I would, however, object to paragraph 2 of the clause; having served the first year of his indenture, the cooly is fairly entitled to his increment, as, did he not receive it, he would be all the longer struggling to re-pay the advances; the other party to the contract benefitting to the extent of retaining his services at the lower rate of remuneration. To equalize matters, the employer might be empowered to deduct from the labourers' wages a sum not exceeding half of the increment, in addition to the sum of \$1.25 cents already allowed, until the advance is cleared off. I do not think there is anything further to remark.

From Colonel C. HARRIS, M.S.C., Her Britannic Majesty's Consular Agent, Pondicherry and Karikal, to the Chief Secretary to Government, dated Pondicherry, 25th July 1890, No. 311.

I have the honor to make the following remarks on Reference on C. No. 1882 of 1890.

2. I observe that the Government of India attaches great importance to emigration to British North Borneo being conducted under the supervision of the Government of the Straits Settlements. It therefore appears to me that, to carry out the wishes of the Supreme Government, it is absolutely necessary that this emigration should travel *via* Singapore.

3. As regards inspection of the coolies at Borneo by an officer from Singapore, I am of opinion that for some time these visits should take place once in every six months. I observe that Mr. Beaufort admits that, at least for the first year or two, doubt must exist as to the suitability of the climate and work to the Indian laborer; and till these doubts are removed, I hardly think an annual inspection would "place the Straits Government in a position to ascertain the condition and treatment of the Indian laborers and the manner in which the laws affecting them are administered." In connection with this point, I note that the Colonial Secretary considers one month from date of leaving till return to Singapore would suffice for this inspection.

From G. McWATERS, Esq., Protector of Emigrants, to the Chief Secretary to Government, dated Madras, 22nd August 1890, No. 624.

I have the honor to reply to Government reference, dated 17th July 1890, on letter from the Government of India, Revenue and Agricultural Department, dated 19th June 1890, No. 672—30-6-E, and to return the draft proclamation.

2. The proposed proclamation is an adaptation of the enactment for the protection of Indian immigrants to the State of Pahang, and, so far as I can judge, appears to be suitable for British North Borneo, but everything would depend on the character and qualifications of the Indian Immigration Agent. There is to be no interference with the embarkation from Madras ports; laborers are to receive advances in India on a promise to enter into a contract on arrival in North Borneo; if they travel *via* Singapore, they are to have the nature of their contract explained to them there before final ratification by the Indian Immigration Agent in Borneo; on arrival in Borneo, they are to be identified by the Immigration Agent with the passenger lists, and are to be detained in a depôt not exceeding seven days until they enter into contracts with their employers; if they refuse to enter into a contract and are unable to pay back the advances they have received, they are liable to be imprisoned, and, at the end of the imprisonment, they are to be sent back to India at the employer's expense, or get a ticket of leave to stay in Borneo; arrangements are also made to meet the cases of illness or permanent invalidism or unfitness for further labor, and there are to be periodical inspections. I do not well see what further can be expected to be done for Indian immigrants, but, as I have already stated, everything hinges on the Immigration Agent. If he is an officer in whom the Madras Government has implicit confidence and is familiarly acquainted with the Indian vernaculars, especially with Tamil and Telugu, so as to be able to speak to the coolies without a go-between, then I think that the arrangements will work satisfactorily.

3. The only extra precaution I would suggest is a mustering of coolies by the Port or Customs officer on the day of embarkation, in order to ascertain beyond a doubt that they are willing to emigrate and know what is before them. A very large number of emigrants come to the depôts at Madras on account of petty domestic quarrels, and after they have had a little time to reconsider themselves, are only too glad to get home again.

4. I would not advocate interference at Singapore. If the coolies signified at Singapore their unwillingness to go further, I presume they would at once be disembarked and attempts would probably be made to keep them there, as Madras labor is

in such great demand. The proposal might therefore work against the interests of the North Borneo emigration. With a qualified Indian Immigration Agent, no additional precaution of this kind is required.

5. I think the provision for periodical inspection of laborers is sufficient. British North Borneo is not very extensive; and the Madras coolie, if he has a real grievance, will soon take steps to let the Immigration Agent or the Magistracy know of it. Ample facilities for hearing complaints are provided for.

ORDER—dated 20th September 1890, No. 651, Public.

The following reply will be despatched to the Government of India :—

(Here enter No. , dated .)

(True Extract.)

3013
8.9.90.

Joseph Chief Secretary.

Note
was intended that
his should be printed
little broad margins, but
the draft has sent a reminder
form to save delay
30
8.9.90

SEPTEMBER 1890, No. 652 PUBLIC.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT
(EMIGRATION).

SIR,

In reply to your letter No. 672—30-6 E., dated 19th June 1890, I am directed to forward a copy of the proceedings of this Government, No. , of this date, and to state that His Excellency the Governor in Council approves generally of emigration from this Presidency to British North Borneo being conducted in accordance with the provisions of the draft Proclamation which is herewith returned as requested.

2. I am to say that, at any rate for the present, His Excellency in Council would prefer that emigration to British North Borneo should not be conducted direct from Madras ports but *via* Singapore. Indeed, it seems probable that the ~~direct~~ system would ~~not succeed~~ for want of a sufficient number of immigrants to fill a specially chartered vessel. The popularity of emigration to British North Borneo will depend considerably on the experiences of the pioneers of the movement, and for the present it is not anticipated that there will be a ~~rush~~ of immigrants ~~for~~ that State.

3. It is observed from Mr. Beaufort's letter of the 17th October 1889, to the Colonial Secretary, Singapore, that the Government of ~~the State~~ did not at that time contemplate the appointment of an Indian Immigration Agent until the success of the experiment was assured, but intended to rely solely on periodical visits by an officer from Singapore. Judging from the provisions of the draft Proclamation, however, it would seem that ~~that~~ arrangement has been abandoned, and that it is ~~intended~~ to have a permanent Agent in the State, in addition to the visits of an officer from Singapore. I am to take this opportunity of saying that His Excellency in Council would be most unwilling to agree to natives of Madras being scattered over Borneo unless there were a suitable Protector easily accessible to them. In the opinion of this Government, very much of the success of the experiment ~~would~~ depend on the character and qualifications of the Immigration Agent to be appointed by the Government of the State. He should be an officer in whom ~~the~~ Government ~~has~~ implicit confidence, and he should be familiarly ~~acquainted~~ with the Indian vernaculars—especially Tamil and Telugu—so as to be able to ~~hear what~~ the immigrants ~~have to say~~ and explain matters to them without the intervention of an interpreter.

4. With reference to the concluding portion of your letter under reply, the remarks of this Government on the details of the Proclamation will be found below, but I am to say that His Excellency in Council attaches ~~the utmost~~ importance to the frequent and careful medical examination of immigrants in view to ascertaining, in the first place, their physical fitness for the work ~~they are to be put to~~ and for standing the climate in which they are to labor and also for the purpose of careful note being made of the effect of the climate on the Madras native. For some

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time emigration to British North Borneo must be treated in the light of an experiment, and in this view His Excellency in Council is of opinion that a consideration of the advisability of discontinuing the experiment should not, if other circumstances suggested it, be delayed until the death-rate among the immigrants reached a certain percentage.

5. It is understood that, according to present proposals, there is to be no interference on this side with the embarkation of immigrants, but I am to suggest that the precaution should be taken of having them mustered on the day of embarkation by an officer appointed by this Government in order to ascertain whether they are willing to emigrate and know what is expected of them. This, it is thought, would save unnecessary trouble and expense in many cases. It would also be advisable to take steps for preventing any interference with the immigrants on arrival at Singapore, as there is a great demand for labor in the Straits Settlements, and it might be an easy matter to induce an immigrant to remain there.

6. I am to convey the following remarks on the details of the Proclamation:—

Section 16 (c).—For "this port" read "this part."

Section 18.—For "be notified," read "be prescribed;" and insert "the" before "Government Gazette."

Section 20.—In the last line insert "Government of the" before "Straits Settlements."

Section 22.—It is not stated who is to be the authority for deciding whether it is necessary for an immigrant to be examined by a Medical officer. In the opinion of the Madras Government all the immigrants should be so examined and for this purpose it would be desirable that the Agent should himself be a duly qualified Medical officer. It seems probable that if no medical examination is to be made until the immigrants arrive in Borneo much unnecessary expense will be incurred in medicines and return passages for those who are found to be not physically fit for the work expected of them.

Section 23.—The proposed addition in the second line does not appear to be correct, for, if the immigrant has already entered into a contract at Singapore, there appears to be no reason why he should be detained in the depôt "until he shall have entered into such contract * * * or repaid such advances." The proviso to this section apparently requires modification with reference to the note, in which it is said that it is "occasionally necessary to detain coolies for two or three weeks."

Section 26 (d); Section 49; Proviso to Section 81, and Section 92 (last clause).—The words "he may be sent back to the place where he was engaged" might be misunderstood in the case of a man who entered into his contract at Singapore. The insertion of the words "in India" or "in the Madras Presidency" between "place" and "where" seems advisable.

Section 29.—This section seems to be too widely drawn.

Section 31.—Insert "been" between "has" and "specially;" and insert "Government" between "the" and "Gazette."

Section 33 (last clause).—Insert "Government" between "the" and "Gazette."

Section 35 (a).—It is not stated by whom the notice is to be sent.

Section 36.—The insertion of the words "or attested," in lieu of "by whom it is executed," is not understood.

Section 37.—Between "Agent" and "English" insert "of this State the." In place of the proposed addition to line 3, insert "contracts that are to be attested shall be delivered in duplicate by the employer to the Immigration Agent of the State who, after comparing the two copies, shall attest both and return one to the employer and deliver the other to the immigrant concerned."

Section 38 (items 7, 8 and 9).—Attention is invited to the remarks in paragraphs 4 and 5 of the letter from the Port officer of Negapatam, which is recorded in the proceedings forwarded herewith. It is not quite clear for what period it is proposed to charge the immigrants for their maintenance at the depôt. When an immigrant is detained at a depôt pending his entering

into a contract or repaying advances received, the cost of his maintenance is, under section 23, to be borne by the employer. In the opinion of the Government of Madras, an immigrant should not be charged for maintenance when his detention at the depôt is due to no default of his own; or, if so, he should be allowed pay from the date his contract is signed or attested, as the case may be. Some precautionary measures seem called for to ensure correctness in the entries of cash advanced to the immigrant.

Section 41 (d).—A definition of what may be considered "reasonable excuse" seems advisable.

Section 42 (Proviso).—It is not very clear what period the words "such period" refer to.

Section 44 (Proviso).—For "coolie," read "immigrant," as the former term has not been defined or used in the earlier sections. With reference to this proviso, the Government of Madras considers that, if the immigrant's work has been satisfactory throughout the first year, and any absence from duty has been necessitated by illness, he should not be denied his increase of pay. Under section 39, the maximum sum which an immigrant is bound to repay is 15 dollars, and 1½ dollars may be deducted from his wages each month. It is therefore apparent that, in ordinary cases, the necessary repayment would be completed or nearly completed by the end of the first year of service.

Section 47.—This section refers solely to a contract for a definite term which by section 41 is limited to three years. The words "third year" should, therefore, be substituted for "subsequent years" at the end of the section.

Section 49 (last line).—For "section 24" read "section 26."

Section 78 (a).—This section is incomplete.

7. In conclusion, I am to inquire whether the Government of British North Borneo will permit free or uncertificated immigrants who pay their own way to the State to land there. A large number of free immigrants, chiefly Muhammadans, go to the Straits Settlements from this Presidency.

I have the honor to be,

Sir,

Your most obedient servant,

OOTACAMUND,
10th September 1890.

Chief Secretary.

*Proposed Emigration
to British North Borneo*

*Hon. Mr. Barrett C.S.
Hon. Mr. Proc. C.S.
H. & the Governor*

*Clear proof
please send
J.F.P.*

22/9/89

20TH SEPTEMBER 1890, No. 651, PUBLIC.

GOVERNMENT OF MADRAS

PUBLIC DEPARTMENT.

READ—the following papers :—

From the Honorable W. C. BENETT, C.S., Officiating Secretary to the Government of India, Revenue and Agricultural Department (Emigration), to the Chief Secretary to the Government of Madras, dated Simla, 19th June 1890, No. 672—30-6-E.

Adverting to Mr. Price's letter, No. 228 (Public), of the 5th March 1889, I am directed to forward, for the information of His Excellency the Governor in Council, a copy of the further correspondence which has passed between the Secretary of State, the Government of India, the Government of the Straits Settlements, and the Government of British North Borneo, on the question of permitting the emigration of laborers from British India to British North Borneo.

2. I am to request that His Excellency the Governor in Council will favor the Government of India with his opinion upon the details of the draft ordinance and the other conditions upon which the Borneo authorities propose that emigration should be conducted. I am especially to enquire whether His Excellency agrees to emigration direct from Negapatam or other Madras ports to British North Borneo, or whether he desires that, in the first instance, it should travel *via* Singapore. In the latter case it will be observed that the emigrant practically enters into his contract at Singapore, where it is explained to him before its final ratification before the Indian Immigration Agent in Borneo. Another point to which I am to invite the attention of His Excellency in Council are the provisions proposed for the inspection of the coolies at Borneo. As there will be practically no restrictions on the embarkation of coolies from India, these provisions assume a special importance.

Reference—dated 17th July 1890.

Referred to the District Magistrate, Tanjore, the British Consular Agent, Pondicherry and Karikal, and the Protector of Emigrants, Madras, for report on the points specially brought to notice by the Government of India.

(Signed) J. F. PRICE,
Chief Secretary.

From J. THOMSON, Esq., Acting District Magistrate of Tanjore, to the Chief Secretary to Government, dated Vallam, 10th August 1890, No. 1332.

Referring to Reference on C. No. 1882 of 1890, Public Department, dated 17th ultimo (received 22nd idem); regarding emigration from Madras to British North Borneo, I have the honor to state that, if the terms of the draft ordinance are fully carried out, I see no reason for this Government taking any exception to its terms.

2. But it would appear from the accompaniments of the reference that the Borneo Government contemplates the appointment of an Indian Immigration Agent only after it is certain that immigration is to succeed, and would, meanwhile, have

only an annual visit from a Straits Settlements officer: paragraph 9 of Mr. Beaufort's letter of 17th October 1889. It is for the Madras Government to consider whether this will be sufficient; till an Immigration Agent is resident, it is manifest that the bulk of the ordinance will be a dead letter.

3. Section 29 seems too widely drawn, and section 78 (a) is left incomplete. Under section 92 an immigrant may be sent back to where he was engaged; if that was Singapore, the Straits Government may not care to accept him.

4. It will evidently take some time before there can be any large direct importation of labor from India to Borneo; till then it may pass through and be controlled at Singapore.

5. I submit copy of letter from the Port and Emigration Officer at Negapatam, to whom I referred the papers.

6. The papers are sent on to-day to the British Consular Agent, Pondicherry.

ENCLOSURE.

From J. P. JAMES, Esq., Port Officer and Emigration Agent, Negapatam, to the Collector and District Magistrate, Tanjore, dated 25th July 1890, No. A-14 Em.

Adverting to your No. 94 C., dated 22nd July 1890, enclosing copies * of correspondence as per margin, I have the honor to report that I

* (Returned herewith) one file (11 papers).

consider there can be no objection to natives of India being permitted to emigrate to the State of British North Borneo, under the supervision of the Indian Immigration Agent, Straits Settlements, or some other officer appointed by the Indian Government. At the same time, I would observe that, owing to the similarity of the climate of Borneo to that of the West Coast of India, natives of Malabar and South Canara would probably thrive better than those of inland districts.

2. Referring to paragraph 4 of Mr. Beaufort's letter, dated 13th April 1889, all the Statute emigrants for the Straits are either Hindus or Native Christians, and I do not remember a single case of a Muhammadan going over under contract from this port.

Every steamer leaving this port for Penang takes hundreds of Muhammadan emigrants as free passengers; should any of these elect to go to Borneo, would they be allowed to land there without a certificate? As the proclamation only makes provision for Statute and certificated immigrants (clause 2, paragraphs 2, 3, and 4).

3. Referring to the same gentleman's letter, No. 627, dated 17th October 1889, paragraph 13, I do not think that, for some time to come, there would be a sufficient number of emigrants to fill a specially chartered steamer to take them direct; should that event occur, however, I would suppose that the contracts would be signed here before a Magistrate or the Emigration Agent; as the Borneo Government do not propose to maintain an Indian Immigration Agent at present.

4. Form A would of course have to be filled in and supplied by the recruiting agents as in the case of the Straits Settlements, but I would suggest a modification of clause 38, paragraphs 7, 8 and 9, of the proclamation, and Schedule B, clause 4, paragraphs 7, 8 and 9.

5. If the coolies are detained in depôts at Sandakan previous to their being sent to the estates, for two or three weeks, it appears to me to be inevitable to compel them to pay for their maintenance in the depôt during the period of their enforced idleness. If they are to pay for their maintenance, then they should at least be put on wages from date of arrival at Sandakan. It must be remembered that recoveries from them will be very heavy, the passage-money and maintenance on boardship being much more than to Penang. Regarding paragraphs 8 and 9, I would object to any entries of cash advanced which was not paid in the presence of the Indian Immigration Agent. At this port I used frequently to find entries of cash advanced, and on questioning the coolies, they have declared they have received nothing; it is another way the recruiters have of making money.

6. *Clause 44 of the Proclamation.*—The scale of wages seems to be fair, but I do not know what is the price of provisions such as Indian coolies are accustomed to. I would, however, object to paragraph 2 of the clause; having served the first year of his indenture, the cooly is fairly entitled to his increment, as, did he not receive it, he would be all the longer struggling to repay the advances, the other party to the contract benefiting to the extent of retaining his services at the lower rate of remuneration. To equalize matters, the employer might be empowered to deduct from the labourers' wages a sum not exceeding half of the increment, in addition to the sum of \$1.25 cents already allowed, until the advance is cleared off. I do not think there is anything further to remark.

From Colonel C. HARRIS, M.S.C., Her Britannic Majesty's Consular Agent, Pondicherry and Karikal, to the Chief Secretary to Government, dated Pondicherry, 25th July 1890, No. 311.

I have the honor to make the following remarks on Reference on C. No. 1882 of 1890.

2. I observe that the Government of India attaches great importance to emigration to British North Borneo being conducted under the supervision of the Government of the Straits Settlements. It therefore appears to me that, to carry out the wishes of the Supreme Government, it is absolutely necessary that this emigration should travel *via* Singapore.

3. As regards inspection of the coolies at Borneo by an officer from Singapore, I am of opinion that for some time these visits should take place once in every six months. I observe that Mr. Beaufort admits that, at least for the first year or two, doubt must exist as to the suitability of the climate and work to the Indian laborer; and till these doubts are removed, I hardly think an annual inspection would "place the Straits Government in a position to ascertain the condition and treatment of the Indian laborers and the manner in which the laws affecting them are administered." In connection with this point, I note that the Colonial Secretary considers one month from date of leaving till return to Singapore would suffice for this inspection.

From G. McWATTERS, Esq., Protector of Emigrants, to the Chief Secretary to Government, dated Madras, 22nd August 1890, No. 624.

I have the honor to reply to Government reference, dated 17th July 1890, on letter from the Government of India, Revenue and Agricultural Department, dated 19th June 1890, No. 672—30-6-E, and to return the draft proclamation.

2. The proposed proclamation is an adaptation of the enactment for the protection of Indian immigrants to the State of Pahang; and, so far as I can judge, appears to be suitable for British North Borneo, but everything would depend on the character and qualifications of the Indian Immigration Agent. There is to be no interference with the embarkation from Madras ports; laborers are to receive advances in India on a promise to enter into a contract on arrival in North Borneo; if they travel *via* Singapore, they are to have the nature of their contract explained to them there before final ratification by the Indian Immigration Agent in Borneo; on arrival in Borneo, they are to be identified by the Immigration Agent with the passenger lists, and are to be detained in a depôt not exceeding seven days until they enter into contracts with their employers; if they refuse to enter into a contract and are unable to pay back the advances they have received, they are liable to be imprisoned, and, at the end of the imprisonment, they are to be sent back to India at the employer's expense, or get a ticket of leave to stay in Borneo; arrangements are also made to meet the cases of illness or permanent invalidism or unfitness for further labor, and there are to be periodical inspections. I do not well see what further can be expected to be done for Indian immigrants, but, as I have already stated, everything hinges on the Immigration Agent. If he is an officer in whom the Madras Government has implicit confidence and is familiarly acquainted with the Indian vernaculars, especially with Tamil and Telugu, so as to be able to speak to the coolies without a go-between, then I think that the arrangements will work satisfactorily.

3. The only extra precaution I would suggest is a mustering of coolies by the Port or Customs officer on the day of embarkation, in order to ascertain beyond a doubt that they are willing to emigrate and know what is before them. A very large number of emigrants come to the depôts at Madras on account of petty domestic quarrels, and after they have had a little time to reconsider themselves, are only too glad to get home again.

4. I would not advocate interference at Singapore. If the coolies signified at Singapore their unwillingness to go farther, I presume they would at once be disembarked and attempts would probably be made to keep them there, as Madras labor is

in such great demand. The proposal might therefore work against the interests of the North Borneo emigration. With a qualified Indian Immigration Agent, no additional precaution of this kind is required.

5. I think the provision for periodical inspection of laborers is sufficient. British North Borneo is not very extensive, and the Madras coolie, if he has a real grievance, will soon take steps to let the Immigration Agent or the Magistracy know of it. Ample facilities for hearing complaints are provided for.

ORDER—dated 20th September 1890, No. 651, Public.

The following reply will be despatched to the Government of India:—

(Here enter No. 652, dated 20th September 1890.)

(True Extract.)

Chief Secretary

Gobt. of {1890} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 20th Sept. 1890, No. 651.

SEPTEMBER.

Emigration.

Addressing the Government of India approving generally of emigration from this Presidency to British North Borneo being conducted in accordance with the provisions of the draft proclamation.

20TH SEPTEMBER 1890, No. 652, PUBLIC.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT
(EMIGRATION).

SIR,

In reply to your letter No. 672—30-6 E., dated 19th June 1890, I am directed to forward a copy of the proceedings of this Government, No. 651, of this date, and to state that His Excellency the Governor in Council approves generally of emigration from this Presidency to British North Borneo being conducted in accordance with the provisions of the draft Proclamation which is herewith returned as requested.

2. I am to say that, at any rate for the present, His Excellency in Council would prefer that emigration to British North Borneo should not be conducted direct from Madras ports but *via* Singapore. Indeed, it seems probable that the former system would fail for want of a sufficient number of immigrants to fill a specially chartered vessel. The popularity of emigration to British North Borneo will depend considerably on the experiences of the pioneers of the movement, and for the present it is not anticipated that there will be many immigrants into that State.

3. It is observed from Mr. Beaufort's letter of the 17th October 1889, to the Colonial Secretary, Singapore, that the Government of British North Borneo did not at that time contemplate the appointment of an Indian Immigration Agent until the success of the experiment was assured, but intended to rely solely on periodical visits by an officer from Singapore. Judging from the provisions of the draft Proclamation, however, it would seem that this arrangement has been abandoned, and that it is proposed to have a permanent Agent in the State, in addition to a visiting officer from Singapore. I am to take this opportunity of saying that His Excellency in Council would be most unwilling to agree to natives of Madras being scattered over Borneo unless there was a suitable Protector easily accessible to them. In the opinion of this Government, very much of the success of the experiment will depend on the character and qualifications of the Immigration Agent to be appointed by the Government of the State. He should be an officer in whom the Government of Madras can place implicit confidence, and he should be familiar with the Indian vernaculars—especially Tamil and Telugu—so as to be able to communicate directly with the immigrants and to explain matters to them without the intervention of an interpreter.

4. With reference to the concluding portion of your letter under reply, the remarks of this Government on the details of the Proclamation will be found below, but I am to say that His Excellency in Council attaches much importance to the frequent and careful medical examination of immigrants in view to ascertain, in the first place, their physical fitness for the work which they are to be called on to perform and in the second the effect of the climate on the Madras native.

651-9-Copy
Call 42-0

5. It is understood that, according to present proposals, there is to be no interference in this Presidency with the embarkation of emigrants, but I am to suggest the precautionary measure of having them mustered on the day of embarkation by an officer appointed by this Government in order to ascertain whether they are willing to emigrate and know what is expected of them. This, it is thought, would save unnecessary trouble and expense in many cases. It would also, I am to observe, seem advisable to take steps to prevent any interference with the emigrants on arrival at Singapore, as there is a great demand for labor in the Straits Settlements, and it might, without some definite check, be an easy matter to induce an emigrant to remain there.

6. I am to convey the following remarks on the details of the Proclamation:—

Section 16 (c).—For "this port" read "this part."
Section 18.—For "be notified," read "be prescribed;" and insert "the"

before "Government Gazette."

Section 20.—In the last line insert "Government of the" before "Straits Settlements."

Section 22.—It is not stated who is to be the authority to decide whether it is necessary for an emigrant to be examined by a Medical officer. In the opinion of this Government all emigrants should be so examined and for this purpose it would seem desirable that the Agent should, if possible, be a duly qualified Medical officer. It seems probable that if no medical examination is to be made until the emigrants arrive in Borneo much unnecessary expense may be incurred in medicines and return passages for those who are found to be physically unfit for the work expected of them.

Section 23.—The proposed addition in the second line does not appear to be correct, for, if the immigrant has already entered into a contract at Singapore, there seems to be no reason why he should be detained in the dépôt "until he shall have entered into such contract" or repaid such advances. The proviso to this section apparently requires modification with reference to the note, in which it is said that it is "occasionally necessary to detain coolies for two or three weeks."

Section 26 (a); Section 49; Proviso to Section 81; and Section 92 (last clause).—The words "he may be sent back to the place where he was engaged" might be misunderstood in the case of a man who entered into his contract at Singapore. The insertion of the words "in India" or "in the Madras Presidency" between "place" and "where" seems advisable.

Section 29.—This section seems to be too widely drawn.

Section 31.—Insert "been" between "has" and "specially;" and insert "Government" between "the" and "Gazette."

Section 33 (Last clause).—Insert "Government" between "the" and "Gazette."

Section 35 (a).—It is not stated by whom the notice is to be sent.

Section 36.—The insertion of the words "or attested," in lieu of "by whom it is executed," is not understood.

Section 37.—Between "Agent" and "English" insert "of this State the." In place of the proposed addition to line 3, insert "contracts that are to be attested shall be delivered in duplicate by the employer to the Immigration Agent of the State who, after comparing the two copies, shall attest both and return one to the employer and deliver the other to the immigrant concerned."

Section 38 (items 7, 8 and 9).—Attention is invited to the remarks in paragraphs 4 and 5 of the letter from the Port officer of Negapatam, which is recorded in the proceedings forwarded herewith. It is not quite clear for what period it is proposed to charge the immigrants for their maintenance at the dépôt. When an immigrant is detained at a dépôt pending his entering into a contract or repaying advances received, the cost of his maintenance is, under Section 23, to be borne by the employer. In the opinion of the Government of Madras, an immigrant should not be charged for maintenance when his detention at the dépôt is due to no default of his own; or, if so, he

should be allowed pay from the date his contract is signed or attested, as the case may be. Some precautionary measures seem called for to ensure correctness in the entries of cash advanced to the immigrant.

Section 44 (Proviso).—For "coolie," read "immigrant," as the former term has not been defined or used in the earlier sections. With reference to this proviso, the Government of Madras considers that if the immigrant's work has been satisfactory throughout the first year and any absence from duty has been necessitated by illness he should not be denied his increase of pay. Under section 39, the maximum sum which an immigrant is bound to repay is 15 dollars, and 1½ dollars may be deducted from his wages each month. It is therefore apparent that, in ordinary cases, the necessary repayment would be completed or nearly completed by the end of the first year of service.

Section 47.—This section refers solely to a contract for a definite term which by section 41 is limited to three years. The words "third year" should, therefore, be substituted for "subsequent years" at the end of the section.

Section 49 (last line).—For "section 24" read "section 26."

Section 78 (a).—This section is incomplete.

7. In conclusion, I am to inquire whether the Government of British North Borneo will permit free or uncertificated immigrants who pay their own way to the State to land there. A large number of free immigrants, chiefly Muhammadans, go to the Straits Settlements from this Presidency.

I have the honor to be,
Sir,

Your most obedient servant,

J. F. PRICE,
Chief Secretary.

OOTACAMUND,
20th September 1890.

Exd. P. L. Pereira.

1890.

PUBLIC DEPARTMENT.

From the Government of.
Fort St. George.

Issued.

Recd.

Encl.

Letter, 20th Sept. 1890, No. 652.

SEPTEMBER.

Emigration.

Addressing the Government of India approving generally of emigration from this Presidency to British North Borneo being conducted in accordance with the provisions of the draft proclamation.