

CU

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 11-3-92
No. 158

INDEXED.

When given for copying

[Despatch Abstract.]

No amendments
required in the Fiji
Indian Immigration
Bill of 1891—

4-12-05✓

20-2-06✓

13-8-06✓

19-5-08✓

12-12-08✓

16-10-12✓

READ AGAIN ORDER OF GOVERNMENT, DATED
18 , No. , MISCELLANEOUS.

Jo 208 km

4-3-93

C 20 1578793

139

26-2-08

ENCLOSURE.

Original No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

*With (original)
(Encl. to Govt. 521)*

sent 14/3/92

N.B.—

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

CURRENT No. 239

Public DEPARTMENT.

[9]

From

The Gov^t of India.
Revenue & Agricultural Dept.

No. $\frac{122}{14}$

Dated 25th } Jan^y 1897

Received
Lgd

Enclosure one (2000)

SUBJECT.

Despatch from ^{the} Secretary of State
forwarding the Fiji Indian Immigration
Ordinance, 1891.

5 521

4 227

No. $\frac{122}{4}$

FROM

J. W. P.

MUIR-MACKENZIE, Esq., C.S.,
Under-Secretary to the Government of India,

To

The Secretary,
to the Government of Madras.

Calcutta, the 25th January 1892.

Revenue and Agricultural
Department.
(Emigration)

SIR,

I am directed to forward for the information of His Excellency the Governor in Council a copy of the Despatch noted on the margin from Her Majesty's Secretary of State forwarding the Fiji Indian Immigration Ordinance No. II of 1891, together with a report by the Colonial Attorney General thereon.

2. As at present advised the Government of India are disposed to approve the ordinance, I am, however, to ask that it may be examined by the Government of Madras and that any amendments which appear to be required may be reported to the Government of India.

3. As no extra copies of the ordinance have been received by the Government of India, the Government of Bengal has been requested to pass on its copy to the Government of Madras.

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

J. W. P.

Under-Secretary.

VI.

General DEPARTMENT.
Col. Enigma Branch.

No. 492

From

W. Maude
Under-Secretary to the Government of Bengal,

To

*The Chief Secretary to the
Government of Madras.*
Calcutta, the 18th February 1892.

Sir,

In compliance with the
request of the Government of India,
I am directed by His Honor the
Lieutenant Governor of Bengal to
forward, for consideration by His
Excellency the Governor of Madras,
the enclosed copy of the Fiji Indian
Immigration Ordinance No. II of 1891.

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

W. Maude

Under Secretary to the Government of Bengal

CURRENT NO. 521

Public Deptth

6

TO BE RETURNED

27 25 July 1892 No 366

Referred to the
Protector of Emig-
rants for careful
examination
and report.

Subscribed
Chief Secy

From
The Govt of Bengal

No. 492

Dated 18th } 4 Aug. 1892
Recd 22nd }
Regd
Encls: one

2013.
23/2
27-2 42
W

Forwarding copy of
of the Fiji Indian Immigration
Ordinance no. II of 1891.

3
Pub: 640/92

57 PRESENT NO 579
No. 328
14

FROM

J. W. P. MUIR-MACKENZIE, Esq., C.S.,
Under-Secretary to the Government of India,

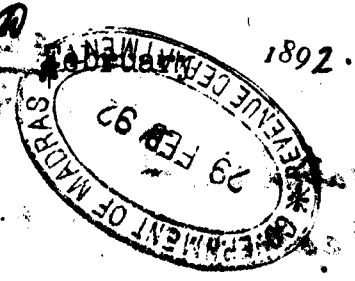
To

The Secretary to the Govt: of Madras.

Calcutta, the 24th February 1892.

Revenue and Agricultural
Department.
(Emigration)

8/15/92
11-3-92
SIR,



With reference to the letter from this

C No. 289/22 Department No. 122 dated the 25th January 1892, I am

521 directed to forward a copy of the Fiji Immigration
Ref. to the Pro- Ordinance No. II of 1891.
tution of Emigration

End No 368/25/2/92

I have the honour to be,

Sir,

Your Most Obedient Servant,

J. W. P. Muir-Mackenzie

Under Secretary.

CURRENT NO. 521

CURRENT NO. 579

Public Dept.

7/3/92 W. H. E. S.

From the Govt. of India,
Rev. & Agric. Dept.

No. $\frac{326}{14}$

Dated 24th } Febry. 1891
Recd. 29th }
Regd.
Encls: one

Forwarding copy of
The Fiji Immigration Ordinance
no. II of 1891.

Secure
have the
this

Ref.

No. 115 (Public—Emigration), dated India Office, London, the 29th October 1891.

FILE NO. 72.

From—THE RIGHT HON'BLE VISCOUNT CROSS, G.C.B., *Her Majesty's Secretary of State for India,*

SERIAL NO. 1.

To—The Government of India.

I TRANSMIT, for the information of Your Excellency in Council, copy of the Fiji Indian Immigration Ordinance, 1891, with a Report thereon by the Colonial Attorney General.

4th August 1891.

REPORT ON ORDINANCE NO. 2, DATED 4TH AUGUST 1891.

An Ordinance to amend and consolidate the law relating to Indian Immigration.

The present Ordinance is mainly a consolidation of all previous legislation upon the subject of Indian immigration in Fiji that has been found to have been of any value; and whilst introducing no new principle adopts several provisions from other British Colonies which encourage Indian immigration; e.g., British Guiana, Trinidad, and Mauritius that have been shewn to have worked well in those Colonies, and which it is believed will be equally successful in Fiji.

One great improvement has been the thorough recasting and regrouping of the various subjects that go to make up the large body of modern Indian immigration law and procedure, and which is confidently hoped will make the subject more easily grasped by the employers.

Amongst the principal changes may be mentioned (1) those provisions relating to

Fiscal provisions.

fiscal matters wherein is now clearly stated the whole of the charges in connection with the introduction of immi-

grants into the Colony, so that an intending employer can see what are the charges which he can be called upon to pay and so be enabled the more readily to estimate the probable cost of indenturing any given number of immigrants. This is afforded by sections 7 to 9, which classify all the expenses which can be charged to the Indian immigrants' Introduction fund, an estimate of which is annually laid before the Governor in Council, and which when estimated is paid by the employer in two instalments, called respectively the "Application" and the "Allotment fee." It is now also made clear that employers have to pay all expenses incurred by Government for their maintenance, &c., after the immigrants are ready for delivery; but all such expenses incurred subsequent to their delivery (including cost of return passages) are to be borne by the General Revenue of the Colony, as well as any quarantine expenses that may have been incurred (sections 8 and 9).

An advantage is also now for the first time given to the employer by which (section 14) interest accruing on the "Application fee" can be paid to the applicant; but it has been considered necessary, owing to improved facilities afforded for the clearing of the ship to reduce the time within which the "Allotment fee" must be paid from 96 to 48 hours after notice of allotment (section 21).

Certain forfeitures, &c., on account of non-payment of allotment fees, &c., are also now to be transferred from the "Introduction fund" to the credit of the "Destitute Indians' fund" which formerly were carried to General Revenue (section 24).

Provision is also made in the annual statement of accounts for the adjustment of expenses incurred during years when no immigrants are introduced by such expenses being spread over a period of three years (section 31).

Powers of Immigration officers.

(ii) Fuller powers are now given to immigration officers for the protection of indentured immigrants (section 47).

(iii) Medical inspection of the immigrants takes place immediately on their arrival in the Colony (section 50); and the coolies are now sent to plantations already classified as to "tasks," whereas formerly they remained an indefinite time without this protection

Medical inspection.

in the Colony (section 50); and the coolies are now sent to plantations already classified as to "tasks," whereas formerly they remained an indefinite time without this protection

Status of children.

indentured immigrants with regard to their rights and

P.O.M. (section 57).

(v) The extension of indentures by Magistrates rendered necessary by the absence from work or desertion of immigrants is now to be made for a period proportionate to the time lost by employers, with the proviso that such extensions shall not apply unless the Agent General sees fit when the immigrant is under fifteen years of age (section 63). This exception is rendered necessary by the new provision (section 58) which compels every child of an immigrant who on arrival in the Colony is over five years of age to be indentured to serve on the plantation to which his parent is indentured; but such service can only commence on the child reaching ten years of age, and must terminate not later than five years after his arrival in the Colony.

(vi) The extension of re-indentures is, however, forbidden unless the immigrant has received a bounty (section 76), and re-indentures may now be cancelled in the same way as original indentures (section 77).

(vii) Considerable improvements have been effected in the provisions relating to immigrants' dwellings and rations,—improvements which time and experience have shewn to be necessary and in which the comfort and health of the immigrants have been carefully considered. Certain provisions of the last Polynesian Immigration Ordinance (XXI of 1888) with reference to these matters have been incorporated (sections 79 to 91).

An important alteration has been made in the time for which an employer is bound to ration the immigrant—the time being reduced from twelve to six months,—it being found that the great majority of the immigrants prefer to ration themselves; and no ill-effects are anticipated from the change (section 86).

(viii) Some alteration has been made in the provisions relating to the work of immigrants on a plantation. In future every employer will be bound to provide every immigrant with a full and fair day's

work, and every immigrant for whom no work shall be provided is deemed to be employed on time-work and is to be paid accordingly (section 92).

The conditions of task-work are slightly altered, the time for daily rest during such work being raised from one hour to one hour and-a-half (section 95).

Additional powers are given to District Medical Officers to make fresh classifications from time to time of those labourers not able to perform a full task (sections 100 and 101).

(ix) Certain alterations that experience has shewn to be necessary have been made in the provisions relating to plantation hospitals, and as to the books to be kept therein. Every estate upon which

more than five labourers are indentured is bound to have a "plantation hospital" unless the Agent General, with the approval of the Governor, shall sanction other arrangements, for which purpose the Governor may make regulations and impose a penalty for any breach thereof (sections 122 and 124). On this subject a useful provision is adopted from the Polynesian Immigration Ordinance (XXI of 1888) making provision for additional hospital accommodation in the event of any disease breaking out on any plantation (section 135).

(x) Provision is made whereby in future all lunatics and idiots on plantations are to be dealt with under the Public Lunatic Asylum Ordinance, 1884 (section 150).

(xi) New provisions have been made as to the register books to be kept on plantations for the purpose of facilitating the classification of returns made to the Agent General, a "mill pay-list" in future being kept in addition to the ordinary "pay-list" (sections 172 and 173).

(xii) Similar provisions to those of the Polynesian Immigration Ordinance (XXI of 1888) have been adopted with regard to the status of Indian immigration debts, by which they are constituted a preferential charge over the plantation to which the immigrants are indentured, provided that, if the plantation be a leasehold one, the previous consent of the landlord to the immigrants being indentured to it must be obtained before such a preferential charge can attach to it. Such a charge is now made subject to any prior legal mortgage duly executed and registered (sections 182 and 183).

(xiii) Several changes have been effected in legal procedure in order to facilitate any proceedings that may be necessary either by or against employers. No fees are now payable in any legal proceed-

ings under the Ordinance, and in all actions for damages, at the instance of immigrants for neglect or misconduct of employers, the Agent General shall have the right, subject to the consent of the Governor, to institute such action on their behalf (sections 188 and 189) in addition to any complaint or proceeding for penalties which has hitherto been instituted in the name of the Agent General (sections 190 and 191).

All moneys now due in respect of immigrants may be sued for in the name of the Agent General in the Supreme Court (section 195).

It is now competent, but not compulsory, for the defendant in any proceedings under the Ordinance to give evidence on oath (section 196). The procedure contained in the Polynesian Immigration Ordinance, 1888, with respect to judgments remaining unsatisfied has been adopted in this Ordinance, in order to put all judgments recovered for immigration debts upon the same footing (section 198).

(xiv) Certain provisions have been introduced from the British Guiana Immigration Ordinance with a view to the better protection of women

Miscellaneous. on plantations by providing for the removal of immigrants from one plantation to another in certain cases (section 211).

Provision is also made for more prompt action where an immigrant threatens violence to a woman (section 212) and for the compulsory division by a Magistrate of property when a man and a woman desire to discontinue cohabitation (section 213).

The penalties and punishments throughout the Ordinance are endeavoured to be placed upon a more uniform and consistent basis, and a general penalty clause, of a fine not exceeding £10 and in default imprisonment not exceeding one month, has been added for the breach of any offence to which no special penalty is attached (section 215).

Power is further given to the Governor in Council to make general regulations for carrying the Ordinance into effect (section 218) which regulations are subject to disallowance by Her Majesty (section 219).

The Ordinance, in my opinion, is sufficient for its purpose, and may receive His Excellency's assent.

J. S. UDAL,
Attorney General.

In Public 289/92

Pub: 640/92

Fiji.

No. II, 1891.



AN ORDINANCE

*(Enacted by the Governor of the Colony of Fiji with the advice and consent of the
Legislative Council thereof)*

TO AMEND AND CONSOLIDATE THE LAW RELATING
TO INDIAN IMMIGRATION.

[L.S.] JOHN B. THURSTON.

31st March, 1891.

BE it enacted by the Governor with the advice and consent of the
Legislative Council as follows:—

1. The several Ordinances specified in Schedule A hereto are hereby repealed except so far as any of the said Ordinances may repeal any former Ordinance. But the repeal of the said Ordinances shall not affect any regulation already made or anything already done or suffered nor any charge or lien already created nor any liability already incurred under any such Ordinances. And every such regulation charge lien or liability may be enforced under the provisions of this Ordinance. Repealing clause.

Preliminary.

2. This Ordinance is divided into twenty-four parts:—

PART I.—INTERPRETATION.

PART II.—FISCAL PROVISIONS.

PART III.—

- PART III.—GENERAL POWERS OF IMMIGRATION OFFICERS.
- PART IV.—IMMIGRATION DEPOT.
- PART V.—MEDICAL INSPECTION.
- PART VI.—INDENTURES AND REINDENTURES.
- PART VII.—DWELLINGS—RATIONS FUEL AND WATER.
- PART VIII.—WORK AND WAGES.
- PART IX.—TICKETS OF LEAVE—CERTIFICATES OF INDUSTRIAL RESIDENCE—PASSPORTS.
- PART X.—HOSPITALS.
- PART XI.—PLANTATION HOSPITALS.
- PART XII.—BIRTH AND DEATH REPORTS.
- PART XIII.—ORPHANS.
- PART XIV.—LUNATICS AND IDIOTS.
- PART XV.—FIRE.
- PART XVI.—HARBOURING WRONGFULLY EMPLOYING OR REMOVING IMMIGRANTS FROM THE COLONY.
- PART XVII.—DESEPTION.
- PART XVIII.—IMMIGRANTS EMPLOYED ON PLANTATIONS TO WHICH THEY ARE NOT INDENTURED.
- PART XIX.—RELEASE OF PRISONERS AND DELIVERY FROM PUBLIC INSTITUTIONS.
- PART XX.—REGISTERS AND RETURNS.
- PART XXI.—DUPLICATES OF AND EXTRACTS FROM DOCUMENTS.
- PART XXII.—STATUS OF IMMIGRATION DEBTS.
- PART XXIII.—LEGAL PROCEDURE.
- PART XXIV.—MISCELLANEOUS.

PART I.

INTERPRETATION.

Interpretation.

3. Throughout this Ordinance the following words and expressions shall have the meaning herein assigned to them unless the context otherwise requires:—

- “Agent-General.”—The officer for the time being holding the office of Agent-General of Immigration and includes any Sub-Agent of Immigration or Inspector of Immigrants.
- “Certificate of Industrial Residence.”—A document on a duly authorised printed form as provided for under the provisions of this Ordinance signed by the Agent-General and certifying that the immigrant described therein is free to work where he pleases within the Colony.
- “District Medical Officer.”—A medical officer appointed by the Governor to be the Medical Officer for any medical district within the Colony.
- “Employer.”—Any person to whom any immigrant shall have been or shall hereafter be allotted or indentured or otherwise engaged for service under the provisions of this or any other Ordinance relating to Indian immigration and includes any general agent or manager of the business of such person or any manager or other person having the chief authority on the plantation to or on which any immigrant is allotted indentured or employed.

“Guardian.”—

- “Guardian.”—The person to whose care and custody an orphan shall have been committed.
- “Immigrant.”—Any person of Indian parentage who has been or who shall hereafter be introduced into the Colony under the provisions of any Indian Immigration Ordinance:—
- (a) “Adult Immigrant.”—Any immigrant above the age of ten years upon arrival in the Colony.
 - (b) “Indentured Immigrant.”—Any immigrant who shall be indentured under this Ordinance or who may be serving under an unexpired contract of service or indenture entered into under the provisions of any previous Indian Immigration Ordinance and includes the child of such immigrant.
 - (c) “Old Immigrant.”—An immigrant to whom a Certificate of Completion of Service under indenture or a Certificate of Industrial Residence shall have been given.
- “Indenture.”—Any contract of service which shall be entered into with any immigrant under the provisions of this Ordinance or any unexpired contract of service or indenture entered into under the provisions of any previous Indian Immigration Ordinance and shall include reindenture.
- “Introduction Charges.”—All moneys payable under the provisions of this Ordinance in respect of the introduction of immigrants into the Colony.
- “Magistrate.”—European Stipendiary Magistrate.
- “Orphan.”—Any child of Indian parentage and under ten years of age whose parents or other lawful guardians have died during the voyage from India or after arrival in the Colony or whose parents or lawful guardians have in the opinion of the Agent-General become incapable of taking care of such child.
- “Plantation.”—Any piece of land including all buildings on such land and any buildings to or on which any immigrant is or may hereafter be indentured to serve or on which any immigrant is or may hereafter be employed.
- “Prison.”—Any gaol prison lock-up cell or other authorised place of detention.
- “Return-passage.”—The passage of any immigrant from the Colony to the port in India at which he embarked under engagement to serve in the Colony.
- “Task.”—In the case of a male that extent of task work which can be performed by an ordinary able-bodied adult male immigrant in six hours working steadily at such work and in the case of a female three fourths of such extent of work.
- “Half task and Three quarter task.”—Half and three quarters of the extent of work which would constitute a “task” in the case of a male and of a female immigrant respectively.
- “Task work.”—Any work the pay for which is estimated by the amount performed irrespective of the time occupied in its performance.
- “Time work.”—Any work the pay for which is estimated by the time occupied in its performance irrespective of the amount performed.

PART II.

FISCAL PROVISIONS.

Introduction Charges.

Moneys received on account of introduction charges to be paid to Introduction Fund.

No money paid on account of introduction charges to be repayable by reason of death, desertion, &c., of immigrant.

Introduction charges where repayable or subject to withdrawal may be repaid to applicant or executors, &c.

Charges payable from Indian Immigrants Introduction Fund.

Employer to pay expenses of maintenance and treatment incurred after immigrants are ready for delivery.

Expenses incurred by Government subsequent to delivery to be borne by General Revenue.

4. All moneys paid to the Receiver-General on account of Introduction Charges shall by him be credited to a fund to be termed "The Indian Immigrants Introduction Fund."

5. No money paid for or on account of introduction charges shall be repayable by reason of the death of any immigrant after indenture or by reason of his desertion or other absence from the plantation to which he has been indentured or by reason of his withdrawal from such plantation by order of the Governor on account of any breach of the Immigration law or by reason of the lawful cancellation of his indenture by the proper authority.

6. Where under the provisions of this Ordinance any sum of money paid on account of introduction charges is declared to be repayable or subject to withdrawal, the Receiver-General may repay the same to the applicant or other person by whom the same was paid or his executors administrators or assigns and his or their receipt shall be a sufficient discharge to the Receiver-General. Provided that such repayment shall not affect any question which may exist or arise between any persons as to the right to such money upon repayment.

7. The Indian Immigrants Introduction Fund shall be charged with—

- (a) All expenses incurred in India for the upkeep of the Emigration Agency and for the recruiting maintenance medical inspection and care and the despatch of intending emigrants and their children.
- (b) All expenses incurred for postage and telegrams for the charter of vessels for the salaries fees and passage-money paid in respect of the transport of immigrants and their disembarkation.
- (c) The cost of the medical inspection of the immigrants on arrival in the Colony.
- (d) The cost of the maintenance medical treatment and allotment of the immigrants in the Colony until the date upon which they shall be ready for delivery.
- (e) The cost of the interment of any immigrant who may die before such date.
- (f) The cost of maintaining or treating any immigrant set aside by the medical officer inspecting under section fifty and of the interment of any immigrant so set aside who may die or the return-passage of any immigrant so set aside who may be sent back to his own country.
- (g) The cost of maintenance medical treatment interment or return to his own country of any orphan.
- (h) The expenses of rent repairs and upkeep of any depot provided for under this Ordinance.

8. After the date upon which any immigrant may be ready for delivery of which date due notice shall be given to the employer or to the agent of the plantation to which he shall be allotted the cost of his maintenance and treatment whether in the depot or in any public hospital or institution or of his interment shall be paid by the employer to whom he shall have been allotted. All expenses incurred by the Government in respect of immigrants subsequent to their delivery to employers including the cost of their return-passage

passage shall unless otherwise specially provided for be borne by the General Revenue of the Colony.

9. An estimate shall be made yearly and laid before the Governor in Council of the total sum required to be levied in respect of each adult immigrant who may be indentured during such year in order to cover the introduction charges payable under section seven. Any expenses so payable on account of immigrants who may be set aside or may die not having been allotted or of the children of immigrants or on account of any orphan whether such orphan was introduced in the year in respect of which the estimate was made or in some other year shall be included in such estimate and all such expenses shall be distributed *per capita* over the total number of adult immigrants who may be indentured provided that any expenses which may be incurred by reason of quarantine shall not be included in such total cost but shall be borne by the General Revenue of the Colony.

The sum so estimated shall unless the Governor in Council otherwise direct be paid in two instalments to be called respectively the "Application Fee" and the "Allotment Fee."

Applications and Fees.

10. The Governor in Council shall in each year in or previously to the month of September determine the amount of the Application Fee and such amount shall thereupon be publicly advertised by notice in the *Royal Gazette* but in no case shall it be less than six pounds.

11. The application fee shall be paid to the Receiver-General before any application for allotment can be entertained and the Receiver-General shall cause to be made out and given to any person paying the same a receipt in duplicate specifying the number of adult immigrants in respect of which it shall have been paid.

12. All persons desirous of obtaining allotments of immigrants shall send to the Agent-General on or before the first day of October in each year an application in writing in Form 1 of Schedule B hereto. In any such application the number of adult immigrants required shall alone be specified but such application shall nevertheless be deemed to include the children (if any) of such adult immigrants not being themselves adults.

13. Every such application unless the Governor in Council otherwise order shall be for an allotment in the year then next ensuing and shall be accompanied by a receipt of the Receiver-General for the application fee and shall be entertained only for the number of immigrants in respect of which the application fee shall have been paid.

14. During the month of October in every year the Agent-General shall publish in the *Royal Gazette* a list showing the number of immigrants applied for the names of the applicants and the names of the plantations in respect of which the applications are made and the amounts paid for application fees. If between the date of the payment of any application fees and the date when such fees are required for use or may become repayable under the provisions of this Ordinance by the Receiver-General any interest upon such application fees shall have been received such interest shall on demand be paid by the Receiver-General to the person who shall have made such application for immigrants or to his assigns.

15. No application shall be rendered invalid or shall be in any way affected by the death insolvency or absence of the applicant or by the transfer or transmission of the plantation in respect of which it was made.

Application by
Colonial Secretary.

16. The Colonial Secretary may with the permission of the Governor apply for the allotment to him of such immigrants as shall be required for the service of the Colony in any department of the Government and shall be considered for the purposes of this Ordinance as the employer of such immigrants as may be allotted in consequence of such application.

Application fee not
repayable or subject
to withdrawal except
as provided.

17. Except as hereinafter mentioned no application fee and no part thereof shall (unless the Governor otherwise order) be repayable or subject to withdrawal until the first day of October of the year in respect of which the application was made or until such earlier date in such year at which public notice shall be given that no further immigrants are expected to arrive during such year.

Application fee may
remain and hold good
for ensuing year.

18. After either of the dates in the last section mentioned the application fee or such part thereof as may not have been forfeited as hereinafter provided shall be repayable but if instead of being withdrawn it be allowed to remain the application in respect of which it was paid shall hold good for the ensuing year and for the purposes of allotment shall be considered to have been sent in for such ensuing year before any applications made for such ensuing year.

Application may be
refused.

19. The Agent-General may for any cause approved by the Governor refuse to accede to any application for immigrants.

Allotment Re-allotment and Fees.

Amount of Allotment
Fee to be determined
in each year.

20. The Governor in Council shall in or previously to the month of May in each year determine the amount of the Allotment Fee and such amount shall be publicly advertised by notice in the *Royal Gazette*.

Allotment fee to be
paid within forty-
eight hours of publi-
cation of notice of
allotment.

21. The allotment fee shall be paid to the Receiver-General within forty-eight hours after the publication of the notice of allotment in the next succeeding section mentioned and the Receiver-General shall cause to be made out and given to the person paying the same a receipt therefor and upon the expiration of the forty-eight hours aforesaid shall forward to the Agent-General a list of all the persons who shall have paid such allotment fee specifying respectively the number of immigrants and the plantations for which the same shall have been paid.

After arrival of
immigrant vessel
notice to be published
of number of adult
immigrants to be al-
lotted to plantations.

22. After the arrival of an immigrant vessel the Agent-General shall publish in the *Royal Gazette* a notice specifying the respective names of the applicants the plantations to which allotments of immigrants from such vessel can be made and as nearly as possible the number of adult immigrants which can be allotted to each respectively.

Proceedings in case
of non-payment of
allotment fee within
the prescribed time.

23. If the allotment fee be not paid within the forty-eight hours mentioned in section twenty-one the immigrants may be indentured to another plantation and shall not be indentured to the plantation in respect of which the original application was made except upon a payment in addition to the allotment fee of the sum of one pound for each of such adult immigrants by way of fine. Upon the non-payment of the allotment fee the application fee paid by the original applicant shall be forfeited to the extent of the sum of one pound for each of such adult immigrants together with such further sum as shall cover the cost of their maintenance at the rate of one shilling each per diem from the expiration of the forty-eight hours aforesaid to the date of their indenture. And if any loss shall be sustained by reason of no substituted employer being found willing to accept such immigrants at a sum amounting to the introduction charges fixed in respect of them the application fee shall be further forfeited to the extent of the amount of such loss. Provided that if the application fee shall be found insufficient to cover such forfeiture cost and loss the balance thereof

thereof with interest at the rate of eight per centum per annum shall be recoverable from the original applicant in a summary way.

24. The Receiver-General shall in the month of December in every year transfer from the Indian Immigrants Introduction Fund to the credit of the Destitute Indians Fund the amount of all such fines and forfeitures less all costs and charges incurred as mentioned in the preceding section.

Forfeitures, &c., to be
transferred in each
year to Destitute
Indians Fund.

25. If any immigrants shall not on their arrival be immediately provided with employment the Agent-General shall provide them with food and lodging until the means of earning their own subsistence can be procured for them and shall in the meantime employ them in such manner and pay them at such rates as the Governor may from time to time direct and the cost of such food and lodging shall be paid as provided for in section twenty-three.

Provision for immi-
grants where not
provided with em-
ployment imme-
diately on arrival.

26. Neither payment of fees nor any other act done under this Ordinance shall be held to give any person a legal right to an allotment.

No legal right to
allotment.

27. In case it shall appear to the Agent-General that any indentured immigrant has been ill-used by his employer or in any case of neglect of duty or breach of contract on the part of any employer the Agent-General may with the approval of the Governor refuse to allot any immigrants to any plantation being the property of or under the management or control of such employer.

Where employer has
ill-used immigrant
or neglected duty,
&c., Agent-General
may refuse further
allotment.

28. In case of a refusal to allot immigrants under the preceding section or to accede to any application for immigrants under section nineteen such refusal shall be forthwith notified to the applicant and any sums which may have been paid as application fees shall thereupon become repayable.

Where application
has been refused
notice to be given to
applicant and appli-
cation fees to be
repayable.

29. In making allotments husbands shall not be separated from wives nor children from their parents or natural guardians and so far as may be possible members of the same family and neighbours from the same village and persons who may agree in representing themselves to be friends and associates shall not be separated from each other.

Order of allotment.

Adjustment of Accounts.

30. The Governor shall in each year cause accounts to be published in the *Royal Gazette* showing the total amount exclusive of quarantine expenses expended in respect of the immigrants introduced during the previous year into the Colony up to the time of their being indentured and the total amounts received in respect of them under the head of application fees and allotment fees. In arriving at such receipts and expenditure the amounts received for fines and forfeitures under section twenty-three and expenses of maintenance in depot paid under sections eight and twenty-three shall be brought into account.

Accounts to be
published annually
showing costs of
introduction and
amounts of applica-
tion and allotment
fees received.

31. In the case of expenses incurred during any year in which no immigrant may be introduced a proportion of such expenses equal to one-third of the whole amount shall be charged against each of the three years ensuing thereafter (whether consecutive or otherwise) during which immigrants shall be introduced and shall be provided for in the adjustment of accounts as herein mentioned in the same manner as if such proportion of expenses had been incurred in respect of immigrants introduced during each of such three years respectively. Provided that such expenses shall not include any part of the cost of the clerical establishment of the office of the Agent-General.

As to expenses in-
curred during years
when no immigrants
are introduced.

32. If the total amount of expenditure shall exceed the total amount of receipts the Governor in Council shall determine what further amount in addition to the allotment fee which shall have been already paid as provided for by this Ordinance shall be payable by

Proviso.

If expenditure
exceed receipts
balance to be
defrayed by
employer.

by the employer of any such indentured immigrant on account of such excess and such further amount shall be publicly advertised by notice in the *Royal Gazette* and every such amount shall thereupon become due and payable and shall be paid within four weeks of the date of such advertisement and the same shall be recoverable from the employer aforesaid in a summary manner before a magistrate.

If receipts exceed expenditure balance to be refunded to employer.

33. If the total amount of receipts shall be in excess of the total amount of expenditure the Governor in Council shall determine what sum shall be repaid to the employer of any such immigrant in respect of such excess and such amount shall be publicly advertised by notice in the *Royal Gazette* and every such amount shall thereupon become due and payable by the Receiver-General on application by the person entitled thereto.

Immigrants may not be indentured to indebted plantations.

34. It shall not be lawful for the Agent-General without the consent of the Governor in Council to indenture any immigrants to any plantation which may be indebted for any such amount as aforesaid.

Return-passages.

Immigrants entitled to a free return-passage after ten years' residence.

35. Every immigrant who shall have been above the age of ten years at the time of his introduction into the Colony and who shall have received a certificate of industrial residence and completed a continuous residence of ten years in the Colony and subject to the provisions of section forty-six any child of such immigrant shall be entitled to a free return-passage to India.

Subsistence of immigrant's right to return-passage.

36. The right of an immigrant to demand a free return-passage may subject to the provisions hereinafter contained be exercised by such immigrant at any time after the date when the right to demand a free passage first accrued.

Commutation.

37. It shall be lawful for an immigrant to commute his right to a free return-passage upon such terms as may be offered by the Government as an equivalent of such return-passage.

Estimated cost of commuted or forfeited passage to be paid into General Revenue.

38. Whenever an immigrant shall commute or forfeit his right to a free return-passage the Agent-General shall withdraw from the Return-passages Fund and pay into General Revenue a sum equal to the estimated cost of returning such immigrant to India.

Immigrant quitting Colony except as a servant and with Agent-General's consent forfeits return-passage.

39. Every immigrant who except in the capacity of servant and with the written consent of the Agent-General shall quit the Colony or shall leave under the passport provided for in section one hundred and fifteen shall thereupon forfeit all right to a free return-passage.

Immigrant giving notice of his desire to return is entitled to free passage in the next ship provided.

40. Every immigrant entitled to a free return-passage shall previous to the month of October of the year preceding that in which he desires to return to India give notice to the Agent-General of his desire to do so in the ensuing year whereupon such immigrant shall become entitled to receive a free return-passage in the next ship provided by the Government for that purpose.

Returning immigrant to receive notice of date of departure vessel.

41. The Agent-General shall give to every immigrant who has in accordance with the requirements of the preceding section specified his desire to receive a free return-passage to India in the ensuing year due notice of the date of the departure of the ship by which such immigrant may have such passage and of the day when such immigrant must present himself at the Immigration Office in Suva and no immigrant who after having received such notice fails without reasonable cause shown to the satisfaction of the Agent-General to present himself at the Immigration Office in Suva on the day mentioned in such notice shall be entitled as of right to a free return-passage in such ship. Nothing in this section shall be held to debar the right of any such immigrant to a free return-passage in any subsequent ship provided by the Government for that purpose.

Immigrant failing to present himself may forfeit passage by out-going ship.

42.

42. The Agent-General may withdraw from the Return-passages Fund such sums as may from time to time be required to defray the cost of maintaining in depot any immigrant between the notified date of the departure of the ship as provided in the last preceding section and the date of his embarkation on the ship by which his passage has been provided.

Cost of maintenance of returning immigrant in depot to be borne by Return-passages Fund.

43. Any immigrant who shall incur loss or expense by reason of unusual delay in the departure of any vessel conveying return immigrants to India may receive such compensation as the Governor in Council may direct.

Immigrant may receive compensation for delay in departure of vessel.

44. A fund providing for return-passages to India termed "The Return-passages Fund" shall be kept by the Receiver-General who shall in the month of December in every year draw from the General Revenue and pay into such fund a sum of fifteen shillings for each adult immigrant introduced into the Colony and indentured within the ten years next preceding the date of such payment whether such immigrant be then alive and in the Colony or not. The Return-passages Fund shall be applied to the purpose of providing return-passages or commutation of return-passages for immigrants and except with the permission of one of Her Majesty's Principal Secretaries of State to no other purpose. Provided that the Governor may from time to time as he shall see fit sanction the deposit of any part of such fund at interest in such manner as shall be approved by one of Her Majesty's Principal Secretaries of State.

Return-passages Fund to be maintained by an annual contribution from General Revenue.

Application of Return-passages Fund.

Moneys may be deposited at interest.

45. The Agent-General may grant to every immigrant who shall at any time be in his opinion permanently disabled and unfit to perform service under indenture a certificate of exemption from labour and may with the consent of the Governor order any such immigrant to be provided at the expense of the Return-passages Fund with a return-passage to the port in India whence he emigrated.

Certificate of exemption from labour and a return-passage may be granted to permanently disabled immigrant.

46. No child born in the Colony of any immigrant nor any child under the age of twelve years shall be entitled to a passage to India unless sailing from the Colony with his or her parent.

Children born in Fiji or under twelve years of age are not entitled to a passage to India unless sailing with their parents.

PART III.

GENERAL POWERS OF IMMIGRATION OFFICERS.

47. The Agent-General or any person authorised by him in writing shall have power to enter upon any plantation on which any indentured immigrant may be employed or may be supposed to be employed for any of the following purposes:—

General Powers of Immigration Officers.

- (a) To require any such immigrant on the plantation to be produced before him for the purpose of examining the state and condition of such immigrant.
- (b) To examine the state and condition of any dwelling or hospital on such plantation and of any rations supplied or kept for the purpose of being supplied to any immigrant.
- (c) To inquire into any complaint which the employer may bring against any indentured immigrant or any such immigrant against the employer.
- (d) To inquire into any breach of the peace or offence against the provisions of this Ordinance not already adjudicated upon by a magistrate which may have taken place on such plantation.
- (e) To examine any person on oath or otherwise who may be able to give evidence touching such matter.
- (f) To grant a warrant for the immediate arrest of any person who

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who in such evidence if given on oath shall appear to him to have been guilty of such breach of the peace.

- (g) To examine all pay-lists and other books of such plantation and all returns and documents to be kept under the provisions of this Ordinance.

Penalty or obstructing immigration officers.

And any person who shall in any way hinder or obstruct the Agent-General or person authorised by him in the performance of any such duties or shall neglect or refuse to produce any of the books or documents hereinbefore mentioned when required so to do or any indentured immigrant who being ordered to appear before such Agent-General or person authorised by him at any time shall neglect or refuse so to do shall on conviction thereof before any magistrate forfeit and pay any sum not exceeding fifty pounds and in default of payment be imprisoned for any term not exceeding three months.

PART IV.

IMMIGRATION DEPOT.

Establishment of Immigration Depot.

48. The Governor may appoint such lands and buildings as he shall see fit to be used for the purposes of an Immigration Depot and fix the rates to be charged for the keep of any immigrant while in such depot and for the burial of any immigrant who shall die in such depot and when he shall see fit appoint any person to be superintendent of any depot to maintain order therein and to have general charge and supervision of all persons there located.

PART V.

MEDICAL INSPECTION.

Appointment and powers of District Medical Officers.

49. Every District Medical Officer shall have like powers as the Agent-General to enter upon any plantation and inspect the state of health of the immigrants thereon and the condition of the dwellings and hospital and rations and the general sanitation of such plantation. And every such District Medical Officer shall have the right to call for and examine all registers books returns and other documents kept on such plantation in accordance with the provisions of this Ordinance and any person hindering or obstructing such District Medical Officer in the exercise of any such powers shall be liable to the same penalties as are provided in section forty-seven.

Medical inspection of immigrants on arrival.

50. Every immigrant brought into the Colony under the provisions of this Ordinance shall be inspected at such place and by such medical officer as the Governor may from time to time appoint for the purpose and such medical officer shall set aside every such immigrant as from his age or state of health shall appear to him to be unfit to be indentured and every immigrant so set aside shall be sent to the public hospital or otherwise provided for until he shall be fit to be indentured or can be sent back to his own country. Such medical officer shall at the same time determine the age of every immigrant not an adult.

Immigrants to be medically inspected on arrival to ascertain their capacity for labour and to be classified.

51. The medical officer making the inspection under the preceding section shall make a note of each immigrant whom he may consider fit for work but unfit to perform a full task and shall in such note classify such immigrant as a three-quarter-task labourer or a half-task labourer as the case may be. Such note shall be furnished to the Agent-General who shall cause entry of the classification to be made on the certificate of indenture and it shall be the

the duty of the employer to copy all such entries into the proper pages of the Limited Tasks Book hereinafter provided for and sign the same. The Agent-General shall cause a copy of such notes as aforesaid to be sent to the medical officer of the district in which such immigrant is to be employed.

52. Every employer shall furnish when so required by a District Medical Officer a list extracted from the Plantation Register giving the registered number name sex and father's name of every immigrant under indenture or other contract of service on the plantation and his children and such list shall whenever so desired by a District Medical Officer be called over in his presence when every immigrant and the child of every such immigrant whose name is therein inscribed shall be produced by such employer at such place on the plantation as may be required by such officer. Any person who shall hinder or obstruct a District Medical Officer or shall neglect to furnish such list or shall neglect or refuse to produce any immigrant or child of such immigrant as aforesaid when required so to do by such District Medical Officer shall be liable on conviction in a summary way to a penalty not exceeding twenty pounds and in default of payment to be imprisoned for any term not exceeding three months.

Nominal roll to be furnished by employer to District Medical Officer and immigrants therein named to be produced when required.

Penalty for obstructing District Medical Officer.

Chief Medical Officer to have all the powers of a District Medical Officer.

53. The Chief Medical Officer of the Colony shall have and may exercise all the powers conferred by this or any other Ordinance upon any District Medical Officer.

PART VI.

INDENTURES AND REINDENTURES.

Indentures of Adults.

54. Every adult immigrant unless unfit for labour from old age or physical infirmity shall on his arrival in the Colony be indentured to serve on the plantation to which he shall be allotted by the Agent-General for a period not exceeding five years to be computed from the date of his arrival.

Adult immigrants to be indentured.

55. On the completion of every allotment of immigrants to any employer the Agent-General shall prepare a certificate of indenture in duplicate in Form 2 of the Schedule B hereto and the employer of such immigrants shall when required to do so by the Agent-General sign such certificates of indenture and the Agent-General shall then sign such certificates on behalf of the immigrants whose names are entered thereon and shall deliver one certificate to the employer and retain the duplicate certificate in the Immigration Office and every such employer and such immigrant shall be taken to be bound by such indenture accordingly and every such certificate of indenture signed by the Agent-General and the employer shall be receivable in evidence of any indenture contract or allotment therein specified without further proof. Any employer who may have received an allotment of immigrants and shall refuse or neglect to sign any such certificate of indenture or duplicate of such certificate hereinbefore mentioned when requested so to do by the Agent-General shall on conviction thereof before any magistrate forfeit and pay any fine not exceeding twenty-five pounds and in default thereof suffer imprisonment for any term not exceeding one month.

Certificate of Indenture.

Indentures and Status of Children.

56. The name of every child allotted to any plantation shall be entered on the certificate of indenture and in addition to the other particulars required there shall be recorded thereon his age as

Name, age, and parentage of children to be entered on indenture.

as decided by the medical officer and the names and registered numbers of his parents (if any). Provided that such entry on the certificate shall not except as otherwise provided imply any obligation on the part of the said children to work.

Privileges and obligations of children of indentured immigrants.

57. The children of indentured immigrants residing on any plantation shall except as otherwise provided be entitled to the same rights privileges and immunities and be liable to the same obligations as indentured immigrants are entitled or liable to under this Ordinance.

Children over five years to be indentured.

58. Every child of an immigrant who on arrival shall be over five years of age shall be indentured to serve on the plantation to which his parent is indentured. Such service shall commence when he reaches the age of ten years and shall terminate not later than five years after his arrival in the Colony.

Cancellation of Indentures.

Indentures may be cancelled in certain cases.

59. The Agent-General may with the consent of the Governor cancel the indenture of any immigrant where it shall appear that such immigrant has been ill-used by his employer or in case of any neglect of duty or breach of contract on the part of his employer or that the house or hospital accommodation provided for such immigrant is bad or insufficient or that any such immigrant has not received proper medical treatment in hospital or if the Agent-General shall on any other ground consider it requisite so to do.

Immigrant whose indenture has been cancelled may be re-indentured.

60. Any immigrant whose indenture shall have been cancelled under the provisions of the preceding section may without his consent be indentured by the Agent-General to such other plantation belonging to the same employer or belonging to such other employer as shall be willing to receive such immigrant for any period not exceeding the period of service remaining unexpired at the time of such indenture being cancelled and there shall be charged a fee of three shillings for every year or part of a year of such new indenture in respect of each immigrant so indentured which fee shall be paid to the credit of the Destitute Indians Fund and when any such indenture shall be made the provisions of section fifty-five shall apply and shall have the same force and effect as in the case of the original allotment of immigrants.

Agent-General may agree with employer to cancel indenture.

61. The Agent-General with the consent of the employer and upon terms to which the employer shall have agreed may cancel the indenture of any immigrant.

Extension of Indentures.

Agent-General may order extension of indenture at expiration of original term.

62. The Agent-General shall on the expiration of the term of the indenture of any immigrant make order in Form 3 of Schedule B hereto that such immigrant shall work for such additional term of service as shall be equal to the number of days recorded against him under sections sixty-three, one hundred and seven, and one hundred and sixty-nine and shall forward such order to the employer of such immigrant and the indenture of such immigrant shall thereupon be taken to have been extended for the additional term of service mentioned in such order. And on the expiration of such additional term of service and so often as is necessary the indenture of such immigrant may be extended until such immigrant shall have worked for the number of days which may from time to time be recorded against him under section sixty-three.

Magistrate may order extension of indenture to compensate employer for time lost through offences under this Ordinance.

63. When an immigrant shall be convicted before a magistrate under sections ninety-six, ninety-seven, and one hundred and fifty-nine such magistrate shall make order in Form 5 of Schedule B hereto for an extension of the period of the indenture of such immigrant

immigrant proportionate to the period lost to the employer by reason of the offence proceedings and sentence. Provided that no order of extension made under any of the provisions of this Ordinance shall unless the Agent-General see fit be made where the immigrant was under the age of fifteen years at the date of the magistrate's order.

64. Every such order shall be made out in duplicate and the magistrate shall cause a record of the same to be entered in a book to be kept for that purpose. And one of such orders shall be delivered to the employer or his agent and the other shall be forwarded with as little delay as possible to the Agent-General.

Manner of recording and dealing with orders of extension when made.

65. When and so often as any indentured immigrant shall be committed to prison by the Supreme Court or any other duly constituted court of this Colony for any criminal offence the Agent-General may on discharge of such immigrant from gaol if he see fit order the extension of the indenture of such immigrant in Form 4 of Schedule B hereto for such term as the employer is entitled to under the indenture even though at the time when such immigrant shall be released from such prison the term of his indenture shall have expired and in every such case the Agent-General shall state on such order the date from which and the date to which the indenture of such immigrant shall be extended.

Agent-General may order extension of indenture to compensate employer for time lost through imprisonment of immigrant for criminal offences.

66. In any case where an order for extension of service shall have been or may hereafter be made by the Agent-General or by any magistrate the Governor in Council may at any time annul or alter such order.

Governor in Council may annul or alter order of extension.

Re-indentures.

67. Any person may enter into a reindenture with an old immigrant to work on any plantation which is under the control or management of such person and any such reindenture may be for a term not exceeding three years from the date thereof nor less than six months. Provided that the Governor in Council may at any time fix any less term as the maximum term for which reindentures may be registered.

Old immigrant may be reindentured.

Limit of term.

Proviso.

68. In every case of reindenture of an old immigrant a certificate shall be signed by the employer and by such immigrant in the presence of the magistrate of the district in which the immigrant may be residing or is to be employed and such magistrate shall certify that such signature or mark was made voluntarily by such immigrant and that the meaning of such reindenture had been fully explained to and was to the best of the magistrate's belief understood by such immigrant and that the bounty (if any) agreed upon by both of the contracting parties was paid to such immigrant in his presence. Provided always that before any immigrant shall be allowed to sign any such reindenture he shall produce to the magistrate his certificate of completion of service or of industrial residence.

Reindenture to be signed before the magistrate of the district.

Certificate of magistrate.

Immigrant to produce certificate of completion of service or of industrial residence.

Form of contract of reindenture.

69. Every such certificate of reindenture shall be in Form 6 of Schedule B hereto and in duplicate. The magistrate shall give one copy to the employer and shall transmit the other to the Agent-General together with the immigrant's certificate of completion of service or of industrial residence aforesaid having indorsed thereon the date name of employer and plantation amount of bounty (if any) and terms of reindenture.

Indorsement of certificate of industrial residence.

70. The magistrate shall charge every employer entering into a reindenture with an old immigrant under this Ordinance a fee of three shillings *per caput* for every year or part of a year of such reindenture and all fees received under the provisions of this section shall be paid to the credit of the "Destitute Indians Fund."

Reindenture fee to be paid to the magistrate and credited to the "Destitute Indians Fund."

71. The magistrate may at his discretion refuse to certify to any reindenture and in every such case he shall forthwith report the reason

Magistrate may refuse to certify to contract of reindenture.

reason for such refusal to the Governor who may if he shall see fit direct the reindenture to be carried into effect by the magistrate as hereinbefore provided.

Reindenture to have force of indenture.

72. Except as otherwise provided every reindenture made by an old immigrant under this Ordinance shall have the same force and effect as an indenture under this Ordinance and the contracting parties shall possess the same rights and privileges and be subject to the same obligations and penalties as are given to and imposed on employers and labourers by the provisions of this Ordinance.

Record of reindenture of immigrant.

73. When the Agent-General shall have received the certificate of reindenture and of completion of service or of industrial residence indorsed by the magistrate as provided in section sixty-nine he shall cause the reindenture to be recorded in a book to be kept for that purpose and the certificate of completion of service or of industrial residence having been marked with the office number of the reindenture shall thereafter be returned to the immigrant.

Agent-General may reindenture old immigrant.

74. Notwithstanding anything contained in section sixty-eight the Agent-General shall have the power to reindenture any old immigrant subject to the provisions of this part of this Ordinance and in any such case the fee provided in section seventy shall be payable by the employer.

Agent-General may refuse to indorse contract of reindenture which shall then determine.

75. The Agent-General may subject to the approval of the Governor refuse to record any reindenture under section seventy-three whereupon the said reindenture shall determine and the immigrant shall refund to his employer such portion of the bounty (if any) received as may be proportionate to the unfulfilled period of his service.

Extension of reindenture.

76. No order for the extension of a reindenture shall be made in the case of an immigrant who shall not have received a bounty on reindenture equal to at least two pounds for each year of the term of his reindenture.

Cancellation of reindenture.

77. Reindentures entered into under the provisions of sections sixty-seven to seventy-eight may be cancelled in the same way as original indentures provided however that section sixty shall not apply to such cases. And in any case where any immigrant and his employer shall mutually agree to the cancellation of the reindenture of such immigrant and shall so inform the magistrate of the district in which they reside such magistrate may cancel such reindenture and upon so doing shall indorse such cancellation on the certificate of industrial residence or certificate of completion of service of such immigrant and shall report the matter to the Agent-General who shall record such cancellation.

Payment of wages of reindentured immigrants.

78. All wages due to any old immigrant under a reindenture under this Ordinance shall be paid to such immigrant weekly fortnightly or monthly as may be expressed in the reindenture and the provisions of section one hundred and four shall as regards engagements entered into under this part of this Ordinance be read as though the words "pay-day" were substituted for the words "weekly pay-day" in the said section.

PART VII.

DWELLINGS—RATIONS FUEL AND WATER.

Dwellings.

House accommodation to be provided by employer.

79. Every employer of indentured immigrants shall assign to each such immigrant during the term of his indenture a suitable dwelling upon the plantation and shall at all times keep such dwelling in sufficient repair and shall keep the yard and grounds for a sufficient space round

round about such dwelling free from brush weeds and rubbish of every description and well drained and the drains clear and in good order.

80. No dwelling which in the opinion of the Agent-General is unfit for habitation shall be assigned to any indentured immigrant and no greater number of immigrants shall be assigned to any dwelling or separate apartment except with the special permission of the Agent-General than at the rate of one adult to every three hundred cubic feet of space or of three single men or of one man and one woman with not more than two children to every one apartment of not less than nine hundred cubic feet of space.

81. It shall be the duty of every employer to cause to be made an efficient daily inspection of the houses of all immigrants indentured to the plantation in order to ensure the preservation of cleanliness and the due care of the sick.

82. Every employer shall provide and maintain on a site convenient to the dwelling-houses of the immigrants employed on any plantation one suitable latrine for every fifty or less number of immigrants in his employ and shall cause the same to be kept in proper sanitary condition and any employer failing to comply with the provisions of this section shall on conviction thereof in a summary manner forfeit any sum not exceeding five pounds.

83. Every employer who shall fail to provide with a suitable dwelling any immigrant indentured to him or who shall in any respect neglect or refuse to comply with the provisions of this Ordinance or with the regulations thereby authorised in respect of the daily inspection repair occupation arrangement and drainage of such dwelling and the yard or grounds about it shall on conviction at the complaint of any immigrant thereby aggrieved or of the Agent-General pay a fine not exceeding ten pounds.

84. If it shall appear to the Agent-General that any plantation is not provided with suitable dwellings and latrines for the immigrants allotted thereto or that any dwellings or latrines provided are not in good and sufficient repair or that the water supply upon any plantation is insufficient or that any plantation hospital has been allowed to fall into disrepair or for any reason has become insufficient the Agent-General in addition to or instead of any legal proceedings which may be taken by him in respect of any of the above matters under and by virtue of the provisions of this Ordinance may by notice in writing to the employer require him to provide suitable dwellings or latrines or to repair any dwelling or latrine which is not in good and sufficient repair or to supply sufficient water or to repair or extend or alter any plantation hospital in such a manner and within such a time as shall be specified in such notice and if such notice be not complied with the Agent-General may cause the works mentioned or referred to therein to be executed at the expense of the General Revenue and any sum so expended together with interest thereon at the rate of eight per cent. and costs shall be recoverable from such employer at the suit of the Agent-General in a summary way.

85. Every immigrant who shall keep his dwelling in such a filthy or unwholesome state as to be a nuisance or injurious to health or who shall refuse or neglect within a reasonable time after being required by his employer to do so to remove any nuisance which may have been caused or any noxious matter or substance which may have accumulated or been placed in or in the immediate proximity of his dwelling or who shall commit any nuisance within sixty yards of any stream running through or any thoroughfare running through or adjoining

Penalty.

adjoining any plantation shall on conviction in a summary way forfeit any sum not exceeding ten shillings or be imprisoned for any term not exceeding one month.

Rations Fuel and Water.

Employer to ration immigrant for first six months of indenture.

86. Every employer of indentured immigrants shall provide and furnish daily to every adult immigrant during the first six months of his industrial residence—

- | | |
|--|------------------|
| (1) One pound and a half of rice, or | } in an uncooked |
| (2) One pound of rice and four ounces of dal | |
| (3) One ounce of cocoanut oil or ghi, | state, |
| (4) Three-quarters of an ounce of masala or curry stuff, | |
| (5) Two ounces of sugar, | |
| (6) One ounce of salt, | |

Or such equivalent quantity of other food as the Agent-General may from time to time allow.

Employer to ration children for the first twelve months of industrial residence.

All of which shall be of good and wholesome quality. And to every child of such immigrant who shall be above the age of five years and under the age of ten years during the first twelve months of his industrial residence—

One half of the said rations.

And to every child of such immigrant who shall be five years old and under during the first twelve months of his industrial residence—

One-third of such rations of rice sugar and salt or one imperial pint of milk.

Proviso.

The provisions of this section shall not apply to any adult immigrant who shall have been previously resident in this or any other British Colony for a period of twelve months unless he himself desire it.

Agent-General or District Medical Officer may order any immigrant to be supplied with rations.

87. Notwithstanding anything hereinbefore provided it shall be lawful for the Agent-General or for any District Medical Officer at any time during the period of indenture of any immigrant to order such immigrant or the child of such immigrant to be supplied with rations as set forth in the preceding section by his employer either for a certain period or until further directions. But no such order shall be operative for a longer period than six months unless renewed. Every immigrant in respect of whom such an order shall have been issued shall during its continuance be considered other than an able-bodied immigrant.

Employer may deduct 5d. per diem for rations supplied.

88. It shall be lawful for any employer who shall supply such rations as aforesaid to deduct from the wages earned by any immigrant to whom such rations have been supplied the sum of five pence for each day in the week in which such wages were earned and such deductions shall be made notwithstanding that such immigrant shall have neglected to take or shall have refused to accept such rations. Provided however that no such deductions shall be made for any rations supplied in any previous week nor for any rations supplied to an immigrant under the age of ten years or to an immigrant who is sick or in hospital.

Proviso.

Penalty on immigrant bartering or selling rations.

89. Every immigrant who shall sell or barter any ration or part of any ration furnished under this Ordinance shall on conviction in a summary way pay a fine not exceeding ten shillings and in default of payment be imprisoned for any term not exceeding one month. And any person who shall take by way of purchase or barter from any immigrant any such ration or part of a ration shall on conviction in a summary way pay a fine not exceeding five pounds and in default of payment be imprisoned for any term not exceeding one month.

Penalty on purchaser.

90.

90. In any case where there shall be a scarcity of firewood or fuel on any plantation or where such fuel or firewood shall be at a greater distance than two miles from the dwelling of any indentured immigrant or four miles where means of carriage is provided for such immigrant the employer shall be bound to provide such immigrant with a sufficient supply of firewood or fuel gratis and where there shall not be a constant supply of pure running water on or immediately adjoining any plantation the person in charge of such plantation shall be bound to supply such immigrant with pure water.

91. Any employer of indentured immigrants who shall fail to supply such immigrants with the rations fuel or water as provided for in this Ordinance or by any regulation hereafter to be made shall on conviction thereof at the instance of any such immigrant before the magistrate of the district in which the plantation to which such immigrant is or may have been indentured is situated or at the instance of the Agent-General before either the magistrate of the district or the magistrate at Suva forfeit and pay any sum not exceeding twenty-five pounds and in default of payment be imprisoned for any term not exceeding three months.

PART VIII.

WORK AND WAGES.

Work.

92. The employer of any indentured adult immigrant may require such immigrant to perform either by way of task work or time work any work for which he is not physically unfit and shall provide every such immigrant with a full and fair day's work on every day on which such work is not rendered impossible by reason of bad weather Sundays and authorised holidays only excepted and the employer on the assignment of any such work to any such immigrant shall inform such immigrant whether the work allotted to him is time work or task work and any employer who shall neglect or refuse to comply with the provisions of this section shall on conviction for every such offence at the information of any such immigrant or of the Agent-General before the magistrate of the district within which such immigrant shall be serving under indenture forfeit and pay any sum not exceeding five pounds and in default of payment be imprisoned for any term not exceeding one month. Any immigrant to whom work shall not be provided and assigned as aforesaid shall be deemed to be employed on time work and shall be entitled to wages as for time work whether actually working or not.

93. Every employer of indentured immigrants shall supply to each immigrant all tools necessary for the performance of any work assigned to such immigrant and shall when necessary renew or cause to be repaired such tools without charge to such immigrant. Any employer neglecting to comply with this provision shall on conviction forfeit and pay any sum not exceeding five pounds and in default be imprisoned for any term not exceeding one month.

94. Every indentured immigrant employed at time work shall except where prevented by bad weather or by other reasonable cause work for nine hours on each of five consecutive days in every week commencing with the Monday of each week and for five hours on the Saturday of each week and shall be allowed half-an-hour between the hours of six o'clock and eight o'clock of the morning and one hour at noon of each of such days for meals and the hours of work shall always be estimated exclusive of the time allowed for meals.

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Task work.

95. Every indentured immigrant employed at task work shall except when prevented by bad weather or other reasonable cause perform five tasks and one half task in every week commencing on the Monday of each week and shall be allowed on each day on which he shall be engaged at such work to cease from such work for such time or times as altogether shall not exceed one and one-half hour in any one day. Provided that where any such immigrant shall have completed a task on any one day it shall be lawful for him to cease from work for the remainder of such day.

Proviso.

Penalty on immigrant unlawfully absenting himself from work or neglecting or refusing to perform work assigned to him.

96. Any indentured immigrant who shall except on account of ill health or other lawful excuse absent himself from the service of his employer when he ought lawfully to be employed in such service or fail to show ordinary diligence in the performance of any work assigned to him or neglect or refuse to perform or complete any work allotted to him or to amend any work previously assigned to him which shall have been carelessly or improperly performed shall on conviction of any such offence before a magistrate be liable to a penalty at a rate not exceeding three shillings per diem for such time as the magistrate may think the immigrant's labour has been lost to the employer by reason of the immigrant's absence failure neglect or refusal as aforesaid and in default of payment of such penalty to imprisonment for any term not exceeding one month. Provided that on the conviction of any immigrant for any offence against the provisions of this section it shall be lawful for the magistrate before whom such conviction shall be obtained instead of imposing either of the penalties above mentioned to order such immigrant to be returned to the plantation in respect of which he shall be indentured.

Proviso.

Procedure after third conviction.

97. Any indentured immigrant who shall have been three times convicted of the offence of unlawfully absenting himself from the service of his employer shall upon every subsequent conviction of such offence be imprisoned for any term not exceeding six months.

Penalty on employer for enforcing work beyond that specified.

98. When and so often as any indentured immigrant shall have completed fifty hours of time work or five tasks and one half task in any one week such immigrant shall be at liberty to absent himself from work for the remainder of such week and it shall not be lawful for any employer to require from such immigrant any further time or task work during such week except with the consent of such immigrant and any employer who shall require or enforce the performance of any work contrary to the wishes of any indentured immigrant beyond that provided for in this Ordinance shall be guilty of an offence against this Ordinance and shall on conviction thereof forfeit and pay any sum not exceeding five pounds and in default of payment be imprisoned for any term not exceeding one month.

"Limited Tasks Book" to be kept.

99. There shall be kept on every plantation a book to be called the "Limited Tasks Book" which book shall be divided into two parts one to be called "Class A Three quarter task labour" and the other "Class B Half task labour." Such book shall be one of the "books of such plantation" within the meaning of section forty-seven.

District Medical Officer during every six months to enter as three-quarter-task or half-task labourers all immigrants not able to perform a full task.

100. Every District Medical Officer shall inspect all immigrants under indenture in his district at or before the expiration of every six months of their indentures and shall enter in the Limited Tasks Book by name and number as a three-quarter-task labourer or a half-task labourer every such immigrant who in his opinion is not able to perform a full task and shall sign and date any such entries.

District Medical Officer may on application of employer or immigrant enter immigrant as a three-

101. The District Medical Officer shall on the application of any employer or of any indentured immigrant examine and if he shall deem it necessary enter as aforesaid any indentured immigrant under one of such classes or alter the classification of any indentured immigrant

grant from one class to the other or cancel any former entry. All such fresh entries and alterations shall be signed and dated by such District Medical Officer. quarter-task or half-task labourer or alter previous classification.

102. From and after the entry in such book by any such District Medical Officer of any indentured immigrant's registered number and name such immigrant shall not whilst such entry remains uncanceled be bound on any one day to do a greater amount of work than the proportion of a task which he is classed as being able to perform and the performance by him of such proportion of a task shall be deemed the performance of a full task excepting as regards the rate of payment for the work done which shall be as is provided for in section one hundred and five. Immigrant so entered shall not be bound to perform more than the limited task for which he is classed.

103. Nothing in this Ordinance shall prevent an indentured immigrant classed as a half or three-quarter-task labourer from performing by agreement with his employer labour in excess of his limited task and from being paid for the work he has actually performed in excess of such limited task. Immigrant and employer may agree as to performance of work in excess of limited task.

Wages.

104. All wages due to any indentured immigrant shall be paid in current British coin on the Saturday of each week after noon and when such day shall be a public holiday or such payment is rendered impossible by bad weather such wages shall be paid on the first available working day in the ensuing week after working hours. Wages to be paid on Saturdays weekly.

105. Where any indentured immigrant shall be employed at time work the employer shall pay wages to such immigrant at the following rates:—To every male above the age of fifteen years a sum not less than one shilling and to every female above such age a sum not less than nine pence for every day on which such male or female shall perform an ordinary day's work of nine hours and to every immigrant below the age aforesaid a sum at such rate as shall be proportionate to the amount of work done. Rate of wages for time work.

106. The rate of payment for a full task shall be not less than one shilling in the case of an adult male and not less than nine pence in the case of an adult female. For a three quarters task three fourths of the amount paid for a full task and for a half task one-half of the amount paid for a full task. Provided that where a task has not been completed it shall not be lawful to withhold payment in respect of the portion of work done on the ground of non-completion of the full task. Rate of payment for task work.

107. If any employer shall neglect or refuse to pay any indentured immigrant the full amount of wages due to such immigrant for the period immediately preceding any weekly pay-day or shall withhold any wages due to such immigrant any such immigrant who may consider himself aggrieved may proceed in a summary manner before the magistrate of the district to recover such wages as may be due. If it shall appear that the wages claimed are due such magistrate shall make an order for the immediate payment thereof together with a sum not exceeding one shilling for every day on which it shall have been necessary for such immigrant to attend court in the prosecution of any such suit. Provided that in any such case where it shall be proved that the wages claimed by any such immigrant were not due or owing to him the magistrate may order that such immigrant shall work on the plantation in respect of which he shall be indentured for one day additional for every day on which he shall have absented himself from work in the prosecution of any such action for wages and such magistrate shall cause a copy of every such order to be forwarded to the Agent-General. Immigrant may proceed against employer for wages due.

Proviso.

Penalty on employer
non-payment of
wages in certain
cases.

108. In any case where any employer shall be convicted of the non-payment of wages under the provisions of the section next preceding and it shall appear to the magistrate before whom such case shall be tried that such case is one of more than ordinary injustice on the part of the employer such magistrate shall besides enforcing the payment provided for in the preceding section impose on the employer of such immigrant any fine not exceeding ten pounds and in default of payment imprisonment with or without hard labour for any term not exceeding two months. And such magistrate shall report every such case to the Agent-General.

PART IX.

TICKETS OF LEAVE—CERTIFICATES OF INDUSTRIAL RESIDENCE— PASSPORTS.

Immigrant may
absent himself in
certain cases and de-
mand ticket of leave.

109. When and so often as any indentured immigrant shall have completed fifty hours of time work or five tasks and one half task in any one week he shall be at liberty to absent himself from work for the remainder of such week and may demand of his employer a written ticket of leave for such absence and such absence shall not be considered as unlawful absence or desertion. And such employer shall be bound to grant such ticket of leave.

Limitation as to
ticket of leave.

110. It shall not be lawful for any employer to grant to any indentured immigrant a ticket of leave or permission to absent himself from the plantation for more than thirty days in one and the same year or for more than fifteen days at one and the same time except by the permission of the Agent-General indorsed on such ticket of leave and it shall be lawful for the Agent-General at any time during the time that such ticket of leave shall be in force to recall such permission and to order such immigrant to be returned by the police to the plantation on which he shall be indentured. But leave of absence granted under the preceding section shall not be included in computation of period of absence allowed under this section. Any employer who shall grant any ticket of leave or permission of absence to any immigrant contrary to the provisions of this Ordinance shall on conviction thereof before any magistrate at the information of the Agent-General forfeit and pay any sum not exceeding ten pounds and in default of payment be imprisoned for any term not exceeding two months.

Penalty.

Penalty for giving
exemption from ser-
vice other than as
herein provided for.

111. It shall not be lawful for any employer whether for pecuniary consideration or otherwise to grant to any indentured immigrant either verbally or in writing exemption from service during the whole or part of the term of his indenture save as is provided in this Ordinance. Any employer who shall grant any such exemption shall on conviction thereof before any magistrate on the information of the Agent-General forfeit and pay any sum not exceeding ten pounds and in default of payment be imprisoned for any term not exceeding two months. The provisions of this section shall not apply to any immigrant who shall have been reindentured under sections sixty-seven to seventy-eight.

Employer to grant
certificate of comple-
tion of service to im-
migrant on expiration
of term of indenture.

112. Every employer of an indentured immigrant shall on the expiration of the term of service of such immigrant or if the said term of service has been extended by orders made under section sixty-two or section sixty-five on the expiration of such extended term of service or on payment of a sum at the rate of three pence for each day of such term of extended service deliver to such immigrant on his request a certificate under the hand of such employer in

in Form 7 of Schedule B hereto that such immigrant has completed his term of service and every employer who shall refuse or fail to deliver such certificate to any immigrant when lawfully required so to do shall on conviction thereof before any magistrate forfeit any sum not exceeding twenty pounds any part of which may at the discretion of the magistrate be paid to the immigrant as compensation.

113. Any immigrant who shall have completed the period for which he shall have been indentured or whose indenture shall have been determined under any of the provisions of this Ordinance may demand of the Agent-General a Certificate of Industrial Residence and such certificate in Form 8 of Schedule B hereto shall be delivered to such immigrant by the Agent-General without any charge or fee for the same. Provided that this section shall not apply to any immigrant who shall have been indentured again under the provisions of section sixty-seven nor unless the Agent-General shall so see fit to any immigrant whose indenture shall have been cancelled under section fifty-nine.

Certificate of Indus-
trial Residence.

114. It shall be lawful for the Agent-General in his discretion to grant to any immigrant not under indenture who shall have been under the age of five years at the time of his introduction into the Colony and so soon as such immigrant shall have attained the age of ten years a certificate that such immigrant is at liberty to work where he pleases.

Certificate to
children.

115. Any immigrant who shall have completed a residence of five years in the Colony and who shall not be under indenture or working out an extension of indenture or detained by order of any court may demand of the Agent-General a Passport in Form 9 of Schedule B hereto to leave the Colony.

Passport to leave
Colony.

116. Any person who shall forge counterfeit or alter any certificate of industrial residence or passport or ticket of leave or utter or produce in evidence any such certificate or passport or ticket of leave knowing the same to be forged counterfeited or altered shall be guilty of felony and shall on conviction thereof be liable to be imprisoned with hard labour for any term not exceeding three years.

Penalty for forging
or altering any cer-
tificate.

117. Any immigrant or other person who shall buy sell give lend or use any certificate passport or ticket of leave for any fraudulent purpose shall on conviction thereof before any magistrate be liable to be imprisoned with hard labour for any term not exceeding six months.

Penalty for buying,
selling or lending, or
using certificate, &c.,
fraudulently.

PART X.

HOSPITALS.

118. Any police constable who shall find any immigrant in any high-road or other place not being the plantation on which such immigrant shall be employed who shall appear to such constable to be in need of medical aid shall cause such immigrant to be taken before the nearest magistrate or justice of the peace and if such magistrate or justice of the peace shall be of opinion that such immigrant requires medical aid he shall by warrant under his hand order such immigrant to be conveyed to the nearest public or other hospital and such warrant shall be sufficient authority to any person in charge of such hospital for the admission into such hospital of such immigrant. Or where any such immigrant shall be ascertained to be under contract to serve on any plantation then the magistrate or justice of the peace before whom such immigrant may be brought if he shall consider that such immigrant is in such a state of health that he can be taken to such plantation without danger shall direct such immigrant to be removed

Immigrant requiring
medical treatment
found off his plan-
tation to be taken
before the nearest
magistrate.

removed to such plantation. Provided that in any case where any such magistrate or justice of the peace shall consider the nearest public or other hospital or the plantation on which such immigrant shall be serving to be at such a distance that such immigrant cannot with safety be removed thither then he shall take such steps as may be possible under the circumstances to secure aid and treatment for such immigrant and may make such charge for such aid and treatment as shall be fair and reasonable.

Cost of treatment of indentured immigrant to be paid by employer.

119. The cost of the maintenance and treatment of any indentured immigrant in any public or other hospital and the expense (if any) of removing such immigrant to such hospital and the charge made by any magistrate or justice of the peace for securing aid and treatment under the preceding section and the cost of interment of any such immigrant or of conveying him back to the plantation to which he shall be indentured shall be paid by the employer of such immigrant and in default of payment the same may be sued for by the Agent-General.

Payment of cost of treatment of unindentured immigrant.

120. In the case of an unindentured immigrant the charges set forth in the preceding section shall be paid by such immigrant or the estate of such immigrant and in default of payment the same may be sued for by the Agent-General. If however it at any time shall appear to the Agent-General that such immigrant or the estate of such immigrant is unable to pay such charges the same shall be paid by the "Destitute Indians Fund."

Immigrant leaving hospital without permission may be returned and prosecuted.

121. Any immigrant sent under this Ordinance to any public or other hospital who shall without permission leave such hospital before being duly discharged therefrom may be returned to such hospital by the officer in charge of such hospital or by his servant or by the employer or by his servant or by any constable. And every immigrant who shall so leave such hospital or who shall be guilty of any disorderly conduct or of inciting any other patient to be disorderly in any such hospital shall on conviction thereof before any magistrate forfeit and pay any sum not exceeding ten shillings and in default of payment be imprisoned for any term not exceeding one month.

PART XI.

PLANTATION HOSPITALS.

Hospital required on every estate where there are more than five indentured immigrants.

122. Unless the Agent-General with the approval of the Governor has given his written consent for other arrangements to be made there shall be on every plantation to which more than five immigrants shall be allotted to serve under indenture a building duly certified as hereinafter provided for the reception of indentured immigrants who may require medical care or treatment and such building shall for the purpose of this Ordinance be known as the "Plantation Hospital" of the plantation on which it shall be situated.

Manner of certifying plantation hospital.

123. The owner or any person having the charge of any plantation may by notice under his hand to be delivered to the Agent-General require any building to be inspected with a view to the same being certified as a plantation hospital under this Ordinance and the Agent-General or some person authorised in writing by him shall within a reasonable time after such notice shall have been given inspect such building and if he shall find the site suitable and the internal dimensions of such building to be sufficient for the accommodation at one and the same time of one-tenth part at least of the immigrants under indenture on such plantation in the proportion of eight hundred cubic feet of space to each of such immigrants and that such building

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is sufficiently ventilated and the site thereof properly drained and that there are provided separate wards for male and female immigrants proportioned in size to the number of males and females respectively indentured on such plantation and that there is a sufficient supply of water and latrine accommodation and shall be otherwise satisfied that such building is fit and suitable for the purposes to which it is to be applied shall thereupon grant a certificate under his hand in Form 10 of Schedule B hereto that such building is fit to be used as a plantation hospital and shall in such certificate state the number of patients that each ward of such building is capable of accommodating and every building so certified shall be deemed a plantation hospital for the purposes of this Ordinance and such certificate shall be kept in some public part of such hospital and open to the inspection of all persons authorised to visit such hospital and a duplicate of such certificate shall be kept in the office of the Agent-General.

124. The Governor may from time to time appoint the District Medical Officer of the district in which any plantation hospital shall be situated or if there shall be no District Medical Officer in any such district then such other duly qualified person as he shall see fit to appoint to visit such hospital and may make rules and regulations as to any arrangements that may be made by the Agent-General under section one hundred and twenty-two the time at which such District Medical Officer or other person so appointed shall visit any such hospital the supply of water for and the rationing of any immigrants in such hospital and the supply of clothing bedding furniture medicines medical comforts and medical and surgical appliances that shall be kept in any such hospital and may fix any penalty not exceeding ten pounds for the breach of any such regulation and may from time to time alter amend or annul any such regulation and a copy of all such regulations shall be published in the *Royal Gazette* before coming into force and shall be laid before the Legislative Council.

125. On every plantation where there shall be a plantation hospital the employer shall employ and pay at least one competent person as hospital attendant to nurse and attend to the patients in such hospital and such hospital attendant shall reside in such hospital or within such distance thereof as the District Medical Officer may approve.

126. The person in charge of any plantation on which a plantation hospital is situated shall cause an "Admission and Discharge Register" in the Form 11 of Schedule B hereto to be kept in such hospital and such Admission and Discharge Register shall be open to the inspection of the Agent-General the District Medical Officer or any person appointed by the Governor or by the Agent-General to inspect such hospital.

127. Every indentured immigrant who shall require medical care or treatment shall be sent by the employer of such immigrant to the plantation hospital or to some public or other hospital for treatment as an in-patient or out-patient as the case may be. Any such immigrant may be sent to a plantation hospital of a plantation other than that to which such immigrant shall be indentured provided that the consent of the owner or manager of such other plantation and the Agent-General shall have been first given. If any such immigrant being so sent or ordered by such employer to go to any plantation hospital shall neglect or refuse to go to such hospital or without permission or due discharge therefrom leave such hospital such immigrant may be taken or returned to such hospital by the employer or his servant and may be dealt with under section one hundred and thirty-four in the same manner as if disorderly in hospital.

128.

"Hospital Diary" to be kept in hospitals.

Diet while in hospital.

"District Medical Officer's Visit Book" to be kept in hospitals.

Penalty for taking food, &c., to patient in hospital.

Removal of immigrant from plantation hospital to public hospital.

Withdrawal of certificate of plantation hospital.

Penalty on immigrant guilty of disorderly conduct in hospital.

Additional temporary hospital accommodation to be provided in the event of any disease breaking out on a plantation.

128. Every employer shall cause to be entered the names of all immigrants treated as in-patients or out-patients in a book to be kept for that purpose to be called the "Hospital Diary" in Form 11a of Schedule B hereto. Such book shall contain a record of the ailment and treatment of every such patient and shall be open to inspection by the Agent-General or the District Medical Officer.

129. The employer shall provide rations to every indentured immigrant while in hospital. Such rations in the absence of specific directions from the District Medical Officer shall be as set forth in section eighty-six or such substitute therefor as in the opinion of the hospital attendant may be advisable in each case.

130. Every employer shall cause to be provided and kept in the hospital a book to be called the "District Medical Officer's Visit Book" and the District Medical Officer shall record therein in addition to other necessary particulars such specific directions as he may give as to the rations or food to be supplied to immigrants in hospital.

131. It shall not be lawful for any person to take or attempt to take food or drink of any description to or otherwise communicate with any immigrant while in hospital without the permission of the District Medical Officer or the employer or the hospital attendant. Every person convicted of a breach of the provisions of this section shall be liable to a penalty not exceeding five pounds or in default of payment to imprisonment for any term not exceeding three months.

132. If at any time it shall appear to the Agent-General or District Medical Officer or any other person duly authorised to visit any plantation hospital that the removal of any indentured immigrant from such plantation hospital to some public or other hospital is necessary the Agent-General or District Medical Officer or authorised visitor shall by entry in writing in the Admission and Discharge Register of such hospital order such patient to be removed to such public or other hospital as he shall see fit within a time to be limited and appointed by such entry in writing and the employer shall be bound to comply with such order.

133. If the Agent-General shall be of opinion that any plantation hospital is no longer fit to be used as a hospital it shall be lawful for the Governor to withdraw the certificate in respect of such hospital and such hospital shall cease to be a plantation hospital within the meaning of this Ordinance and the immigrants upon the plantation or plantations for which such hospital may have been used may be removed and assigned to such other plantation or plantations as the Governor may see fit.

134. Where any immigrant shall be guilty of any disorderly conduct or of inciting any other patient to be disorderly in any plantation hospital the employer of such immigrant or the owner of such hospital may if he shall see fit so soon as any such immigrant shall be in such a state of health as to permit of his leaving such hospital lay information against such immigrant for such offence before the magistrate of the district in which such plantation hospital shall be situated and any immigrant convicted of any such offence before any magistrate shall forfeit and pay any sum not exceeding ten shillings and in default of payment be imprisoned for any term not exceeding one month.

135. In case of any disease breaking out upon a plantation the employer shall construct or procure such additional hospital accommodation of a temporary nature as the Agent-General upon the advice of a District Medical Officer may direct and within such time as may be specified in the direction. An employer who shall refuse or neglect to provide such additional hospital accommodation shall

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on conviction in a summary way be liable to a penalty not exceeding fifty pounds or in default of payment to imprisonment for any term not exceeding six months. And in case of such neglect or refusal the Agent-General may cause such additional accommodation to be provided and the expense thereby incurred together with eight per cent. interest thereon and costs of suit may be recovered from such employer in a summary way.

PART XII.

BIRTH AND DEATH REPORTS.

136. On the birth of a child of any immigrant it shall be the duty of the employer of such immigrant to forward within one month a report of such birth to the Agent-General filled in as near as possible in Form 12 of Schedule B hereto. Birth report.

137. On the death of any immigrant or of the child of any immigrant it shall be the duty of the employer of such immigrant to forward within one month a report of such death to the Agent-General filled in as near as possible in Form 13 of Schedule B hereto. Death report.

138. When such death shall occur in a district to which a District Medical Officer is appointed it shall be the duty of the employer to apply forthwith to such medical officer for a certificate in the terms set forth in the said form and on receipt thereof to at once forward the same to the Agent-General. Medical certificate of death to be procured.

139. When such death shall occur from other than natural causes or when any immigrant shall have died from any cause whatever and shall not have been attended by a District Medical Officer or other duly qualified medical practitioner or when the cause of death cannot be certified to by a District Medical Officer or other duly qualified medical practitioner the employer shall forthwith forward a report of such death in Form 13 of Schedule B hereto and of the circumstances attending it to the magistrate of the district. Provided that whenever a District Medical Officer shall refuse or be unable to give the certificate mentioned in the preceding section he shall forthwith report such fact to the magistrate together with his reasons for such refusal or inability. Deaths from non-natural causes or without attendance or certificate of doctor to be reported to magistrate.

140. Every such death report duly furnished to the Agent-General shall be deemed also a death report under the provisions of "The Deceased Immigrants' Estates Ordinance 1885." Death report to be deemed the report required by Deceased Immigrants' Estates Ordinance.

PART XIII.

ORPHANS.

141. Every employer shall take charge of all children upon his plantation who shall have become orphans and shall properly provide for the same until he shall have communicated with the Agent-General and the Agent-General shall have taken charge of such orphans. The employer shall if so required by the Agent-General send such orphans in safe custody to the Immigration Office at Suva free of charge. Employer to take charge of orphans, and report to Agent-General.

142. The Agent-General may subject to such conditions as may be approved of by the Governor commit the care and custody of any orphan to any person hereinafter termed the guardian whom he may think a fit and proper person to have the charge of such orphan and who is willing to accept such charge and may change such guardian whenever he shall think fit. Every such guardian may

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Indian Immigration Ordinance 1891.

be required to enter into a bond with surety to the satisfaction of the Agent-General for the due performance of the conditions to be therein specified relative to the maintenance and care of such orphan. But whether such bond be entered into or not any person in whose charge such orphan may be or shall be placed and accepted shall be liable to all the provisions of this Ordinance.

Payment of guardian.

143. Where any payment is to be made to the guardian of any orphan for the care and maintenance thereof such payment shall be made from the Indian Immigrants Introduction Fund and at such rate as may be approved by the Governor.

Provision for orphan until assigned to guardian.

144. It shall be lawful for the Agent-General to expend such sums as may be necessary to provide for the care and maintenance of an orphan until committed to the charge of a guardian under the provisions of this Ordinance and all sums expended as aforesaid shall be defrayed out of the Indian Immigrants Introduction Fund.

Penalty on person interfering with guardian or orphan.

145. Any person who shall wilfully interfere with a guardian in any of the duties of his guardianship or who shall unlawfully remove or entice or attempt to remove or entice an orphan from the care and custody of the guardian shall be liable on summary conviction to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for any term not exceeding four months.

Agent-General, &c., may visit or summon guardian.

146. It shall be lawful for the Agent-General or any person authorised by the Agent-General in writing to enter upon and visit the premises of any guardian having the care and custody of an orphan or to direct such guardian to appear before him with such orphan at any stated time and place where the Agent-General or other person as aforesaid shall so require provided that such place shall not be more than five miles distant from the usual residence of such guardian. Any person who shall obstruct or hinder the Agent-General or other person as aforesaid in the performance of his duties as hereinbefore described and any guardian who without sufficient cause shall fail to attend when so required as aforesaid shall be liable on summary conviction to a penalty not exceeding ten pounds and in default imprisonment with or without hard labour for any term not exceeding two months.

Penalty for obstruction or failure.

147. No guardian having the care and custody of an orphan shall without the consent of the Agent-General transfer such orphan to the care of any other person or change his place of residence without causing the Agent-General to be informed of such change.

Guardian to notify change of address.

148. The Agent-General shall keep a "Register of Orphans" in which shall be entered the name of any orphans and if any such orphan was introduced from India the ship's number of every such orphan and the date of arrival in the Colony the names and registered numbers of its parent or parents the name and registered number (if any) of the guardian to whose care and custody such orphan is committed the amounts expended on account of such orphan and the particulars of the indenture or death of such orphan.

"Register of Orphans" to be kept.

Prosecutions—form and limit of.

149. Every information for the commission of any offence against the provisions of this part of this Ordinance shall be laid in the name of the Agent-General and within twelve months of the date of the alleged commission of such offence.

PART XIV.

LUNATICS AND IDIOTS.

150. If any immigrant residing on any plantation whether under indenture or not shall in the opinion of his employer be a lunatic or an idiot it shall be the duty of the said employer to forthwith

Lunatics and idiots to be dealt with under "Public Lunatic Asylum Ordinance 1884."

with cause such immigrant to be taken before a magistrate or a justice of the peace to be dealt with in accordance with the provisions of "The Public Lunatic Asylum Ordinance 1884."

PART XV.

FIRE.

151. It shall not be lawful for any immigrant to smoke or carry or use fire in any part of a plantation other than the lines or dwelling-house of such immigrant contrary to the orders of the manager or overseer of such plantation and for any such offence the immigrant shall be liable upon conviction to a fine not exceeding five pounds or to imprisonment for any term not exceeding six months.

Smoking and use of fire prohibited except in lines or by permission.

152. In the case of a fire on a plantation or in the vicinity thereof the owner manager overseer or other person in actual charge of such plantation may call out the whole of the immigrants on his plantation and may enter with them upon any land where such fire may be or to which there is reasonable apprehension such fire may spread and may do all things reasonably necessary for the purpose of preventing or extinguishing such fire and any such immigrant so called out who shall refuse or neglect to assist in extinguishing such fire shall on conviction be liable to a penalty not exceeding five pounds or to imprisonment for any term not exceeding six months.

Immigrants must attend to prevent or extinguish fire when called on by employer.

Penalty for refusal.

PART XVI.

HARBOURING WRONGFULLY EMPLOYING OR REMOVING IMMIGRANTS FROM THE COLONY.

153. It shall be lawful for any magistrate or justice of the peace on it being made to appear to him by information on oath that there is reasonable cause to suppose that any indentured immigrant is harboured or employed on board of any vessel within the waters of this Colony or in any place not being the plantation in respect of which such immigrant is indentured by warrant under his hand to authorise any police constable with or without the employer or with or without any servant of such employer to be named in such warrant to enter into or on such vessel or place and search for such indentured immigrant and it shall be lawful for any police constable acting in the execution of any search warrant having first demanded admission with such assistance as he may require for the purpose to break open any place in any vessel or any house and for such police constable and such employer and servant to enter such house or vessel in which such immigrant is supposed to be for the purpose of searching for such immigrant and for any police constable acting in the execution of such warrant to apprehend such immigrant and deliver him to the employer or his servant to be returned to the plantation in respect of which he shall be indentured. Any person who shall obstruct any police constable in the execution of such warrant shall on conviction thereof before any magistrate forfeit any sum not exceeding fifty pounds or be imprisoned with or without hard labour for any term not exceeding six months.

Magistrate or justice of the peace may issue warrant to search for immigrant who may be unlawfully harboured or employed.

154. It shall not be lawful for any person to receive into his employment any immigrant not indentured to such person unless such immigrant shall before entering into such employment produce his certificate of industrial residence or a ticket of leave signed by his employer the term of which has not yet expired and deliver the same to

Penalty on person for employing immigrant without producing certificate of industrial residence or ticket of leave.

to the person desirous of employing him and such person shall thereupon take a note of the name and number of such immigrant and the date of the certificate of industrial residence or ticket of leave and any person who shall receive into his service any immigrant without taking such note of the particulars as hereinbefore directed shall at the information of the Agent-General forfeit and pay any sum not exceeding one pound and in default be imprisoned for any term not exceeding fourteen days.

Penalty for employing or harbouring, indentured immigrants.

155. Any person who shall receive into or continue in his employment or harbour or conceal any immigrant being at the time under indenture to some other person except during the time for which a ticket of leave may have been granted by the employer to whom he shall be under indenture shall on conviction thereof before any magistrate forfeit any sum not exceeding twenty shillings for each day during which such immigrant shall have been so harboured or employed and in default of payment be imprisoned for any term not exceeding three months. The information for any such offence may be laid by the Agent-General or by the employer of such immigrant. Where such information shall have been laid by the employer of any such immigrant the magistrate may award the whole or any part of the penalty to such employer as compensation for any loss he may have sustained. Upon every information for an offence under this Ordinance a certificate under the hand of the Agent-General that the immigrant to whom such information shall refer is an indentured immigrant shall be *prima facie* evidence as proof of the fact stated in such certificate.

Penalty on master of vessel for receiving on board or harbouring immigrant.

156. Every master or other person in charge of any vessel who shall receive or harbour on board of such vessel any immigrant who shall not have previously exhibited to him a certificate of industrial residence or ticket of leave signed by his employer the term of which has not yet expired or who shall not be going to or returning from any court of justice on the subpoena or summons of such court or of some justice of the peace which he shall have exhibited to such master or other person on board of any vessel shall on conviction thereof before any magistrate forfeit any sum not exceeding twenty pounds for each and every such immigrant whom he shall have so received or harboured and shall in default of payment of such penalty be imprisoned with hard labour for any term not exceeding three months.

Penalty for harbouring or receiving immigrant on board vessel without passport with intent of carrying such immigrant out of the Colony and for aiding and abetting.

157. Any master or any other person on board of any vessel who shall carry out of the Colony or who shall receive or harbour on board of any such vessel with the intention of carrying out of the Colony any immigrant who shall not have exhibited to such master or person in charge of such vessel a passport duly signed by the Agent-General authorising such immigrant to leave the Colony and any person who shall aid and abet the departure reception or harbouring on board of any such immigrant shall on conviction thereof before a magistrate forfeit any sum not exceeding fifty pounds and in default of payment be imprisoned with hard labour for any term not exceeding six months. And information for every such offence may be laid by the Agent-General.

PART XVII.

DESERTION.

Immigrant absent from work for three days to be deemed a deserter.

158. Any indentured immigrant who shall have absented himself without lawful excuse for three whole days exclusive of Sundays or lawful holidays from the plantation in respect of which he shall be indentured

indentured shall be deemed to be a deserter from such plantation and may be arrested without warrant wherever he may be found by his employer or any one in authority on such plantation or by any police constable who shall be sure of the identity of such immigrant and returned to such plantation.

159. When any indentured immigrant shall be arrested and returned to his plantation under the preceding section the employer of such immigrant if he intends to prosecute such immigrant for such desertion shall within one month after the return of such immigrant cause such immigrant to be taken to the nearest police station or before the nearest magistrate and lay information on oath against such immigrant for desertion and such immigrant shall be confined at such police station as the magistrate shall direct to await trial on the next court day and if such immigrant shall fail to prove that he absented himself with the permission of his employer or other lawful excuse he shall forfeit and pay any sum not exceeding two pounds and in default of payment shall be imprisoned for any term not exceeding two months. Any prosecution for desertion may be entered into against any immigrant even though the term of indenture of such immigrant shall have expired provided his employer shall be able to prove that such desertion took place prior to the expiration of the term of such indenture and that information for such desertion was laid within one month after such deserter was returned to the plantation in respect of which he shall have been indentured.

Penalty for desertion.

PART XVIII.

IMMIGRANTS EMPLOYED ON PLANTATIONS TO WHICH THEY ARE NOT INDENTURED.

160. Any employer who shall remove or permit to be removed an indentured immigrant from the plantation on which he is indentured to serve to any other plantation without the consent of the Agent-General first obtained or shall neglect to return to the plantation on which he is indentured to serve any indentured immigrant removed therefrom under the next succeeding section shall on information of the Agent-General be liable on conviction to a penalty not exceeding five pounds for each immigrant so removed.

Penalty for illegally removing immigrant from one plantation to another or neglecting to return him when removed.

161. The Agent-General may from time to time permit any indentured immigrant to be removed from the plantation on which he is indentured to serve to any other plantation belonging to the same employer and to be kept on such other plantation for any period not exceeding twelve months. Every immigrant so removed to and kept on another plantation must be returned to the plantation on which he is indentured to serve at or before the expiration of the period for which he has been permitted to be kept on such other plantation. All applications by employers for leave to remove immigrants from one plantation to another shall before being dealt with by the Agent-General be laid before the Governor for his direction. Provided that any employer may without having received any permission as aforesaid employ any indentured immigrant on any plantation immediately adjoining the plantation to which such immigrant is indentured so long as such immigrant is returned to his usual abode on his own plantation at the conclusion of each day if he so desire but no such immigrant shall be so employed on any adjoining plantation not belonging to his employer. Any immigrant so removed or so employed for the day shall during and for the period he remains or is employed on such other

Agent-General may permit removal of immigrant for twelve months from one plantation to another belonging to the same employer.

Applications for removal to be first laid before the Governor.

Proviso as to employment on immediately adjoining plantation.

Immigrant to be deemed indentured to plantation to

which removed or on which employed for the day. other plantation be deemed to be and to have been duly indentured to such other plantation.

PART XIX.

RELEASE OF PRISONERS AND DELIVERY FROM PUBLIC INSTITUTIONS.

"Licensed Receiving Agent" in Suva to be licensed by Agent-General to represent employers.

Every employer not resident in Suva to appoint one.

Registration of agents.

162. The Agent-General shall from time to time license such persons residing in Suva as he shall see fit to act as agents for plantations who shall be known as "Licensed Receiving Agents." Every employer who does not reside in Suva shall immediately after the passing of this Ordinance appoint one of such Licensed Receiving Agents to be his registered agent and any employer residing in Suva may if he please do likewise. The name of the person so appointed and the plantations for which he is to act as registered agent shall be delivered in writing by the employer to the Agent-General who shall cause the same to be entered in a book to be kept by him for that purpose and shall at once communicate in writing to the Superintendent of Prisons and the officer in charge of the Public Hospital the fact of such appointment. Upon the said particulars being entered in such book such agent shall be the registered agent of the employer appointing him and of such plantations. Employers shall be at liberty to change their registered agents but if they do so they shall at once notify the change to the Agent-General.

Superintendent of Prisons three days before release of immigrant to notify employer if resident in Suva or registered agent.

Proviso in case of sick prisoner.

Immigrant in hospital at termination of imprisonment to be on his discharge delivered to employer at hospital. Employer to be notified before such discharge.

Employer to take delivery at gaol or hospital and provide necessary conveyance to plantation.

Employer's Agent.

Penalty.

163. It shall be the duty of the Superintendent of Prisons at least three days before any indentured immigrant is released from gaol to give to the employer of such immigrant if he be resident in Suva or to the registered agent of such employer or of the plantation to which such immigrant is indentured a written notice specifying such immigrant and the plantation to which he is indentured and the day and hour at which he will be ready to be delivered at the gaol provided that if at such time such immigrant shall be sick in hospital the Superintendent of Prisons shall notify the fact to such employer or agent together with the date when his sentence will expire and shall also send a duplicate notice to the officer in charge of such hospital who shall act upon the same as hereinafter provided.

164. Any indentured immigrant who at the expiration of his sentence of imprisonment shall be sick in hospital shall on his discharge therefrom be delivered over to the employer or the registered agent or servant of such employer at such hospital. The notice lodged with the officer in charge of the hospital as provided in the preceding section shall be indorsed by him with the time at which the immigrant will be fit to be discharged and shall be sent to such employer or agent at least twenty-four hours before the time of such discharge and the delivery of such immigrant at the hospital in manner aforesaid shall be equivalent for all purposes of this Ordinance to a delivery at the gaol.

165. It shall be incumbent upon the employer personally or by his servant or by his agent or the servant of such agent to receive every indentured immigrant at the gaol or hospital (as the case may be) and to convey such immigrant to his plantation and to lodge and maintain and if needed provide medical aid for such immigrant from the time he leaves the gaol or hospital until he shall have arrived at his plantation. Provided that at Suva such agent shall be a Licensed Receiving Agent under section one hundred and sixty-two. Any employer or agent who shall neglect to provide for such immigrant all necessary conveyance to his plantation or such lodging maintenance or medical aid as aforesaid shall on conviction thereof on the information of the immigrant

Paper taken out of the Records from the charge of the Referencer.

Pub Press Miscellaneous Routine No. *158*, dated *11-3-92*.

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
<i>4-12-05</i>	<i>Pub</i>	<i>3367</i>	<i>05</i>	<i>A</i>	<i>21-12-05</i>	<i>AB</i>
<i>20-2-05</i>	<i>Pub</i>	<i>662</i>	<i>05</i>	<i>A</i>	<i>3/3/06</i>	<i>AB</i>
<i>13-8-05</i>	<i>Pub</i>	<i>3019</i>	<i>05</i>	<i>ab-</i>	<i>22-8-06</i>	<i>AB</i>
<i>19-5-08</i>	<i>Pub</i>	<i>2047</i>	<i>08</i>		<i>22-6-08</i>	<i>AB</i>
<i>12-12-08</i>	<i>Pub</i>	<i>5202</i>	<i>08</i>		<i>22/11/09</i>	<i>AB</i>
<i>11-10-12</i>	<i>Mike</i>	<i>3725/12</i>	<i>12</i>	<i>AA</i>	<i>20/3/13</i>	<i>AA</i>

currents 289, 521
579 and 640.

58

Public Dept.

Letters, 1/158

11 March 92

To the Secy to the Govt of India

Rev. & Agri. Dept.

Sir,

DEPT. OF AGRICULTURE

14/3/92

IN Mr. McNeill MacKenzie

letter of the 25th Jan. 1892

last No. 122/14, I am

directed to inform you

that this Govt - after

consulting the Protector

of Emigrants, Madras -

is of opinion that no

amendments ^{are} ~~are~~

be required in the Fiji

Indian Immigration

Ordinance No. II of 1891.

2. The copy of the Ordinance

received from the

Govt of Bengal is return

ed herewith, as a copy

has been recd. with

Rev. & Agri. Dept. letter No.

326/14 of the 24th ult.

3813

9/3.

✓

9 March

With copy of
Ordinance
sent

has
10 March

District

Order of Stipendiary Magistrate.

I HEREBY make Order that the immigrant whose name _____ mentioned
hereunder shall on the expiration of the term of _____ present indenture work
for the number of days additional stated against name _____

[illegible]

Dated

18

Stipendiary Magistrate.

Form of Reindenture.

REINDENTURE made under the provisions of Part VI of "The Indian Immigration Ordinance 1891" this _____ day of _____ 18__ at _____

Ordinance 1891 " this day of 18 at I manager of plantation in the district of agree to hire Registered No. whose father's name is and I the said immigrant [name] in consideration of £ s. d. bounty (if any) and wages at the rate of payable every agree to serve as an indentured labourer upon plantation for the term of from the date hereof according to the Indian Immigration Ordinance aforesaid.

[Here insert all necessary conditions.]

(Signed)

Employer.
Immigrant.

I Stipendiary Magistrate for the District of do
hereby certify that [name] being the above-mentioned immigrant
appeared before me personally this day of 18 and produced
a certificate of and that the sum of £ s. d. bounty
was paid to in my presence and that the above contract was
signed by the said immigrant voluntarily and with a due understanding of its effect.

(Signed)
Stipendiary Magistrate for the District of

I CERTIFY that the undermentioned Indian immigrant has completed the term of service for which he was indentured to _____ as hereunder expressed.

Name
Registered No.
Father's name
Sex

Dated the _____ day of _____
 Sex _____
 Date of expiration of indenture _____

18

Employer.

Indian Immigration Ordinance 1891.

41

FORM 2 (Section 55).
Certificate of Indenture.

THE several immigrants whose names and registered numbers are entered hereunder were duly indentured to serve on and their respective service will expire on the date set against their names.

Registered No.	Name of Immigrant.	Sex.	Age.	Father's Name.	Name of Vessel.	Ship No.	Date when Service will Expire.	Remarks.

Witness our hands this day of in the year 18

Employer or Agent.

Agent-General of Immigration.

FORM 3 (Section 62).
Order of Extension of Indenture.

I HEREBY make order that the several immigrants *ex* named and described in the Schedule hereto subjoined shall work on plantation for such additional term of service commencing from the day of 18 as shall be equal to the number of working-days set against their names respectively in the said Schedule.

The period of Extension of Indenture relating to each immigrant in the Schedule represents the aggregate of all previous orders of extension of time recorded (under any section of the Indian Immigration Ordinance) in respect of such immigrant. This order is therefore given in lieu of and superseding all previous orders.

Dated, Suva

18

Agent-General of Immigration.

To

[Schedule.]

Name of Immigrant.	Sex.	Age.	Registered No.	Father's Name.	Period of Extension of Indenture.

FORM 4 (Section 65).

Order of Extension of Indenture under section 65 of "The Indian Immigration Ordinance 1891."

WHEREAS was on the under indenture to serve day of 18 on convicted of the offence of before the Court at and sentenced to imprisonment. Now therefore I do hereby make order that the indenture term of the said shall be extended for an equivalent space namely for ; that is to say, day of from the 18 day of to the day of

Given under my hand this

day of

18

Agent-General of Immigration.

SCHEDULES.

SCHEDULE A.

- 1. Ordinance VI of 1878 intituled "The Indian Immigration Ordinance 1878."
- 2. Ordinance XII of 1880 intituled "The Immigration Loan Ordinance 1880."
- 3. Ordinance XIII of 1882 intituled "An Ordinance to amend the law relating to the introduction of Indian Immigrants."
- 4. Ordinance V of 1884 intituled "The Immigration Loan Ordinance 1884."
- 5. Ordinance VII of 1884 intituled "The Indian Immigrants Introduction Ordinance 1884."
- 6. Ordinance XI of 1884 intituled "The Indian Immigration Amendment Ordinance 1884."
- 7. Ordinance XVI of 1884 intituled "The Indian Introduction Advance Ordinance 1884."
- 8. Ordinance IX of 1885 intituled "The Indian Immigrants Engagement Ordinance 1885."
- 9. Ordinance XII of 1885 intituled "The Indian Orphans Ordinance 1885."
- 10. Ordinance XV of 1885 intituled "An Ordinance to amend the Indian Introduction Advance Ordinance 1884."
- 11. Ordinance XVI of 1885 intituled "The Indentures Commutation Ordinance 1885."
- 12. Ordinance I of 1886 intituled "The Indian Orphans Ordinance 1885 and 1886."
- 13. Ordinance VIII of 1886 intituled "An Ordinance to amend Ordinance No. XVI of 1885 intituled 'An Ordinance with regard to the Commutation of Indentures of Indian Immigrants.'"
- 14. Ordinance VI of 1887 intituled "The Indian Immigration Amendment Ordinance 1887."
- 15. Ordinance XVII of 1887 intituled "An Ordinance to amend the Indian Immigration Ordinance 1878."
- 16. Ordinance XIX of 1888 intituled "The Indian Immigrants' Return-passages Ordinance 1888."
- 17. Ordinance XI of 1889 intituled "The Indian Immigration Amendment Ordinance 1889."

SCHEDULE B.

Form 1 (Section 12).

Form of Application.

Immi- gration Office No.	Date of Application.	Name of Appli- cant (in full).	Name and situation of Plantation and Registered No. of Crown Grants or Certificates of Title appertaining to same.	Nature of proposed Employ- ment for the Immigrants required.	Written consent of Registered Proprietor of Plantation and of Lessor or Mort- gagee as the case may be.	Number of Adult Immigrants required.	Remarks

Signature of Applicant

214. When any immigrant shall have been sentenced by a magistrate under the provisions of sections ninety-six and two hundred and seven to a money penalty with an alternative of imprisonment unless such immigrant shall lodge notice of appeal or shall pay to the convicting magistrate within forty-eight hours of the time when the penalty was inflicted the amount of fine imposed the alternative sentence of imprisonment shall if the magistrate so direct be carried out and it shall no longer be optional for the immigrant to pay the fine.

Fines may be paid only within forty-eight hours after infliction.

215. Any employer or immigrant duly convicted of any offence against any of the provisions of this Ordinance for which no specific penalty is provided shall be liable to a fine not exceeding ten pounds and in default of payment to imprisonment not exceeding one month.

General penalty.

216. Every immigrant who shall be imprisoned by virtue of any conviction under this Ordinance shall perform hard labour while imprisoned.

Immigrant imprisoned hereunder to perform hard labour.

217. It shall be lawful for the Agent-General with the consent of the Governor to withdraw from time to time from the Destitute Indians Fund such sums as may be necessary for the relief and support of sick or destitute immigrants who are not fit to be indentured. And in the month of January in each year or at the first meeting of the Legislative Council thereafter an account of all moneys so withdrawn during the year ending on the thirty-first day of December last preceding shall be laid before the Legislative Council.

Operation on Destitute Indians Fund for the relief and support of sick destitute immigrants.

218. In addition to the regulations herein provided for in respect of plantation hospitals the Governor in Council may make regulations respecting the care and maintenance of orphans registered under the provisions of this Ordinance and for the lodging medicine medical care water and food to be provided for indentured immigrants and respecting any other matters for carrying this Ordinance into effect and fix such penalty as he may see fit for the breach of any such regulation not exceeding ten pounds and from time to time alter amend annul or add to such regulations. Provided that all such regulations shall be published in the *Royal Gazette* before coming into force and shall be laid before the Legislative Council.

Governor in Council may make regulations for carrying this Ordinance into effect.

219. All regulations made by the Governor in Council under the provisions of this Ordinance shall be subject to disallowance by Her Majesty.

Regulations to be subject to disallowance by Her Majesty.

220. This Ordinance shall be called and cited as "The Indian Immigration Ordinance 1891."

Short title.

Passed in Council this seventh day of March in the year of our Lord one thousand eight hundred and ninety-one.

other weapon or tool. Every immigrant convicted of a breach of the provisions of this section shall be liable to a fine not exceeding one pound or at the discretion of the magistrate to imprisonment for any term not exceeding one month.

Penalty for using insulting language.

209. Any immigrant who shall use to his employer or any person in authority over him on the plantation on which such immigrant shall be any threatening or insulting language shall on conviction thereof forfeit and pay any sum not exceeding two pounds and in default of payment be imprisoned for any term not exceeding two months.

Penalty for loss or damage to tools or other property of employer or for persuading others to absent themselves.

210. Any immigrant who shall through negligence or careless or other improper conduct cause damage to or loss of any tools or other property of his employer or shall persuade or attempt to persuade any indentured immigrant unlawfully to absent himself from or desist from work shall on conviction thereof forfeit and pay any sum not exceeding two pounds and in default of payment be imprisoned for any term not exceeding two months. Any part of a fine paid under the provisions of this section may at the discretion of the convicting magistrate be paid to the employer as compensation.

Immigrant may be removed from his plantation in certain cases.

211. Where it is proved to the satisfaction of a magistrate on the hearing of any charge or complaint that there is reason to apprehend that any male immigrant on a plantation may inflict bodily injury on his wife or any other person and that it is expedient to remove from any plantation any immigrant under indenture on such plantation it shall be the duty of such magistrate to immediately report upon the matter to the Agent-General who may at his discretion transfer such immigrant to any other plantation the owner of which is willing to receive him or to otherwise provide for such immigrant. Every immigrant so reported upon may upon the order of the magistrate be detained in custody by the employer or by any constable until transferred by the Agent-General to some other plantation or until otherwise provided for.

Procedure where immigrant threatens violence to a woman.

212. Where any male immigrant threatens to murder wound or inflict bodily injury on his wife or any other woman a magistrate or justice of the peace on being informed thereof upon oath and being satisfied that there is reason to apprehend that bodily injury may be inflicted on any such woman shall forthwith issue his warrant for the apprehension of the immigrant alleged to have used such threats. Any immigrant who uses any such threats may be arrested and detained by any employer or by any constable until a warrant can be obtained. Every immigrant using any such threats shall be guilty of an offence punishable on summary conviction and on conviction shall be liable to be imprisoned for any term not exceeding three months.

Division of property of males and females on cessation of cohabitation.

213. Where a male and a female immigrant who are married to each other or who have cohabited together subsequently cease to cohabit and either of them desires that the property to which they or either of them are or is entitled should be divided it shall be lawful for a magistrate on an application being made to him by or on behalf of either of such immigrants to summon such immigrants before him and any witnesses they or either of them may desire to be examined and to make such order dividing such property as the circumstances and the justice of the case may require. Any person who is a party to such proceedings who fails or neglects to comply with the terms of such order shall on summary conviction be liable to be imprisoned for any term not exceeding one month. If after any such conviction and imprisonment (if any) any such person does not comply with the terms of such order the failure to comply therewith for a period of eight days shall be deemed a fresh offence.

Ordinances or laws the sale shall free such land from every charge under any of the aforesaid Ordinances or laws.

187. All moneys mentioned in section one hundred and eighty-two shall bear interest from the day upon which the same became due and payable at the rate of ten pounds *per centum* per annum. And every judgment recovered for any such moneys shall for the amount of such judgment debt and costs bear interest at the said rate from the day of the date of such judgment.

Overdue debts to bear interest at ten pounds per cent. per annum.

PART XXIII.

LEGAL PROCEDURE.

188. No fees shall be payable in respect of any information summons or other process issued or any order made on any proceedings under the provisions of this Ordinance before a judge or commissioner of the Supreme Court or any magistrate.

No fees payable on proceedings under this Ordinance.

189. When any action for damages shall lie at the instance of an immigrant against an employer to whom such immigrant may have been indentured under this Ordinance such action being grounded on any alleged neglect or misconduct on the part of the employer the Agent-General subject to the consent of the Governor shall have the right to institute and carry on such action and to obtain and cause to be executed judgment therein for and on behalf of such immigrant.

If action for damages against employer for neglect or misconduct shall lie Agent-General to have right to institute action.

190. Every information or complaint which might be laid or made by any indentured immigrant under this Ordinance or any regulation made under the provisions of this Ordinance or under any Ordinance repealed by this Ordinance or any regulation made under the provisions of any Ordinance so repealed may also be laid or made by the Agent-General or by any person duly authorised by him in writing so to do in the name of the Agent-General or in the name of such person.

Any information or complaint which an immigrant might lay may be laid by Agent-General or his appointee.

191. All suits or prosecutions for any offence or for any penalty forfeiture or fine under this Ordinance or any regulation made under the provisions of this Ordinance or under any Ordinance repealed by this Ordinance or any regulation made under the provisions of any Ordinance so repealed brought against any person may be instituted and carried on by the Agent-General or by any person duly authorised by him in writing so to do in the name of the Agent-General and recovered with costs.

Proceedings for penalties may be instituted and carried on by Agent-General or his appointee.

192. Any information laid or complaint made by the Agent-General or by any person duly authorised by him in writing so to do under this Ordinance or any regulation made under the provisions of this Ordinance or under any Ordinance repealed by this Ordinance or any regulation made under the provisions of any Ordinance so repealed may be laid or made before any magistrate in the Colony.

Information or complaint by Agent-General or his appointee may be laid in any district.

193. In any proceedings under this Ordinance by any immigrant against his employer or any other person it shall not be necessary for such immigrant to lay or make any formal information or complaint in writing but the magistrate or justice of the peace before whom any oral statement or complaint shall be made by any immigrant against his employer or any other person may thereupon issue a summons stating such complaint against the employer or other person complained of and requiring such employer or other person to appear and answer such complaint and shall proceed thereupon as if such immigrant had in the first place made such complaint in writing and shall inform such immigrant on what day and at what place such employer

Complaints may be received on oral statement of immigrant.

employer or other person has been summoned to appear to answer such complaint.

Charges and liens may be enforced at suit of Agent-General.

194. All charges or liens created by this Ordinance may be enforced at the suit of the Agent-General.

Moneys due in respect of immigrants may be sued for by Agent-General.

195. All fees and moneys which under this Ordinance or under any Ordinance repealed by this Ordinance or under any agreement are or shall become due and payable from or by any person to the Government of the Colony or to any immigrant or to the Agent-General on behalf of any immigrant may be sued for by the Agent-General in his official name in the Supreme Court at Suva.

Evidence of defendant admissible.

196. It shall be competent but not compulsory for a defendant in any proceedings under this Ordinance to give evidence on oath or affirmation and every defendant who shall make such oath or affirmation shall be liable in case of falsehood to be convicted and punished for perjury.

Procedure where judgment remains unsatisfied.

197. In any case where the Agent-General has obtained judgment against an employer for any debt due in respect of any immigrant and such debt remains unsatisfied he may call upon the owner of the plantation to which such immigrant was indentured to show cause why such plantation should not be sold in satisfaction of the said judgment and the Supreme Court may if satisfied that there is a subsisting charge over the plantation in respect of such debt order its sale accordingly.

Status of judgments already recovered before magistrates.

198. All unsatisfied orders at any time heretofore made in a summary manner by a magistrate for the payment of any fees or moneys due on account of any immigrant may by order of the Supreme Court be enforced by the sale of any lands charged with such fees or moneys or by any of the modes in which a judgment of the Supreme Court can be enforced.

Proof of service under indenture.

199. Whenever in any proceeding under this Ordinance or any regulation made under the provisions of this Ordinance or under any Ordinance repealed by this Ordinance or any regulation made under the provisions of any Ordinance so repealed instituted by the Agent-General or any person authorised by him in writing to institute such proceeding it shall be necessary to prove that an immigrant was indentured to serve on any plantation the original indenture or a copy thereof certified by the Agent-General to be correct shall be *prima facie* evidence that any immigrant mentioned in such indenture was indentured as therein stated.

Limitation of information or complaint by immigrants.

200. Every complaint or information by an indentured immigrant against an employer for any wages due or for breach of contract shall be laid within six months after such wages became due and payable or after such breach of contract took place.

Limitation of information by Agent-General in certain cases.

201. Any information laid under this Ordinance by the Agent-General or by any person authorised by him so to do for any offence against the provisions of this Ordinance except for any moneys due shall be laid or made within twelve months from the date on which the offence was committed.

Limitation of information by employer.

202. Any information by an employer against any indentured immigrant for absence from work want of ordinary diligence while at work refusal to work or amend any work that shall be improperly performed shall be laid within two months after the day on which such offence was committed and any information by an employer against any such immigrant for any other breach of the provisions of this Ordinance than those herein specified or against any person for harbouring or concealing any immigrant shall be laid within three months after such offence was committed. In all cases where an employer shall lay an information against any such immigrant under sections

sections ninety-six and ninety-seven he shall immediately inform such immigrant of such information.

203. In any proceedings taken by any employer against an immigrant under this Ordinance it shall not be necessary for the complainant to attend in person unless the complainant be a material witness in which case the hearing may be postponed for his appearance.

Attendance of employer on hearing of charge laid by him necessary only in certain cases.

204. In any proceeding for the recovery of any moneys which under the provisions of sections one hundred and eighty-two and one hundred and eighty-three are made a first charge encumbrance or preferential lien on the plantation in respect of which any immigrant shall have been or shall be indentured it shall not be necessary to show that the person to whom such immigrant was duly allotted or indentured was the employer or other person entitled under the Ordinance to have such immigrant allotted or indentured to him in respect of the plantation or lands on which such moneys are sought to be recovered but it shall be sufficient to show that such immigrant was duly allotted or indentured as the case may be to perform service on such plantation.

Manner of enforcing claim.

PART XXIV.

MISCELLANEOUS.

205. Any immigrant who shall have in his possession opium or any preparation containing opium or any of its component substances except for medicinal use shall on conviction in a summary way be liable to a penalty not exceeding twenty pounds and in default of payment be liable to imprisonment for any term not exceeding three months. Any person who shall sell or give to any immigrant opium or any preparation containing opium or any of its component substances except for medicinal use shall on conviction in a summary way be liable to a penalty not exceeding twenty pounds and in default of payment be liable to imprisonment with or without hard labour for any term not exceeding six months and any opium or preparation containing opium or any of its component substances in the possession of any immigrant for other than medicinal use may be seized by the manager of the plantation on which such immigrant is employed or is found or by any officer of police and may on the order of a magistrate be destroyed.

Penalty on immigrant having opium in his possession.

Penalty on person giving or selling opium to immigrant.

Opium found in possession of immigrant except for medicinal use may be seized.

206. In any prosecution under the preceding section it shall be sufficient to prove that the defendant had in his possession or sold or gave opium or any preparation containing opium or any of its component substances and that the complainant had reasonable cause to believe that it was not for medicinal purposes and thereupon it shall lie upon the defendant to prove the contrary.

Procedure on prosecution for possessing selling or giving opium.

207. It shall not be lawful for any number of immigrants exceeding five employed upon the same plantation to absent themselves in a body from their employment without obtaining leave for the purpose or on pretence of laying a complaint against their employer or overseer concerning any joint or common grievance and any immigrants absenting themselves contrary to the provisions of this section shall on conviction thereof before a magistrate be liable to a fine not exceeding two pounds or to imprisonment for any period not exceeding two months.

Penalty on body of immigrants leaving plantation to lay complaints, &c.

208. It shall not be lawful for any immigrant visiting his employer's house or office or the office of any magistrate or other public officer for the purpose of laying a complaint making a petition or preferring a request to carry or bear with him any stick axe knife or any other

Penalty on immigrant carrying weapon on laying complaint.

other weapon or tool. Every immigrant convicted of a breach of the provisions of this section shall be liable to a fine not exceeding one pound or at the discretion of the magistrate to imprisonment for any term not exceeding one month.

Penalty for using insulting language.

209. Any immigrant who shall use to his employer or any person in authority over him on the plantation on which such immigrant shall be any threatening or insulting language shall on conviction thereof forfeit and pay any sum not exceeding two pounds and in default of payment be imprisoned for any term not exceeding two months.

Penalty for loss or damage to tools or other property of employer or for persuading others to absent themselves.

210. Any immigrant who shall through negligence or careless or other improper conduct cause damage to or loss of any tools or other property of his employer or shall persuade or attempt to persuade any indentured immigrant unlawfully to absent himself from or desist from work shall on conviction thereof forfeit and pay any sum not exceeding two pounds and in default of payment be imprisoned for any term not exceeding two months. Any part of a fine paid under the provisions of this section may at the discretion of the convicting magistrate be paid to the employer as compensation.

Immigrant may be removed from his plantation in certain cases.

211. Where it is proved to the satisfaction of a magistrate on the hearing of any charge or complaint that there is reason to apprehend that any male immigrant on a plantation may inflict bodily injury on his wife or any other person and that it is expedient to remove from any plantation any immigrant under indenture on such plantation it shall be the duty of such magistrate to immediately report upon the matter to the Agent-General who may at his discretion transfer such immigrant to any other plantation the owner of which is willing to receive him or to otherwise provide for such immigrant. Every immigrant so reported upon may upon the order of the magistrate be detained in custody by the employer or by any constable until transferred by the Agent-General to some other plantation or until otherwise provided for.

Procedure where immigrant threatens violence to a woman.

212. Where any male immigrant threatens to murder wound or inflict bodily injury on his wife or any other woman a magistrate or justice of the peace on being informed thereof upon oath and being satisfied that there is reason to apprehend that bodily injury may be inflicted on any such woman shall forthwith issue his warrant for the apprehension of the immigrant alleged to have used such threats. Any immigrant who uses any such threats may be arrested and detained by any employer or by any constable until a warrant can be obtained. Every immigrant using any such threats shall be guilty of an offence punishable on summary conviction and on conviction shall be liable to be imprisoned for any term not exceeding three months.

Division of property of males and females on cessation of cohabitation.

213. Where a male and a female immigrant who are married to each other or who have cohabited together subsequently cease to cohabit and either of them desires that the property to which they or either of them are or is entitled should be divided it shall be lawful for a magistrate on an application being made to him by or on behalf of either of such immigrants to summon such immigrants before him and any witnesses they or either of them may desire to be examined and to make such order dividing such property as the circumstances and the justice of the case may require. Any person who is a party to such proceedings who fails or neglects to comply with the terms of such order shall on summary conviction be liable to be imprisoned for any term not exceeding one month. If after any such conviction and imprisonment (if any) any such person does not comply with the terms of such order the failure to comply therewith for a period of eight days shall be deemed a fresh offence.

Loss of certificate of industrial residence to be advertised.

residence the immigrant applying for a duplicate certificate shall except in the case of a certificate rendered useless by wear and tear or otherwise of which certificate he shall produce such remnants as can be identified publish once in the *Royal Gazette* and once in a newspaper published in the Colony a notice in such form as the Agent-General shall prescribe setting forth the facts that he has lost his original certificate and that he is applying for a duplicate certificate. And such notice must have been published in both papers at least one month before such immigrant shall be entitled to have such duplicate certificate issued to him.

PART XXII.

STATUS OF IMMIGRATION DEBTS.

Debts to be preferential charge over plantation to which immigrants are indentured.

182. All moneys due or which may become due under sections twenty-three, thirty-two, eighty-four and one hundred and seven or by any employer in respect of an immigrant indentured transferred reindentured or otherwise engaged under this Ordinance or any Ordinance repealed by this Ordinance or under any regulation made under this or any repealed Ordinance for wages maintenance or treatment in hospital depot or lunatic asylum or otherwise howsoever and all interest which may accrue shall be a preferential charge on the plantation of the employer to whom such immigrant shall have been indentured or otherwise engaged over and above all encumbrances charges and liens other than a legal mortgage or encumbrance duly executed and registered prior to the day on which such preferential charge shall have first accrued. Such preferential charge shall subsist notwithstanding any transfer or devolution of the plantation until such moneys aforesaid have been actually paid and the taking of any other security for such moneys or any part thereof shall not affect such preferential charge.

Preferential charge not to attach to freehold of lands leased except with consent of owner.

183. Where at the time of signing an indenture the plantation on which an immigrant is to be employed is held under lease by the employer the preferential charge created by the preceding section shall not attach to the freehold of such plantation unless the person or persons having the reversionary interest in such plantation consent in writing to the employment of the immigrant on such plantation. But such preferential charge shall attach to and take effect over all the lessee's estate and interest in such plantation.

Other security.

184. The Agent-General may in any case where the preferential charges mentioned in the two preceding sections cannot be made over the freehold of the plantation on which such immigrants are to be employed accept by way of collateral security an encumbrance over any other land of the intended employer or such other security as may with the approval of the Governor be deemed sufficient.

Debts to have preference in bankruptcy.

185. All moneys due under section one hundred and eighty-two shall take precedence in bankruptcy over all other debts the provisions of section thirty-one of "The Bankruptcy Ordinance 1889" notwithstanding.

Agent-General to have option of enforcing Polynesian or Indian charges first.

186. Whenever there shall exist a charge of any description under this Ordinance or any Ordinance or law relating to Indian immigrants over any land and there shall also at the same time exist a charge of any description over the same land under any Ordinance or law relating to Polynesian immigrants it shall be optional with the Agent-General as to which of the aforesaid charges he proceeds to enforce first. But if any land shall be sold to satisfy any of the aforesaid charges or any moneys or fees payable under any of the aforesaid Ordinances

conviction for every such offence on the information of the Agent-General before any magistrate forfeit and pay any fine not exceeding ten pounds and in default of payment be imprisoned for any term not exceeding two months.

177. Any employer who shall knowingly make any false or incorrect entry in any pay-list or register or return hereinbefore provided for or who shall produce any false pay-list register or return shall on conviction thereof on the information of the Agent-General before a magistrate forfeit and pay any sum not exceeding fifty pounds and in default of payment be imprisoned for any term not exceeding four months.

178. The Agent-General shall keep a register of all immigrants who shall be introduced into the Colony and such register shall be known as the "General Register of Indian Immigrants" and the Agent-General shall cause to be inserted therein the names of all such immigrants and their children and shall number each of such immigrants and their children by a particular number proceeding by regular numerical progression and shall distinguish therein under different heads the registered number name age sex and father's name of every such immigrant and the time when and the vessel in which any such immigrant shall have arrived and the name of the employer or other person (if any) at whose expense such immigrant shall have been introduced and of the employer (if any) to whom he shall have been indentured on his arrival.

179. The Agent-General shall keep a register of all plantations to which immigrants shall have been indentured and such register shall be known as the "Plantation Register of Indian Immigrants" and shall contain under the name of each plantation the registered number name age sex and father's name of every immigrant indentured to any plantation and the term of indenture of every such immigrant.

180. The several forms in the Schedule B hereto shall be used for and in respect of the several matters in this Ordinance contained wherein reference is made thereto and the Agent-General with the approval of the Governor may from time to time alter such forms or frame such other forms as occasion may require for the purpose of carrying out the provisions of this Ordinance and such altered or other forms shall have the same force and effect as if they were originally incorporated in such Schedule. Provided always that no such form shall have any force or effect until published in the *Royal Gazette*.

PART XXI.

DUPLICATES OF AND EXTRACTS FROM DOCUMENTS.

181. Every immigrant whose certificate of industrial residence shall be lost or destroyed shall be entitled on proving to the satisfaction of the Agent-General that he is then entitled to such certificate and that such certificate has been lost or destroyed and on payment of one shilling to receive a duplicate of such certificate and every employer shall at any time be entitled to a duplicate of any certificate of indenture of immigrants indentured to him on payment of ten shillings or of three pence per immigrant if there be less than forty in such certificate. And every employer and immigrant shall be entitled to receive a certified extract from any register kept by the Agent-General on payment of one shilling for every seventy-two words of such extract. Provided always that in the instance of certificates of industrial residence

Duplicates may be issued of certificates of industrial residence lost or destroyed or of certificates of indenture.

Fee for duplicate certificate of industrial residence.

Fee for duplicate certificate of indenture.

Extract from register may be had.

Fee.

Ordinance which may be found among the effects of any such deceased immigrant.

171. Every magistrate shall on or before the fifteenth day of January of each year make out and transmit to the Agent-General returns in the Forms 15 and 16 of Schedule B hereto for the twelve months preceding such month of January of all informations laid or convictions obtained against any indentured immigrant by his employer with the amount of all fines or terms of imprisonment imposed under the provisions of this Ordinance and *vice versa*.

172. Every employer of indentured immigrants shall cause to be kept on every plantation under his charge or superintendence a book to be called a "Pay-list." Such pay-list shall be kept in the Form 19 of Schedule B hereto and there shall be recorded in it in ink the names of every indentured immigrant on such plantation and the several particulars specified in such form. The entries for each day shall be made not more than forty-eight hours after the day to which they refer. The weekly earnings of each such immigrant shall be recorded before his wages are paid and the fact of payment shall be attested by the initials of the paying officer or officers. The earnings of each monthly period shall be recorded in the appropriate columns immediately after the termination of such period. Provided that when an indentured immigrant is employed on mill-work the fact shall be denoted in the pay-list by a symbol only.

173. On any plantation on which any indentured immigrant is employed on mill-work the wages earned by such work during the time when such immigrant was so employed shall be recorded in a separate book to be called the "Mill Pay-list" to be kept in the Form 19 aforesaid the entries regarding earnings being made therein as prescribed by the preceding section.

174. Every employer shall cause to be kept on every plantation under his charge on which there shall be any indentured immigrant a register in the Form 17 of Schedule B hereto of every such immigrant indentured in respect of any such plantation and of all children of any such immigrant allotted with their parents or otherwise to any such plantation or born thereon with the date of such indenture or allotment and the date of the death imprisonment admission to public hospital desertion or return from prison public hospital or desertion of any such immigrant or of the birth of a child of any such immigrant.

175. Every employer shall on or before the fifteenth day of January and July in every year make out and deliver to the Agent-General a return in the Form 18 of Schedule B hereto containing the names and other particulars provided for in the form of every indentured immigrant and every child of an indentured immigrant who may have been present on the plantation at any time during the preceding six months with the dates of births deaths desertions imprisonments or admissions to public hospital and of returns from desertion prison or public hospital which may have occurred during the said six months together with a note of the names and other particulars so far as he may be able of any immigrant other than those hereinbefore mentioned who may be residing on the same plantation on the last day of the six months next preceding such dates and such return shall for the purposes of this Ordinance be known as the half-yearly return of any plantation.

176. Any employer of immigrants who shall neglect or refuse to keep any pay-list or register or to make out and transmit any half-yearly return or birth or death report or shall make any omission of the particulars required in such books returns or reports shall on conviction

Returns from magistrates.

Book to be called a "Pay-list" to be kept on plantations.

Mill-work.

"Mill Pay-list" to be kept.

Plantation register.

Half-yearly return to be made by employer.

Penalty for failure to duly keep pay-list or register or to transmit return or birth or death report.

immigrant or of the Agent-General be liable to a penalty not exceeding ten pounds or in default to imprisonment not exceeding one month.

166. If the employer shall neglect to so receive any indentured immigrant as prescribed by the preceding section it shall be lawful for the Agent-General to at once take charge of such immigrant and to have him conveyed to his plantation and to lodge and maintain and if needed provide medical aid for such immigrant from the time he leaves the gaol or hospital till he shall have arrived on his plantation and the costs and expenses incurred by the Agent-General in so lodging and maintaining and providing medical aid and conveying such immigrant as aforesaid shall be moneys due and payable in respect of an immigrant under this Ordinance and may be sued for and recovered as such.

If employer neglect to so receive immigrant Agent-General of Immigration may take charge of him.

All expenses incurred to be paid by employer.

167. The Agent-General if he shall take charge of any such immigrant or the employer his servant or agent if he shall take charge of any such immigrant shall have the power to employ such immigrant during the period (if any) which shall intervene between the time when such immigrant is discharged from gaol or hospital as the case may be and the time when such immigrant shall depart for his plantation at any time work which he can perform. Any work which any immigrant is given to do under this section shall be work allotted or assigned to him within the scope and meaning of section ninety-six.

Agent-General employer or agent in charge of released immigrant may employ him as on time work pending his departure to his plantation.

168. If any indentured immigrant on being so released from gaol or so discharged from hospital shall refuse to go back to his plantation or shall put any obstacle in the way of his being taken back to his plantation he shall be deemed a deserter under sections one hundred and fifty-eight and one hundred and fifty-nine and may be dealt with accordingly.

Released immigrant refusing to return to plantation to be dealt with as a deserter.

169. Where an employer by himself his servant or agent has upon the discharge as aforesaid of any immigrant indentured to him taken delivery of and conveyed such immigrant from Suva to his plantation such employer shall upon application in a summary manner be entitled to obtain from a magistrate an order extending the time during which such immigrant shall be bound to serve such employer. The magistrate upon proof of the cost of the conveyance of such immigrant from Suva to his plantation shall extend the period for which such immigrant is bound to serve such employer for as many days not exceeding thirty as may in the opinion of the magistrate be equivalent to the cost so incurred. It shall be lawful for any immigrant against whom such an order shall have been made to commute the same by payment to the employer of such cost as may be allowed by the magistrate. Every such order shall be subject to the provisions of section sixty-four.

Immigrant's time may be extended in respect of cost to employer of immigrant's conveyance from Suva Prison to his plantation.

Limitation of extension.

Commutation of extension.

PART XX.

REGISTERS AND RETURNS.

170. The superintendent or other person in charge of any prison hospital or other public institution shall on or before the fifteenth day of January of each year make out and transmit to the Agent-General a return in the Form 14 of Schedule B hereto of all immigrants who shall have died while inmates of such public institution during the twelve months previous to such month of January and shall from time to time transmit any certificate given under this Ordinance

Returns of death from public institutions.

FORM 8 (Section 113).

No.		[Royal Arms.]
		<i>Colony of Fiji.</i>
Suva	18	I hereby certify that the Indian immigrant herein- after mentioned is free to work where likes within the Colony.
Registered No.		Registered No.
Name		Name
Sex		Sex
Age		Age
Ship No.	<i>Ex</i>	Ship No. <i>Ex</i>
Bodily marks		Bodily marks
Father's name		Father's name
		Immigration Office Suva 189 . }
		Agent-General of Immigration.
		This Certificate has been issued under sections and of "The Indian Immigration Ordinance 1891."

FORM 9 (Section 115).

No.		[Royal Arms.]
Registered No.		<i>Colony of Fiji.</i>
Name		Passport No. .
Sex		
Age		This Passport certifies that the Indian immigrant hereinafter mentioned is free to leave the Colony by the upon the day of 189 .
Ship No.	<i>Ex</i>	
Bodily marks		
Declared destination		Registered No.
Ship by which departing		Name
Date of sailing		Sex
Amount of money taken		Age
		Ship No. <i>Ex</i>
		Bodily marks
		Declared destination
		Father's name
		N.B.—This Passport is not transferable, and is available only for the ship, and at the date herein mentioned; and after such date it is void and cancelled.
		Suva 189 .
		Agent-General of Immigration.

Indian Immigration Ordinance 1891.

FORM 13 (Sections 137 and 139).

Death Report and Certificate.

I HEREBY give notice that the immigrant described below has died and that
has been taken possession of by* as per list attached.

Registered No.	Name.	Sex.	Age.	Date of Death.	Date of Indenture or Arrival (if introduced from India).	Date of Birth (if born in Fiji).	REMARKS: Name of vessel by which deceased (or his or her parents) came to Fiji, &c., &c.

Signature of Employer

And I hereby certify that the immigrant described as above died in
and that the cause of death was _____ and that sufficient care has been
exercised toward _____ during illness to the best of my knowledge in-
formation and belief.

‡ Signature of Medical Officer

* Write in here "me" or "his wife, registered No. _____" or "his parent, registered No. _____" or "nobody" as the case may be. Words which do not apply to be struck out.
 † Write in here "plantation hospital" or "the lines" or as the case may be.
 ‡ Should it be impossible to obtain the signature of the District Medical Officer state reason why the signature cannot be obtained and fill in the place and supposed cause of death.

FORM 14 (Section 170).

RETURN of Deaths of Indian Immigrants which occurred in the
Hospital or Prison in the district of _____ during the twelve months ending
31st December 189 .

Registered No.	Name of Immigrant.	Sex.	Name of Plan- tation (if any) to which Immigrant was Indentured.	Name of Employer (if any).	Cause of Death.	Date of Death.	Remarks.

Signature of Officer }
submitting Return }

Form 15

Indian Immigration Ordinance 1891.

FORM 15 (Section 171).

RETURN of Informations and Convictions &c. from the Magistrate for the district of
for the year ending 31st December 189 .
Employers *versus* Immigrants.

Complainant.		Defendant.			Nature of Complaint.	Sentence if convicted.	Result if not convicted.
Name.	Plantation.	Name.	Registered No.	Sex.			

Stipendiary Magistrate.

FORM 16 (Section 171).

FORM 16 (Section 171).
RETURN of Informations and Convictions &c. from the Magistrate for the district of
for the year ending 31st December 189 .
Immigrants *versus* Employers.

Complainant.			Defendant.		Nature of Complaint.	Sentence if convicted.	Result if not convicted.
Name.	Registered No.	Sex.	Name.	Plantation.			

Stipendiary Magistrate.

FORM 17 (Section 174).

Plantation Register of Employer.

[illegible]

FORM 18

FORM 18 (Section 175).

HALF-YEARLY Return from

Plantation for six months ending
189 .

[illegible]

Employer.

FORM 19 (Section 172).

PAY-LIST of	Plantation for the period of	Weeks commencing	the	and ending on	the
					189

[illegible]

Suva: Edward John March, Government Printer.—1891.

[Price, 1s.]

Imp. Public 579/92

No. 134

7

646
OFFICE OF THE PROTECTOR OF EMIGRANTS,
Madras, 5th March 1892

From

W. Austin Esq.

PROTECTOR OF EMIGRANTS,

Madras,

To

The Honble J. I. Price

CHIEF SECRETARY TO GOVERNMENT,

PUBLIC DEPARTMENT,

Fort St. George.

SIR,

In returning the Fiji Indian Immigration Ordinance No II of 1891 referred to me for report under endorsement No 366 dated 25th February 1892, I have the honor to state that I approve of the Ordinance in its entirety and do not consider any amendment called for. It appears to have been most carefully drawn and I am unable, after careful perusal of the same, to suggest any alteration or addition.

I have the honor to be

Sir
Your obedient servant

W. Austin

640
Public Dept.

From

The Secy. of Emigrants

No. 134

8/5 March 1892

At.

Recd 7th

Encls - (pursuant to 289. Retained)
3



Subject

Returning Fiji Indian
Immigration Ordinance