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[Despatch Abstract.]

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correspondence with
The Colonial Office re-
garding the Natal
Indian Immigration
Law of 25-9-1891

16-2-04
17/10/01
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READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. , MISCELLANEOUS

ENCLOSURES

CURRENT No.

STATEMENT WITH DITTO

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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No.

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APRIL, No.

743

OF 18

Public (Emigration.)
No. 58.

INDIA OFFICE,
London, 23rd June 1892.

File No. 10.

Serial No. 7.

To His Excellency the Most Honourable the Governor-General of India in Council.

MY LORD MARQUIS,—With reference to your Emigration letter No. 7, dated the 20th of January last, I forward for the information of Your Excellency in Council copy of correspondence with the Colonial Office regarding the Natal Indian Immigration Law, No. 25 of 1891.

I have the honour to be,

My Lord Marquis,

Your Lordship's most obedient humble Servant,

CROSS.

No. J. & P. 207, dated India Office, London, 2nd March 1892.

From—The Under-Secretary of State, India Office,

To—The Under-Secretary of State, Colonial Office.

WITH reference to Mr. Walpole's letter dated the 17th of November last, I am directed by the Secretary of State for India in Council to forward for the consideration of Lord Knutsford, a copy of a Despatch from the Government of India, containing remarks on certain provisions of the Natal Indian Immigration Law, No. 25 of 1891.

Viscount Cross desires to support the recommendation and observations made in the third and fourth paragraphs of the Despatch.

No. J. & P. 889, dated Colonial Office, Downing Street, London, 23rd May 1892.

From—EDWARD WINGFIELD, Esq.,

To—The Under-Secretary of State, India Office.

REFERRING to your letter No. 207 J. and P. of the 2nd of March last, I am directed by Lord Knutsford to transmit to you, to be laid before Viscount Cross, a copy of a Despatch from the Governor of Natal forwarding a report by the Protector of Immigrants in reply to the despatch of the Government of India, enclosed in your letter, respecting the Indian Immigration Law, No. 25 of 1891.

I am to enquire whether, having in view the explanations of the Protector, the Government of India still think that the amendment of the law is necessary.

No. 72, dated Government House, Pietermaritzburg, Natal, 10th April 1892.

From—SIR C. B. H. MITCHELL, K.C.M.G., Governor of Natal.

To—THE RIGHT HONOURABLE LORD KNUTSFORD, G. C. M. G., &c., &c., &c.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, Emigration, of the 11th ultimo, transmitting a copy of a letter from the India

For forwarding despatch from
10.58 (Emigration) of the 23^d.

C. B. H. MITCHELL,
Governor.

[No. 25, 1891.]

V. R.
LAW,

(Enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof.)

"To amend and consolidate the Laws relating to the introduction of Indian Immigrants into the Colony of Natal, and to the regulation and government of such Indian Immigrants."

WHEREAS it is expedient to amend and consolidate the Laws relating to the introduction of Indian Immigrants into the Colony of Natal, and to the regulation and government of such Indian Immigrants : Preamble.

BE IT THEREFORE ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

I.—Repeal.

1. The several Laws following shall be and the same are hereby repealed, save and except so far as regards any appointment made under the said Laws or any of the same, and save also and except so far as regards all existing engagements to labour and the payment of any duties now due and owing to Her Majesty or the Indian Immigration Trust Board of Natal incorporated under the provisions of the Law No. 15 of 1880, entitled Law "To alter and amend Law No. 20, 1874, entitled Law 'To repeal Law No. 14, 1871, entitled Law 'To repeal Law No. 16, 1864, and to amend Law No. 2, 1870, and to create an Indian Immigration Trust Board to administer for the purposes of Immigration all funds which may be received by the said Trust Board,' and all instalments of passage money now due and owing to the said Trust Board, and all interest thereon, and all fines and penalties incurred under the said Laws or any of them, all which engagements to labour may be enforced, and all which duties, instalments of passage money, interest, fines, and penalties shall and may be sued for and recovered under this Law,

Repeal of Laws,
and reservation
as to effect of
repeal.

save also that all entries made in the general register of Indian Immigrants or other registers kept under the said Laws or any of them by the Protector of Indian Immigrants shall be valid, and all engagements to labour assignments of services and certificates heretofore made and granted, and all matters and things done heretofore under or by virtue of any of the said Laws shall be and continue in force in the same manner as if this Law had not been passed, and save that all rules and regulations made under the repealed Laws or any of them shall, on the taking effect of this Law, be deemed to be rules and regulations made under this Law, except where the same may be inconsistent with the provisions of this Law:—

Law No. 2, 1870, entitled Law "To amend and consolidate the Laws relating to the introduction of Coolie Immigrants into this Colony, and to the regulation and government of such Coolie Immigrants."

Law No. 12, 1872, entitled Law "To amend the Coolie Law Consolidation Law, 1869."

Law No. 19, 1874, entitled Law "To amend Laws No. 12, 1872, and No. 2, 1870."

Law No. 14, 1875, entitled Law "To amend the Laws relating to Indian Immigrants."

Law No. 19, 1878, entitled Law "To amend certain provisions of Law No. 2, 1870 (Coolie Laws Consolidation Law, 1869)."

Law No. 16, 1881, entitled Law "To relieve the employers of Free Indian Immigrants from certain charges imposed by Law."

Law No. 21, 1882, entitled Law "To provide for the visitation and inspection of Indian Immigrants employed in the Upper Districts of the Colony of Natal."

II.—Protector and other Officers.

2. The Governor may from time to time nominate and appoint some fit and proper person to be Protector of Indian Immigrants within this Colony, who shall hold office during pleasure, and such officer shall, as long as he shall hold his office, be entitled to have and receive, and be paid from and out of the funds at the disposal of the Indian Immigration Trust Board of Natal an annual salary not exceeding Six Hundred Pounds.

3. The Governor may from time to time nominate and appoint some fit and proper person to be Assistant Protector of Indian Immigrants, who shall hold office, during pleasure, and who shall as long as he shall hold such office be entitled to have and receive, and be paid from and out of the funds of the Indian Immigration Trust Board of Natal an annual salary not exceeding Four Hundred and Fifty Pounds.

4. The Governor may from time to time nominate and appoint some fit and proper person to be Deputy Protector of Indian Immigrants, who shall hold office during pleasure, and who shall, as long

Appointment of
Protector of
Indian Immi-
grants.

Assistant
Protector.

Deputy
Protector.

as he shall hold such office, be entitled to have and receive, and be paid from and out of the funds of the said Indian Immigration Trust Board of Natal an annual salary not exceeding Four Hundred Pounds.

5. The Protector of Indian Immigrants shall have his office in Durban. The Deputy Protector of Indian Immigrants shall be stationed at such place as may be fixed and appointed from time to time by the Indian Immigration Trust Board, subject to the approval of the Governor in Council, and such Deputy Protector of Indian Immigrants shall have and exercise within the District to which he shall be appointed, such and so many of the authorities rights and duties, vested by law in the Protector of Indian Immigrants, as the Governor in Council may from time to time and is hereby empowered to delegate to him.

6. The Deputy Protector shall be under the orders and control of the Protector of Indian Immigrants, or the Assistant Protector when the Protector is absent from his office on duty, and is hereby required to transmit at the end of each month, or whensoever required by the Protector of Indian Immigrants, a return of all complaints made to and of matters investigated by him, and a return of all estates or places and of employers of Indian Immigrant labourers visited by him, for submission to the Indian Immigration Trust Board.

7. The Indian Immigration Trust Board may from time to time appoint such Clerks, Interpreters, and other Officers, as may be required to carry out the provisions of this Law, and such Officers shall be paid such salaries as may from time to time be determined by the Board from and out of the funds at its disposal. And the said Board may from time to time remove, suspend, or dismiss such officers, and appoint others in their places.

8. No officer appointed by the Governor or the Indian Immigration Trust Board, under the provisions of this Law, shall be deemed to belong to the permanent Civil Service of the Colony.

III.—Requisitions.

9. Requisitions by persons in Natal wishing to introduce or engage Immigrants from India shall be framed in terms of Schedule A hereto annexed. Every requisitionist shall be required to enter into a bond with two approved sureties, or to give other security to the satisfaction of the Indian Immigration Trust Board, for repayment of any loss which may arise or be incurred by reason of his not taking over any Immigrants which may be allotted to him; such bond shall be in such form as the said Board may require.

IV.—Contracts.

10. Every Indian Immigrant leaving India to come to Natal for hire shall, before leaving India, either be engaged to an employer named in his contract, or shall be taken as bound to serve any employer to whom he shall be allotted by the Protector of Indian Immigrants on his arrival at Natal.

Office of
Protector,
Deputy
Protector.

Where stationed,
His authority
and duties.

Deputy Protector
to be under Pro-
tector's orders
and to furnish
certain returns.

Appointment of
Officers by Indian
Immigration
Trust Board.

Status of Officers.

Requisitions for
Indian Immi-
grants how
framed and made.

Terms of con-
tract executed
in India.

Contracts of service executed in India.

Effect in this Colony of contracts executed in India.

Registration of engagement under any Indian Act to be valid as a contract.

Powers of Protector under Ordinance 2, 1850

Duties of Protector on arrival of immigrant vessels.

Assignment and housing of immigrants.

Notice to requisitionists.

Register of immigrants.

11. Every Indian Immigrant shall in India sign a contract either in the terms and form of Schedule B, or in the form of Schedule C hereto annexed according as it may be necessary for him to enter into a special contract to serve an individual employer therein named, or a contract with the Protector of Indian Immigrants to serve any employer to whom he may be allotted by the Protector of Indian Immigrants at Natal, and in either case the contract so signed shall *inter alia* bind him to a service of five years.

12. Every such contract executed in India upon any such requisition shall have the same force and effect as if the same had been executed in this Colony, and it shall not be necessary to the validity thereof to execute any further contract in this Colony, and the Protector of Indian Immigrants shall deliver to each employer a return embodying the terms of such contract.

13. The registration of any engagement in India of any Native of India made pursuant to any Act in force in India for the time being, shall be deemed equivalent to, and shall have and shall be deemed to have had, for all purposes whatsoever, the same force and effect as if said registration of engagement were or had been a written and signed contract in India under this Law, whether such registration shall have been made at any time before the passing of this Law, or whether the same shall be made after the passing thereof; and certified copies of any such registration entries made or signed by the Protector of Indian Immigrants shall be received as evidence in any Court of Justice within this Colony.

14. The Protector of Indian Immigrants shall, as regards free Indian Immigrants, be *ex officio* an officer to attest and make contracts of service and apprenticeship under Ordinance No. 2, 1850.

V.—Duties of Protector on arrival of Immigrants.

15. The Protector of Indian Immigrants, or in his absence the Assistant Protector, shall board every ship arriving at this Colony with Indian Immigrants, and shall ascertain and report to the Governor and to the Indian Immigration Trust Board, the number of Immigrants, embarked in her, the state of their health, the number of deaths which have occurred on the voyage, and whether the provisions of the charter party under which such Immigrants have been conveyed from India have been performed, and the said Protector of Indian Immigrants shall cause such Immigrants to be landed and conveyed to the Indian quarters on the Bluff, and shall thereupon assign the said Immigrants in the manner provided by this Law, and until the time of assignment shall provide them with proper and sufficient food and clothing; and shall as soon as possible after the arrival of the Immigrants at the depôt, give notice to the requisitionists of the arrival of the Immigrants and stating the probable number for such requisitionist.

VI.—Register of Immigrants.

16. The Protector of Indian Immigrants shall keep a "register," in which shall be entered the names of all Indian Immigrants who

may hereafter be introduced into this Colony at the expense of the Indian Immigration Trust Board of Natal, and shall number each of such Immigrants by a particular number commencing with the number next after the last number now recorded in the register kept under the repealed Laws, and proceeding by numerical progression, and shall distinguish therein, under different heads, the number, name, age, and sex of every such Immigrant, and the time when, and the place from which, and the vessel in which, such Immigrant shall have arrived.

VII.—Assignment of Immigrants.

17. It shall be lawful for the Protector of Indian Immigrants, after the arrival of the Immigrants at the depôt, to assign the services of any Indian Immigrants who shall have executed the usual contract in India in terms of Schedule B, attached to this Law, to any applicants who may be entitled to such assignment, at such rate of wages, and on such conditions as to wages and food as may have been stipulated in India by the Agent toward such Immigrant: Provided, however, that the assignment of females and younger persons shall be only for such lighter varieties of labour as such female Immigrants and younger persons are fitted for: And provided always that in any such assignment no Immigrant shall be assigned to any applicant other than the applicant who applied for Indians prior to the Indian Immigration Trust Board sending for such Indians, until the applicant shall have received the number applied for by him: And provided, also, that in such assignment the wishes of the Immigrant shall as far as possible be ascertained and attended to; and that in no case whatever shall any husband and wife, nor any parent and child, be assigned to different employers; and pending and until such assignment, the Immigrant must work and obey the directions of the Protector of Indian Immigrants, or such person as the Protector of Indian Immigrants may appoint, or the person in charge of the depôt.

Assignment of immigrants to employers.

Women's and children's labour.

Priority of applications.

Families not to be separated.

VIII.—Payment of Passage Money.

18. In respect of any male statute adult Indian Immigrant heretofore or to be henceforth brought into this Colony, there shall upon each and every assignment during the term of assignment, be paid to the Indian Immigration Trust Board by the person to whom the services of any such Indian Immigrant shall be assigned for each time be fixed by the said Trust Board, subject to the approval of the Governor in Council, with power to the said Board to increase or reduce such payments from time to time during the term of assignment as the said Board shall deem necessary, subject to the approval of the Governor in Council, which said annual payments shall be made in advance, that is to say, the first payment shall be made on the date of the assignment, and the subsequent payments at the commencement of each following year, reckoning from the date of the assignment, which payments shall be made notwithstanding that such Immigrant may have deserted or have been imprisoned

Annual payment by assignee of Indian Immigrant to Indian Immigration Trust Board.

Proviso as to payment in case of death or transfer of Indian Immigrant.	during the term of assignment: Provided always, that no demand for payment shall be made on the person to whom the services of any such Indian Immigrant shall have been assigned, in respect of any such Indian Immigrant who shall have died, or whose services shall have been legally transferred from any such person or employer prior to the date of the next annual payment falling due.
Aforesaid annual payments how and when payable.	19. Each and every aforesaid annual payment shall be paid on the date of its becoming due without any demand being made therefor, and in case any such payment shall not be made on the date on which the same shall fall due, there shall be payable in addition by the person by whom the said annual payments shall be payable a charge of interest at the rate of eight per centum per annum from the due date of each and every annual payment to the day on which the said payments shall be made.
Interest on arrears.	20. All moneys due to the Indian Immigration Trust Board, under the provisions of this Law in respect of such annual payments, interest and medical fees shall be and are hereby declared to be a first charge on the property or estate of the person by whom the same shall be payable, and all such moneys shall be a first charge and shall take priority of all charges and encumbrances whatsoever and whensoever made upon and over the property, movable and immovable, of such person; and provided further that such claims so due shall have been demanded and legal proceedings shall have been taken to recover the same within six months from the time that the same fell due, or in the event of the insolvency of the debtor, that the same shall have been duly proved in the estate within a like period or within such period as other debts in the estate can be proved.
Certain moneys due to Board made a first charge on debtor's estate.	21. It shall be the duty of the Protector of Indian Immigrants, and he is hereby directed to prepare and submit for the consideration of the Indian Immigration Trust Board as soon as possible after the 31st March, 30th June, 30th September, and 31st December, in each and every year, a return setting forth the names of all persons in arrear with their instalments, and the date upon which the same became payable, and the said Board shall take such action thereon as to it shall appear advisable, and whenever any such instalment is in arrear for a period of five months, it shall be the duty of the Protector of Indian Immigrants to take legal proceedings for the recovery of the same with interest thereon as aforesaid.
Limitation of action.	
Quarterly return of arrears of instalments.	
Recovery of arrears.	
Time within which Immigrants are to be removed from depôt.	IX.— <i>Removal from Depôt.</i> 22. Every person at whose instance, or on whose requisition any Indian Immigrant shall be brought to this Colony shall receive and remove such Immigrant from the depôt on the day fixed for allotment, provided that if such person resides thirty miles or further from Durban, then within seven clear days after such Immigrant shall have been allotted, and in case of any default on the part of any such person or requisitioner to claim and remove such Immigrant within the said period, he, the said person or requisitioner, shall pay to the Indian Immigration Trust Board of Natal one shilling per diem for each Immigrant to cover the cost and maintenance of such

Immigrant for every day such Immigrant shall continue in the depôt after the expiration of the said period: Provided always, that should any Immigrants be placed in quarantine such Immigrants shall not be allotted until after their release from quarantine, and in any such case the date of their arrival at the depôt shall be taken to be the date of their release from quarantine.	Quarantine.
23. In case any person, at whose instance or on whose requisition any Indian Immigrant shall be brought into this Colony, shall fail to claim and remove such Immigrant as shall be allotted to him within fourteen days from the date of allotment, it shall and may be lawful for the Protector of Indian Immigrants to assign any such Immigrant to any other person willing to accept any such assignment: Provided always, that should the Protector of Indian Immigrants so assign any such Immigrant to any other person, the payment of one shilling per diem, as in the last preceding clause mentioned, for the cost and maintenance of such Immigrant at the depôt to the date of such assignment, shall be paid by the said person or requisitioner to whom the said Immigrant was in the first place allotted. And in case any such Immigrant shall be so assigned to any such other person as aforesaid, he, the said other person shall remove the said Immigrant forthwith from the depôt under a penalty of one shilling and sixpence per diem for each day the said Immigrant shall, by default of the said person, remain in the depôt after the date of such assignment.	Assignment in case of non-removal. Maintenance money payable by requisitioner.
24. Every such Indian Immigrant whose services shall be so assigned or transferred, in the absence of an express agreement to the contrary, between such Indian Immigrant and the person entitled to his services under such assignment or transfer, shall be bound to work for such person to whom his services may have been assigned for nine hours of each day, Sundays, Good Friday, Christmas Day, and New Year's Day only excepted: Provided always, that it shall be lawful for the Governor with the advice of the Executive Council, from time to time to make regulations for allowing to Indian labourers such holidays or days to be observed as religious festivals as to him shall seem fit. The forms of contract to be entered into shall be as near as may be in the form in Schedules J. and K. hereto annexed.	Removal by assignees. Days and hours of labour. Sundays and holidays. Proviso as to other holidays.
25. No Indian Immigrant engaged for field labour shall be compelled to perform any work on any Sunday or holiday save only such as shall be of immediate necessity for the care and feeding of animals, the cleanliness of yards, sties, stables, folds, manufactories and buildings, and other work indispensable for the preservation of the property of his employer. Such work shall not be of more than two hours' duration nor be continued after the hour of eight in the morning: Provided that in every case in which work shall, at the request of the employer, be willingly performed by any servant beyond the time limited by law as mentioned above on any Sunday or holiday, the remuneration paid for such extra labour shall be specially mentioned in the wages book.	Forms of contract. Immunity of field labourers from work on Sundays and holidays except in certain matters of necessity. Duration of work. Proviso as to extra labour.

Penalties for contravention of Section 26 by employer.

Penalty for field labourer's refusal to work.

26. Any employer, contravening the provisions of the above section, shall be liable to a penalty not exceeding two pounds on conviction, at the instance of the Protector of Indian Immigrants, by any Magistrate within whose jurisdiction the offence was committed. Any Indian Immigrant, engaged for field labour, refusing or neglecting to perform work which he may be required to perform under the above section, shall be liable to a penalty not exceeding one pound on conviction, at the instance of the Protector of Indian Immigrants or of the employer of such Indian Immigrant, by any Magistrate within whose jurisdiction the offence was committed.

X.—Wages, &c.

Wages book to be kept by employer.

Admissible in proof of payment of wages.

Inspection thereof.

Wages to be a first charge on all employer's property.

Exception.

27. Every employer of Indian Immigrants, whether indentured or free, such Immigrant not being employed as a domestic servant, shall keep a wages book, the pages whereof shall be ruled and divided in the form of the Schedule D hereto annexed, and such book, if duly and properly kept and regularly entered up shall be admissible as evidence in any Court as *prima facie* proof of the amount due for wages to any Indian employed on the estate in respect of which such book shall be kept, and such book shall at all times be open to the inspection of the Protector, Assistant Protector, or Deputy Protector of Indian Immigrants.

28. All moneys due to Indian Immigrants for wages shall be a first charge upon, and shall take priority of all charges and encumbrances whatsoever and whensoever made upon and over their employer's property, movable and immovable, in respect of which such Indians were employed, save and except moneys due to the Indian Immigration Trust Board, and made a preferent charge under the provisions of this Law: Provided, however, that such claims for wages shall have been demanded and legal proceedings taken by the Protector, Assistant Protector, or Deputy Protector of Indian Immigrants, to recover the same, within six months from the time that the same became due, or in the event of the insolvency of the employer, that the same shall have been duly proved in the estate by the Protector, Assistant Protector, or Deputy Protector of Indian Immigrants, or other person duly appointed by the Protector on behalf of such Indians within a like period, or within such period as other debts in the estate can be proved.

XI.—Deductions from Wages.

Deduction from wages for repayment of advance.

29. The person in respect of whom the service of any Indian Immigrant shall be in the first instance assigned or transferred, may deduct by monthly instalments of two shillings from the wages of such Immigrant the amount mentioned in each assignment as having been advanced to such Immigrant previous to his or her embarkation in India.

XII.—Absence without Leave, &c.

30. It shall be lawful for every person entitled to the services of any Indian Immigrant, or for any servant of such person, or for any constable, to apprehend without a warrant such Immigrant being found at a distance of more than one mile from the residence of the person in respect of whom his services shall be due without a written ticket of leave, signed by the master or by some person duly authorised by him, and to cause such Immigrant to be taken back to such residence. It shall be lawful for such master or employer to deduct the costs of such Immigrant's return from the wages then due, or which may thereafter become due, to the Immigrant: Provided that every Indian Immigrant shall be free from such arrest if, when so found, he shall be on his way to lodge any complaint before the Protector of Indian Immigrants, or the Magistrate of the Division wherein his place of service is situated. If the said Magistrate shall be of opinion that the complaint is frivolous or vexatious, or without just cause, the costs of the Immigrant's return from the Court of the Magistrate to the residence of the master or employer shall be paid by such master or employer, who is hereby authorized to deduct the amount of such costs from the wages then due, or which may thereafter become due, to such Immigrant: Provided always, that it shall not be lawful for any master or employer, deducting the costs to which this section refers, to retain in any one month more than one-half of the monthly wages to which the Immigrant is by law entitled.

31. It shall be lawful for the Protector of Indian Immigrants or any Magistrate or Justice of the Peace or any police constable to stop any Indian Immigrant wherever he may find him, and also for the owner or occupier or the servant of any owner or occupier of any land or house to stop any such Immigrant found upon or about such land or house, and, if such Immigrant being so required shall fail to produce his certificate of discharge, or a written ticket of leave signed by his master or by some person duly authorized by him to whom his services may be due, save in the exceptional circumstances contemplated by the first proviso of the preceding section, to take such Immigrant forthwith before the nearest Magistrate who shall forthwith enquire into the case. Unless such Immigrant shall satisfy such Magistrate that he has obtained his discharge, or that he is absent from the estate or residence of the person in respect of whom his services shall be due with the leave, in writing, of his master or the manager or other person in charge of such estate, then and in such case, for a first offence, such Immigrant shall be punishable by the Magistrate aforesaid by a fine not exceeding ten shillings or by imprisonment with hard labour for any term not exceeding seven days, and for a second offence, by imprisonment with hard labour for any term not exceeding fourteen days, and for every subsequent offence by imprisonment with hard labour for any term not exceeding thirty days. It shall be the duty of such Magistrate to communicate to the master or employer of any Immigrant so punished the fact of

Arrest of Immigrant found beyond one mile from employer's residence without leave.

Deduction of cost of Immigrant's return. Exemption from arrest when on way to lodge complaint.

If complaint frivolous, cost of return to be deducted from wages.

Limit of deduction.

Protector, Magistrate, &c., may stop Immigrant and demand certificate of discharge or pass.

Failing production Immigrant may be brought up and dealt with by Magistrate.

the imposition of a fine or of the committal to prison, with the date on which such fine was imposed or on which the term of imprisonment was awarded, and after payment of such fine or at the expiration of the term of imprisonment, should such master or employer not claim the Immigrant, the said Magistrate shall forward the Immigrant to his master or employer. The costs of such return shall be paid to the Magistrate by the master or employer, who is hereby authorized to deduct the amount of such costs from the wages then due, or which may thereafter become due, to such Immigrant: Provided that it shall be lawful for the Magistrate, if he be unable to ascertain such master or employer, to forward the Immigrant to the Protector or Deputy Protector of Indian Immigrants for identification, and the total costs incurred in such return shall be paid by the master or employer, who is hereby authorized to deduct the amount from the wages then due, or which may thereafter become due, to such Immigrant.

32. When any Indian Immigrant shall have been thrice convicted for the offence of absence from his master's service without a written ticket of leave as contemplated by the preceding section, and it shall not appear to whom such Immigrant's services are legally due under assignment, it shall be lawful for the Protector of Indian Immigrants to assign the services of such Immigrant to any person who shall be willing to accept and pay the charges of such assignment; and if no person shall accept such assignment within ten days from the release of such Immigrant from prison, the Protector shall assign the services of such Immigrant to the Colonial Government for employment in any public works: Provided always, that on every such case of re-assignment, the Protector of Indian Immigrants shall, when it can be ascertained to whom such Immigrant was originally assigned, pay to such original employer the sums paid by him consequent upon the original assignment of such Immigrant, less the sum of five shillings per month for each month such Immigrant served such original employer, and provided that, after such re-assignment, the original employer shall not be liable for any instalment of payment accruing after such re-assignment: Provided, further, that, in case the original employer shall elect, he may call upon the Protector of Indian Immigrants to cancel such second assignment and to restore to him the services of such Immigrant, and such Immigrant shall be compelled to render such original employer actual service for the time he was originally assigned, and the person to whom such Immigrant was re-assigned, when such re-assignment shall be cancelled, shall be entitled to have re-paid to him by the Protector of Indian Immigrants such sum as he may have paid on such second assignment, minus the sum of five shillings per month for each month such Immigrant shall have served such second employer.

33. Every Indian Immigrant who shall unlawfully absent himself from work shall forfeit, in addition to losing all claim to wages and allowances during such absence, a uniform amount of one shilling per diem if a male, and sixpence per diem if a female for each day's absence, and such sum may be retained by the employer from any

Payment of costs of return.

Assignment of Immigrant thrice convicted for absence from service to another person or to Government.

Proviso as to payments to be made to original employer

who may claim cancellation of second assignment,

Penalty for unlawful absence from work.

wages which may be due by him to such Immigrant previous to such absence: Provided, that in the case of any male Immigrants who are indentured as special servants, and to whom in the terms of the indenture the monthly rate of wages payable shall be thirty shillings or more, the employer shall be entitled to deduct the sum of two shillings per diem in lieu of one shilling, as provided in this section: Provided also, that such forfeiture shall not in any one month exceed the amount of wages for such month due to the Immigrant upon whom such forfeiture is imposed, and that it shall not be levied in respect of Sundays and the holidays by this Law provided, save as required by the Law providing for the performance, on Sundays and the holidays by this Law provided, of work immediately necessary for the preservation of the employer's property: Provided, further, that in the event of a complaint being made by such Immigrant on account of the non-payment of wages so retained, before a Magistrate of the Division wherein such Immigrant's place of service is situated, the employer shall be bound to justify such retention to the satisfaction of the said Magistrate: Provided, fourthly, that should such unlawful absence exceed twenty-five days in any one year the employer may claim, in lieu of such period of absence or any portion thereof, a prolongation of the contract for a period equivalent to two days for so many several days of such unlawful absence as shall not have subjected such Immigrant to the forfeiture aforesaid: during such prolongation of the contract the Immigrant shall receive wages at the same rate and allowances on the same daily scale as he would have been entitled to during the period of unlawful absence which shall have occasioned such prolongation of the contract.

34. No Indian Immigrant shall be deemed to be unlawfully absent from work within the meaning of the foregoing section, if it shall appear by a certificate, signed by a duly qualified medical practitioner, that the absence from work was occasioned by incapacity resulting from sickness, or bodily infirmity, not caused by his or her own act, or if special circumstances, sufficient to justify such absence, shall be shown to the satisfaction of the aforesaid Magistrate: Provided that every Immigrant during absence from work by reason of sickness or bodily infirmity, not caused by his or her own act, shall be supplied by his or her employer with food, shelter, and, except when otherwise provided, with medical attendance and medicine, but shall be liable in respect of such absence from work through sickness or bodily infirmity to a deduction from his or her wages, for every day of such absence, at the rate of fourpence per diem during the first and second years of indenture, and sixpence per diem during the third, fourth, and fifth years of indenture.

35. Any Indian Immigrant who, being in good health and able to work, shall absent himself from muster or roll-call without leave, or who shall neglect to perform any work which his employer, or person duly authorized by him, may reasonably order him to perform, or who shall, without just cause, wilfully disobey the orders of his employer, or of any person duly authorised by him, shall be deemed to be guilty of misconduct and shall be punishable in addition to the forfeitures specified in the thirty-third section for unlawful

Proviso as to male Immigrants indentured as special servants.

Limits of forfeiture.

On complaint employer to justify deduction

Prolongation of contract if absence exceeds 25 days in any one year.

Absence not to be deemed unlawful in certain cases.

In such cases employer to supply food, shelter, &c.

Deduction therefor.

Punishment for absence without leave from roll-call, neglect of work, or disobedience.

absence from work, by the Magistrate of the division wherein his place of service is situated, by imprisonment, with or without hard labour, for any term not exceeding seven days for the first offence, by imprisonment with hard labour for any term not exceeding fourteen days for the second offence, and for every subsequent offence by imprisonment with hard labour for any term not exceeding thirty days, with spare diet, if the Magistrate shall so adjudge, for any portion not exceeding one-third of such last-mentioned term of imprisonment.

Punishment for gross insolence, fraud, deception damage to employer's property

36. Any Indian Immigrant, who shall be grossly insolent to his employer, or who shall practice any fraud or deception in the performance of any work which he is bound to perform, or who shall, by negligence or other improper conduct, lose, throw away or damage the property of his employer, shall be punishable by the Magistrate of the division, wherein his place of service is situated, by a fine not exceeding Five Pounds, or by imprisonment with hard labour for any term not exceeding thirty days.

Punishment upon second conviction, or for injury to property by fire, maiming or wounding of stock.

37. Any Indian Immigrant who may be found guilty a second time of any offence specified in the foregoing section, or who shall endanger the property of his employer by the careless use of fire, or who shall wilfully maim, wound, or cruelly ill-use any live stock or cattle belonging to his employer, or entrusted to such employer's care, or who by negligence shall suffer any such live stock or cattle to be maimed, wounded, or cruelly ill-used, shall be punished, on conviction before any Magistrate of the division wherein his place of service is situated, or wherein the offence was committed, by imprisonment with hard labour for any term not exceeding three months, with spare diet, if such Magistrate shall so adjudge, or any portion not exceeding one-third of such term: Provided, that nothing herein contained shall be a bar to the prosecution before the Supreme or Circuit Court under the common law of the Colony, if the Attorney-General so direct, of any Indian Immigrant accused of wilfully maiming, wounding, or cruelly ill-using any live stock or cattle belonging to his employer, or entrusted to such employer's care, or accused of aiding and abetting any wilful maiming, wounding, or cruelly ill-using such live stock or cattle.

Saving as to prosecution under the common law.

Immigrant found on premises without pass.

88. Any person on whose premises any assigned Indian Immigrant may be found without a pass may send information to that effect to the Protector or the Deputy Protector of Indian Immigrants, or to the nearest Magistrate, who shall, upon receipt of such information, take steps to have such Indian Immigrant brought before the Magistrate having jurisdiction, to be dealt with according to the provisions of this Law.

XIII.—Transfer of Immigrants.

Immigrant may be transferred by leave of Protector if no consideration be given.

89. Any requisitionist may, with the leave of the Protector of Indian Immigrants, have any Indian Immigrant whom such requisitionist had applied for, and who shall be under a contract to serve him or to serve any employer to whom he should be allotted, transferred to any other person upon production of an affidavit to the Protector of Indian Immigrants that no consideration or value has passed or been promised for such transfer.

40. If after the date when this Law shall come into operation, the estate or place on which any Indian Immigrant shall be engaged to work, shall be sold, alienated, or transferred to, or succeeded to by another person during the currency of the contract, the Immigrant shall be bound, subject to the approval of the Protector of Indian Immigrants, to perform all the conditions of the contract, to the new proprietor of the estate or place, who, in like manner, shall be held bound to perform the stipulations thereof incumbent upon the employer.

Effect re-location on transfer of estate.

41. Upon any new proprietor being substituted under a contract in terms of the foregoing provisions, the former employer will be entitled to be freed from the obligations incumbent on him by the contract, provided that he shall satisfy the Protector of Indian Immigrants that the Immigrants will not suffer thereby, and provided that all arrears of wages be paid before the former proprietor shall be so liberated.

Relief of former employer from obligations.

42. No conviction of an Indentured Indian Immigrant of any crime under the ordinary Law of the Colony, or of any offence under this or any other Law, and sentence of imprisonment thereupon shall be construed or held to operate as an assignment or transfer of the services of such Indentured Indian Immigrant from the person or estate or place entitled to the services of such Immigrant at the time of the committal of such crime or offence.

Conviction not to operate as a transfer or assignment.

43. It shall be lawful for the Protector of Indian Immigrants, subject to such terms and conditions as to instalments and all other money payments as may be approved of by the Indian Immigration Board, on the application of the employer of any Indentured Indian Immigrant, or of such Immigrant, to cancel and determine the contract of service of such Immigrant, and to assign such Immigrant to some other person for the residue of the original term of service of such Immigrant.

Cancellation of contract by Protector and re-assignment of Immigrant.

XIV.—Evidence of Execution of Contract, &c.

44. Proof of the handwriting of the Protector of Indian Immigrants or Assistant Protector to any assignment or transfer of the services of any Indian Immigrant, or to any certificate or other document mentioned in this Law, shall be sufficient evidence of the execution of the same and of the facts mentioned in such assignment, transfer certificate, or other documents.

Handwriting of Protector or Assistant Protector evidence of execution of certain documents and of facts recited therein.

XV.—Inspection of Estates and Places where Indians are Employed.

45. It shall be lawful for the Protector of Indian Immigrants or Deputy Protector or any other person duly authorised by the Governor for that purpose, and the Protector of Indian Immigrants or Deputy Protector or other person duly authorised is hereby required, twice at least in every year, to enter into and upon every estate or place in the Colony of Natal where any Indian Immigrant may be employed, and to inspect the state and condition of all Indian Immigrants whom he may find upon such estate or place and enquire into any complaint which the employer may have against such Im-

Inspection of estates and places where Indians are employed.

Enquiry into complaints.

This section not to apply to domestic servants.

Governor may require further returns from employers.

Governor may authorise Protector, Assistant Protector, and Deputy Protector when visiting estates to administer this Law in regard to Masters and Servants.

Powers conferred.

Protector may call for records of Criminal Cases tried by Magistrate

and appeal to Supreme or Circuit Court.

Employer to provide medical care for Immigrants.

Register.

Returns as to number and state of Immigrants may be demanded from employer.

Quarterly returns.

migrant or such Immigrant may have against his employer, and shall ascertain whether such Immigrants are properly treated, and shall report the result to the Governor. Nothing in this Section contained shall apply or be deemed to be applicable to Free Indian Immigrants employed as domestic household servants: Provided also, that the Governor may from time to time require from every employer of Indentured Immigrants such further returns as the Governor may see fit to direct as to the number, state, and condition of such Indentured Immigrants, and every such employer shall be bound to send in such return in manner and time as directed.

46. The Governor may, by writing under the hand of the Colonial Secretary, authorise and appoint, from time to time, the Protector, the Assistant Protector, and also the Deputy Protector of Indian Immigrants, to carry out and administer in any estate or place which he may enter into and upon for the purposes of Section 45 of this Law, any and all of the provisions of this Law as to the relations between Master and Servant; and the said Protector, Assistant Protector, and also the Deputy Protector of Indian Immigrants, shall have the same powers and authorities for hearing and determining complaints and enforcing his decision and judgment thereon as a Magistrate has.

47. The Protector of Immigrants shall be empowered, in any criminal case in which an Indian Immigrant may be concerned, and in which a Magistrate shall have adjudicated, to call for and obtain from such Magistrate, and such Magistrate shall be required upon such demand to furnish without delay, a copy of the record, proceedings, evidence, and judgment in such case; and the Protector may, if he shall so think fit, give notice of appeal, and prosecute an appeal to the Supreme Court, or the Circuit Court having jurisdiction, against the judgment of the Magistrate, without payment of any fees of the Magistrate's Court, or of the Supreme or Circuit Court, and without any cost to such Indian Immigrant; and the Supreme or Circuit Court shall have power to entertain the appeal so instituted by the Protector of Immigrants, and to adjudicate thereon.

XVI.—Medical Care, &c.

48. Every person in whose employ any Indian Immigrant may be shall be bound to provide proper and sufficient medical care and proper and sufficient medicine and attendance for such Indian Immigrants, and to keep or cause to be kept a "general and medical register book" in such manner and form as the Indian Immigration Trust Board may from time to time direct.

49. It shall be lawful for the Protector or Deputy Protector of Indian Immigrants from time to time to require from any employer of such Immigrants such returns as either of them may see fit to direct, as to the number, state, and condition of such Immigrants, and such employer shall be bound to send in such return to the officer requiring the same within one calendar month next after he shall have been notified so to do. A return in the form of Schedule E shall be made up by each employer of Indian Immigrants, Free or Indentured, and sent in to the Protector of Indian Immigrants quarterly.

50. The Indian Immigration Trust Board of Natal may and is hereby authorised to appoint a duly qualified medical practitioner to attend upon the Indian Immigrants employed upon any estate or elsewhere, and upon any such appointment, the proprietor of the estate or the employer of such Immigrants shall be released from his obligation to obtain a duly qualified medical practitioner to attend upon such Immigrants. And every employer of Indian Immigrants, not being free domestic servants, on any estate or place for which estate or place the said Board may have appointed a medical practitioner, as aforesaid, shall pay quarterly on or before the 10th January, 10th April, 10th July, and 10th October in each year to the Protector of Indian Immigrants a sum not exceeding One Shilling Sterling per month for every male statute adult Immigrant in the service of such employer, and the Protector of Indian Immigrants shall pay such moneys to the Indian Immigration Trust Board, to be paid by such Board into a special fund, to be called the "Medical Fund," and the Indian Immigration Trust Board shall, out of the said moneys, pay such salaries for medical practitioners as shall from time to time be determined by the said Board, and shall otherwise pay and apply such moneys in such manner and for such purposes connected with the collection and administration thereof, and medical attendance and accommodation for Indian Immigrants as the said Trust Board may deem expedient: Provided, that no employer of less than four hundred of such male adult Immigrants shall pay more than Thirty Pounds per quarter, or One Hundred and Twenty Pounds per annum, under the provisions of this Section, on account of Indians employed on the same estate or on estates situated within the same medical district or circle: And provided that in case the number of such adult male Immigrants employed by the same employer on the same estate or on estates situated within the same medical district or circle shall be four hundred or more, the amount payable by such employer under this Section shall be Forty Pounds per quarter, or One Hundred and Sixty Pounds per annum.

Appointment of medical practitioners for estates, &c.

Contribution by employers.

Medical Fund: Its application.

Limit of contribution.

51. The age of eighteen years and upwards shall be, and is hereby declared to be the age of an Indian Immigrant male adult for the purpose of the foregoing Section.

Age of adult male for purposes of Sec. 50.

52. As soon as conveniently may be after the arrival of Indian Immigrants at the Port of Durban, and before their assignment to any employers, the said Indian Immigrants whilst at the depôt shall be examined by a Medical Board, consisting of two members duly appointed for that purpose by the Protector of Indian Immigrants. Any Indian Immigrant pronounced by the said Medical Board to be unfit for work by reason of physical or mental disability, may be detained at the depôt, and thereafter as soon as conveniently may be after such examination, be returned to the Indian port whence he or she embarked. Any expenses incurred in the medical examination, detention, and return of any Indian Immigrants, shall be borne and defrayed by the Indian Immigration Trust Board.

Examination of Immigrants at depôt by Medical Board.

Unfit persons may be returned to India.

Exemption of
Immigrant
woman from
service in certain
cases.

53. Any Indian Immigrant woman shall be exempt from rendering any labour or service to her employer, upon the certificate of the Medical Officer that she is unfit to render such labour or service, or that her duties as a mother require the whole of her time, strength, and attention.

XVII.—Hospitals.

Hospitals may be
required to be
erected and
maintained for
an estate or for
adjoining estates.

54. In every case where a larger number than twenty Indian Immigrants, indentured and free, or indentured or free, are, or shall be, in service on any one Estate, or on adjoining Estates belonging to, or in the occupation of, the same person, the owner or occupier of such Estate or Estates may be required by the Protector of Indian Immigrants, and when so required, shall be bound to have and maintain on such Estate, or on one or other of such Estates as the case may be, a proper and sufficient building, to be approved by the Protector of Indian Immigrants, or by some person appointed by him, as an hospital for such Indians, and to have at all times therein a proper and sufficient supply of medicines and medical comforts: Provided, that for the purposes of this section Estates belonging to, or in the occupation of the same persons, may be deemed to be adjoining Estates if situated within a radius of six miles: And provided, also, that it shall and may be lawful for any two or more owners or occupiers of Estates to arrange together, with the sanction of the Protector of Indian Immigrants, for the establishment and maintenance of a common hospital for such several Estates where circumstances admit of such an arrangement being conveniently carried out: Provided, that as to Estates situated within a medical circle, this section shall only apply where the Medical Officer, with the approval of the Protector of Indian Immigrants, shall see fit to enforce its provisions.

Definition of
"adjoining
estates."

Agreement of
several owners
for a common
hospital.

Proviso as to
estates within a
Medical Circle.

Treatment of
Immigrants
affected with
venereal diseases

55. Whenever an indentured Indian Immigrant is known to be affected with any venereal disease, the employer of such indentured Indian Immigrant, or the Medical Officer of the Circle in which the Indian is employed, shall, if such indentured Indian Immigrant be willing, cause him to be taken to a Central Hospital, to be received and detained there for medical treatment; and he shall not be discharged therefrom until reported cured; and the order of such employer or medical officer shall be sufficient warrant to the officers of such Central Hospital for receiving and detaining such Indian Immigrant until he be reported cured.

Procedure in
case of such
Immigrant
showing
unwillingness to
go to hospital.

56. If any such indentured Indian Immigrant, known as in the last preceding section mentioned to be affected with any venereal disease, shall not willingly go to any such Central Hospital, he may be arrested and detained in custody, and taken as soon as may be before the Magistrate of the Division, who shall examine into the matter and hear the objection of such indentured Indian Immigrant, and take such evidence as may be brought forward by such employer and Medical Officer of the Circle, and shall thereupon determine the matter, and may make order that such indentured Indian Immigrant shall be taken to the Central Hospital, and be there received and detained until he be reported cured; and such

order shall be a sufficient warrant to the officers of such hospital for receiving such indentured Indian Immigrant, and detaining him until he shall be reported cured.

57. All costs and expenses connected with and arising out of the removal of such indentured Indian Immigrant to a Central Hospital, and of his detention and treatment therein, may be deducted by the employer from the wages of such indentured Indian Immigrant.

Deduction from
wages for

58. The cost of removal to and from, and the maintenance in, any lunatic asylum of this Colony of any Indian Immigrant, indentured or free, confined therein as an insane person, under the provisions of "The Custody of Lunatics Law, 1868," shall be defrayed by the Indian Immigration Trust Board, the funds of which Board are made chargeable with such cost.

Cost of main-
tenance of
lunatic.

XVIII.—Exemption of Immigrants from Imprisonment for Debt, &c.

59. No Indian Immigrant shall be at any time liable to any action or proceeding at Law for the recovery of any debt or liability contracted or incurred by such Immigrant during the term of his or her indenture, and no Indian Immigrant shall be liable whilst under indenture of service in terms of this Law to imprisonment for debt, and it shall not be lawful for any creditor of such Immigrant to attach his or her wages or levy upon his or her goods during the continuance of such indenture, any Law to the contrary notwithstanding.

Exemption of
indentured
Immigrant
from legal
proceedings,
levy or imprison-
ment for debt.

XIX.—Administration of Estates of Deceased Immigrants.

60. It shall be the duty of the Protector of Indian Immigrants, to collect and take possession of the property of any Indian Immigrants who may die intestate in this Colony, and to deliver, with as little delay as possible, all such property to any person in this Colony who shall establish a right thereto to the satisfaction of the said Protector, or, in the absence of such person, to sell the said property and pay the proceeds thereof into the Colonial Treasury. It shall be lawful for the said Protector, at any time within ten years computed from the date of the death of the intestate, to withdraw such proceeds in order to pay the same to any person, resident in this Colony or elsewhere, who may prove his or her right thereto to the satisfaction of the said Protector. In the event of no such withdrawal, the said Protector may, at the expiration of ten years computed as aforesaid, withdraw such money in order that the same may be by him applied to the relief of distressed Indian Immigrants, or of their descendants being in distress, resident in this Colony: Provided that the said Protector may charge against any intestate estate the expenses reasonably connected with its administration, and, further, that any person, aggrieved by any order made by the said Protector under this section, may appeal to the Supreme Court of this Colony within six months from the date of such order.

Administration
of estates of
deceased immi-
grants.

XX.—Registration of Marriages, Births, and Deaths.

Protector to be Registrar of Births and Deaths.

61. The Protector of Indian Immigrants is hereby appointed Registrar of Births and Deaths of Indian Immigrants, and shall without fee or reward enter and register all particulars according to the Schedules F and G hereto annexed in cases of births and deaths respectively, or as near thereto as in the circumstances of each case may be applicable.

Notification of death of Immigrant to Protector by employer, or other person.

62. In case of the death of any Indian Immigrant the employer, if such Immigrant was at the time of death under indenture, or if the Immigrant was a Free Indian then the employer in whose house or estate such Immigrant may die or the occupier of the house or tenement or of the estate in which the death shall have occurred shall within thirty days transmit to the Protector of Indian Immigrants a notice signed by the employer or his agent in the case of an Indentured Indian, or by the employer or occupier as aforesaid in the case of a Free Indian, containing the particulars required to be registered concerning such death contained in form in Schedule G to this Law, or as near thereto as may be; such notice shall be accompanied by a proper medical certificate in the case of Indentured Indians or by other proof to the satisfaction of the Protector of Indian Immigrants in the case of Free Indians as to the cause of the death.

Notification of birth by employer or other person.

63. In each case of a child born of an Indian Immigrant woman within this Colony the employer of such woman in case either of the parents of the child are under indenture, or in case the parents are Free Indians, then the father or the mother or the person on whose estate or place such child shall be born, shall, within thirty days, transmit to the Protector of Indian Immigrants a notice signed by the employer or his agent in the case of Indentured Indians or by such father, mother, or person in the case of Free Indians, containing the particulars required to be registered concerning such birth contained in the form in Schedule F to this Law.

Punishment for failure to give such notice.

64. Every Indian Immigrant or other person who shall refuse or neglect to give notice of any such birth or death as required by the last two sections, or who shall otherwise refuse or neglect to comply with the provisions of said sections, shall forfeit for every such offence a sum not exceeding Five Pounds Sterling, to be recoverable in any competent Court at the instance and on the complaint of the Protector of Indian Immigrants, and in default of payment, may be imprisoned for any term not exceeding one month.

XXI.—Indian Immigrant Marriages and Divorces.

Validity of existing registered polygamous marriages.

65. All polygamous marriages which have been registered by the Protector of Indian Immigrants in Natal under the 13th or 14th sections of Law No. 12 of 1872, are hereby declared valid, so far as this Colony is concerned, and such registration shall hereafter be accepted by all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same refers.

66. No polygamous marriage which may hereafter be contracted by Indian Immigrants in this Colony shall be considered valid as far as this Colony is concerned, and no polygamous marriage shall be registered by the Protector of Indian Immigrants or by any Magistrate.

Future polygamous marriages invalid.

67. All other marriages, which have been registered by the said Protector under the 13th or 14th sections of the said Law, are hereby declared valid, so far as this Colony is concerned, and such registration shall hereafter be accepted by all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same refers.

All other marriages lawfully registered to be valid.

68. The Protector of Indian Immigrants, upon the arrival of any ship with emigrants from India, and before the emigrants are assigned, shall demand, from such of them as are described as married in the emigration lists, the certified copies of their marriage registers handed to them by the Protector of Emigrants at Calcutta and at Madras. The Protector of Indian Immigrants shall forthwith register the marriages of the persons to whom such certified copies refer, attaching such copies to such register, and such registration shall be accepted in all Courts, whether civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same relates: Provided that if such certified copies are not produced when demanded, or have been lost during the voyage, the marriage may be registered from the particulars contained in the general register of the Emigrants.

Protector to demand certified copies of marriage register previous to landing, and register such marriages.

Proviso as to loss of certificate

69. The Protector of Indian Immigrants shall forthwith register the marriages of those Indian Immigrants who, being of the age hereinafter specified, may declare to him, before their departure from the depôt in Durban, their desire to be married, and such registration shall be accepted in all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same refers.

Registration of immigrants married at Depôt.

70. All Indian Immigrants, except those professing the Christian religion, who may desire to marry at any period after their departure from the depôt at Durban, shall attend before the Magistrate having jurisdiction in the division wherein either of the contracting parties reside, or before the Protector of Indian Immigrants, and shall declare their desire to marry. Such declaration shall be made by the contracting parties in presence of two witnesses, who shall append their signatures to the declaration in presence of such Magistrate or Protector. Such Magistrate or Protector shall then register the names of the contracting parties, their abodes, their races and religions, in a book kept for such registration, and entitled "Indian Immigrants' Marriage Register." Such Magistrate or Protector shall also record the official numbers of the contracting parties, or if they or either of them are Colonial born then the names and the official numbers, if any, of the parents of such parties, or either of them. Every Magistrate shall forthwith forward to the Protector of Indian Immigrants a certified copy of the register of every marriage so registered by him, and the said Protector shall enter the same in a general register com-

Marriage of non-Christian immigrants.

Marriage Register.

piled from his own register and from the certified copies forwarded by the said Magistrates. Such registration by a Magistrate or by the Protector shall be accepted in all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriage to which the same refers.

Ceremony not necessary to validity of marriage.

71. No ceremony, religious or otherwise, either before or after the registration under the provisions of the last section, shall be necessary, as far as this Colony is concerned, for the validity of any marriage so registered.

Copy of register of Christian Marriage to be sent to Protector

72. In every marriage between Indian Immigrants, being Christians, celebrated by any minister of the Christian religion or by marriage officers competent to solemnize marriages under Ordinance No. 17 of 1846, the said minister or the said marriage officer shall forthwith forward a certified copy of the marriage register, in which register the official number of the contracting parties or of their parents shall be recorded, required to be kept by the 21st section of Her Majesty's Order in Council of September 7th, 1838, to the Protector of Indian Immigrants, in order that the same may be entered in the general register kept by him: Provided that such minister or marriage officer shall not be relieved hereby from the obligation imposed, by the said section of the said Order, and by the provisions of the Registration Law, 1867, with reference to the transmission of the duplicate original register to the Colonial Secretary and the Registrar-General.

Proviso.

Age of Contracting Parties.

Age for majority of male and female.

73. In all marriages between Indian Immigrants, hereafter contracted within this Colony before Magistrates or the Protector of Indian Immigrants, the male contracting party shall not be under the age of 16 years and the females shall not be under the age of 13 years, and those ages are hereby fixed, for the purposes of this Law, as the period of majority for the male and female respectively.

Christian marriages legalised if parties are of legal age.

74. It shall be lawful for ministers of the Christian religion or marriage officers competent to solemnize marriages between persons professing the Christian religion, under Ordinance No. 17 of 1846 and Her Majesty's Order in Council therewith made applicable to Natal, to solemnize marriages between Indian Immigrants or their descendants, being of the Christian religion, if the male contracting party be not under 16 years of age, and if the female be not under 13 years of age. The Ordinance No. 17 of 1846 is hereby amended in any of its provisions which are repugnant to, or inconsistent with, this enactment as to the age of the Indian Immigrants or their descendants of the Christian religion, who may hereafter desire to marry in accordance with Christian ritual. In all other respects, the provisions of that Ordinance shall apply to the marriages of Indian Immigrants or their descendants, being Christians, hereafter solemnised before the said ministers or marriage officers,

Amendment of Ordinance No. 17, 1846, in certain respects.

Prohibited Degrees of Marriage.

75. Every marriage, hereafter contracted under the provisions of this Law, shall be void if the parties thereto be, by the religion of either, prohibited from intermarrying on the ground of consanguinity or affinity. Marriage void if prohibited by consanguinity or affinity.

Divorces.

76. It shall be competent for either party to any marriage registered or made valid under the provisions of this Law, except those between persons professing the Christian religion, to sue for a dissolution of marriage on the ground that the other party has been guilty of misconduct, as follows:—

Grounds for divorce between non-Christians.

1. Adultery.

2. Continuous desertion for a period of one year.

77. It shall be competent for either party to any marriage, solemnised in accordance with Christian ritual, under the provisions of this Law, to sue for dissolution of marriage on those grounds which are, or may be, recognised by the laws of this Colony as grounds upon which a divorce *a vinculo matrimonii* may be granted to suitors of the Christian community of the Colony. Grounds for divorce of Christians.

78. All suits for the dissolution of marriages, registered or made valid under the provisions of this Law, inclusive of those marriages between Indians professing the Christian religion, shall be brought in the Court of the Magistrate having jurisdiction in the division wherein the parties or either of them reside. The said Magistrate shall have full jurisdiction to hear and decide the same, such trials being held in open Court. Suits to be brought in Magistrate's Courts.

79. It shall be competent for either party to any such suit to appeal to the Supreme or Circuit Court from any order or judgment, interlocutory or final, pronounced by the Magistrate therein: Provided that such appeal be instituted within three calendar months from the date of the order or judgment from which the appeal is taken. Appeal.

80. Every Magistrate shall register in a book, entitled "Register of Indian Immigrant Divorces," every decree of dissolution of marriage pronounced by him under the provisions of this Law, and shall forthwith forward a certified copy thereof to the Protector of Immigrants for registration. Such registration by the said Magistrates shall be accepted in all Courts, civil or criminal, within this Colony, as conclusive evidence of the dissolution of the marriage to which the same refers. Register of Indian Immigrant Divorces.

Marriage of Divorced Indian Immigrants.

81. It shall be lawful for either party to a marriage dissolved under the provisions of this Law, to marry again as if the prior marriage had been dissolved by death— Re-marriage after Divorce.

1. At the expiration of three months after the date of the decree of dissolution of marriage, and if no appeal has been presented against such decree to the Supreme or Circuit Court.

2. Or sooner when any such appeal has been dismissed,

Nullity of Marriage.

Suits for nullity of marriage to be brought in Magistrate's Courts.

82. It shall be lawful for either party to a marriage, hereafter contracted under the provisions of this Law, to institute in the Court of the Magistrate, having jurisdiction in the district within which either party resides, an action for a decree that his or her marriage may be declared null and void, and such Magistrate shall have full power to deal with the same: Provided that, from any order or sentence pronounced in such suits by any Magistrate, an appeal may be presented to the Supreme or Circuit Court by any person aggrieved thereby, within 20 days from such order or sentence.

Grounds for decree of nullity of marriage.

83. Such decree may be made on any of the following grounds:—

1. That the respondent was impotent at the time of the marriage and at the time of the institution of the suit.
2. That the parties are within those degrees of consanguinity or affinity prohibited by the religion of either of them.
3. That either party was a lunatic or idiot at the time of the marriage.
4. That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.
5. That the consent of either party to the marriage was obtained by force or fraud.

Legitimacy of children born before decree of nullity of marriage.

84. If any marriage, hereafter contracted under the provisions of this Law, be annulled on the ground that the former husband or wife was living at the time of such marriage, and if it be adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or if a marriage be annulled on the ground of insanity, the Magistrate shall specify in the decree those children who were begotten before the decree, and those children shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

Adultery, Seduction, and Abduction.

Punishment for adultery, seduction, and abduction.

85. Any Indian Immigrant who shall commit adultery with the wife of any Indian Immigrant, married under the provisions of this Law, or whose marriage has been rendered valid thereby, or who shall cohabit with any unmarried Indian Immigrant girl under 18 years of age, or who shall entice or abduct her from the custody of her parents or lawful guardian, shall upon conviction be liable to a fine not exceeding £10, or in default of immediate payment, to imprisonment at hard labour for any period not exceeding thirty days, or, in the discretion of the convicting Magistrate, to such fine and imprisonment. It shall be competent for any Indian Immigrant woman, married under the provisions of this Law, or whose marriage has been rendered valid thereby, upon production to a Magistrate

Proceedings by wife against husband for above offences.

of a certificate from the Protector of Indian Immigrants to the effect that in his opinion there are good grounds for such action, to institute proceedings against her own husband for committing any offence specified in this section.

86. All actions for offences specified in the preceding section, shall be heard and decided in open Court by the Magistrate having jurisdiction in the division wherein the aggrieved husband, wife, parent, or guardian resides, or wherein the offender resides.

Magistrate's jurisdiction.

87. It shall be lawful for the said Magistrate to order and adjudge a wife so committing adultery, or an unmarried girl under 18 years of age so cohabiting, or eloping without the consent of her parents or lawful guardian, to imprisonment, with or without hard labour, for any period not exceeding 30 days.

Punishment for offences by wife or unmarried girl.

88. From all orders and sentences, pronounced by Magistrates in such actions, any person aggrieved thereby may appeal to the Supreme or Circuit Court within 20 days from the date of such order or sentence.

Appeal.

89. Whenever it shall be necessary in any Court, civil or criminal, within this Colony, to prove the registration of any marriage or dissolution thereof under the provisions of this Law, it shall be competent for any person to prove the same by the production of copies of the registers kept by the Protector of Indian Immigrants, Magistrates, ministers of the Christian religion or marriage officers, provided that such copies be certified under the hand of the said persons so keeping such registers or of their successors in office.

Proof of registration or dissolution of marriage.

XXII.—License to depart from the Colony.

90. It shall not be lawful for any Indian Immigrant introduced into this Colony at the expense of the Indian Immigration Trust Board to depart from this Colony without a license in writing, signed by the Protector of Indian Immigrants.

Immigrant not to leave the Colony without license.

91. No license to leave this Colony shall be delivered by the Protector of Indian Immigrants to any such Indian Immigrant until he shall have completed a residence of ten years within this Colony as provided in this Law, unless the Protector of Indian Immigrants shall, with the approval of the Indian Immigration Trust Board, make an order in writing under his hand, for the return of any such Indian to the place whence he may have come before the expiration of the said term of ten years.

Residence of ten years necessary except by special order.

92. No license to leave the Colony shall be granted to any Indian Immigrant who has not completed ten years' residence in the Colony, unless such Indian Immigrant shall voluntarily abandon his claim to a free return passage to India.

License granted to those who willingly relinquish claim to return passage.

XXIII.—Power of Protector to prolong Contract in certain cases.

93. If it shall appear to the Protector or Deputy Protector of Indian Immigrants on any visit next preceding the termination of the indenture of any Immigrant that any Immigrant has been imprisoned during his existing term of service, the said Protector or Deputy Protector of Indian Immigrants shall renew such indenture

Protector may prolong contract of Immigrant who has been imprisoned.

for such further term of service as such Immigrant may have been imprisoned, and he may from time to time renew such indenture for any subsequent imprisonment, and such Immigrant shall not be entitled to any certificate of discharge until he shall have faithfully performed such further term of service as aforesaid: Provided always, that no such Immigrant shall have such indenture renewed or be compelled to perform such further service if he shall be acquitted of the offence charged, or if the criminal proceedings under which he was imprisoned shall have been subsequently set aside or discharged, or if his master or employer shall have elected to exact the fine by law, provided in certain cases in lieu of such prolongation of service.

Exception in certain cases.

XXIV.—Fines, Penalties, &c.

Punishment for employers neglect to provide medical attendance, or to keep register, or for ill-treatment or neglect,

or failure to pay wages.

Governor may determine contract.

Punishment for obstructing entry by Protector or other person on estate.

Punishment for failure to send in returns or for false returns.

94. Every employer who shall neglect to retain a duly qualified licensed and registered medical practitioner to attend upon the Immigrants in his employ, or who shall fail or neglect to supply proper medicine or nourishment for any such Immigrant when sick, or who shall neglect to keep such general and medical register book as provided by this Law, or who himself or by any overseer, or sirdar employed by him shall wilfully ill-treat any Immigrant in his employ or who shall fail or neglect to supply to any such Immigrant any article of food or to pay any wages to which such Immigrant shall be entitled, shall on conviction thereof before any Court forfeit and pay such sum not exceeding Ten Pounds Sterling for every offence as to the Court shall seem fit, or in default may be adjudged to imprisonment not exceeding thirty days: Provided always, that it shall be at the same time lawful for the Governor, if he shall see fit, to determine the contract of service of such Immigrant and also of any other Immigrants in the employ of the same employer and to assign such Immigrants to some other person for the residue of the original terms of service of such Immigrants respectively.

95. Every person who shall obstruct the Protector of Indian Immigrants, or other person duly authorised by the Governor for that purpose, in entering upon any Estate where any Indian Immigrant shall be employed, or shall be by such Protector of Indian Immigrants or other person reasonably supposed to be employed, or shall wilfully do any act whereby such Protector of Indian Immigrants or other person may be prevented or obstructed in inspecting the state and condition of any Indian Immigrant whom he may find on such Estate, shall, on conviction before any Court, forfeit and pay a sum not exceeding Ten Pounds Sterling, or in default of payment, shall be liable to imprisonment not exceeding thirty days.

96. Every employer of Indian Immigrants who shall fail to send in to the Protector of Indian Immigrants, or other person duly appointed by the Indian Immigration Trust Board for that purpose, such medical returns as are in this Law provided, or shall neglect or refuse to send in such further or other returns within one calendar month, after such person shall have been notified so to do, or shall wilfully make any false return, shall, on conviction thereof before any Court, forfeit and pay such sum not exceeding Ten Pounds

Sterling for every such offence as to the Court shall seem fit, or in default, shall be liable to imprisonment not exceeding thirty days.

97. If any person shall harbour or receive into his employment any Indian Immigrant to whose services any other person may be entitled under any assignment or transfer of service then unexpired and in force, every such person on conviction, before any Court, shall forfeit and pay the sum of Ten Pounds Sterling, or be liable to imprisonment for a term not exceeding three months, and shall forfeit and pay to the person entitled to such services under such assignment, the sum of four shillings for each day during which such Immigrant shall be so harboured or employed, unless the person so harbouring or receiving into his employment any such Immigrant as aforesaid shall show to the satisfaction of such Court that such person used proper diligence to ascertain whether such Immigrant was at that time under assignment: Provided, that proper diligence shall not be deemed to have been used unless the person employing an Indian Immigrant shall have demanded to see and have been shown the Certificate of Discharge from service in Section 106 of this Law provided for: And provided also, that in the case of any Indian Immigrant claiming to have been born in the Colony, the person employing him shall have demanded to see and have been shown a certificate to that effect, signed by the Protector or Assistant Protector of Indian Immigrants.

Punishment for harbouring Immigrant in service of another employer.

Forfeiture to rightful employer.

Saving if proper diligence be exercised to ascertain facts.

98. Any person who shall harbour or receive into his employment any Indian Immigrant whether male or female whose term of indenture shall not have expired or who may have been assigned or allotted to any other person, or who may be in receipt of or entitled to receive wages from any other person shall be liable to the penalties specified in the last preceding Section unless such Immigrant shall have been duly assigned or allotted to such person by the Protector of Indian Immigrants: Provided that one-half of the penalty of Ten Pounds specified in the said preceding Section may be awarded to the informer through whose information such person shall have been convicted: And provided further that nothing in this clause shall apply to any Indian whether male or female who has a proper pass the period of leave in which is then unexpired.

Penalties for harbouring Immigrant whose term of indenture is unexpired.

Reward to informer.

99. Any master or other person in charge of any vessel who shall knowingly receive or harbour on board such vessel or agree to receive on board such vessel with the intention of carrying out of the Colony any Indian Immigrant whose name shall appear in the register and who shall not have obtained a license from the Protector of Indian Immigrants to depart from the Colony, shall on conviction thereof before a Magistrate forfeit and pay the sum of Twenty Pounds Sterling for each and every Indian whom he shall have received or harboured, or agreed to receive with such intention as aforesaid, and in default of payment may be imprisoned with or without hard labour for any term not exceeding three months.

Punishment for master of a ship receiving Immigrant unauthorised to leave the Colony.

100. Any person who shall send or take out of the Colony, or shall endeavour to send or take out of the Colony, or induce to leave the Colony, or who shall harbour or receive, with the intention of taking out of the Colony into or through any of the adjoining States

Punishment for sending or taking Immigrant out of the Colony, or inducing him to leave without license.

in Territories any Indian Immigrant whose name shall appear in the register, and who shall not have obtained a license from the Protector of Indian Immigrants to depart from the Colony, shall, on conviction thereof before a Magistrate, forfeit and pay the sum of Twenty Pounds Sterling for each and every such Indian whom he shall have sent or taken, or endeavoured to send or take, or induced to leave or harboured or received, with the intention of taking out of the Colony as aforesaid, and in default of payment may be imprisoned with or without hard labour for any term not exceeding three months.

Punishment for large number of immigrants absconding themselves to make complaints.

101. When all or a large number of the Indian Immigrants employed upon any estate or property shall absent themselves from their employment without leave for the purpose or on the pretence of making any complaint against their employer, such Indians or any number of them shall be liable to be brought before any Court, and, on conviction, to be punished by fine not exceeding Two Pounds Sterling, or by imprisonment for any period not exceeding two months, with or without hard labour, whether such complaint shall or shall not be adjudged to be groundless or frivolous, and notwithstanding that such complaint may be successful.

Punishment for false pretences as to completion of residence; using other's certificate, &c.

102. Any Indian Immigrant who shall falsely and fraudulently pretend that he has completed a residence of ten years within the Colony, or who shall wilfully use as his own any certificate of residence or discharge which shall have been granted to any other Indian Immigrant, or who shall lend or pledge his certificate of residence or discharge to any other person, and any Indian Immigrant or other person who shall wilfully counterfeit or alter any such certificate shall, on conviction thereof before any Court, be imprisoned with or without hard labour for such term not exceeding three calendar months as to the said Court shall seem fit.

Punishment for keeping house or premises so as to be a nuisance.

103. Any Indian Immigrant who shall keep his dwelling house or premises in such a condition as to be a nuisance and injurious to health, shall on conviction thereof, before any Magistrate, be liable to be fined in any sum not exceeding Five Pounds Sterling, and failing the payment of any such fine to be imprisoned with or without hard labour for any period not exceeding one month.

XXV.—Legal Proceedings and Prosecutions.

Recovery of certain moneys by Trust Board.

104. All moneys payable on the assignment or transfer of the services of Indian Immigrants, or by way of interest, shall be recoverable in a summary manner before any Court on complaint to be laid, and summons issued, in the name of the Indian Immigration Trust Board of Natal. All prosecutions for harbouring Indian Immigrants shall be made at the instance of the employer entitled to the services of such Immigrant. Any proceedings for contraventions of this Law may be commenced and prosecuted before the Magistrate of the Division in which the offence may be alleged to have been committed or into which the party offending may arrive, or before any person at any time appointed by the Governor to carry out the provisions of the Masters and Servants Ordinance in virtue of Law No. 23, 1865, entitled Law "To facilitate the determina-

Prosecutions for harbouring, and for other contraventions.

tion of complaints between Masters and Servants," and such Magistrate's Court or person may, if it shall seem fit to do so, and if both parties shall be present, forthwith hear, try, and determine upon such alleged contravention in a summary manner: Provided always that such proceedings shall be subject to the review provided by the Law No. 22, 1880, entitled "Law for the Establishment and Regulation of Inferior Courts of Justice": And provided always that in case of any charge against any Indian Immigrant made by his employer or the manager of the estate, it shall not be necessary for such employer or manager to be present at the hearing of the charge if any overseer from the estate or property be present, unless such employer or manager be a material witness for the Immigrant, in which case the hearing shall be postponed for the attendance and examination as a witness of such employer or manager.

105. The execution of every judgment so brought in review or appealed from shall be suspended in case the person convicted shall immediately enter into a recognisance before the Magistrate (which such Magistrate is hereby authorised and required to take) himself in a penal sum not exceeding Ten Pounds, with two sufficient sureties in a penal sum not exceeding Ten Pounds Sterling, upon condition to prosecute such review in due course of law, and to abide the final result thereof.

Suspension of execution for purpose of review

XXVI.—Certificates of Discharge.

106. Every Immigrant who may have completed, or who may hereafter complete the term of service under indenture for which he was indentured on leaving India for this Colony, or whose indenture may have been, or may hereafter be duly cancelled, shall be entitled to demand and receive from the Protector of Indian Immigrants, free of charge, a certificate of discharge from service in form of Schedule H hereto, and the possession of such certificate shall be evidence of such Immigrant being released from obligation to perform further service in this Colony under indenture.

Certificates of discharge.

XXVII.—Re-indenture of Immigrants entitled to Certificates of Discharge.

107. Every Immigrant who may possess or be entitled to a Certificate of Discharge may, if such Immigrant think fit to do so, enter into an indenture of service for a further term of one to three years' service, and so from time to time at the expiration of each such further term of service, and every such renewed indenture of service entered into by any minor Immigrant shall be good and valid, and of the same force and effect as the indenture of service of any adult Immigrant. And all the provisions of this Law with respect to Immigrants under indenture shall apply to all such renewed indentures; such renewed indentures shall be signed in the presence of the Protector or Deputy Protector of Indian Immigrants, and shall be in the form of Schedule I, hereto attached.

Re-indenture of Immigrants entitled to certificates of discharge.

108. Every such further term of industrial service shall commence and be computed from the day of signing such contract, and there shall be paid to such Immigrant by each such employer such

Method of computing further time of industrial service.

Bounty or bonus. sum by way of bounty or bonus, if any, as may be agreed upon between such Immigrant and such employer, such sum to be paid before the signing of the indenture or contract.

XXVIII.—When Indian Immigrants come under ordinary Master and Servants' Law.

After five years Immigrant at liberty to hire services or change his residence.

Application of Ordinance No. 2, 1850.

109. On the expiration of the first five years after his introduction into this Colony, every Indian Immigrant who shall have served under contract of service as provided in this Law, shall be at liberty to hire or dispose of his services, or to change his residence in the same manner as any other labourer not being an Indian Immigrant. And the provisions of Ordinance No. 2, 1850, entitled an Ordinance "For regulating the relative rights and duties of Masters, Servants, and Apprentices," shall extend and apply to such Indians and their employers, in such and the same manner as if the applicable sections thereof had been herein expressly re-enacted, save and except in those cases where any such Indian Immigrant shall elect to be re-indentured in manner provided in this Law.

XXIX.—Return Passages.

Return passages

110. Every Indian Immigrant who shall have resided ten years in the Colony, and during the said ten years shall have completed an industrial service of five years under indenture, shall be entitled to a free passage back to India: Provided always, that no such free passage shall be granted unless applied for within twelve months from the time at which it shall have become due.

Proof of completion of residence.

111. When any question shall arise whether any Indian Immigrant has completed a residence of ten years within this Colony, the burden of proof shall lie on the Indian Immigrant or other person alleging that such Indian Immigrant has completed such residence.

Notice to be given of offer of return passage.

112. The Protector of Immigrants shall give to each applicant for a return passage at least fourteen days' notice of the period at which such passage will be offered him.

Return passage of Immigrant being unfit for labour.

113. The Indian Immigration Trust Board may provide a return passage for any Indian Immigrant who may have become unfit for labour at any period of his industrial residence.

Claims to return passages.

114. Every Indian Immigrant for whom, in accordance with his application, a return passage shall have been provided, and who shall fail to go on board and avail himself thereof after receiving due notice so to do, shall thereupon forfeit all further claim to such return passage; and every Immigrant who, during the period of his industrial residence, shall have left the Colony without the permission of the Protector of Indian Immigrants, shall forfeit his claim to a return passage to India.

How forfeited.

Protector's duties as Emigration Officer under Passengers Act, 1855.

115. In respect of all ships leaving the Colony with return Immigrants, the Protector of Indian Immigrants shall perform all the duties imposed on Emigration officers in England by the Passengers Act, 1855.

XXX.—Power to make Rules, etc.

116. It shall and may be lawful for the Indian Immigration Trust Board, with the approval of the Governor in Council, from time to time and at all times to frame, make, and issue, and to amend, alter, vary, or annul, as occasion may require, such rules and regulations as may be deemed necessary or expedient for the following purposes connected with this Law and not inconsistent with the provisions of the same, that is to say:—

Rules and regulations.

To receive and decide upon applications from persons wishing to introduce or engage Indian Immigrants.

Security to be furnished by requisitionists.

The control, management, and employment of Indian Immigrants during their stay in the dépôt.

The transfer of Indian Immigrants from requisitionists to other persons.

The establishment, management, control, and supervision of hospitals for Indian Immigrants.

The appointments, rights, duties, and authorities of Medical Officers.

For the guidance of, and if deemed necessary conferring special powers upon, Magistrates, Constables and others in reference to, and in order to facilitate the arrest of absconding Indians or Indians found at a distance from their employer's residence without passes or tickets of leave; regulating the procedure to be observed on the release of Indians from prison, and restoring them in custody; directing notice of such release to be transmitted to the employers of such Indians, and regulating all matters and things connected therewith.

As to the manner and form in which a wages book and a general and medical register book shall be kept by each employer of Indian Immigrants.

As to the return passages to India, and the departure of Indians from the Colony.

Prohibiting the cultivation, smoking, use or possession by and the sale, barter, or gift to any Indians whomsoever of any portion of the hemp plant (*cannabis sativa*) and authorising the destruction thereof if cultivated or found in such use or possession, and imposing penalties upon Indians using, cultivating, or possessing such plant for the purpose of smoking the same.

And generally for all other purposes connected with this Law. And by such rules and regulations any penalty not exceeding Two Pounds Sterling in each case may be imposed by any competent Court for any breach thereof. All such rules and regulations shall be published in the *Government Gazette*, and when published shall have the same force and effect as if the same were expressly set forth and enacted in this Law.

XXXI.—*Definition of Terms.*

Interpretation.

118. The words "Indian Immigrant" shall mean and include all Indians introduced from India to Natal under the provisions of the Laws regulating such introduction and those descendants of such Indians who may be resident in Natal. From the operation of this Law are excluded those persons who are usually described in this Colony as "Asinties," "Arabs," or "Arab traders," being persons who have not been introduced into this Colony under the Laws providing for the introduction of emigrants from India to Natal.

XXXII.—*Short Title of Law.*

Short title of
Law.

119. This Law may for all purposes be cited as the "Indian Immigration Law, 1891."

SCHEDULE A. (SECTION 9.)

REQUISITION.

I, the undersigned requisitioner, request the Indian Immigration Trust Board of Natal to take the steps required by Law for obtaining for me from the Presidency of
male Immigrants (specially engaged in India) to be employed by me on their arrival at Natal as _____ on the _____
estate, owned by me in freehold (or, held by me under lease, as the case may be stating period the lease has to run), being the Lot _____ in the County of _____, in the Colony of Natal.

I undertake to give to each Immigrant who shall engage with me in virtue of this requisition the wages and allowances following (or, the wages and allowances fixed by the scale authorised by the Board in force at the time of engagement, as the case may be):

The said wages shall be paid in money, monthly.

Proper lodging and medical care shall also be furnished by me to the said Immigrants.

I appoint A.B. my special agent (or, I appoint no special agent,
as the case may be).

Requisitionist,

*Contract with the Indian Immigration Trust Board of Natal,
entered into under requisition from the Indian Immigration
Trust Board of Natal.*

We, the undersigned, emigrants from
to Natal, hereby engage to serve the employer to whom we may
respectively be allotted by the Protector of Indian Immigrants at
Natal during the period of five years from the date of our allotment
in Natal; provided that we shall receive monthly, in money, the
wages stated hereunder opposite our respective names, and the
allowances following:—

[Set out Scale of Rations and Allowances here.]

Provided also, that proper lodging and medical care shall be supplied to us during the time of our service.

And we further agree, that if the estates on which we shall become bound to serve under the aforesaid allotment be sold, alienated, or transferred to other persons, or succeeded to by other persons before the expiration of our service, we shall serve such other persons according to the conditions of our respective contracts and until their expiration, our said new employers being held bound towards us in all the stipulations and obligations incumbent upon the employers to whom we shall previously have been allotted.

[illegible]

The above contract was explained in my presence to the said Emigrants, and signed by them before me this day of , 18 .

A.B.,
Natal Emigration Agent.

SCHEDULE C. (SECTION 11.)

Special Contract for Natal, entered into under Requisition No. , dated 18 .

We, the undersigned, Emigrants from , on the estate called , in the County of , in the Colony of Natal, for the period of five years from the date of the registration of this contract by the Protector of Indian Immigrants at Natal : Provided that we shall receive monthly, in money, the wages stated hereunder opposite to our respective names, and the allowances following :—

[Here specify Allowances.]

Provided also, that proper lodging and medical care shall be supplied to us.

And we further agree, that if the above-mentioned estate be sold, alienated, or transferred to another person, or succeeded to by another person before the expiration of our service, we shall serve such other person according to the terms of this contract, such new employer being held bound towards us in all the stipulations and obligations incumbent upon the employer so replaced by him,

No.	Name of Emigrant.	Father's Name.	Age.	Married or Single.	Wages per Month.					Emigrant's Signature.	Remarks.
					1st Year.	2nd Year.	3rd Year.	4th Year.	5th Year.		

On behalf of , of Natal, I accept the services of the above-mentioned Emigrants on the terms and conditions here stipulated.

A.B.,
Special Agent.

The above contract was fully explained to the above-mentioned Emigrants [and, when there is a Special Agent, to A.B., the Special Agent, in my presence, this , and signed by them before me,

C.D.,
Natal Emigration Agent.

SCHEDULE D (SECTION 27).
FORM OF WAGES BOOK.

[illegible]

SCHEDULE E. (SECTION 49).

MEDICAL.

(Male Statute Adults both Indentured and Free to be included.)

Quarterly Return of Indian Immigrants.

[illegible]

I certify that the above return is correct.

(Place.)

A.B., Employer.

(Date.)

SCHEDULE F. (SECTION 61.)

No.	When born, and where.	Name.	Sex.	Parents' Names.	Father's Occupation.	Parents' Residence.	When Registered.	Remarks, Signature of Registrar, &c.

SCHEDULE G. (SECTION 61.)

No.	Where Died, and When.	Name and Official Number.	Sex.	Age.	Occupation and Residence.	Cause of Death.	When Registered.	Remarks, Signature of Registrar, &c.

SCHEDULE H. (SECTION 106.)
CERTIFICATE OF DISCHARGE.

No. _____ Date _____, Indian Immigrant
I hereby certify that _____
No. _____ has duly completed his term of indenture of five years in
terms of Indian Immigration Law No. 18 and is released
from his obligation to perform further service in this Colony under
indenture.

Protector of Indian Immigrants.

SCHEDULE I. (SECTION 107.)

FORM OF RENEWED INDENTURE BY FREE INDIAN.

[Law No. 18, 1891.]

Be it remembered that on this _____ day of _____
18 _____, A.B. of _____, and C.D., Indian Immigrant, No. _____,
appeared before me _____, Protector of Immigrants (in terms
of Law No. 1891, entitled, &c.); and in my presence signed
their names (or marks) to the following contract of service:—

The said A.B. agrees to hire the services of the said C.D., and
the said C.D. agrees to render to the said A.B. his services in the
capacity of _____ for _____ year (or months, as the case may be),
commencing from the day of signing these presents.

And it is further agreed between the said parties that the said
C.D. shall be employed in the said capacity for six days in each
week, save as in the said Law is mentioned, and that the hours of
labour shall not be more than nine hours daily, between sunrise and
sunset, with a break of at least one hour for rest.

And it is further agreed between the said parties that the said
A.B. shall pay to the said C.D., as such servant as aforesaid, wages
at and after the rate of _____ sterling per month, for the remunera-
tion of the services of the said C.D., and that such wages shall be
paid on the first and fifteenth days of each month.

And lastly, the said A.B. doth hereby bind and oblige himself
to give, grant, and provide to and for the said C.D., and for such
families as may be allotted, good and comfortable lodging, whole-
some and suitable food, and proper medical attendance and medicines
during the period for which this present contract is made, and other-
wise to observe and fulfil all the conditions and obligations of the
Indian Immigration Laws of the Colony so far as the same are
applicable to this contract and agreement.

A.B.
C.D.

The preceding agreement was signed by the above-named
parties in my presence (in conformity with the provisions of the Law
No. 18), on the day and year above written, voluntarily;
the same being, so far as I am able to judge, fully understood by
them respectively.

Protector of Indian Immigrants.