

[7]

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 9-12-92
No. 857. -12-

INDEXED.

~~When given for copying.~~

[Despatch Abstract.]

Receiving letter
from the Collector
of Tanjore stating
that he has no
remarks to make
on the Bill to
amend the Indian
Immigration
Ordinance 1884.

CURRENT NO.
Public Department

Pub. No. 7188/17-10-92 mis

Departme.

From

The Ag Collector
of Tanjore

To

The Chief Secretary
to Government
Public Department
Madras

From

THE COLLECTOR OF

Tanjore,

To

THE

SECRETARY

TO GOVERNMENT,

DEPARTMENT,

Madras.

Dated 22nd

Received  November 1892
No 738

Enclosure one flv(3)

Dated

Despatched

Received

188

No.

ENCLOSURE.

Subject.

Subject

Returning the papers
connected with the Draft
Bill to amend the "Indian
Immigration Ordinance
1884" and stating that
there are no remarks to
offer

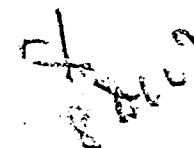
3062. 3063 + 3281.

Order. 9 Dec 92 A 857.

Recorded.

1 from orders,

J.D.B.
5/11.



WITH ORDER

CURRENT NO. 5281

TANJORE, COLLECTOR'S OFFICE,

No. 738.

Camp, Vallu, 22nd November 1892.

FROM

H. M. Winterbotham Esquire,
Acting Collector,
Tanjore,

TO

The Honourable Mr. J. F. Price,
Chief SECRETARY TO GOVERNMENT,
Public DEPARTMENT,
Madras.

SIR,

In returning herewith the papers
from the Government of the Straits
Settlements, bearing your endorsement
dated November 18th 1892, No. 1790,
I have the honour to state that on
reading the draft Bill to amend
"The Indian Immigration Ordinance
1884", and on comparing the
draft Bill with the principal Ordinance
I do not find any amendment
regarding which I am, either in

my capacity of collector of
Tanjore, or as Emigration Agent,
incompetent or concerned, to offer
an opinion. I have therefore no
remarks to make.

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

W. B. B. B. B. B.

Ag collector.

Public Currents
3062, 3063, & 3281.

Please see para. 2 of last
letter in G.O. dt 17.10.92, No.
718. The opinion of this G.O.
was not asked for. A copy
the Ordinance is put up
with pencil corrections in
accordance with the Bill.

The new provisions are
favorable to the coolie, as
the Planters - as appears
from their opinions
printed at the end of the
Bill - are ^{more} strongly opposed
to them.

Orders are requested
whether any remarks are
necessary for comment to the
Govt. of India or of the Straits

S.D.B.
29/11

Sd/-
30 Nov.

None

Heb
2/12

Nothing appears to be called for

Public Department

ENCLOSURE No. I

In a letter

FROM

THE COLLECTOR OF *Tanjore*

TO

THE *Chief Secretary*
to Government
Public Department
Madras

Dated *22nd November 1892*

No. *738*

Subject.

*Papers connected with
the Draft Bill to amend
the "Indian Immigration
Ordinance 1884" bearing
Government endorsement
dated 18th November 1892
No. *1790**

1892 Sept.
CURRENT NO. 3068

C203069/92
17/10/92 22719 mp

From, The Honble the Colonial Secy
Singapore.

18th November 1892 No 1790
Forwarded to the Collector
of Tanjore for the early
submission of any re-
marks he may have
to offer on the Bill.

H. S. S. S.
Chief Secretary

No 11194/92

S.S.B.
16/11.

Dated 25th Oct
Recd 5th Nov
Repd 7th Nov } 1892
Enc: "

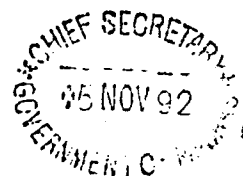
Subject
Regarding the Bill to amend
"The Indian Immigration
Ordinance, 1884".

1892
Date.....
To.....
No..... 2257



Colonial Secretary's Office,

SINGAPORE, 25th October, 1892.



Sir,

In continuation of my letter of this number of the 21st. instant, I am directed by the Governor of the Straits Settlements to inform you that the Bill to amend "The Indian Immigration Ordinance, 1884", a copy of which was forwarded therewith, was read a first time in the Legislative Council on the 20th. instant, and that the subsequent proceedings during the progress of the Bill through the Council will be communicated to the Government of Madras in due course.

I have the honour to be,

Sir,

Your obedient servant,

H. M. W. C.

Colonial Secretary,

S. S.

The Chief Secretary to the

Government of Madras.

Public (1892) Dept.
CURRENT NO. 3062

C 203062/92
17/10/92 2 20718 910

From, The Honble the Colonial Secretary
Singapore.

No. 11194/92

Dated 21st Oct.
Recd - } 1892
Regd. 7th Nov.
Encl. 1

Subject

Forwarding a copy of the
Draft Bill to amend "The
Indian Immigration Ordinance,
1884"

189
Sub. Dept.
Colos. No. 2
To
No. 3062

1892
Public Dept.
Encls. No. 1
To
C. No. 3062

1892
Dept.
Encls. No. 3
To
3287

The concluding paragraph of that Report (471) is a concise synopsis of what the position of the Government ought to be. Paragraph 456 says: "Government may undertake to put immigration on such a footing that importers shall not pay more than a fair price for their labour." In Appendix J, paragraph 9, Mr. Mac-GREGOR fixes this at Rs 25; and it was only on this hypothesis that paragraphs 400 (5) and 410 (section 25) fixing the sum as it now appears in sections 11, 13 and 23, were ever penned.

In conclusion, Sir, I have only to state that the proposed Bill is retrogressive and quite unnecessary, and, if any fresh legislation is required, the opinions expressed in paragraphs 349, 378, 400, 455 and 456 of the Labour Commission Report should form the nucleus of it.

I have, &c.,

EDMUND A. B. BROWN.

Mr. Kho Boo Ann to Acting Resident Councillor, Penang.

NIBONG TEBAL,
10th February, 1892.

SIR,—In reply to your letter C. S. ⁵⁹⁹⁵₉₁ I have the honour to state that, in my opinion, the proposed changes in "The Indian Immigration Ordinance 1884" will not prove to be amendments, and, if passed, will be injurious to the agricultural interests of the Country.

I have, &c.,

KHO BOO ANN.

General Manager Penang Sugar Estates Co., Ltd., to Acting Resident Councillor, Penang.

THE PENANG SUGAR ESTATES COMPANY, LIMITED,
Penang, 22nd February, 1892.

SIR,—In reply to your letter No. C. S. ⁵⁹⁹⁵₉₁ dated 28th December, 1891, I have the honour to submit that the proposed amendment to "The Indian Immigration Ordinance" appears to be, in a great measure, drawn from the recommendations of the Labour Commission, which recommendations were, I believe, made only in the event of recruiting in India being done by the Straits Government. In the event of the Government taking up this all-important work, I am of opinion that the proposed alterations will meet all requirements, but until that is done, I think "The Indian Immigration Ordinance" should remain as it is.

I have, &c.,

JOHN TURNER,
General Manager.

STRAITS SETTLEMENTS.

Paper to be laid before the Legislative Council by Command of
His Excellency the Governor.

AMENDMENT OF "THE INDIAN IMMIGRATION ORDINANCE 1884."

EXTRACTS

from the

Report by the Labour Commissioners.

A BILL

intituled

An Ordinance to amend "The Indian Immigration Ordinance 1884."

It is hereby enacted by the Governor of the Straits Settlements with the advice and consent of the Legislative Council thereof as follows :—

1. (1)—This Ordinance may be cited as "The Indian Immigration Ordinance Amendment Ordinance 1892" and shall be read as one with "The Indian Immigration Ordinance 1884" hereinafter called the principal Ordinance and shall come into force either as to the whole or any section or sections thereof on a day or days to be fixed by order or orders of the Governor in Council.

If the whole Ordinance is not brought into operation on one day every such order shall specify the sections which are to be brought into operation thereby.

(2)—Any copy of the principal Ordinance printed after the commencement of this Ordinance may be printed with the additions omissions substitutions and other amendments required and made by this Ordinance.

(3)—Nothing in this Ordinance shall apply to any contract entered into before the commencement of this Ordinance.

2. Section one of the principal Ordinance shall be amended by the omission of the second clause thereof.

3. Section two of the principal Ordinance shall be amended—

(a) by the omission of the definitions of the terms "Magistrate" "Master" and "Ship" respectively; and

- (a) substituting for the words "repay his advances with such smart-money" the words "pay such sum of twenty-four dollars";
- (b) substituting for the words in the first paragraph "by whom or on whose behalf such advances have been made" the words "on whose behalf the passage of the Immigrant has been paid";
- (c) substituting for the words "twenty dollars" the words "twenty-four dollars";
- (d) omitting the second paragraph.

14. Section thirty of the principal Ordinance shall be amended by substituting for the words "whose advances and smart-money shall not have been repaid" the words "who has received a free passage from India under a promise to enter into a contract under this Ordinance and who has not paid the said sum of twenty-four dollars".

15. Section thirty-three of the principal Ordinance shall be amended by inserting after the words "fifty dollars" the words "or to imprisonment of either description not exceeding seven days".

16. Section thirty-four of the principal Ordinance shall be repealed.

17. Section thirty-nine of the principal Ordinance shall be amended by—

- (a) substituting for the words "the form" the words "one of the forms";
- (b) omitting the second clause thereof.

18. Sections forty-one forty-two and forty-three of the principal Ordinance shall be repealed.

19. For section forty-four of the principal Ordinance shall be substituted the following section:—

"44. (1)—The contract to be entered into by an Immigrant may be for an indefinite period determinable by either the employer or the Statute Immigrant on a month's notice either oral or in writing or may be for a definite term not exceeding three years and in the case of an Immigrant who has received a free passage from India under a promise to enter into a contract under this Ordinance shall be for the term of three years but any such definite term shall be exclusive of—

- "(a) every day spent by the Statute Immigrant in prison or in going to or returning from prison;
- "(b) every day spent by the Statute Immigrant in going to attending

- "before or returning from a Court in or about a case in which he is convicted of an offence;
- "(c) every day during which the Statute Immigrant has been absent from the estate as a deserter and in respect of which absence he has been convicted by a Magistrate;
- "(d) every day in respect of which the Statute Immigrant has been convicted by a Magistrate of neglect to labour under section seventy-one.
- "(e) every day in respect of which an endorsement is made on the contract by the Indian Immigration Agent or a Medical Officer under section fifty-eight.

"(2)—For the purposes of clauses (a) and (b) any part of a day shall be counted as one day.

"(3)—No day shall be excluded under clauses (b) (c) and (d) in calculating the term unless it be endorsed on the contract by the Judge or Magistrate by whom the case is tried or under clause (a) unless it be endorsed on the contract by the Indian Immigration Agent.

"(4)—If the contract is for the term of three years it shall be determined whenever the Statute Immigrant has done seven hundred and twenty days' work.

399. In abolishing the present practice of giving Sunday pay, we do away with the only reward of the steady worker. To supply its place we recommend that seven hundred and twenty days' work or tasks shall represent the contract, and that a man shall be free to leave the estate when he has completed this number. Thus if he works six days in a week, he can finish his contract in two years and one hundred and ten days, and when this becomes generally known, it will be found a powerful incentive to work. An ultimate limit of time of three years should, however, be laid down, beyond which the coolie shall not be detained, whether he has finished seven hundred and twenty days' work or not, except under the conditions already laid down in Chapter XVIII.

400. (6) Task work to be recognised in contract as already recommended for Chinese.

20. For section forty-five of the principal Ordinance shall be substituted the following section:—

"45. (1)—The Indian Immigration Agent may approve for any estate a schedule of tasks equivalent to work for a day of nine hours. Such schedule shall be written in English and Tamil and signed by the Indian Immigration Agent and copies thereof shall be fixed up in conspicuous places in or about the estate and in the coolie lines so that the same may be made known to the Statute Immigrants labouring on the estate.

"(2)—The employer may whenever he thinks fit direct the Statute Immigrant to perform a task instead of working by the day and the performance of such task shall for the purposes of this Ordinance or of any contract thereunder be equivalent to working for a day but so that no Statute Immigrant shall be compelled to work for more than nine hours in any one day."

401. By the terms of contract which we have sketched, the following improvements are effected in the condition of the cooly. The number of days' work which he has to perform is reduced from nine hundred and thirty-nine to seven hundred and twenty, while at the same time a fixed period is laid down beyond which he can never be detained unless his contract has been endorsed by a Magistrate or a responsible officer. The steady worker has it in his power to free himself from his contract without working on Sundays, in two years and one hundred and ten days; he can also earn the higher rate of pay in less time than at present. The immigrant will not be required to refund the cost of his passage or any of the expenses of his introduction, and the only advance recoverable from him will be cash certified by a Government officer to have been actually received by the cooly himself. He will be liable to no punishment for neglect to labour so long as he works twenty days a month, whereas at present he is liable for every day less than six in the week; moreover his liability will depend on conviction before a Magistrate instead of as at present being virtually in the hands of the employer. The alteration in the pay will ensure that the average worker shall from the first have sufficient to live well upon. The pay of the best worker has been slightly increased, their reward being found rather in the shorter period after which they will become free to work where they please. The difference in this respect can perhaps be best judged by a comparison of the earnings under the present and proposed systems.

400. (1) Period of contract not to exceed seven hundred and twenty days' work, or tasks, or a maximum of three years.

This maximum of three years may be extended under the following circumstances and no others, by the number of days endorsed in each case.

- (a) Every day spent in prison, or going to and returning from prison.
- (b) Days spent in going to, attending before, and returning from a Court (as in section 44 (b)).
- (c) Every day absent as a deserter, provided he shall have been convicted of desertion by a Magistrate.
- (d) Days on which he shall have been convicted by a Magistrate of neglect to labour under conditions described in paragraph 333.

28. For section seventy-one of the principal Ordinance shall be substituted the following:—

"71. Any Statute Immigrant who shall without reasonable excuse neglect or refuse to do as required by his employer twenty days' work in any one calendar month such labour being reasonable and proper shall on conviction before a Magistrate be liable to imprisonment of either description not exceeding seven days and the Magistrate may endorse on the contract the number of days' work short of twenty that the Statute Immigrant has so neglected or failed to do."

29. Section seventy-four of the principal Ordinance shall be repealed.

30. Section eighty-six of the principal Ordinance shall be amended by substituting for the words "Municipal Commissioners of the Settlement" the words "Municipal Commissioners of the chief town of the Settlement."

31. Section ninety-five of the principal Ordinance shall be amended by inserting after the word "fine" the words "equivalent to the wages of the Statute Immigrant for such days but in the aggregate".

32. Section ninety-nine of the principal Ordinance shall be repealed.

33. The following section to be numbered one hundred and three shall be added to the principal Ordinance:—

"103. The Governor in Council may from time to time make rules providing generally for the carrying into effect the provisions of the said Ordinance and in particular prescribing:—

- (a) the manner in which and the officers to whom applications are to be made by persons who wish to engage Immigrants to labour;
- (b) the payments to be made by the

applicants in respect of such applications and how and to whom and at what times the same are to be made.

34. For Schedule B the following schedule shall be substituted:—

"SCHEDULE B.

Form of Contract for Immigrant whose Passage has been paid from India.

A Contract made the 18 day of under "The Indian Immigration Ordinance 1884" BETWEEN A. B. hereunder described and hereinafter called "the Labourer" of the one part and C. D. of hereinafter called "the Employer" (which term shall include his executors and administrators) of the other part. WHEREAS the Labourer has received from the Government of the Straits Settlements a free passage to the Colony from India under a promise by the Labourer that he will on arrival in the Colony enter into a contract with such person as the said Government may designate to labour for such person upon the terms prescribed by "The Indian Immigration Ordinance 1884" and any amendment thereof for the time being.

[*AND WHEREAS the Labourer has received from the said Government by way of advance the sum of Rupees equivalent to the sum of Dollars (as the Labourer hereby acknowledges).] NOW THESE PRESENTS WITNESS that it is hereby mutually agreed as follows:—

1. The Labourer will labour for the Employer as in the Settlement of from the date hereof for the term of three years or until he shall have done seven hundred and twenty days' work whichever period shall be the shorter provided always that if at the expiration of the said term of three years the Labourer has not done seven hundred and twenty days' work the said term of three years may be extended by—

- (a) every day spent in prison or in going to or returning from prison;
- (b) every day spent in going to and attending before or returning from a Court in or about a case in which he is convicted of an offence;
- (c) every day during which he is absent from the estate as a deserter and in respect of which absence he is convicted by a Magistrate;

* This Clause in brackets to be omitted where no advances.

4. The expression "a day's work" means either work for a day of nine hours or (at the option of the Employer) a task which is approved by the Indian Immigration Agent for the estate on which the Labourer is for the time being working as being equivalent to such work.

In Witness &c.

DESCRIPTION OF LABOURER.

Name.	Father's Name.	Age.	Sex.	Religion and Caste (if any).	Place of Abode in India.	General Description and Distinctive Marks.

Endorsement to be made by Indian Immigration Agent:—

I hereby certify that I have with my own mouth explained this Contract to the said and have ascertained that he is fully aware of the terms thereof.

Signed _____
Indian Immigration Agent,
Settlement of _____

OPINIONS OF PLANTERS.

Hon. Secretary, Penang and Province Wellesley Planters' Association, to Acting Resident Councillor, Penang

PRYE ESTATE, PROVINCE WELLESLEY,
1st February, 1892.

SIR,—I have the honour to inform you that at an Extraordinary General Meeting of the Penang and Province Wellesley Planters' Association, called for the purpose of taking into consideration the proposed amendment of "The Indian Immigration Ordinance 1884," and held in the Chamber of Commerce, Penang, on the 25th ultimo, I was instructed to forward to you, for the information of the Government, a copy of the following Resolution, which was carried unanimously, viz.:—

"That this Association is strongly of the opinion that the proposed Bill 'to amend 'The Indian Immigration Ordinance 1884' is quite unworkable under any circumstances, and that at present there is no necessity for any amendment in the Ordinance, other than that asked for by the employers of labour in their evidence before the Labour Commission, namely, the legalizing of task payment; and that the importation of Immigrants by Government shall only be undertaken if the Government will guarantee to supply the Immigrants to applicants at a maximum rate of twelve dollars (\$12)."

I have, &c.,

EDMUND A. B. BROWN,
Honorary Secretary,
P. & P. W. Planters' Association.

Mr. de Mornay to Acting Resident Councillor, Penang.

MALAKOFF ESTATE,
PROVINCE WELLESLEY,
February 2nd, 1892.

SIR,—I have the honour to acknowledge the receipt of your letter No. C. S. ⁵⁹⁹⁵/₉₁ requesting my opinion on the Bill to amend the Indian Immigration Ordinance.

2. It is my opinion that, as at present Indian Immigrants are easily procurable on reasonable terms, from coolie brokers in Nagapatam, there is no immediate necessity for the Government to undertake the importation of them, and that the passing of the Bill may well be deferred until it has received better consideration or until such a necessity arises.

3. The Immigration Ordinance if amended in the manner proposed will be then of the same stringent character as Ordinance I of 1876, which proved quite unworkable and for which the present Ordinance was substituted in 1884.

4. I have the following objections to the amended Ordinance:—That it will shorten the length of contract and increase the cost of labour (sections 3, 14, 18, 23 and 31). That it takes away the small amount of control still left in the hand of the employer and places it in the hands of Judges, Magistrates and Immigration Officers (sections 19 and 28). That it increases the rates of wages (section 21). That it promotes idleness on the part of the labourer which will result in a greater amount of illness and mortality (section 27). That the combined effect of the different alterations will be that planters will be put to the expense of keeping a larger labour staff to do the same amount of work and as a consequence have to provide greater accommodation in “lines,” hospitals, &c.

5. While remarking that there is only one section (20) of the Bill which is in any way favourable to the employer, I do not think it necessary to do more than criticise the more important sections, beginning at section 18,—but I may mention that the limiting of recoverable advances to five dollars (\$5) may result in a loss to the employer should the actual expenses have exceeded five dollars. I consider that all expenses, except recruiting and stamp fees, should be recoverable. An Immigrant leaves India, generally, because he finds it difficult or impossible to earn a livelihood there, and I see no reason why an employer who advances the money to enable him to do so and come to a country where he can live in comfort should be constrained to lose the money advanced.

Section 19 makes it necessary for an employer to prosecute in all cases of neglect to work, as unless the days on which such neglect has occurred are endorsed on the cooly's contract, he will not be obliged to work them off afterwards. Sections 45, 53, 63, and Schedule 4 of Ordinance I of 1876 caused so much ill-feeling between the coolies and employers, through the prosecutions rendered necessary by them, that in Ordinance V of 1884 it was found necessary to introduce sub-section (d) section 44 of that Ordinance. A cooly cannot understand that these prosecutions are forced upon the employer by the nature of the Indian Immigration law, and looks on them in the light of vexatious prosecution. If he has neglected to work for a day he is quite willing to work that day off afterwards, but he objects to lose another day's work and to have to walk 22 miles to have this endorsed upon his contract by a Magistrate. I have never heard that Estate Cooly Registers have been found to have been falsified for the purpose of making coolies work beyond their contract time, and I fail to see why the Government should show an entire want of confidence in the integrity of the employers of Indian Immigrants by repealing sub-section (d), which has been found to work so satisfactorily.

Section 21 increases wages by two cents per day, which is much more than what the amount of Sunday pay would come to for which it is supposed to be equivalent. On this Estate I find that only 38 per cent. of the coolies earn Sunday pay, so that an increase of one cent per day would more than cover this loss.

Section 23 reduces the value of the contract to much below what is fair and reasonable. Lately the cost of importing Immigrants has been about Rs. 40, and it is possible that at some future time they may exceed this sum, so that to put the value of the contract at \$24, which is supposed to include compensations to the employer for the loss and inconvenience which may be entailed on him by having to release any number of coolies who can manage to pay this sum, is quite unreasonable.

The value of a contract under Ordinance I of 1876 was	...	\$90
“ “ “ “ “ “ V of 1884 is	...	60
“ “ “ “ “ “ the proposed amendment is...	...	24

Section 27 [Sic. (?) 28] reducing the number of days' work which can be enforced, is a most unwarrantable interference on the part of Government with the management of an Estate. Taking the whole of my Statute Immigrant coolies, I find that in the six months from July 1st to December 1st, 1891, they have on the average worked 28½ days per month. In the 28½ days, Sundays are included, where pay has been earned by 6 days' regular work during the week, but no allowance has been made for the Divali Holiday which happened during these months. It is clear that if, with the possibility of enforcing 30 days' attendance during the month, I can only get an average of 28½ days, that if the number of days on which work can be enforced is reduced to 20 it is probable I shall not be able to get more than 18 days' attendance. Any one who has worked Indian Immigrants knows that they will never work more days

in a month or more hours in a day than they are obliged to do, by fear of punishment, and that if left to their own devices they will only work sufficiently to provide themselves with such scanty fare as will barely support life. I most strongly protest against this section being passed. It is necessary for the profitable working of this Estate that I get as regular attendance as possible from my coolies, and it is necessary for the good of the cooly that he shall be made to work as many days as possible in a month, so that he shall earn good wages and be able to provide himself with sufficient food, drink and clothing. The allowance of 4 days in a month and 30 days a year in hospital besides what we allow for different native holidays, is amply sufficient for rest and recreation. I attribute the good health and contentment of my coolies in a great measure to this regular employment, and therefore continual supervision, and I am sure that if they worked less days in a month, sickness and mortality would increase proportionately. Under the amended Ordinance a cooly may be idle 150 days in a year without fear of punishment, thus:—

Ten days' absence from work per month=	120 days per year.
Hospital allowance, ...	30 „ „
Absent from work, ...	150 „ „

Besides this enormous amount of idleness allowed by the law, it is, so far as my experience goes, very unlikely that a Magistrate would do more than caution or inflict a merely nominal punishment on a cooly brought before him on a charge of one or two days' absence in a month, *i. e.*, beyond the prescribed allowance. I consider that if Government shortens the contract to 720 days and sanctions the amount of idleness among coolies by passing the proposed Bill, that planters will have to increase their labour staff by at least 30 per cent.

Section 28 [Sic. (?) 29] repeals section 74 of Ordinance V of 1884. The repealed section has proved to be one of the most useful and reasonable sections in the Ordinance. It sanctions the non-payment of coolies for the days they have neglected to work, without the necessity of prosecution before a Magistrate, and allows the employer to inflict a fine of half a day's pay for trifling offences committed by a Statute Immigrant. These two small concessions are the only power over a statute cooly still left in the hands of the employer, and the employment of them saves both the coolies and employers time, which would otherwise be wasted in the Police Court. In Ordinance I of 1876 there was no similar clause to section 74 of Ordinance V of 1884, and much ill-feeling and friction was caused between the cooly and his employer by the necessity of the employer prosecuting in all cases of neglect and for trifling offences.

6. The Labour Commission was asked for by the planters of Province Wellesley with the hope that the Government would assist them in getting Immigrant coolies at cheaper rates, and that to do this the Government would bear some part of the cost of importing them in consideration of the fact that neither the Straits Government nor that of the Native States import the labour required for public works, but have chiefly drawn their supplies for this purpose from deserters and time-expired men imported by and at the sole cost of the planters of Province Wellesley. The Bill under consideration gives no guarantee that planters will get their Immigrant coolies at less cost than at present, and as in all other respects (except the legalizing of task payments which is equally beneficial to the cooly) it is directed against the interests of the employer, I am strongly opposed to the measure.

7. It seems that the policy of the Straits Government is to repress agricultural enterprise here as much as possible, as it burdens the planter with the cost of importing the labour required for public works besides legislating to increase the cost of labour and to elaborate the most vexatious and burdensome conditions of the present Immigration law. It must be apparent to the Government that the collapse of the Domestic Servants Ordinance shows that legislation of this character is not likely to be beneficial to either master or servant and that the less interference there is with the general laws of the Colony and the interests of the parties concerned the more likely it will be that the Immigration Ordinance will work smoothly. The evidence given by the employers of Statute Immigrants before the Labour Commission was, I believe, unanimous in declaring that the present Ordinance worked as satisfactorily as a law of this nature can be expected to do, and that no particular alteration was required in it except the legalizing of task payments, yet the

Government has by the present Bill thought fit to alter the whole character of the Ordinance.

8. The chief part of the Chinese and Tamil labouring populations here have arrived under advances to work as coolies, and I think it can be fairly said that they cannot start under more favourable circumstances than as labourers on estates, where they will get fair wages, medical attendance, &c., until by the time their contracts are finished they are thoroughly healthy and acclimatised colonists well able to earn a good living by cultivating any of the minor products grown here or by taking up any of the many other occupations open to them. During the time they are under contract they are learning how to cultivate the soil properly and have the opportunity of seeing what are the best seasons for sowing various crops to profitable advantage. I believe the Perak Government has some experience of putting the raw Indian Immigrant to work as an agriculturist after supplying him with land free of rent and giving him advances for a certain time, and it would be interesting to know how this experiment has turned out. Though the Perak Government received the assistance of the Indian Immigration Agent in procuring Immigrants of the class said to be most suitable for the purpose, I can hardly believe, from what I know of Tamil Immigrants, that the scheme can have proved very successful or profitable to the Government.

I have, &c.,

C. F. DE MORNAY.

Mr. Vermont to Acting Resident Councillor, Penang.

BATU KAWAN ESTATE,
PROVINCE WELLESLEY,
February 5th, 1892.

SIR,—I have the honour to acknowledge receipt of your letter C. S. 5995 forwarding a copy of a draft Bill intituled "An Ordinance to amend the Indian Immigration Ordinance as further amended" and requesting my opinion thereon.

The Ordinance, to say the least of it, is of a socialistic nature, as it is solely to protect the labourer, ignoring entirely the rights of the employer.

It dictates the hours of labour; gives an enhanced rate of wages than those in existence; shortens contracts; and in a measure takes all power from the employer. This is not as it should be in a Colony where the employers have hitherto at great cost and risk bore the brunt of importing labour, which, at the end of the contracts, is drafted into the general community, and therefore has been beneficial to the Colony. Neither has anything occurred in the treatment of our labourers to call for such radical changes as expressed in the Chinese Ordinance of 1891, and this under review.

I am, therefore, much surprised that such drastic and unworkable measures should be proposed to be introduced, which, if enforced, will deter all enterprise and eventually ruin all those now in existence.

At the sittings of the Labour Commission it was generally expressed that the working of Ordinance No. V of 1884 was on the whole satisfactory; the only thing that was asked was the recognition of task-work and that Government and contractors should import labourers and not compete as has been hitherto done by offering a higher rate of wages. It was never thought that the present Ordinance was going to be deprived of its several good points and obsolete ones introduced.

Planters are dreading the introduction of the Chinese Ordinance lately passed in Council; should this one become law also, it will be the last straw to break the planter's back; as what with the low prices now ruling for nearly all descriptions of produce, the little profit that may exist will be so diminished that it will compel us absolutely to close our estates, as we will be unable to give the terms and conditions expected from us.

These frequent changes in the laws between employer and labourer do away with the confidence that should exist in an agricultural country. The first Labour Ordinance was the Indian Act 13 of 1859, then came Ordinance IX of 1875, which was repealed by that of I of 1876, which was superseded by Ordinance V of 1876, finally coming into force as Ordinance XII of 1876, then came Ordinance I of 1882, then Ordinance V of 1884, repealing all others so far as it affected Statute Immigrants, so that from 1859 to 1884, we have had five Ordinances to regulate labour; all dealing with hours of labour, absence from work, value of unexpired terms, and rates of wages in a variety of ways.

The first remark I have to make is on:—

Section 2 (b).—The wording of this is ambiguous, "a day's work" should be defined as nine hours of actual work as in section 47 of Ordinance V of 1884, as well as in the Chinese Ordinance of 1891; there are many reasons for this, when the class of people we have to deal with is considered.

Section 9.—Omitting the word *cargo* is a doubtful omission, it leaves the commencement of discharging cargo in the power of the Indian Immigration Agent and others; however, this is a point that does not concern the Planters, having been once before the Legislative Council I have no doubt it will be thwarted there again.

Section 10.—In no part of the Labour Commission or in this Ordinance, can I find at what cost Government are going to import the coolies, and what will be the maximum cost to the employer; the acceptance of the Ordinance will materially depend on the preliminary cost to the employer.

The Indian Immigration Agent, Mr. MACGREGOR, in his Memorandum on the subject of "Recruiting in India," laid before the Labour Commission, vaguely states that "from calculations I have made, could, I believe, be fixed at Rs. 25 on condition:—

"1st.—That every cooly so recruited is landed free of all debt.

"2nd.—That the pay of the cooly be increased to cents 15 per diem "for first year; cents 18 for the second and third years, or "even cents 20 for the third year."

These are as high rates as are given to the best climatized labourers without any condition whatsoever. I candidly ask what enterprise in the way of agriculture in the Straits could stand such high rates of wages? It is assumed here that all workmen are alike; like trades-unionists they are to get uniform hours of work and the same rate of wages; it is entirely ignored that there are good, bad, and indifferent labourers; or that the supply and demand might raise or depress the price of labour, or that necessarily different grades of pay should be given.

The only advantage I can see in these suggestions is that it will, in a measure, smooth matters in recruiting to the Officer sent to India, forgetting and ignoring the probable ruin to the employer, or the effect it will have on the general labour market.

The first of Mr. MACGREGOR's suggestions of landing coolies free of transit charges, had been generally accepted by the principal employers of labour previous to the sitting of the Labour Commission, and, therefore, anterior to Mr. MACGREGOR's minute.

With the adoption of this system and other reasons—but without any increase in the rate of wages—labour has become a drug in the market; and were it not for the Ordinance making the rates of wages compulsory, wages would have fallen; this clearly shows that the labourer is satisfied with the present rates and conditions.

Some estates have even gone so far as to give the new arrivals a month's rations free, so that the labourer should commence life on the estate with a month's pay in his hands, but I understand, in fact know, that it has not had the good effect that was anticipated, as on the estate where the most liberality has been shown, there has

Section 28 [Sic. (?) 29].—The repeal of section 74 I have already commented on in my remarks on section 19 of the amended Ordinance.

Section 29 [Sic. (?) 30] may as well be repealed; in no instance have estate coolies been transferred to any Municipality.

On the whole this is one of the most objectionable Labour Ordinances ever proposed to be made into law; it will deal a deathblow to present and future enterprises in agriculture, instead of being beneficial; we asked for measures to be taken to assist in procuring cheap labour, instead of which we are offered a most indigestible Bill which will bring ruin with it, be an expense to the Colony, and only benefit the few who wish for its introduction.

The planting community would prefer to let well alone than try the experiment now proposed, and of their own accord make such concessions when the need arises as they may think fit.

I have to apologize at the period of time that has elapsed in answering your request, the end of the year and commencement are always a very busy and anxious time for planters, hence the delay.

Should the Government still wish to push the Bill on, I hope that I shall have timely notice, so that I may proceed to Singapore and attend the Council.

I have, &c.,

J. M. B. VERMONT.

Mr. Khee Lye Watt to Acting Resident Councillor Penang.

SUNGEI BAKAP, PROVINCE WELLESLEY,
5th February, 1892.

SIR,—In answer to your letter of 25th December, asking my opinion of the Bill to amend "The Indian Immigration Ordinance 1884," I have the honour to say that I think the proposed amendments are quite unnecessary and would prove prejudicial to the planting interests.

I have, &c.,

Signature of KHEE LYE WATT.
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Manager, Valdor Estate.

Mr. Brown to Acting Resident Councillor, Penang.

PRYE ESTATE, PROVINCE WELLESLEY,
8th February, 1892.

SIR,—I have the honour of replying to your letter C. S. ⁵⁹⁹⁵₉₁ of the 28th December last with reference to the proposed amendment of "The Indian Immigration Ordinance."

I suppose that this has been drafted on the recommendations of the Labour Commission, of which I had the honour to be a member; but I desire to point out that this is not the case, and I feel convinced that this proposed Bill cannot have the approval of any single member of that Commission. Its recommendations were interdependent and based to a great extent on the understanding that the Indian Immigrant Labour question would be put on an entirely new foundation.

CURRENT NO. 3062.



Colonial Secretary's Office,

SINGAPORE, ²¹ 21 - October, 1892.

It is requested that the following number be quoted in the reply to this letter.

India 11194/92.

Sir,

I am directed by the Governor of the Straits Settlements to forward for the information of the Government of Madras the enclosed copy of a draft Bill to amend "The Indian Immigration Ordinance, 1884", together with the opinions of certain Planters on the proposed Bill.

I have the honour to be,

Sir,

Your obedient servant,

E. M. M. M. M.

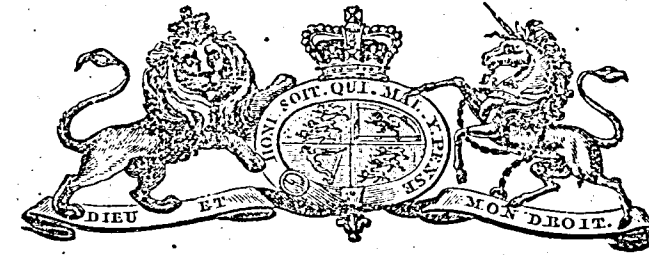
Colonial Secretary,

S. S.

The Chief Secretary

to the Government of

MADRAS.



Straits Settlements.

ORDINANCE No. V of 1884.

An Ordinance for the Protection of Indian Immigrants.

[17th October, 1884.]

CECIL C. SMITH.

WHEREAS it is expedient to make better provision by law for the protection of natives of India now and hereafter to be employed in the Colony as labourers;

It is hereby enacted by the Governor of the Straits Settlements, with the advice and consent of the Legislative Council thereof, as follows:—

PART I.

PRELIMINARY.

1. This Ordinance may be cited as "The Indian Immigrant Short title. tion Ordinance, 1884."

It shall come into operation at the several Settlements at such time or times as the Governor in Council may direct.

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

"Advances" means money paid to or expended on behalf of an Immigrant on account of any of the purposes mentioned in section forty-one hereof.

"Certificated Immigrant" means an Immigrant who holds a certificate in the form prescribed in Schedule A to this Ordinance issued under the authority of the Indian Government or under this Ordinance.

"Contract under this Ordinance" means a contract entered into by an Immigrant in accordance with the provisions of this Ordinance to labour on an estate where agricultural operations are carried on or to labour elsewhere at such work as shall from time to time be specified by the Governor in Council under the power in that behalf given by section thirty-six hereof.

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

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

"Immigrant" means a native of India.

"Immigrant."

Vide annexed bill
Sect 3 of the bill

omit - vide sub 3. cl
of the bill

2

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

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

"Medical Officer." "Medical Officer" means a Medical Officer appointed or acting under this Ordinance.

"Ship." "Ship" includes every kind of vessel used for the conveyance of passengers by water whether propelled by oars or otherwise.

"Statute Immigrant." "Statute Immigrant" means an Immigrant who is bound by the provisions of a contract under this Ordinance.

Repeal. 3. On and after the day on which this Ordinance shall come into operation in any Settlement the enactments in Schedule C hereto shall be repealed in such Settlement to the extent in such Schedule specified, but such repeal shall not affect the past operation of such enactments or anything duly done or suffered thereunder.

Ordinance divided into parts.

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

- Part I.—Preliminary.
- Part II.—Immigration Officers.
- Part III.—Certificated Immigrants.
- Part IV.—Arrival and Departure of Immigrants.
- Part V.—Contracts of Immigrants.
- Part VI.—Treatment of Statute Immigrants on Estates.
- Part VII.—Localities unfit for Residence and Employment of Statute Immigrants.
- Part VIII.—Indian Immigration Agent's Inspection and Report.
- Part IX.—Offences committed by Statute Immigrants.
- Part X.—Offences committed against Statute Immigrants.
- Part XI.—General.

PART II. IMMIGRATION OFFICERS.

Appointment of Officers. 5. It shall be lawful for the Governor to appoint an Officer to be styled the Indian Immigration Agent and such other Officers with such powers as may be necessary for carrying into effect the provisions of this Ordinance and to incur such expense as may be necessary for the purpose, but all Officers who on the coming into operation of this Ordinance shall be in office under "The Indian Immigrants' Protection Ordinance, 1876" shall continue to hold their offices as if appointed under this Ordinance.

Present holders of office. Ord. of 1876. 6. The Indian Immigration Agent shall have the powers of a Magistrate so far as may be necessary to enable him to perform the several duties imposed on him by this Ordinance. In his absence from any Settlement his duties shall be performed in that Settlement by an Assistant Indian Immigration Agent, who shall for that purpose have all the powers hereby conferred on the Indian Immigration Agent.

Assistant Immigration Agent. 7. The Indian Immigration Agent and every Assistant Agent Medical or other Officer appointed or acting under this Ordinance is hereby declared to be a public servant within the meaning of the Penal Code.

Immigration Officers to be "public servants" Ord IV of 1871 s. 21. Rules and Orders. 8. The Governor in Council may from time to time frame Rules and Orders for the conduct of the duties of the Officers under this Ordinance.

PART III. CERTIFICATED IMMIGRANTS.

Certificates issued in India. 9. Every Immigrant holding an unexpired certificate to the effect stated in section ten hereof issued by the proper authority in

British India, shall have all the immunities given in this Part to Immigrants holding like certificates issued in the Colony.

10. Any Immigrant in the Colony may apply to the Indian Immigration Agent for a certificate declaring that the person in the named and described therein is not subject to the provisions of this Ordinance.

11. The Indian Immigration Agent shall, if he is of opinion that the applicant is not a labourer or of a class ordinarily employed in agricultural work, issue forthwith under his hand and seal, free of charge, a certificate in the form or to the effect of Schedule A hereto.

12. Every certificate issued under this Ordinance shall contain the names of the holder thereof and of his or her father, and shall specify his or her place of abode in India, age, sex, religion, caste (if any) and calling. A general description of the holder of such certificate and of any marks on the portions of the body ordinarily unclothed by which he or she may be more certainly known shall also be written therein. The certificate shall be dated on the day of its issue and shall have force until the holder enters into a contract under this Ordinance.

13. A Certificated Immigrant shall, upon production of his certificate, be wholly exempted from every restriction imposed upon Immigrants by this Ordinance.

14. Every Certificated Immigrant shall be bound to produce his certificate when required to do so by a Magistrate or Police Officer, or by an Officer of the Indian Immigration Agent's Department, or by the Master or Officer of a ship in which such Certificated Immigrant is or proposes to be a passenger; and if he shall refuse or fail to do so when so required, he may be treated in all respects as an Uncertificated Immigrant until such time as he shall produce such certificate.

15. A Certificated Immigrant whose certificate has been lost or destroyed may apply to the Indian Immigration Agent for a fresh certificate and the same shall be issued accordingly: provided that it shall be lawful for the Indian Immigration Agent to require satisfactory evidence of such loss or destruction before issuing a new certificate.

16. The Governor may from time to time with the consent of the Government of India declare that any class of Immigrants is not a labouring class, and that any person belonging thereto is entitled to a certificate without enquiry; or that any class of Immigrants is a labouring class and that persons belonging thereto are not entitled to certificates.

PART IV. ARRIVAL AND DEPARTURE OF IMMIGRANTS.

17. Nothing in this Part shall apply to,—
(a) Certificated Immigrants.
(b) First class cabin passengers.
(c) Second class cabin passengers arriving or departing in a ship in respect of which the Governor has made such declaration as next hereinafter mentioned.
(d) Menial servants in actual service.
(e) Seamen firemen and other persons serving on board a ship.

The Governor may declare from time to time, by notification in the Government Gazette, that the second class cabin passengers of certain ships or lines of ships shall be exempted from the operation of this part.

an Officer of the Indian Immigration Agents, Department (Vide Sec 8 of the bill)

Ports at which Immigrants may be landed. Ord. VIII of 1872.

18. No Immigrant shall land in the Colony except at the ports of Penang Malacca and Singapore as defined under "The Harbours Ordinance, 1872," or at such ports until authorised by the Indian Immigration Agent, and any Master causing or permitting any Immigrant to land contrary to the provisions of this section shall be liable to a fine not exceeding fifty dollars for each Immigrant so landing. A Master from whose ship an Immigrant shall land contrary to the provisions of this section shall in the absence of proof to the contrary be deemed to have caused or permitted him so to land.

Arrival of ships to be signalled.

19. Ships having any Immigrants on board embarked at a port in India shall, on arrival within signalling distance of any of the ports named in the preceding section, hoist the signal "D. K. W." together with a flag or flags denoting the number of Immigrants on board other than those exempted under section seventeen hereof, and shall keep the same flying until the arrival on board of an Officer of the Immigration Department. A Master omitting to comply with the provisions of this section shall be liable to a fine not exceeding two hundred and fifty dollars.

No communication with ship till after Immigrants landed, except by certain officers.

20. It shall not be lawful for any persons, other than the Health Officer, Master Attendant, Harbour Master, Indian Immigration Agent or the officers of any of them, or the owner agent or consignee of the ship, to communicate with any such ship as in the last preceding section mentioned on its arrival in Port, except for the purpose of landing ~~passengers~~ or passengers or disembarking Immigrants under the provisions of this Ordinance, until after the Immigrants on board thereof have been disembarked; and no Immigrant shall disembark or land or attempt to disembark or land from any such ship except as provided by this Ordinance.

Proviso.

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

Penalty.

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

Indian Immigration Agent to receive notice of arrival and go on board.

21. On the arrival of the ship the Harbour Master shall give immediate notice to the Indian Immigration Agent, who shall forthwith proceed on board, ~~apply to the Master for the passenger list or lists, and ascertain whether the number and description of Immigrants on board are in accordance therewith.~~

List of passengers—Duties of Master and Indian Immigration Agent in respect thereto.

Ord. IV of 1871.

22. The master shall, on application, deliver any passenger list in his possession relating to such Immigrants to the Indian Immigration Agent, who shall file the same in his office in chronological order, and shall note in writing therein whether each Immigrant therein named has arrived or not, and, if not, the cause of his non-arrival, and shall transmit by post to such Department in India as the Governor at the request of the Government of India may direct one copy of every note so made. A Master who shall not on application deliver to the Indian Immigration Agent any such passenger list as aforesaid shall be deemed to have committed an offence under section one hundred and seventy-five of the Penal Code, and a Master delivering an incorrect passenger list to the Indian Immigration Agent shall until the contrary be proved be deemed to have committed an offence under section one hundred and seventy-seven of the Penal Code.

a free passage from India under a promise to enter into a contract under this Ordinance (Vide Sec 11 of the bill)

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23. It shall be lawful for the Governor to establish examination depôts at each of the ports named in section eighteen hereof for the examination and detention of Immigrants, and also to license depôts for the detention of Immigrants, and to frame Rules for the management and regulation of such depôts, and to frame tables of fees and charges to be paid for the use thereof and for the maintenance of Immigrants detained therein.

24. On the ship being boarded as prescribed in section twenty-one hereof the Indian Immigration Agent shall require every Immigrant to go to an examination depôt, where it shall be ascertained whether he has received advances or not, and where, in the former case, he shall be examined by a Medical Officer.

25. Any Immigrant who has received advances under a promise to enter into a contract under this Ordinance may at the request and expense of the employer by whom or on whose behalf the advances have been made be detained under the care of the Indian Immigration Agent in a depôt until he shall have entered into such contract with such employer or shall have repaid all advances together with a sum of twelve dollars by way of smart-money; provided that no Immigrant shall be detained in a depôt against his will for more than one week, or after he has executed such contract or repaid such advances and smart-money as aforesaid.

Substituted by Sec 11 of the bill

26. Any such Immigrant found on examination to be unfit for labour from disease or physical debility shall be sent to an hospital for medical treatment, and shall be detained there till declared by the Medical Officer in charge of the hospital to be fit for labour, when he shall be handed over to the Indian Immigration Agent for detention in a depôt under the preceding section, or if he be a Statute Immigrant to his employer; and if the Immigrant is declared to be incurable or permanently unfit for labour under a contract under this Ordinance he shall be sent back at the expense of the employer by whom or on whose behalf the advances have been made to the place at which he was recruited in India.

omit (Vide Sec 12 cl (a) of the bill)

All such expenses as in this and the last preceding section mentioned whatever the amount, may be recovered from the employer in a Court of Requests at the suit of the Indian Immigration Agent whose certificate of the amount thereof shall be sufficient *prima facie* evidence that the sum named therein is the sum recoverable.

omit (Sec 12 cl (a) of the bill)

27. The Indian Immigration Agent shall explain to every Immigrant brought to an examination depôt that no contract for such labour as in section thirty-six hereof is mentioned or referred to is valid unless made in accordance with Part V of this Ordinance.

28. Any Immigrant who,—

Penalty.

(a) omits to go to an examination depôt or to a depôt licensed under this Ordinance after having been lawfully required by an Officer of the Indian Immigration Agent's Department to do so; or

(b) leaves such depôt without the written permission of the Indian Immigration Agent,

shall be liable to a fine not exceeding fifty dollars or imprisonment of either description for a period not exceeding three months; and any Immigrant detained under section twenty-five hereof who refuses to enter into a contract under this Ordinance or to repay his advances with such smart-money as aforesaid within seven days from the time of his entering such depôt shall be liable to a fine not exceeding twenty dollars or to imprisonment of either description for a period not exceeding one month, and if on the expiration of any sentence of imprisonment imposed for such refusal he shall still persist in such refusal as aforesaid he shall be liable to a further fine not exceeding thirty dollars or a further period of imprisonment not exceeding two months.

pay such sum of twenty-four dollars (Vide Sec 13 cl (a) of the bill)

Any fine recovered under this section shall be paid to the employer by whom or on whose behalf such advances have been made.

This should be read in continuation of the word "months" para ending with the word "months" (Vide Sec 13 cl d)

on whose behalf the passage of the Immigrant has been paid

Sec 13 cl (d)

Repeated (Vide Section 9 of the bill)

who has received a free passage from India under a promise to enter into a contract under this Ordinance and who has not paid the said sum of twenty-four dollars (vide Sec 16 of the bill)

Immigrant absconding.

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

Penalty for enticing away from depôt.

30. Any person or persons who shall induce or attempt to induce any Immigrant whose advances and smart money shall not have been repaid to go to any place other than a depôt established under this Ordinance or who shall entice or attempt to entice away from any such depôt any such Immigrant, shall be liable to a fine not exceeding fifty dollars for each Immigrant in respect of whom such offence shall have been committed or attempted to be committed.

Immigrant not to leave a Settlement.

31. No Immigrant shall depart from any Settlement in the Colony except to go,—

- (a) to another Settlement in the Colony; or
- (b) to another part of the same Settlement; or
- (c) to a country or state to which Indian Emigration is authorised by the Governor with the consent of the Government of India; or
- (d) to British India.

To what countries or states Indian Emigration law-ful.

32. The Governor may from time to time with the consent of the Government of India declare by notification in the Government Gazette to what countries or states Indian Emigration is authorised.

Penalty for assisting Immigrant to leave Settlement.

Ord. IV of 1871, ch. 5.

33. Any Immigrant unlawfully departing or attempting to depart from a Settlement in breach of the provisions of section thirty-one hereof shall be liable to a fine not exceeding twenty dollars and may be arrested without warrant by any Police Officer or Officer of the Department of Indian Immigration Agent; and any person abetting within the meaning of the Penal Code an offence under this section shall be liable to a fine not exceeding fifty dollars for each Immigrant whose offence he has abetted. The Master of a ship in which an Immigrant shall embark in order to depart unlawfully from a Settlement shall until the contrary be proved be deemed to have abetted such offence.

PART V.

CONTRACTS OF IMMIGRANTS.

Existing contracts.

34. Every contract made before the coming into operation of this Ordinance which if made after the coming into operation of this Ordinance would be subject to the provisions thereof shall be deemed to be a contract under this Ordinance, and subject to the express provisions of such contract the parties thereto shall be subject to and entitled to the benefit of the provisions of this Ordinance.

Immigrant of 16 years may contract.

35. Any Immigrant of the age of sixteen years or upwards may enter into a contract under this Ordinance, and may sue and be sued thereon as though he were of full age.

Contract must conform with this Ordinance.

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

The Governor may from time to time by Order in Council declare with respect to any particular kind of work or labour that no contract shall be made with an Immigrant to labour thereat except in accordance with the provisions of this Ordinance.

First Contracts to be executed before Indian Immigration Agent.

37. Except as hereinafter mentioned in section thirty-eight hereof every contract made by an Immigrant under this Ordinance must be executed before the Indian Immigration Agent. If the employer is unable to attend the contract must be exe-

cuted on his behalf by a duly authorised agent. Before the Immigrant executes the contract the Indian Immigration Agent shall personally explain it to him and shall after the same has been executed by all parties certify at the foot thereof that he has personally explained it to the Immigrant.

38. Any contract under this Ordinance with an Immigrant Subsequent other than one made on his first arrival in the Colony may be executed before a Magistrate, provided that it be sent to and confirmed within three months of its execution by the Indian Immigration Agent, who before such confirmation shall personally ascertain that the Immigrant is fully aware of the terms to which he has agreed and shall certify at the foot thereof accordingly.

39. Every contract under this Ordinance shall be in writing Form and or in print or partly in writing and partly in print and shall contents. be executed in duplicate, in English and in the vernacular language of the Immigrant by whom it is executed, and shall be in the form provided by Schedule B hereto, or in such other form not inconsistent with the provisions of this Ordinance as may from time to time be sanctioned by the Governor in Council.

Every contract under this Ordinance with an Immigrant on Stamp duty. his first arrival in the Colony shall be liable to such stamp duty not exceeding one dollar as may from time to time be fixed by the Governor in Council, which duty shall be paid by the employer, and any contract or agreement for payment thereof either directly or indirectly by the Immigrant shall be void.

40. One duplicate of the contract shall be given to the Custody of employer or to his agent and the other to the Immigrant. An entry of the terms of the contract shall at the same time be made in the register to be kept in the office of the Indian Immigration Agent and shall be initialled as correct by the Immigration Agent.

41. The amount of any advances made to the Immigrant by Analysis of or for the employer either in India or in the Straits shall be entered in the contract under the following heads:—

1. Maintenance in India.
2. Cost of conveyance to port of embarkation.
3. Clothes.
4. Cash given in India.
5. Passage money.
6. Maintenance on board ship.
7. Maintenance in depôt after arrival.
8. Cash given in the Colony.

42. The maximum sum which an Immigrant shall by any contract under this Ordinance be bound to repay shall not exceed twelve dollars, and not more than one dollar in respect thereof shall be deducted from his wages in any one month. The Government or however may by notification in the Government Gazette alter from time to time such maximum sum in such manner as he shall on consideration of the cost of importation or other circumstances deem to be equitable.

43. The Officer before whom the contract is made shall not enter therein any part of the amount alleged to have been advanced without having first satisfied himself that it has been actually received by the Immigrant or paid on his behalf with his consent.

44. The contract may be made for a definite term not exceeding three years or for an indefinite term terminable by either employer or Statute Immigrant on a month's notice, but any such term shall be exclusive of,—

- (a) Every day spent by the Statute Immigrant in prison or in going to or returning from prison;
- (b) Every day spent by the Statute Immigrant in going to attending before and returning from a Court in or about a case in which he shall be convicted

Substituted by another as directed in Sec 19 of bill

Repeated by Section 18 of the

one of the forms (Sec 17 cl (a))

Omit (Sec 17 cl (b))

of an offence, or in respect of which the Judge or Magistrate before whom a case is tried certifies that such attendance was not necessary for the ends of public justice;

(c) Every period in respect of which an endorsement has been made on the contract by the Indian Immigration Agent under sections fifty-eight and ninety-five hereof;

(d) Every whole day during which the Statute Immigrant shall without reasonable excuse neglect to labour.

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

45. If the sum repayable by the Statute Immigrant be not paid at the end of the definite term, or in the case of a contract made for an indefinite term, at the end of the month's notice which may have been given by the Statute Immigrant, he may be required to labour until such sum has been paid in full.

In every such case the employer shall endorse on the contract the amount remaining due at the end of the term or notice, as the case may be, and shall produce such endorsement to the Indian Immigration Agent on his next visit for his allowance.

46. It shall not be lawful to contract with a Statute Immigrant for wages at less than the rates following, viz.:

For an adult male, { 12 cents per day during the first year.
14 cents per day during the second and subsequent years.

For a female or for a boy under 21, { 8 cents per day for the first year.
10 cents per day for the second and subsequent years.

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

The wages of a Statute Immigrant shall be payable monthly on or before the fifteenth day of the month next following.

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

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

If he works for and at the request of his employer more than nine hours in any one day he shall be paid for such extra work the sum of two cents, one cent for each half hour's work.

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

- (a) The care of animals.
- (b) The cleaning of machinery.
- (c) The maintenance of machinery in an efficient condition.

(d) The observance of usual sanitary regulations.

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

48. The Statute Immigrant shall not be bound to labour Where outside the limits of the Settlement for which the contract is made but his contract may with his own consent and the approval of the Indian Immigration Agent be transferred to any other employer in the Colony.

49. The Governor in Council may from time to time make Rules subject to which Immigrants may be engaged in the Colony for service in a country or state to which Indian Emigration is authorised.

50. If a Statute Immigrant whose contract is for a definite term shall be able and desirous to redeem the unexpired portion of such contract, such Immigrant may request his employer to take him or allow him to go before the Indian Immigration Agent, who, upon receiving from such Immigrant a sum equal to the value of the unexpired portion of his contract together with any sum which may be due from him to his employer under such contract, shall forthwith give notice of such receipt to the employer of such Immigrant, and unless such employer shall within one week from the date of such notice satisfy the Indian Immigration Agent that there is some sufficient reason why such Immigrant should not be allowed to redeem such portion as aforesaid, the contract shall determine as from the date of such receipt. The Indian Immigration Agent shall endorse a memorandum of such determination on the contract, which shall be given up to him for that purpose, and shall pay the amount so received by him as aforesaid to the employer.

The value of the unexpired portion of a contract under this Ordinance shall be the aggregate amount of one dollar for every month of the unexpired portion of the first year and of two dollars for every such month of the second and subsequent years of the original term of the contract.

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

PART VI.

TREATMENT OF STATUTE IMMIGRANTS ON ESTATE.

52. The employer of a Statute Immigrant shall so long as the contract is in force provide for him subject to the provisions of this and the following sections:—

- (a) Sufficient and proper house accommodation.
- (b) A sufficient supply of wholesome water.
- (c) Sufficient and proper sanitary arrangements.
- (d) Uncooked rations at wholesale current market prices.
- (e) Cooked rations when lawfully required.
- (f) Hospital accommodation.
- (g) Medical attendance.
- (h) A sufficient quantity of medicines of good quality.

The provision to be made in accordance with clauses (a), (b), (c) and (d) of this section shall be such as shall be considered sufficient and proper by the Indian Immigration Agent for the time being.

53. The Governor shall from time to time by notification in the Government Gazette prescribe:—

- (a) The kinds of rations to be provided in accordance with sub-section (d) of the preceding section.

- (b) The kind of hospital accommodation to be provided in accordance with sub-section (f) of the preceding section having regard to the number of Statute Immigrants employed on the estate and its distance from the nearest Government Hospital.
- (c) The description of medical attendance to be provided in accordance with sub-section (g) of the preceding section.
- (d) The kinds and quantities of medicines to be kept on the estate by the employer.

Powers of
Indian Im-
migration
Agent.

The Indian Immigration Agent may with the sanction of the Governor from time to time prescribe:—

- (e) The times and manner of the issue of rations to be provided under sub-section (d) of the preceding section.
- (f) The quantity of any kind of rations which a Statute Immigrant may purchase at one time.
- (g) The price to be accepted as the wholesale current market price.
- (h) The price of cooked rations to be provided under sub-section (e) of the preceding section.

Cooked rations.

54. A Medical Officer or the Indian Immigration Agent may at any time require the employer of a Statute Immigrant to provide for him, in lieu of uncooked rations, cooked rations which shall be in accordance as to quantity and quality with the scale for native patients for the time being in force in Government Hospitals.

Immigrant in hospital.

55. If a Statute Immigrant be received for medical treatment in a Government Hospital the expenses attending the feeding and medical care of such Immigrant shall be paid for by his employer at such rate as the Governor may from time to time prescribe by notification in the *Government Gazette*. Such expenses whatever the amount shall be recoverable from the employer in a Court of Requests at the suit of the Indian Immigration Agent and the certificate of the Indian Immigration Agent shall be sufficient *prima facie* evidence that the amount therein specified is due from the employer.

Medical examination of Immigrants.

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

Temporary incapacity.

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

Absence from sickness.

58. If any Statute Immigrant is compelled to absent himself from work on account of sickness for a period or periods exceeding the total number of ~~thirty days in any one year~~ *sixty days during the continuance of the contract (see 25 cl (a) of the bill)*, and the employer, as soon as such number is exceeded, gives such Statute Immigrant a notice in writing to that effect, the Indian Immigration Agent shall from time to time endorse on the contract of such Statute Immigrant, after such enquiry as may be necessary, the number of days of absence in excess of ~~thirty~~ *sixty* (See 25 cl (c) of the bill).

When result of immorality.

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

PART VII. LOCALITIES UNFIT FOR RESIDENCE AND EMPLOYMENT OF STATUTE IMMIGRANTS.

59. If the Indian Immigration Agent shall at any time have Committee of Enquiry. reason to believe that any estate or portion of an estate on which Statute Immigrants are living or employed is from any cause unfit for their residence or employment, he shall report his opinion in writing to the Colonial Secretary or the Resident Councillor of the Settlement, as the case may be, who shall forthwith summon a Committee of Enquiry.

Such Committee shall consist of a Magistrate, a Medical Officer and one or more employers of Statute Immigrants when such persons are available.

If the Colonial Secretary or Resident Councillor is unable to procure the service on such Committee of any employer of Statute Immigrants he may appoint one or more persons whom he may deem qualified.

60. Such Committee shall proceed with as little delay as possible to enquire into the condition of the estate or portion of estate to which the order appointing the Committee has reference, and shall hear such evidence on the subject as the Indian Immigration Agent and the owner of the estate or portion of estate or the employer may desire to place before it; and if such Committee or the major part in number thereof is of opinion that such estate or portion of estate is unfit for the residence or employment of Statute Immigrants it shall report accordingly, and from and after the publication in the *Government Gazette* of a notification that such report has been confirmed by the Governor it shall be unlawful to employ or permit to reside any Statute Immigrant on such estate or portion of estate.

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

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

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

63. In cases of exceptional mortality arising from epidemic diseases, not attributable to circumstances peculiar to the locality, the ratio of deaths shall for the purposes of this Part be calculated as far as possible exclusively of such exceptional mortality. Epidemics not to be taken into account.

PART VIII. INDIAN IMMIGRATION AGENT'S INSPECTIONS AND REPORT.

Inspections.

64. Every employer shall in the months of January and half-yearly July in each year make out in writing and deliver to the Indian report of

and at such other times as the Governor may prescribe (vide Sec 26 cl (a) of the bill)

hourers,
their state of
health, and
mortality.

Penalty for
omission to
furnish re-
turn or for
incorrect re-
turn.

Periodical in-
spection of
labourers to
be made by
Indian Immi-
gration A-
gent.

Books, &c.
to be pro-
duced.

Books to be
kept by
Indian Immi-
gration
Agent.

Inspector of
Madras
Government
to have
powers of
inspection or
&c.

Penalty for
obstructing
inspection or
enquiry.
Ord. IV of
1871, ch. 5.

Reports by
Indian Im-
migration
Agent.

Such report
open to in-
spection by
employer.

Immigration Agent in such forms as the Governor may from time to time prescribe a return of the number of Statute Immigrants employed by such employer during the preceding six months and a return of the sickness births deaths, unlawful absences desertions and arrests among them during the same period.

65. If any employer shall omit duly to send in any such return, or shall send in an incorrect return, he shall in the absence of proof that such omission or incorrectness was occasioned by accident or a *bona fide* mistake be liable to a fine not exceeding two hundred and fifty dollars; and a certificate under the hand of the Indian Immigration Agent stating that such return has not been sent, or is incorrect, shall be sufficient *prima facie* evidence of the truth of the facts stated in such certificate.

66. The Indian Immigration Agent accompanied by a Medical Officer, unless he be himself a Medical Officer, shall once within each of such periods as may be fixed for such purpose by the Governor visit all estates on which any Statute Immigrants shall reside or be employed and inspect every house hospital tent camp or building in any way used by any Statute Immigrants, and inquire into the condition of such Statute Immigrants, and investigate the books of account of their wages; and

for such purpose the Indian Immigration Agent may require the employer to produce before him all or any of the Statute Immigrants then under contract with him together with all contracts and books of account of wages, written in English, and to answer such questions relating thereto as the Indian Immigration Agent may think proper to ask.

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

68. The Officer from time to time deputed with the concurrence of the Governor by the Government of Madras to examine and report to such Government the condition of Immigrants in the Colony, may exercise under this Ordinance all or any of the powers of entry inspection enquiry and investigation, which are hereby conferred on the Indian Immigration Agent.

69. If any employer or other person wilfully obstructs or impedes any entry inspection enquiry or investigation made under this Ordinance, or commits any offence described in Chapter X of the Penal Code relating to such entry inspection inquiry or investigation, he shall be punished as provided in Chapter X of the Penal Code.

70. The Indian Immigration Agent shall make such reports to the Governor relative to the conduct of the duties of his office in such form and with such particulars as the Governor may from time to time direct.

So much of every such report as relates to the Statute Immigrants under any particular employer shall at all reasonable times be open to the inspection of such employer or any person by him appointed in writing in that behalf, and the person so inspecting shall be entitled to take a copy of the report so far as it relates to such Statute Immigrants, and the Indian Immigration Agent shall send to any employer mentioned in any such report a copy of so much of the report as relates to such employer.

PART IX.

OFFENCES COMMITTED BY STATUTE IMMIGRANTS.

Neglect to Labour and Disobedience.

71. Any Statute Immigrant who shall without reasonable excuse neglect to labour as required by the employer, such

labour being reasonable and proper, shall be liable to a fine (to be paid to his employer) not exceeding fifty cents for each day during which such neglect shall continue, and in case such neglect shall have continued for seven consecutive days or in case such Immigrant shall have been already convicted of a like offence within a period of three months, such Immigrant may be furthermore sentenced at the request of the employer to imprisonment of either description for a period not exceeding fourteen days.

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

Unlawful Absence.

73. A Statute Immigrant who is unlawfully absent from the estate of his employer shall be liable to a fine not exceeding fifty cents.

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

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

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

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

Desertion.

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

A Statute Immigrant deserts from his employer's service, when he is continuously absent from his employer's estate for more than twenty-four hours exclusive of any Sunday or authorised holiday without leave from his employer or without reasonable excuse, or when he is absent from the estate under such circumstances as shew that he does not intend to return to perform his contract.

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

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

Substituted by
according to Sec 2

Repealed
of the bill

Substituted by another
according to Sec 28 of the
bill.

Neglect to la-
bour.

Proviso in
case of ill-
treatment or
breach of con-
tract.

*Arrest and Charge of Deserters and Absentees.*Deserters and
Absentees.

77. If any Statute Immigrant deserts or attempts to desert from his employer's service or is unlawfully absent from the estate or leaves a Hospital in which he has been ordered to remain for medical treatment under section fifty-six hereof without leave from the officer in charge of such hospital, his employer or any other person acting in his behalf or any officer of the Department of the Indian Immigration Agent may without warrant and without the assistance of any Police Officer (who nevertheless shall be bound to give such assistance if called upon to do so) apprehend such Statute Immigrant wherever he may be found and take him back to the estate or to the hospital or to a Police Station at once, provided that

When in
other service.

If such Statute Immigrant be found in the service of another employer he shall not be arrested without a warrant.

Notice and
charge.

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

To be taken
to nearest
Police Sta-
tion.

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

*Malingering.*Immigrant
disabling him-
self.

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

*Selling Rations.*Penalty for
Immigrant
selling food.

80. Any Statute Immigrant who without the consent of his employer, sells barter or disposes of for profit any ration cooked or uncooked purchased by him from his employer under the provisions of Part six hereof shall be liable to imprisonment of either description for a period not exceeding seven days; and

Ditto for re-
ceivers.

any person who without such consent as aforesaid knowingly buys takes in exchange or otherwise receives any such ration shall be liable to a fine not exceeding twenty-five dollars, or to imprisonment of either description for a period not exceeding one month.

Disobedience
to sanitary
regulations.

81. Any Statute Immigrant guilty of wilfully disregarding any sanitary regulation which has been approved by the Indian Immigration Agent and publicly notified for observance on the estate on which such Statute Immigrant is employed shall be liable to a fine not exceeding five dollars or to imprisonment for a period not exceeding one week.

Estate deem-
ed a public
place.
Ord. XIII of
1872.

82. For the purposes of section forty of "The Summary Criminal Jurisdiction Ordinance, 1872," an estate shall be deemed to be a public place.

Imprisonment.

83. On the application of the employer or of any person authorised to act for the employer of any Statute Immigrant imprisoned for any offence under this Ordinance a Magistrate may at any time previous to the expiration of such imprisonment, if he see good cause, order such Statute Immigrant to be released and given up to his employer, and in that case the Magistrate shall endorse on the contract a memorandum signed by him of such order and send a copy thereof to the Indian Immigration Officer.

Portion of
sentence may
be cancelled
on application
of employer.

84. Whenever a Statute Immigrant is convicted of any offence the Judge or Magistrate before whom such conviction is had shall endorse on the contract a memorandum of the conviction and shall send to the Indian Immigration Agent a copy thereof.

Conviction to
be endorsed
on contract.

85. On the determination of any imprisonment to which a Statute Immigrant may have been sentenced it shall be the duty of the Gaoler to make him over to any person appointed by his employer to receive charge of him, or, at the expense of the employer, to return him to the estate under charge of the Police.

Disposal of
Statute
Immigrant
after release.*Cancellation and Transfer of Contract.*

86. Whenever any Statute Immigrant shall have actually suffered imprisonment amounting in the whole to six months for desertion from his employer's service the Indian Immigration Agent shall at the written request of the employer cancel the contract of such Statute Immigrant.

Contract may
be cancelled
for repeated
desertions on
request of the
employer.

Every such cancellation shall be certified by the Indian Immigration Agent on the back of the contract, and such Statute Immigrant shall be liable to work during the remainder of the term of the cancelled contract on such public works for the Government or the Municipal Commissioners of the Settlement as the Governor may direct at the same rate of wages as named in such contract.

Municipal Commis-
sioners of the Settlement
shall be liable to
work on the public
works.

If the services of any such Immigrant shall not be required by the Government or the Municipal Commissioners the Indian Immigration Agent shall take such steps as may be proper, subject to the provisions of Part V hereof, for securing employment for him if applied to by him for that purpose.

87. Whenever any Statute Immigrant shall have been twice convicted for offences under this Part the Indian Immigration Agent on the application of the employer or of his own accord may with the approval of the Governor transfer the contract of any Statute Immigrant to some other employer willing to accept the same upon such terms and conditions as between the old and new employers as shall appear to him reasonable.

Agent may
transfer con-
tracts.

PART X.

*OFFENCES COMMITTED AGAINST
STATUTE IMMIGRANTS.**Separating Families.*

88. Any person separating or abetting within the meaning of the Penal Code the separation of a Statute Immigrant from his wife or from his children under the age of sixteen years or any person dependent on him without in any of the above cases his or their consent (proof of which consent shall lie on the accused) shall be liable to a fine not exceeding one hundred dollars; and any contract involving such separation shall be void, and such wife children or dependent shall be forthwith restored to the Statute Immigrant by the Indian Immigration Agent.

Penalty for
separating
families.
Ord. IV of
1871.

Penalty for permitting Immigrant to reside in unhealthy locality. 89. Any employer who shall cause or permit any Statute Immigrant to reside or labour upon any such estate or portion of an estate as under the provisions of Part seven hereof has been found or declared to be unfit for the residence or employment of Statute Immigrants with knowledge of such finding or declaration and whilst such finding or declaration remains in force, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment of either description for a period not exceeding six months.

Penalty for non-compliance with secn. 50 and 52. 90. Any employer who omits to comply with such request as is mentioned in section fifty hereof or with any of the provisions of section fifty-two hereof shall in the absence of proof that such omission was accidental be liable to a fine not exceeding two hundred dollars, and to an additional fine of fifty dollars for each day during which such omission is continued.

Penalty for molesting Immigrant. 91. Any person who whether alone or in combination with others hinders or molests by word gesture or act any Statute Immigrant in the performance of his contract shall be liable to a fine not exceeding two hundred dollars, or to imprisonment of either description for a period not exceeding six months.

Complaints by Statute Immigrants.

Employer to give notice to Indian Immigration Agent, if Immigrant wishes to complain. 92. If any Statute Immigrant states to his employer or to any person acting for such employer in the conduct of the business of the estate that he desires to make a complaint to the Indian Immigration Agent of personal ill-usage or breach of any provision of this Ordinance on the part of such employer or any other person, the employer or person to whom such statement is made shall within forty-eight hours send notice thereof in writing to the Indian Immigration Agent, and in default of so doing such employer or person shall be liable to a fine not exceeding one hundred dollars.

Procedure by Indian Immigration Agent.

Indian Immigration Agent how to proceed on receipt of notice. 93. Whenever the Indian Immigration Agent receives such notice in writing as last aforesaid, or whenever any complaint of personal ill-usage or breach of any provision of this Ordinance is made to him by any Statute Immigrant against his employer or any person acting for such employer, or when the Indian Immigration Agent has other reasonable grounds for believing that any personal ill-usage or breach of any provision of this Ordinance has been suffered by a Statute Immigrant, the Indian Immigration Agent shall so soon as conveniently may be proceed to the estate and make full enquiry into the matter.

Procedure. 94. For the purposes of such enquiry the Indian Immigration Agent may summon before him such Statute Immigrant and any witnesses.

Penalty for obstructing service of or disobedience of summons. Ord. IV of 1871. Any person who in any way wilfully obstructs the service of or obedience to such summons, and any person summoned who neglects to attend as required in such summons, and any person who commits any offence described in Chapter X of the Penal Code relating to any such complaint or inquiry, shall be punished as provided in Chapter X of the Penal Code.

If complaint is untrue or frivolous. 95. If upon any such inquiry made on the complaint of a Statute Immigrant the Indian Immigration Agent is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint and a short statement of the grounds of his opinion respecting it; and in such case he shall endorse on the contract of such complainant the number of days during which such complainant has been absent from work in conse-

quence of such enquiry, and may impose on the complainant a fine not exceeding fifty cents, which may be deducted from the Statute Immigrant's wages and retained by his employer. *Equivalent to the wages of the Statute Immigrant for such days lost in the agency etc. (Vide Sect 31 of the bill)*

96. If upon enquiry as aforesaid the Indian Immigration Agent is of opinion that the complaint is well founded, he shall institute such proceedings Civil or Criminal for and in the name of the Statute Immigrant as he shall deem necessary under the circumstances.

The Indian Immigration Agent shall have a right to appear in and be heard before all inferior Courts Civil or Criminal on behalf of any Statute Immigrant for whom he shall institute any proceeding under this Ordinance.

Cancellation of Contract.

97. If any employer or any person placed in authority over any Statute Immigrant by such employer is convicted before a Judge of the Supreme Court of any offence against the person or property of such Statute Immigrant; or

if any such employer or other person as aforesaid is a second time convicted before a Magistrate of any such offence; or if a Magistrate shall on the report of the Indian Immigration Agent and after due enquiry upon oath in the presence of the parties be satisfied that any Statute Immigrant has been compelled to perform any labour while he was unfit for it, or has been subjected to ill-usage by such employer or any other person placed by him in authority over such Statute Immigrant;

the Judge or Magistrate may on the application of such Immigrant cancel his contract and award to him compensation not exceeding fifteen dollars.

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

Court Fees.

98. No Court fees shall be chargeable in the first instance on any proceeding commenced by a Statute Immigrant or by the Indian Immigration Agent on his behalf against his employer under this Ordinance; but in case a conviction shall be had or judgment given against the employer the same shall be paid by the employer together with the general costs of the proceeding.

PART XI.

GENERAL.

99. The whole or any portion of any fine imposed upon a person convicted under section thirteen of "The Crimping Ordinance, 1877" of an offence committed in respect of a Statute Immigrant may be awarded to the employer of such Statute Immigrant.

Repealed by Sect 32 of the bill
Fine for enticing away Statute Immigrant may be paid to employer.
Ord. III of 1877.

Notices of Deaths, &c.

Notices of
births and
deaths for
registration.
Ord. XVIII
of 1868.

100. The notices required by "The Registration Ordinance, 1868" of deaths of Statute Immigrants and births of children of Statute Immigrants shall in the case of deaths be given by the person in whose service the Statute Immigrant may have been at the time of his death or in whose premises he may have died, or by the person in charge for the time being of such premises; and in case of births by the person in whose employment the mother may have been at the time of the birth or by the person in charge for the time being of the house or place in which the birth occurred, and copies of such notices shall be given to the Indian Immigration Agent.

Copies of such notices shall be sent by the employer to the Indian Immigration Agent.

Delegation of
powers.

101. It shall be lawful for the Governor to delegate all or any of the powers vested in him by this Ordinance to the Colonial Secretary at Singapore and the Resident Councillors of Penang and Malacca in his absence from the several Settlements respectively.

Convictions.

102. All convictions and penalties for offences under this Ordinance may be had and recovered before a Magistrate or a Court of two Magistrates on complaint by any person aggrieved or by the Indian Immigration Agent or any person authorised by him in that behalf.

Here see 103 as directed by sec 33 of the bill
Passed this 17th day of October, 1884.

A. P. TALBOT,
Clerk of Councils.

SCHEDULE A.

I hereby certify that the person herein named and described is not subject to the provisions of "The Indian Immigration Ordinance, 1884."

Signed _____
Indian Immigration Agent,
Settlement of _____

Name.	Father's Name.	Age.	Sex.	Religion and Caste (if any).	Place of Abode in India.	Calling.	General Description and Distinctive Marks.

SCHEDULE B.

FORM OF CONTRACT.

This contract made the _____ day of _____ A.D. 18 _____ under "The Indian Immigration Ordinance, 1884" between _____ here-under described and hereinafter called "the Labourer" of the one part and _____ of _____ hereinafter called "the Employer" (which term shall include his executors administrators and assigns) of the other part, Witnesseth that it is hereby mutually agreed by and between the said parties hereto as follows:—

1. The Labourer will labour for the Employer as* _____ in the Settlement of _____ from the date hereof for the term of _____ months [or until this contract is determined by one calendar month's notice on either side].

†2 The Labourer will repay to the Employer the sum of \$ _____ being moneys advanced to or expended on behalf of the Labourer by the Employer the particulars whereof are specified hereunder, and the Employer may deduct from the Labourer's wages a sum not exceeding \$1 a month until the said sum be thereby repaid.

3. The Employer will pay to the Labourer so long as this contract shall remain in force wages payable monthly at the rate of _____ cents a day [during the first twelve months of such period; and afterwards if and when the said sum of \$ _____ shall be repaid or tendered, at the rate of _____ cents a day].

4. This contract is subject to the provisions of the said Ordinance so far as the same are applicable and shall be construed as though such provisions were expressly incorporated herein.

In witness, &c.

Particulars of Advances.

1. Maintenance in India, ...	\$
2. Cost of Conveyance to port of embarkation, ...	"
3. Clothes, ...	"
4. Cash given in India, ...	"
5. Passage money, ...	"
6. Maintenance on board ship, ...	"
7. Maintenance in depôt after arrival, ...	"
8. Cash given in the Colony, ...	"

* "Agricultural labourer" or as the case may be.

† This clause must be struck out in the case of a contract with an Immigrant who is not under advances.

Substantially
Another Schedule
according to see
34 of the bill

20.

Description of Labourer.

Name.	Father's Name.	Age.	Sex.	Religion and Caste (if any).	Place of Abode in India.	General Description and Distinctive Marks.

Endorsement to be made by Indian Immigration Agent:—

I hereby certify that I have personally explained this contract to the said and ascertained that he is fully aware of the terms thereof.

Signed

*Indian Immigration Agent,
Settlement of*

SCHEDULE C.

No. of Ordinance.	Short Title.	Extent of Repeal.
I of 1876,	"The Indian Immigrants' Protection Ordinance, 1876,"	The whole.
III of 1877,	"The Crimping Ordinance, 1877,"	Section 12.
I of 1882,	"The Labour Contracts Ordinance, 1882,"	So far as affects Statute Immigrants.

OR PAPER, No.

OF 18

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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OF 18

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