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ORDINARY, MS.

Public DEPARTMENT.

G.O., DATED

15-6-98

No.

463.

INDEXED.

When given for copying.

[Despatch Abstract.]

*Receipts for 2
Public endorsement
for including Fiji
ordinances III &
VI 7 1892-*

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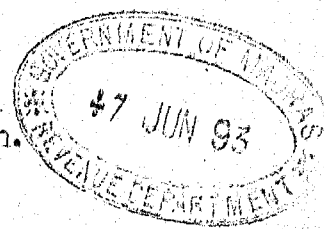
GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

(Emigration.)

Simla, dated the *1st* June 1893.

Forwarded to the Government of Madras for information.



By order,

W. M. B. G. A.

Offg: Under-Secretary to the Government of India.

List of Papers forwarded.

Despatch from the Secretary of State No. 31 dated the 9th March 1893, and Fiji Ordinances III and VI of 1892, (Ordinance IV of 1892 will follow.)

Copy the page of
the one on which
the list is drafted
will have to be
copied

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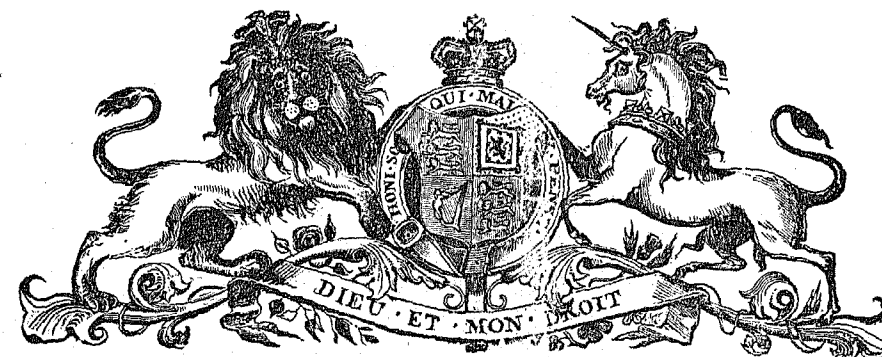
Despatch from the Secretary of State to the
Government of India No. 31 Public (Emigration)
dated the 9th March 1893.

I forward for the information of your
Excellency in Council, a copy of three Ordinances,
Nos. III, IV and VI of 1892 which have been
passed by the Legislature of Fiji.

1893
Public Dept.
Charges No. 2
To
C. No. 1578

Fiji.

No. IV, 1892.



AN ORDINANCE

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

TO AMEND "THE INDIAN IMMIGRATION ORDINANCE
1891."

[L.S.] JOHN B. THURSTON.

26th October, 1892.

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

1. This Ordinance and "The Indian Immigration Ordinance Construction.
1891" hereinafter referred to as the "Principal Ordinance" shall be
read and construed together and may be cited as "The Indian Immi- Short title.
gration Ordinances 1891-2."

2. The provisions of sections three, four, nine, thirteen, seven-
teen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-
eight, twenty-nine, thirty, thirty-four, and forty-one hereof shall
relate back and take effect from the thirty-first day of March one Commencement.
thousand eight hundred and ninety-one and anything done in respect
thereof shall have the same effect as if done after the passing of this
Ordinance.

3.

Effect of repeal.

3. In this Ordinance the repeal of any sections of the Principal Ordinance shall not affect any regulation already made or anything already done or suffered or any charge or lien already created or any liability already incurred thereunder. And every such regulation charge lien or liability may be enforced under the provisions of this Ordinance or of the Principal Ordinance.

Alteration in age of adult immigrant and in age of children.

4. Whenever in sections three, thirty-five, fifty-eight, eighty-eight, and one hundred and fourteen of the Principal Ordinance the words "ten" or "five" appear as denoting or limiting the age or status of any immigrant such words shall be read in respect of any immigrants indentured at any time after the passing of this Ordinance as if the words "twelve" or "seven" had been inserted in lieu thereof respectively but shall otherwise remain in full force as at the passing of this Ordinance.

INTERPRETATION.

Amended interpretation of "Adult Immigrant."

5. The interpretation of the words "Adult Immigrant" in section three of the Principal Ordinance shall be read as if the words "upon arrival in the Colony" had been omitted therefrom.

FISCAL PROVISIONS.

Introduction Charges.

Amended list of charges payable from Indian Immigrants Introduction Fund.

6. Subsection (b) of section seven of the Principal Ordinance shall read as if the word "stamps" had been inserted in lieu of the word "postage."

7. Subsection (h) of section seven of the Principal Ordinance shall read as if the words "and upkeep" had been omitted therefrom.

8. In addition to the items enumerated in section seven of the Principal Ordinance the Indian Immigrants Introduction Fund shall be charged with—

Such amount as may in each year be estimated by the Governor in Council as sufficient to provide a fund for the permanent upkeep of any depot provided for under this Ordinance.

Allotment Re-allotment and Fees.

Recovery of expenses in certain cases of refusal to allot immigrants.

9. When the refusal to allot under section twenty-eight of the Principal Ordinance has been caused by anything done after the payment of application fees all expenses incurred in respect of the immigrants applied for up to the time of their indenture shall if they cannot otherwise be recovered be deducted from the application fees paid in respect of them.

Return-passages.

The word "immigrant" in section 38 to include all his children.

10. For the purposes of section thirty-eight of the Principal Ordinance the word "immigrant" shall include all the children of such immigrant.

Non-forfeiture of right to return-passage by quitting the Colony in certain cases.

11. The provisions of section thirty-nine of the Principal Ordinance shall not apply to an immigrant who shall have completed a continuous residence in the Colony of ten years.

12. The following words shall be added to and form part of section forty of the Principal Ordinance—

"Such immigrant shall at the time of giving such notice furnish an address at which he may be found or to which the notice required by the following section may be addressed."

13.

13. Section forty-four of the Principal Ordinance is hereby repealed and the following provisions enacted in lieu thereof:—

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

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

Application of Return-passages Fund.

Moneys to be deposited at interest.

MEDICAL INSPECTION.

14. Every immigrant under indenture shall when so required by his employer under the provisions of section fifty-two of the Principal Ordinance be bound to appear with his children (if any) for inspection by the District Medical Officer.

Indentured immigrant and his children must appear for medical inspection when required.

INDENTURES AND REINDENTURES.

15. Sections sixty, sixty-two, and sixty-five of the Principal Ordinance are hereby repealed and the three following sections are enacted in lieu thereof:—

Repeal of sections 60, 62, and 65.

Cancellation of Indentures.

16. Any immigrant whose indenture shall have been cancelled under the provisions of section fifty-nine of the Principal Ordinance may without his consent be transferred by the Agent-General under the provisions of section nineteen of this Ordinance.

Immigrant whose indenture has been cancelled may be transferred under section 19 hereof.

Extension of Indentures.

17. The Agent-General shall subject to the provisions of section seventy-six of the Principal Ordinance on the expiration of the term of the indenture of any immigrant make an order in Form 3 of Schedule B of the Principal Ordinance that such immigrant shall work for such additional term of service as shall be equal to the number of days recorded against him under sections sixty-three, one hundred and seven, and one hundred and sixty-nine of the Principal Ordinance and shall forward such order to the employer of such immigrant and the indenture of such immigrant shall thereupon be taken to have been extended for the additional term of service mentioned in such order. And on the expiration of such additional term of service and so often as is necessary the indenture of such immigrant may in like manner be extended on the application of the employer if the Agent-General shall see fit until the expiration of such period as shall be equivalent to the number of days which may from time to time be recorded against him under section sixty-three of the Principal Ordinance.

Agent-General may order extension of indenture at expiration of original term to compensate employer for time lost by unlawful absence, desertion, &c., of immigrant and consequent proceedings and sentence.

18. When and so often as any indentured immigrant shall be committed to prison by the Supreme Court or any other duly constituted court of this Colony for any criminal offence the Agent-General shall subject

Agent-General may order extension of indenture to compensate employer for

time lost through imprisonment of immigrant for criminal offences.

subject to the provisions of section seventy-six of the Principal Ordinance may on discharge of such immigrant from gaol and if he see fit order the extension of the indenture of such immigrant in the Form No. 1 contained in the Schedule hereto for such term as the employer is entitled to under the indenture even though at the time when such immigrant shall be released from such prison the term of his indenture shall have expired.

Transfer of Indentures.

Transfer of indentured immigrant from one place to another or from one employer to another.

19. Any immigrant serving under indenture or whose indenture shall have been cancelled under the provisions of section fifty-nine of the Principal Ordinance may except as is otherwise provided for in this or the Principal Ordinance be transferred by the Agent-General from the plantation on which he is serving under such indenture to any other plantation belonging to the same owner or from the plantation of the employer of such immigrant to the plantation of any other employer who may be willing to receive him. Provided that except under sections fifty-nine, one hundred and thirty-three, and two hundred and eleven of the Principal Ordinance and section sixteen of this Ordinance the consent of both the immigrant and the employer of such immigrant shall be necessary.

Certificate of transferred indenture.

20. The Agent-General shall prepare a certificate of indenture to be signed by the transferee. The provisions of section fifty-five of the Principal Ordinance shall apply to such indenture which shall be for such portion of the immigrant's term of service as may remain unexpired and shall when completed have the same force and effect as the indenture which it replaces.

Fee.

21. A fee of three shillings for every year or part of a year of such unexpired portion of the term of service shall be paid by the employer for each immigrant transferred and such fee shall be paid over to the Destitute Indians' Fund.

Record of transfers.

22. All such transfers shall be recorded in the Plantation Register and in a Register of Transfers to be kept in the Immigration Office.

Penalty for removing or permitting immigrant to serve on plantation to which he is not indentured.

23. Any employer who shall remove or permit to be removed an indentured immigrant from the plantation on which he is indentured to serve to any other plantation shall at the instance of the Agent-General be liable on summary conviction to a penalty not exceeding five pounds for each immigrant so removed.

Reindentures.

Cancellation of reindenture.

24. Any reindenture may be cancelled by the Agent-General by indorsement of such cancellation on the certificate of industrial residence or certificate of completion of service of the immigrant in any case where the employer and the immigrant mutually agree to or desire such cancellation.

TRANSPORT OF IMMIGRANTS.

Employer to provide immigrant with water, food, medical aid, &c., when in transit from or to Depot, &c.

25. Whenever the transit or conveyance of any indentured immigrant from or to the Depot or to any other place devolves upon the employer of such immigrant it shall be the duty of such employer and of his agent to make all necessary provision for the proper supply of water food medical aid and sleeping accommodation under cover to such immigrant during such transit. Any offence against this section shall be punishable on summary conviction by a fine not exceeding ten pounds and in default of payment by imprisonment for any term not exceeding one month.

26.

26. The master or owner of any vessel who shall have agreed with an employer or agent to provide proper and sufficient water cooked food and sleeping accommodation under cover for immigrants carried in such vessel and who shall fail to carry out such agreement in any of the above particulars shall be liable on summary conviction to a fine not exceeding ten pounds and in default of payment to imprisonment for any term not exceeding one month.

Penalty on master or owner of vessel failing to carry out agreement to feed and provide for immigrants in transit.

DWELLINGS—RATIONS FUEL AND WATER.

Rations Fuel and Water.

27. The alternative ration to be supplied under section eighty-six of the Principal Ordinance to every child who shall be five years old and under shall be at the option of the employer subject however to any special directions given by the District Medical Officer. Such section shall be read as if the word "twelve" were inserted in place of the word "ten."

Rations of children of five years of age and under.

WORK AND WAGES.

28. In section one hundred and two of the Principal Ordinance the words "one hundred and five" in the last line thereof shall be read as if the words "one hundred and six" had been substituted therefor.

Amendment of section 102.

TICKETS OF LEAVE—CERTIFICATES OF INDUSTRIAL RESIDENCE—PASSPORTS.

29. Section one hundred and thirteen of the Principal Ordinance is hereby repealed and the following provisions enacted in lieu thereof:—

Repeal of section 113.

A Certificate of Industrial Residence in Form 8 of Schedule B of the Principal Ordinance shall be delivered by the Agent-General on demand and without charge to any immigrant—

Certificate of Industrial Residence.

- (a) Who having been introduced before the passing of "The Indian Immigration Ordinance 1891" and being under the age of ten years on his arrival subsequently attains the age of ten years; or
- (b) Who shall have completed the period of his indenture under sections fifty-four and fifty-eight of the Principal Ordinance and shall produce and deliver up a certificate of such completion under section one hundred and twelve of the Principal Ordinance or shall prove to the satisfaction of the Agent-General that he has received and lost such certificate or that he is entitled by law to receive such certificate; or
- (c) Whose indenture under sections fifty-four or fifty-eight of the Principal Ordinance shall have been cancelled or determined under any of the provisions of this or the Principal Ordinance and not continued by transfer under any such provisions.

30. Section one hundred and twelve of the Principal Ordinance shall be read as if there were inserted after the word "service" in the fifth and sixth lines the words—"Subject to any annulment or alteration under section sixty-six of the Principal Ordinance."

Amendment of section 112 as to certificate on completion of service.

31.

31. Section one hundred and fifteen of the Principal Ordinance shall be read as if the following words had been enacted as part thereof, viz.:—

Immigrant receiving passport to surrender Certificate of Industrial Residence or of Completion of Service.
Agent-General may refuse to grant a Passport.

Certificate of Industrial Residence or Completion of Service to be forwarded to Agent-General on death of holder.

Provided that the immigrant shall produce and surrender any Certificate of Industrial Residence or of Completion of Service issued to him. And provided further that the Agent-General may refuse to grant a Passport if it be shown to his satisfaction that the applicant is deserting his wife or children or is leaving without due provision for their support.

32. On the death of any immigrant any such certificate shall be forwarded as part of the estate of such immigrant to the Agent-General by the manager of the plantation or the officer in charge of any public institution in which such immigrant may die or by any person as the case may be into whose possession it may come.

PUBLIC HOSPITALS.

Admission of immigrant to public hospital in urgent cases.

33. It shall be lawful for the person in charge of any public hospital on his own authority to admit into such hospital any immigrant who shall appear to him to require immediate medical care and attendance.

Agent-General may make an order for admission.

34. The Agent-General may in any case where any immigrant requires medical aid or treatment make an order for the admission of such immigrant into any public hospital.

Provisions of sections 119, 120, and 121 to apply to such cases.

35. The provisions of sections one hundred and nineteen, one hundred and twenty, and one hundred and twenty-one of the Principal Ordinance shall apply to any immigrant admitted into any public hospital under either of the two preceding sections.

Employer of indentured immigrant to be notified when immigrant can be discharged.

36. The officer in charge of such hospital shall send notice to the employer of any indentured immigrant admitted into any public hospital under the provisions of this or the Principal Ordinance or to the agent of such employer of the time when such immigrant can be discharged. Such notice shall be sent at least twenty-four hours before the time of such discharge. The provisions of sections one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight of the Principal Ordinance shall apply in the case of any such immigrant.

PLANTATION HOSPITALS.

Superficial space per patient.

37. Section one hundred and twenty-three of the Principal Ordinance shall be read as if the following words were inserted after the word "plantation" in line fifteen thereof viz.:—"and that sufficient superficial space has been allowed to provide not less than fifty superficial feet for each such patient to be treated in such hospital."

Governor may cancel indenture of immigrants where certificate of plantation hospital is withdrawn.

38. In addition to the powers conferred upon the Governor under section one hundred and thirty-three of the Principal Ordinance he may if he see fit order the indenture of such immigrants to be determined.

BIRTH AND DEATH REPORTS.

Manager to report any birth or death among immigrants residing on plantation.

39. On the birth or death of the child of any immigrant or on the death of any immigrant residing on any plantation though such immigrant be not at the time of such birth or death under indenture or otherwise employed it shall be the duty of the manager or other person having

having chief authority on such plantation to report such birth or death in the form and manner prescribed by section one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, or one hundred and thirty-nine of the Principal Ordinance as may be applicable in the same way as if such immigrant had been employed or indentured.

40. Form No. 13 of Schedule B of the Principal Ordinance is hereby repealed and Form No. 2 in the Schedule hereto is substituted therefor.

Death report and certificate—New form.

ORPHANS.

41. The provisions of section one hundred and forty-one of the Principal Ordinance shall apply notwithstanding that a child may have been indentured under section fifty-eight of the Principal Ordinance and his indenture may thereupon be cancelled by the Agent-General.

Provision where a child indentured with his parent to a plantation becomes an orphan.

IMMIGRANTS EMPLOYED ON PLANTATION TO WHICH THEY ARE NOT INDENTURED.

42. Sections one hundred and sixty and one hundred and sixty-one of the Principal Ordinance are hereby repealed.

Repeal of sections 160 and 161.

RELEASE OF PRISONERS AND DELIVERY FROM PUBLIC INSTITUTIONS.

43. The provisions contained in Part XIX of the Principal Ordinance relating to the Release of Prisoners and Delivery from Public Institutions shall extend *mutatis mutandis* and so far as the same are applicable to gaols and hospitals situated other than at Suva and the persons who are required to give such notices as are therein mentioned shall be the officers in charge of the various gaols or hospitals situate as aforesaid as the case may be.

Provisions of Part XIX of Principal Ordinance to apply to gaols and hospitals situate elsewhere than at Suva.

Registers and Returns.

44. Section one hundred and seventy-two of the Principal Ordinance shall be read as if the following words had been added thereto—"Provided also that the absence from work on each working-day of each indentured immigrant and the cause of such absence if known shall be denoted and recorded by means of appropriate distinguishing symbols."

Cause of absence to be entered in pay-list.

DUPLICATES OF AND EXTRACTS FROM DOCUMENTS.

45. All fees and charges payable under section one hundred and eighty-one of the Principal Ordinance shall be paid to the credit of the "Destitute Indians' Fund."

Fees of documents to be credited to "Destitute Indians' Fund."

Passed in Council this fifth day of October in the year of our Lord one thousand eight hundred and ninety-two.

SCHEDULE.

FORM 1 (Section 18).

Order of Extension of Indenture under section 18 of "The Indian Immigration Amendment Ordinance 1892."

WHEREAS on the _____ day of _____ 18____ Court
 convicted of the offence of _____ before the _____
 at _____ and sentenced to _____ imprisonment. Now therefore I do
 hereby make order that the indenture term of the said _____
 shall be extended for an equivalent space namely for _____ working-days.
 Given under my hand this _____ day of _____ 18____
 Agent-General of Immigration.

FORM 2 (Section 40).

Death Report and Certificate.

Dated _____ 189____ Plantation _____
 I HEREBY give notice that the immigrant described below has died and that _____ property
 has been taken possession of by* as per list attached.

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

Date of last admission to Hospital

Date of last discharge from Hospital

Place where death occurred (i.e. "Lines" or "Hospital")

Signature of Employer

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

‡ Signature of Medical Officer

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

[Price, 1s.]

Suva: Edward John March, Government Printer.—1893.

imprisonment with or without hard labour for any term not exceeding one month.

8. Any person who shall procure induce enable or assist or attempt to procure induce enable or assist any Indian or Polynesian immigrant in Fiji to emigrate to any foreign country or possession emigration to which is not permitted as aforesaid or who shall procure induce enable or assist or attempt to procure induce enable or assist any Indian or Polynesian immigrant to emigrate or attempt to emigrate without such contract or passport as aforesaid shall be liable to a fine not exceeding fifty pounds in respect of every such Indian or Polynesian immigrant and in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

9. Any master of any vessel who shall suffer any Indian or Polynesian immigrant to embark on board the vessel whereof he is the master in breach of the provisions of this Ordinance for the purpose of emigrating shall be liable to the penalties prescribed in the preceding section.

10. The Agent-General of Immigration or any Inspector of Immigrants any officer of Customs or of Police may without warrant visit and inspect any vessel on which he has reason to suspect that any Indian or Polynesian immigrant has embarked in breach of the provisions of this Ordinance and may without warrant arrest or cause to be arrested any such Indian or Polynesian immigrant found on such vessel.

Any Indian or Polynesian immigrant so arrested may be detained in custody until he can conveniently be brought before a Magistrate and any person hindering or obstructing any of the above-mentioned officers in such visit inspection or arrest shall be liable to a fine not exceeding twenty pounds or to imprisonment with or without hard labour for any term not exceeding three months.

11. All prosecutions under this Ordinance shall be heard and determined in a summary manner before a Magistrate.

12. The burden of proving that any Indian or Polynesian immigrant found on board any vessel is not in such vessel with the intention and for the purpose of emigrating or is in such vessel for the *bond fide* purpose of serving as one of the crew or as a domestic servant shall be upon the person charged with having committed any offence under this Ordinance.

13. This Ordinance may be cited for all purposes as "The Immigrants' Emigration Ordinance 1892."

Passed in Council this fifth day of October in the year of our Lord one thousand eight hundred and ninety-two.

SUVA:

Printed and Published by EDWARD JOHN MARCH, Government Printer.—1892.

[Price, 1s.]

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15th June 1893 N: 463

Order 14 June

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