

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED *14-1-93*
No. *13.*

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[Despatch Abstract.]

*Indian Immigrants
in Orissa (1884)
amendment Bill.*

CURRENT No. 10

No. 30770

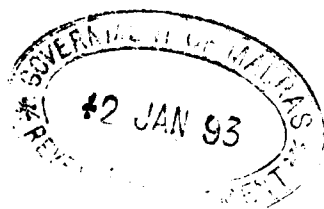
GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

(Emigration.)

Calcutta, dated the 29 December 1892.

Forwarded to the Government of Madras for information, in continuation of Government of India endorsement No. 2371 of the 4th October last.



By order,

M. Maulejani

Offg: Under-Secretary to the Government of India.

List of Papers Forwarded.

Letter from the Government of the Straits Settlements No. 11194/92 dated 6th December 1892, and enclosures.

From the Colonial Secretary, Straits Settlements, to
the Secretary to the Government of India, Revenue and
Agricultural Department, No. 11194/92, dated 6th December
1892.

In continuation of my letter of the 25th October
last, I am directed by the Governor of the Straits Settle-
ments to transmit the enclosed report of the proceedings
of the Legislative Council on the Indian Immigration
Ordinance Amendment Bill, and copies of the Bill itself
as amended during its progress through the Council and as
it will probably be passed in the course of next week.

LEGISLATIVE COUNCIL.

THURSDAY, 20TH OCTOBER, 1892.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
(Sir CECIL C. SMITH, G.C.M.G.).

The Hon'ble the Colonial Secretary (W. E. MAXWELL, C.M.G.).
" the Acting Attorney-General (J. A. HARWOOD).
" the Colonial Treasurer (E. E. ISEMONGER).
" the Acting Auditor-General (H. A. O'BRIEN).
" the Colonial Engineer (Major H. E. MCCALLUM, R.E., C.M.G.).
" J. M. B. VERMONT.
" T. SHELFORD, C.M.G.
" G. S. MURRAY.
" TAN JIAK KIM.
" D. COMRIE.
" T. C. BOGAARDT.
" A. L. DONALDSON.

ABSENT:

His Excellency the General Officer Commanding the Troops (Major-General Sir CHARLES WARREN, G.C.M.G., K.C.B.).
The Hon'ble the Acting Resident Councillor of Penang (H. TROTTER).
" the Resident Councillor of Malacca (D. F. A. HERVEY, C.M.G.).

The minutes of the last meeting are read and confirmed.

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INDIAN IMMIGRATION ORDINANCE AMENDMENT BILL.

The ACTING ATTORNEY-GENERAL:—Sir, I beg to move the first reading of a Bill to amend "The Indian Immigration Ordinance 1884." As you have already stated in your Address, this Bill has been drafted by the Attorney-General, Mr. BONSER, in order to carry out the unanimous recommendations of the Labour Commission, which were made last year, so far as they affect Indian labour. So far as they relate to Chinese labour those recommendations have already had legislative shape given to them. The general object of the measure is to improve the condition of the Indian labourer. You have had the Report of the Commission before you, and I do not at present propose to go into the particulars in which the Ordinance of 1884 is affected by this Bill. That will be more suitable on the second reading, and I therefore now move the first reading of this Bill.

The motion having been seconded by the ACTING AUDITOR-GENERAL, the Bill was read a first time.

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Book Dept.

Encls. No. 7

To

No. 10

LEGISLATIVE COUNCIL.

FRIDAY, 11TH NOVEMBER, 1892.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
(Sir CECIL C. SMITH, G.C.M.G.).

His Excellency the General Officer Commanding the Troops (Major-General Sir CHARLES WARREN, G.C.M.G., K.C.B.).
The Hon'ble the Colonial Secretary (W. E. MAXWELL, C.M.G.).
" the Resident Councillor of Malacca (D. F. A. HERVEY, C.M.G.).
" the Acting Attorney-General (J. A. HARWOOD).
" the Colonial Treasurer (E. E. ISEMONGER).
" the Colonial Engineer (Major H. E. MCCALLUM, R.E., C.M.G.).
" J. M. B. VERMONT.
" T. SHELFORD, C.M.G.
" G. S. MURRAY.
" TAN JIAK KIM.
" T. C. BOGAARDT.
" A. L. DONALDSON.

ABSENT:

The Hon'ble the Resident Councillor of Penang (A. M. SKINNER, C.M.G.).
" the Auditor-General (H. TROTTER).
" D. COMRIE.

The minutes of the last meeting were read and confirmed.

INDIAN IMMIGRATION.

Mr. VERMONT, having been unavoidably absent from the last sitting of Council, begged now to put the question of which he had given notice at the preceding meeting:—

" Does the Bill to amend the Indian Immigration Ordinance of 1884, to carry into effect certain recommendations as to Indian immigration made in the Report of the Commission of Enquiry into the State of Labour in the Straits Settlements and the Native States, form part of the scheme that Government would assist in the cost and expenses for the importation of labour, as was laid before the Commissioners, or are we to look that the Bill before the Council stands by itself?"

The COLONIAL SECRETARY:—Sir, in reply to the Hon'ble member's question, I am instructed by your Excellency to say that the Bill before the Council stands by itself, but that the Government does intend, when circumstances allow, to do what it can to improve the system of recruiting.

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Dept.

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To

C. No.

LEGISLATIVE COUNCIL.

MONDAY, 14TH NOVEMBER, 1892.

PRESENT :

HIS EXCELLENCY THE GOVERNOR
(Sir CECIL C. SMITH, G.C.M.G.).

The Hon'ble the Colonial Secretary (W. E. MAXWELL, C.M.G.).
" the Acting Attorney-General (J. A. HARWOOD).
" the Colonial Treasurer (E. E. ISEMONGER).
" the Colonial Engineer (Major H. E. MCCALLUM, R.E., C.M.G.).
" J. M. B. VERMONT.
" T. SHELFORD, C.M.G.
" G. S. MURRAY.
" TAN JIAK KIM.
" T. C. BOGAARDT.
" A. L. DONALDSON.

ABSENT :

His Excellency the General Officer Commanding the Troops (Major-General Sir CHARLES WARREN, G.C.M.G., K.C.B.).
The Hon'ble the Resident Councillor of Penang (A. M. SKINNER, C.M.G.).
" the Resident Councillor of Malacca (D. F. A. HERVEY, C.M.G.).
" the Auditor-General (H. TROTTER).
" D. COMRIE.

The minutes of the last meeting were read and confirmed.

INDIAN IMMIGRATION ORDINANCE AMENDMENT BILL.

The ACTING ATTORNEY-GENERAL :—Sir, I move the second reading of a Bill to amend "The Indian Immigration Ordinance 1884." This Bill is founded upon the Report of the Commission—a Commission appointed by the Acting Governor in 1890—and the Bill has been drafted by the Attorney-General, Mr. BONSER, to carry out the recommendations of that Commission so far as they affect the Indian labourer, and so far as those recommendations can be provided for by legislation. So far as they affect the Chinese labourer, they have already been dealt with. So far as the recommendations cannot be dealt with by legislation, those recommendations will have the consideration of the Government on the one hand, and I trust that the planters, on the other, will endeavour to carry out, on their part, the recommendations which the Commission has made with regard to the action that they should take. This is the Report. It is a report of great weight. and it will not receive the less consideration from the unofficial members of this Council because the opinions that are contained in it are not official opinions, that they are opinions of a Commission, in which the minority were officials and the majority were those unconnected with Government. Of the three classes of which this Commission was composed—namely, officials, planters, and merchants having planting experience—the planters had an actual majority: there were five of them on the Commission, there were four officials, and there were three merchants having planting experience: so that there was a majority of eight unofficial as against four official members. The conclusions which they

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have arrived at have been arrived at after very great labour and deliberation, and are entitled to receive all the support that this Council can give them. The Bill, though it has been drafted to carry out those recommendations, has, after having been circulated amongst the planting interest, been met with a chorus of condemnation, which is printed along with the Bill as an appendix—a chorus of condemnation from the very gentlemen, from some of them that is, who signed the Report, though not from two of those gentlemen: from Mr. HILL, there is no letter; and there is a short letter from Mr. JOHN TURNER, who alone is found faithful among the faithless. He adheres to his opinions as expressed in the Report—sticks to every one of them, only pointing out that at the time when that report was made it was expected that the Government would assist in the carrying out of the scheme by appointing an Agent-General at Negapatam. Three other gentlemen, of whom the senior member for Penang is one, and two other planters—Mr. KOH BOO ANN and Mr. EDMUND BROWN—all see reason to change the opinions which they expressed in the Report; and I think that in doing so they have added very great weight to the opinions that they expressed in the Report, because they have shown that, whilst sitting on the Commission, they gave their opinions judicially and impartially; but when the Bill is referred to them merely as planters, they think that their interests are very much affected, and they condemn that which as judges they had before approved of. They showed thereby that they could set aside their own interests for the benefit of the Colony, and in doing so have added weight to the opinion which they expressed on the Commission.

Now, on enquiry into what the complaints were with regard to the existing system of immigration, the Commission found that, broadly speaking, there were three grounds of complaint. The first was the inadequate physique of the coolies imported; the next was the insufficiency of the coolies in point of numbers; and the third ground of complaint was the excessive cost of their importation. Now, as regards the first complaint—the want of physique, inability to undergo labour in the fields—that, the Commission reported, had already been very much improved since the appointment of a Superintendent at Negapatam, and they think that it will go on improving—that in a very short time that ground of complaint will altogether cease to exist. And I may add that if, in addition to the Superintendent at Negapatam, the Government should, as has been proposed, appoint an Agent-General in Madras, this ground of complaint as to the physical incapability of the coolie will be altogether done away with. At any rate the Commission say that, as it is, that ground of complaint will disappear.

The second ground of complaint is, or was at that time, the insufficiency in numbers of the immigrants, and the Commission found that to be due to a number of causes, and, strange to say, some of those causes have been removed since the Commission sat. The first of those causes was that we are unable in this Colony to compete against the Colony of Ceylon and against Burma, because to those places emigration is free. To Ceylon, emigration has existed from time immemorial, and the island is adjacent to the country from which these labourers come. The Commission also referred to the emigration to the West Indies, where the term of the contract is five years as a rule, and it is on account of this length of contract, the distance of those countries from India, and the consequent expense, and on account of the additional restrictions which are placed on emigration to those Colonies, that the competition with those Colonies is not, I think, to be feared by us. But there is a real competition in the case of Ceylon and Burma. Then, the Commissioners found that the long period of contract, three years, was a deterrent; that it was very seldom indeed that coolies became free at the end of the three years, as they had advances to pay off and debts accruing from one cause or another to the employer, which rendered it necessary that they should continue to labour after their actual term of contract—three years—had expired. Another cause of the insufficiency of numbers was the misrepresentations which are made by the coolie-brokers. As they pointed out in their Report, emigration from India is at present conducted by a few firms who have the business in their hands, and who employ recruiters under them, who again employ sub-recruiters, and these sub-recruiters are naturally a class of men who do not do all that they should in the way of explaining to the coolie what he has to expect here, who do not explain to the coolie the contract when he enters into it; and when he comes here and finds that the terms are such as have not been fully explained to him, he becomes dissatisfied, and the consequence is that he reports his dissatisfaction to his friends and causes unwillingness on their part to come here. But perhaps the chief cause is the very obvious one of insufficiency of pay. The present pay is 12 cents a day for the first year and 14 cents a day for the second and third years. The Commission found that it is very seldom indeed that the coolie is able at the end of his first year to draw the enhanced pay, because it is provided that until the sum contracted to be paid to the employer by the immigrant, has been paid by him, he

shall not be entitled to receive the higher rate of wages. They recommended doing away with the reduced pay for the first year. It is then, they found, that the coolie is most liable to sickness—that he is suffering from home-sickness as well, that all the conditions of life and labour here are new and at first distasteful to him, and that he finds himself loaded with debt. The result is that he very likely tries to abscond. In order to prevent this state of things, though his value to his employer is then not so great as it is later on, they recommend that the amount of his daily wages shall be 14 cents for the first two years and 16 cents for the third year. That last recommendation, however, has not been embodied in this Bill. This Bill provides, by section 21, section 46 of the Ordinance, that the adult male's pay shall not be less than 14 cents a day. These were the chief causes, added to a searching medical examination, which caused the insufficiency of labourers.

The third complaint was the excessive cost of the importation of labour, and that was accounted for by the Commission by the action of these sub-recruiters in forming a ring for their own benefit and practically preventing the planters from getting their labour more cheaply, and thereby causing an expenditure of about \$20 a labourer for importation, which the Commission thought could be reduced, by doing away with those recruiters, to an amount of \$12 per labourer.

Now, it is to be noted with regard to the change of front in the gentlemen who, signing the Report of the Commission, now protest against the Bill—it is to be noted—I am sorry to cast a cloud upon the eulogium which I lately passed upon them—that there is another element which has induced them to change their opinion, and that the conditions have very much changed since this Commission sat to make its enquiry. At that time there was a great dearth of labour. Since then there is practically a sufficiency of labour. There has been a very greatly increased immigration, and the consequence is that planters are now able to get, practically, as much labour as they want. Now, if you turn to the Report of the Commission, you will see the numbers of immigrants at section 282, page 42. You will see the returns of indentured immigrants for the ten years from 1881 to 1890. You will see that the highest years were 1887 and 1888; that in 1889 there was a great falling-off, but in 1890 there was an increase on 1889; and the figures for 1891 are not given here, but I may tell you that they amounted to 3,443. These are contained in the Indian Immigration Agent's report for last year, showing that there has been a steady increase during the last three years in the number of indentured labourers arriving. But the numbers are a great deal more remarkable in the case of free labourers. If you look at the next page, page 43, you will find that in 1881 the number of free immigrants arriving was 5,769; in 1889 they were 15,285, and in 1890 they amounted to 18,301. Now, in 1890 this Commission was sitting, and they had before them only the returns for the previous year 1889. But while they were sitting the increase in this number of immigrants was going on. With this they were not acquainted. In the following year that increase was immensely enlarged, for in 1891 there were no fewer than 26,446 free immigrants arriving in the Colony. Therefore it is not to be wondered at that the planters have now a sufficiency of labour, and the statement in the Report of the Census Commissioner which shewed that in 1891 there were 43 per cent. more Tamils in Province Wellesley than in 1881 is accounted for. Now, this state of things may be only temporary. Let us hope it will be permanent. There is nothing to show that it will be permanent, but if it should be, then the aspiration of the Commission that there should be free labour entirely will be in a fair way to be fulfilled. That was the hope they expressed, but they say they see no way to it. It may be that since they sat events have been carrying out what they thought desirable but not attainable. And that we cannot depend upon this free immigration lasting I think you may see, by comparing the returns of the arrivals with the departures. If you add up the arrivals of the last 11 years and the departures of the last 11 years, you will find that the number of arrivals was 162,524 and the number of departures was 141,601, leaving only 20,923 in 11 years, as the number of immigrants who remained behind, or died, or went to other countries. That leaves a margin of very few—I am unable to say how many—but it is quite evident that very few remain behind. Therefore it is necessary to legislate in the direction recommended by the Commission, although events have turned out somewhat differently than they anticipated.

Now turning to the Bill—the second section of the Bill takes out the second clause of section 1 of the Ordinance, and section 3 of the Bill defines “a day's work,” and limits the amount of the advances which can be recovered from the coolie. Under the present Ordinance those advances were limited to \$12. They are limited by section 42 of the Ordinance; section 41 shows of what the advances are to consist. The Commission was of opinion, however, you will remember, that the limit recoverable should be only \$5, and that that should be only recovered for actual cash advanced—that is, for money which the coolie had actually himself received, and the

justice of returning which we could readily appreciate. But that improvement, the senior member for Penang has pointed out, had been already resolved upon by the planters, and had been carried out before the Commission made their report, so that there is no question about that being desirable, or about its being carried out.

In Section 3 of the Bill, the definitions of the words "Magistrate", "Master", and "Ship" are struck out, because they are contained in "The General Clauses Ordinance 1888," passed since the passing of this Ordinance, but there is here a very important definition of "a day's work". This definition is in accordance with the recommendation of the Commission in paragraph 400, sub-sections (4) and (6), of their Report. It has already been embodied in the Chinese Agricultural Labourer's Protection Ordinance of 1891. It carries out what the planters recommended, namely, that task work should be introduced, and this is done in sub-section (2) of section 45 as amended by section 20 of the Bill, which provides that the employer may direct the labourer to perform a task which shall be equivalent to a day's labour, and it is defined here as a task which is approved of by the Indian Immigration Agent for the estate on which the labourer is working. It has been complained by the senior member for Penang in his letter that the definition of a day's work is insufficient, but it appears to me that it is clearly provided that a statute labourer has done his day's work when he has performed his task or has worked for nine hours in a day.

Mr. VERMONT:—Provided it shall not exceed nine hours.

The ACTING ATTORNEY-GENERAL:—It is quite true that it is provided that a day's work shall not exceed nine hours, but the task, whether performed or not, the labourer ought to complete in nine hours, and if he does not, he will not be entitled to his pay till he does finish it.

Mr. VERMONT:—Say so, then.

The ACTING ATTORNEY-GENERAL:—It is expressed in this Bill, section 20—"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 be equivalent to working for a day.' It is the performance of the task which is to be equivalent to work for the day, not the non-performance of it. If the weather is bad, or if from any other cause, he cannot finish it on that day he has got to finish it the next day.

Then follows an amplified definition of "India".

Section 4 of the Bill repeals a certain part of section 3 of the Ordinance which has already had its operation, and section 5 of the Bill deals in like manner with a part of section 5 which has also had its operation. Sections 6, 7 and 8 of the Bill deal only with departmental matters.

Section 9 omits the words "cargo or" from section 20 of the Ordinance. The effect of that will be that immigrants will be landed more promptly than was formerly the case. It is considered desirable that they should be landed as quickly as possible, and this section will now provide that there shall be no general communication with the ship except for landing passengers and landing immigrants until the immigrants have been landed. Until the immigrants have disembarked, the cargo cannot be touched, and the effect of sections 9A and 9B of the Bill is still further to add to the Indian Immigration Agent's promptitude in removing Indians from the ship.

Section 10 of the Bill omits the words which are no longer necessary in section 24 of the Ordinance as to advances, and substitutes the words "received a free passage from India under a promise to enter into a contract under this Ordinance."

Section 11 of the Bill carries out a recommendation which is contained in paragraph 410 of the Report with regard to the amount payable by the Indian immigrant before he can be released from the depôt. Under the present law an immigrant who has received advances may be detained in the depôt for a week, or until he has entered into a contract with the employer, or has paid his advances, together with a sum of \$12 by way of smart-money. Now, the new provision is that he may be detained in a depôt in a similar manner for a week, or until he has paid to the Indian Immigration Agent the sum of \$24, which is the amount that has been suggested by the Commission for the cost of his redemption. And there is a sub-section added, that it shall be lawful to detain such an immigrant who is under a promise to labour in a foreign country until he can be forwarded to his destination.

Section 12 of the Bill now provides that where an immigrant is found to be permanently unfit to labour from disease or physical debility when he arrives, instead of being sent back to India at the expense of his employer, he shall be sent back at the expense of the Government. That is one advantage to the employer, which seems to have been overlooked by the senior member for Penang and the other gentlemen who were unable to see any advantage to the planter in this Bill.

Section 13 carries out the recommendation in section 410 of the Report that the labourer who refuses to enter into a contract instead of repaying advances and smart-money—those things being done away with—should pay a sum of \$24 for his redemption.

Section 14 of the Bill makes a similar amendment, on the same principle, for the "advances and smart-money" is inserted the sum of twenty-four dollars as the amount which has to be paid by an immigrant; before which amount is paid if any person entices the immigrant away from the depôt he is liable to punishment.

Section 15 of the Bill is another improvement made on behalf of the employer, for it provides an additional penalty—it adds the penalty of imprisonment to the penalty of fine for a person assisting an immigrant to depart unlawfully from a Settlement. It was pointed out that the penalty of fine was insufficient, because large sums of money might be made by inducing labourers to leave the Settlement unlawfully when they were under contracts of labour; and as the fine was not a sufficient deterrent, the Commission recommended that the penalty of imprisonment should be added.

Section 16 repeals section 34 of the Ordinance, which has had its effect.

Section 17 of the Bill provides, instead of the form which was given in the Ordinance, two forms—one for a free immigrant and one for an indentured immigrant; and that is in accordance with a recommendation contained in paragraph 364 of the Report of the Commission, that all the terms should be fully set out in the contract. That was regarded as one of the most important things—that the labourer should have all the terms set out in the contract, and that has been done in Schedule B of this Bill.

Sections 41, 42 and 43 of the Ordinance deal with advances. Those sections are repealed by section 18 of the Bill; advances being abolished, except as provided by section 3.

The 19th section of the Bill is an important one, and deals with the contract that is to be made. The contracts, instead of as now, being made for a definite term not exceeding three years, is by this Bill, with an immigrant who is under a promise to labour in this Colony, and whose passage-money has been paid under that promise, specially fixed as being for a term of three years certain; and that term is exclusive of certain days which in paragraphs (a) and (b) are not changed, but as to the days under the other sub-sections—(c) and (d)—they are altered; and they are rather important, for it is provided that the term of the contract shall be exclusive of "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." That is in accordance with the recommendation of the Commission. The term is also to be exclusive of every day in respect of which he has been convicted by a Magistrate of neglect to labour, and of every day in respect of which an endorsement has been made on his contract by the Indian Immigration Agent or a Medical Officer under section 58—that is, where he has been absent on account of sickness, a number of days exceeding sixty during his contract (he is allowed to be absent twenty days on account of sickness in each year) or on account of sickness which has been caused by his intemperance, immorality, or wilful misconduct. And that the days to be deducted must be endorsed upon the contract by a Magistrate, a Medical Officer, or the Indian Immigration Agent in accordance with the recommendations of the Commissioners in paragraph 400 of their Report.

Then sub-section (4) is an important one: "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.' The Commission found, as a matter of fact, after examining a great number of returns on different estates, that the average amount of work done by a coolie did not exceed twenty days in a month, and they thought he should not be bound to work more days than as a matter of fact it is found that he does work and will work. They found that if their suggestions were given effect to, and he worked for six days in a week he would be able to be a free man at the end of two years and 110 days, and they thought that a shortening of the term in that way would add very greatly to his willingness to work.

I have already referred to section 20, dealing with task-work; and also to section 21, which fixes the rates of wages. The last section deals with the two sexes, and the same increase is provided for the female labourer as for the male.

In section 47 of the Ordinance the second sentence has been, by section 22 of the Bill, done away with—that is, the payment for Sunday without work, is done away with. It was pointed out to the Commission that that payment of one day for Sunday was the only reward of the steady worker, but they found it was not very effective, and their recommendation was, increase the wages and the number of days worked would be greater.

Section 23 is important, as providing for the value of the unexpired portion of the contract. It provides that the value of the contract, when the contract is unfinished

shall be at the rate of \$1 for every 30 days remaining to be performed under it. It has been objected that is too low a rate but that is the recommendation of the Commission made in paragraph 400, sub-paragraph (5), of their Report.

Section 58 of the Ordinance is amended by section 25 of the Bill, which allows sixty days during the continuance of the contract for the labourer to be absent on account of sickness.

Section 28 of the Bill is another advantage both to the labourer and to the employer, for it provides that the labourer who neglects to labour should, instead of being subject to a fine of fifty cents for every day, to be paid to his employer, be liable to be imprisoned. It prevents the heaping up of debt which the labourer is unable to pay to his employer, on the one hand, and is a better deterrent to the coolie, on the other.

Section 29 is one which has been much commented upon in the letters I have referred to, as one which takes away the powers of the employer to fine the labourers without going before a Magistrate. The Commission has recommended this and, it appears to me, on very good grounds. No one should be a judge in his own cause—not even a planter. The power has been much made use of, and cannot fail to create dissatisfaction. It may be that a great deal of time is taken up by going before a Magistrate, but it is in accordance with the Ordinance of 1876, and it seems to be in accordance with justice that an employer should not have the power of fining his labourer in a case in which he himself is the complainant.

These are the most important sections of the Bill until we come to section 33, which provides that "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."

That is in view of the recommendation of the Commission that the Government should appoint an Agent-General in India, that the Government should take away this business of recruiting from the present recruiters and sub-recruiters, undertake it themselves, and by so doing reduce the cost of importation of an immigrant to about \$12.

In conclusion, I would say that in giving legislative effect to the recommendations of the Labour Commission, this Council will be performing very useful work, for all the employments in which man is engaged, there is none which deserves greater consideration at our hands than that of the agricultural labourer.

The motion was seconded by the COLONIAL TREASURER.

Mr. VERMONT:—Sir, a few days ago I had the honour of asking if the Bill to amend the Indian Immigration Ordinance of 1884, to carry into effect certain recommendations in the Report of the Commission of Enquiry into the State of Labour in the Straits Settlements and the Native States, formed part of the scheme that Government would assist in the cost and expenses for the importation of labour, as was laid before the Commissioners, or were we to look that the Bill before the Council stood by itself. The Hon'ble the Colonial Secretary replied, in accordance with instructions from your Excellency, that the Bill before the Council stood by itself, and that when circumstances permitted the Government would do what it could to improve the system of recruiting. The Attorney-General says, in his Objects and Reasons, that "the principal object of this Bill is to carry into effect certain recommendations as to Indian labour, made in the Report of the Commissioners of Enquiry into the State of Labour in the Straits Settlements and the Protected Native States." The Attorney-General has made several comments upon those gentlemen who have raised objections to the Bill and has stated that the opinions of the Commission were based upon a majority of planters. That may be so, but still, at the same time, there were several planters on that Commission who were really ignorant of what was going on. I allude to the Chinese Commissioners. Then there were several Commissioners from the Native States who were not present at all the inquiry. I myself was not present at all the meetings, and, therefore, I cannot for a moment allow it to be said that I am faithless to what I put my signature to. I think we all have got a right to think a second time and in maturely looking over the recommendations I find so many objections to it that when this Bill, doing away with many useful things in the previous Ordinance of 1884, was sent me, I certainly addressed His Excellency the Governor, and pointed out certain objections to this Bill. I do not object so much to the recommendations of the Commissioners as I object principally to the way in which this Bill has been drawn up, repealing as it does several provisions of the former Ordinance, which was carefully threshed out in this Council, when I was a principal speaker. Mr. TURNER, the planter who supports the Bill, has very little experience in this part of the world. He is a Demerara man, and his

experience has been mostly with Bengali, and not with Tamil men. However, time will show who is right—Mr. TURNER, or those who signed the objections.

The Attorney-General spoke of the coolies coming down here under misapprehension—that things were misrepresented to them. Has not Government the same difficulty with their employes? A man comes here who is engaged in Europe, and finds that his position is not exactly what was told him, and hence discontent. The Indian immigrant, as a rule, knows perfectly well what he comes for. He has the experience of his friends going to and fro. It is not a new system, it is a system which has been in vogue for nearly a century; and therefore we cannot admit that the coolie is the victim of misrepresentation. The country boy who goes to London and is told that its streets are paved with gold, soon finds that he has to work there as elsewhere, and in the same way the immigrant knows he must earn his living and work for it. He comes a new arrival from India, where he works perhaps once or twice in a week—if he likes he works, and if he doesn't he doesn't; but he comes here to work under certain rules. No planter can compel him to work against his will. The only thing that a planter does, when he finds that a man absents himself for several successive days, he prosecutes him; and when you have thousands of men under your control, there will always be some bad hats. It is the same in other cases, whether in the Army or the Police, or wherever there are large bodies of men you will find some who are troublesome and discontented and the same rule applies to the coolie.

Now, Sir, what were the recommendations of the Commissioners? They were numerous, but the principal one you will find in Chapter XIX, paragraphs 377, 378, 379 and 386.

"377. In the foregoing chapters we have enumerated what appears to us the faults of the system both in India and in the Colony and Native States, and in some cases indicated remedies. Briefly the defects are the two following:—

"First. Want of a proper agency in India, in consequence of which the recruiting area is limited, emigrants are misled as to their prospects, prices are exorbitant, and to some extent also unsuitable men are recruited, though this is much less the case now than formerly.

"Second. Insufficient attractions as compared with other countries, and those attractions advertised too little.

"378. Broadly, two main remedies present themselves: first, to set the machinery of recruiting in India on a footing satisfactory in every respect; and then to render the condition of service in the Straits so attractive as to compete successfully with other countries. The former can be carried out by Government: the latter can be, to a limited extent, enforced by Government, by legislation and inspection, but must always rest mainly in the hands of the employers themselves.

"379. To effect improvement in India, the first step is to destroy the existing competition between recruiting firms, and this can only be done by the Government taking the matter into its own hands. For this purpose we recommend the appointment by the Straits Settlements Government of an Officer, who might be styled Agent-General for Emigration, to reside in India, and to be responsible for everything connected with recruiting, examination and shipping of coolies for the Straits."

Then paragraph 386:—"Recruiting to be on the general lines of Mr. MACGREGOR'S Memorandum of 30th August, 1890 (Appendix J)," where we read:—

"I would, therefore, advocate that Government should undertake to recruit coolies, as is done in every other Colony employing Indian labour, and deliver them to employers in the Straits at a fixed rate, which, from calculations I have made, could, I believe, be fixed at Rs. 25, on condition:—

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

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

There is not the slightest doubt, your Excellency, that if the planters were in a position to offer these rates of wages that Mr. MACGREGOR suggests, there would be no occasion to come to Council to import labour. I am afraid Mr. MACGREGOR in drafting had in view to make everything smooth for the Indian Immigration Agent should one be sent to India. The planters could have anticipated the first paragraph. We have, as I will show further on, already done something towards improving the position of the labourers, but why should we be called upon to pay rates of wages so far beyond what they are getting in their own country, or what has been usual here?

Then we have paragraph 455:—"One Government duty in every case is the protection of immigrants, and the Government may well bear the whole cost of this."

"in consideration of the direct and indirect benefits conferred on the community." 456. Beyond this, Government may undertake to put Immigration on such a footing that importers shall not pay more than a fair price for their labour. In the case of a fleeting population the expenses of the necessary measures should be recovered from the importers, but with permanent settlers, of whatever nationality, a part of the cost may fall also on the Government."

There is no disputing that: it is perfectly right.

The GOVERNOR:—Do you mind leading the next in connexion with that?

Mr. VERMONT:—"The actual expenses of importation, such as passage, maintenance, and so on, should not generally be borne by Government except in the case of labourers for Government works, or of permanent colonists."

Quite right, your Excellency. That is one of the principal complaints of the importers of labour, that Government have never imported labour on their own account.

Now, Sir, the answer of the Colonial Secretary implies that Government are not in a position to adopt these recommendations, therefore my contention is that neither is the Bill drafted on those recommendations. No allowance is made for the necessary machinery required to carry them out. I will not detain the Council by reference to the sections dealing with so-called amendments on Ordinance V of 1884, as that can be done in Committee should the Bill get to that stage, but this much—of the five Ordinances that have dealt with Indian Immigration, this is the most drastic; it has called forth the disapproval of all classes of planter, and will cause dissatisfaction amongst the labourers. I am sure the Council will agree with me that it is a very bad policy to be always tinkering at the Ordinances. There have been five Labour Ordinances during the last twenty-five years, and it makes everything uncertain. An enterprise such as I am engaged in cannot be built up in a day, and we cannot retire from it in a moment. We have prices to contend with, and weather to try us, and therefore it is very bad policy of the Government to harass us.

I take the opportunity of saying that when this Labour Commission was called for, it was with the view of getting the Government and Municipality to import labour on their own account. At the time there were large public works going on, and the Government was always taking our men whom we had been at the expense of importing and acclimatizing, and the same was the case with the Native States. The way we were treated was becoming unbearable, and there was a necessity of doing something for our relief, and so I prepared a resolution, which the late Colonial Secretary, Sir FREDERICK DICKSON, advised me not to put before the Council. But really the cause of the inquiry was as to the scarcity of labour, and there was no idea that a Bill of this kind would be the outcome of this Commission. Plainly, if this Bill becomes law, it will, in the course of a few years, work so much irretrievable mischief that Government will wish it had not been passed, as by the onerous conditions in its estates will have to be abandoned and intended agricultural enterprises will cease. The condition of the labourers has improved in the last few years. I admit that formerly they arrived in the Colony burdened with a large debt to be repaid by instalments, but the Ordinance of 1884 limited the debt to be recovered to \$12. By the action of the Indian Immigration Agent and the cheap passages by the subsidized steamers it was reduced to \$7 or \$8, which was much in favour of the immigrant. Owing to the insufficiency of labour, and a great demand having started a short time ago, employers, pluckily of their own accord, offered free transport to the port of embarkation, and from there to the estate, so that labourers now arrive at the estate with very small sums at their debit—with but two or three dollars for cash advances in India and clothes supplied. This action of the planters brought a plentiful supply of labour. This was done before the Commission was ever dreamt of. The Commission in recommending free passages and freedom from debt, have only followed the lines which they found in existence when they sat. If employers, when need arises, can act in this manner, cannot they be trusted to act in the same liberal spirit when the demand exceeds the supply, and follow the suggestions of the Indian Immigration Agent, if their enterprises can sustain a higher rate of wages, without this compulsory legislation fixing them with this hard-and-fast unchangeable law? That the labourer, when he wants to save money, can and does so, was exemplified the other day when the Mercantile Bank was reported in difficulties. I had an unusual number of applications for leave to go to Penang, and having occasion to go there on business myself, I found the men at the Bank withdrawing their deposits and changing their notes for dollars. On returning to the estate, I made inquiries who had gone there, and with some reluctance I succeeded in getting the names, which I hold in my hand, of 96 men, and the sums they withdrew amounted to \$2,659.11. I hand it to your Excellency to see, and I think that effectually puts a stop to the statement that their wages are not sufficient.

The GOVERNOR:—Were they on contract?

Mr. VERMONT:—I don't know, your Excellency, but they were of the coolie class and employed on the estate. They have the habit of handing their savings to the *kadeis*, or shops, and those men, when the word that the Bank was coming to grief, handed them back their money in notes and that was the result. That shows, at any rate, that they are not the half-starved men that has been represented. They invest their savings also in other ways—in jewellery for their wives, for instance: to see them decked out on holidays in silks and jewellery shows that they are well off, besides they have cows and goats.

I will now refer your Excellency to paragraph 406 of the Report:—

"406. The fact that the cost of introducing each Indian immigrant has been hitherto in excess of and will amount to \$12, and this charge falls wholly on the employer, is very often left out of the calculation when estimating the terms on which the employers here obtain their indentured Indian labour. But because the coolie does not receive any part of this money, the charge none the less falls on the importer, and in the course of a seven hundred and twenty days' agreement becomes, with the cost of the hospital expense, an addition of about two cents a day on every coolie's wages. Beyond this charge, the importer suffers a very often considerable loss from death, desertion, or expenses of arrest, and no allowance is made for this; but in making a comparison between the wages of free and indentured coolies all these circumstances must be considered. In this connection, too, we may draw attention to the fact that during the last ten years the planters of Province Wellesley have imported at their own expense sixteen thousand two hundred and fifty-one Indian immigrants."

Remember, your Excellency, on a rough calculation, that these men cost \$20 for their passage and other expenses, and all that we were allowed to deduct from them was \$12 on account of advances, it will seem that the importation of these labourers shows a total loss to the employers in eight years of \$130,008. That is a large sum to come out of the pockets of a few planters in Province Wellesley. That is not generally known, and is enough to deter capitalists from embarking in any new agricultural enterprises, for cheap and plentiful labour is one of the first needs of agriculture. At the end of the contracts, where do these immigrants go? Some renew their contracts at 15 or 16 cents per day for 18 months. That shows that three years is not too long, for they are willing, many of them, to renew it for this further period. I have men in my estate who have grown up in the service and are grey-headed like myself; others return to India and in all probability return to the Straits again with their own money or assisted passages. But the bulk of the men go into the general population, and it is from these that the Government and Municipal contractors and others recruit the labour they required. Having no initial cost of importing, they can well afford to pay higher wages than we do. The Bill lays down 14 cents a day from the beginning, and thus holding out no inducement to the immigrant to diligence in the first year. Having given them free passage, I hold that the advantage they derive is far better than the increase in wages. He has a free house, and firewood for the gathering; he has medical attendance in sickness; and the average cost of his food is 8 cents; showing that he can put by 5 cents or 6 cents on an average a day with these wages, and consequently I cannot see that this high rate of wages is necessary. Then I object to doing away with the extra pay for Sunday labour. It was a reward to the men who worked regularly, and the advantage you give in one way is taken away in another, and you are simply going to encourage laziness. I believe, from the experience of 47 years, that it is an advantage to them to get Sunday pay if they work 6 days. I contend it is a reward for working diligently. I am quite sure, when the coolies hear of it, there will be objections.

Another item of the Bill, alluded to by the Attorney-General, was that no planter could be judge in his own cause and therefore should not be allowed to stop pay as at present allowed. What made that section to be altered in 1884 was that the coolies objected that whenever they stopped for a day they had to be taken before a Magistrate for it to be recorded. This Bill is more stringent, because it distinctly states that if not recorded before a Magistrate absence cannot be deducted. This will be very unsatisfactory to the coolies. We wish to be friendly with them and not mere task-masters. On my estate I have the profound satisfaction to say that they look upon me as a father, and I have the greatest regard and respect for them. I have children born around me, and showing the greatest gratitude for themselves and their parents, and I shall be extremely sorry if this provision should be introduced that we should have to prosecute them for every day they may be absent. Then, whether the labourer has worked his proper number of days, or not, at the end of three years he is free, without any return for the money advanced or paid on his account in various ways and the numerous idle days he has had. That provision in the Ordin-

ance of 1884 to make up absent day was introduced because men systematically loafed in the hospital. I have had men in the hospital ever since the commencement of their agreement. I have also men in the hospital for over 100 days, the Doctor reporting that there is nothing the matter with them; if sent to prison they say they are ill and are put on the sick list. Therefore I strongly object to the introduction of that provision that they should be punished for a day's absence, and that at the end of three years they are free without any reference to idle days. Leave it to the planter to deal with this as in Ordinance V of 1884; it has not been abused. Personally I defy any one to look into my books and say I have been harsh in making my people work more than 20 days in a month unless of their own accord.

I would ask the Council, did they ever see a rich planter in the Colony who has made his money entirely by planting? I never saw one. I am a poor man myself, and I have worked at it for 47 years, and I suppose I shall die in harness. Rich planters are seen in other Colonies, but not in the Straits. I have carefully gone through the Bill, and my criticism, with that of other gentlemen who have replied to it like myself, have been published, their remarks have been made without any organized scheme, they have followed the Bill carefully as I have done, and we have arrived at that opinion unanimously—that the Bill is unworkable. Therefore, unless the recommendations of the Commissioners are carried out in their integrity, and the Government are going to introduce the coolies at their own expense, and at a minimum of cost to the planter, I say leave well alone. The Ordinance of 1884 is working most satisfactorily—there is no hitch in regard to it. The planters are giving effect to it by giving free passages: if not, they cannot get coolies. It has become the custom, and I think we may safely be left alone to work in our own way. All that we ask you to do is to leave the Ordinance of 1884 alone, and write to the Emigration Agent at Negapatam to interfere as little as possible with our agents; merely to see that the coolies are in good health, and have them inspected. Don't be so particular as to say that if they are coco-nut climbers they should not be sent. It is a large coco-nut country Province Wellesley, and they may become useful members of the community. That because a man is a coco-nut climber the Agent now says he is not fit. Orders had been sent from an estate in Perak for labourers from India, and only two lots of 11 and 16 came, owing to the difficulties thrown in the way by the Superintendent at Negapatam. I have an order now for 300. Let orders be sent to him not to be too particular. If the man is physically able we have work on the estate for him to do.

And that brings me to another point, that by this Bill all men are put on an equal footing. The same rate of wage is paid to all, no reward is held out now for working regularly. I say there should be a rate for able-bodied men, and one for second class men. We all know that we differ physically, and let a man know that by working well and when able, he can go from one gang to another and get better wages, but according to this Bill you are putting them all on the same footing. If we are going to pay 14 cents, let it be that in the first class they get 12 cents, and in the second 14. It is bad policy to fix one rate of wages. When I engage a man he gets a lower salary at first and afterwards rises. It is the same all through life. When a Cadet comes, or a man to a merchant's office, he does not get the highest rate of pay at starting. Free passages are now given, and many other advantages, and I say let well alone. I therefore beg, your Excellency, as the Government is not at present in a position to adopt the recommendations of the Commission *in toto*, to move that this Bill be read a second time this day six months.

The motion was not seconded.

Mr. MURRAY:—The position, Sir, of my Hon'ble friend opposite (Mr. VERMONT) is certainly most unfortunate, to say the least of it. In seconding the motion for the appointment of the Labour Commission, he no doubt had in view the obtaining of cheaper labour and the obtaining of that labour more readily, but Mr. KENNEDY, in proposing the motion for the appointing of the Commission, was particular in asking that the scope of the inquiry should be as wide as possible, and that it should not only include the form of contract, but also the amount of wage to be paid to the coolie. Sir FREDERICK DICKSON, in accepting the proposal, did so on the grounds that the scope should be as indicated, and should include not only the inquiry into the form of contract, but the amount of wages to be paid to the coolie. Twelve Commissioners were appointed, of whom, as my Hon'ble and learned friend has pointed out, seven, or perhaps eight, are either planters or largely interested in planting. There is no getting over the fact that those eight gentlemen signed, without rider or remark, the Report on which this Bill is based. There was nothing in that Report, so far as I can find, to indicate that the Government was expected to introduce every recommendation at the same time. The recommendations were left, so far as I know, that the Government might bring them in from time to time, and power is taken at the end of this

Bill to appoint an Agent-General in India for the future regulation of and securing of coolies on that side. Having said so much, Sir, I might express the hope that we in Committee may be able to do something to appease my Hon'ble friend. The suggestion for the Labour Commission came originally from the planters, and if they find that they have made a mistake, and that they are able to go on with the old Ordinance in a satisfactory way, I trust the Government will be able to refrain from pressing this Ordinance through the Council. The Government, you will agree with me, should give every encouragement to those who by enterprise and steady industry are endeavouring to help agricultural development both in the Colony and in the Native States.

The COLONIAL SECRETARY:—Sir, there are two subjects in connection with this Bill upon which I wish to make some remarks to the Council—the subject of the amount of wages to be paid to the coolie, and that of the term of contract—in both of which respects it is intended by this Bill to ameliorate the lot of the coolie. Upon these subjects I feel somewhat strongly—so much so that, although suffering from the effects of a recent accident, I have come down to the Council to-day on purpose to speak upon them: but I mean to be as brief as possible. The coolies' wages, under Ordinance V of 1884, are fixed at the rate of 12 cents a day—my Hon'ble friend on the other side (Mr. VERMONT) will correct me if I am wrong—12 cents a day for the first year, and 14 cents a day for the second and third years. The term of contract is three years. Those terms were fixed first of all by the Ordinance of 1884. They were fixed after a meeting at Penang, at which the Indian Government was represented by Sir EDWARD BUCK and Colonel FISCHER, and the Straits Government by Major MCNAIR, myself and Mr. KYNNESELEY. My Hon'ble friend the senior member for Penang was present when the question of the remuneration of the coolie was discussed. It was then stated that the existing wages were 12 cents a day. That rate was accepted by the Indian Commissioners. How long that rate had then been in operation I am not prepared to say—probably for 10 or 12 years, which would make up to the present time about 20 years in which the coolie in Province Wellesley has been paid at that rate. Well, Sir, I should like to know in what other branch of industry in the Straits Settlements the rate of wages has remained the same for so many years. The wages of servants, the wages of labourers of almost every class, artisans, etc. have risen enormously in that time, and in view of that consideration alone I think the Indian coolie in Province Wellesley has a very fair claim to have this statutory minimum raised in his case also. But he has a further claim upon us when I have referred to the fact that we have had so constantly, in the Reports of the Indian Immigration Agent and of the Principal Civil Medical Officer, to remark the amount of sickness, the number of deaths on the estates, attributable to a great extent to the conditions of life to which these immigrants on their first arrival find themselves exposed. I do not wish to say there is any intentional misrepresentation to which the planter is a party: I wish to make no accusation or imputation of any sort; but it is quite conceivable that a man coming to a new country for the first time, who finds things not quite as he expected, and sees before him a period of servitude to which there is apparently no end, falls into a despairing state of mind, which often ends in sickness and sometimes in death. That despairing state of mind is materially added to by the fact that he sees all round him men of his own kindred and country earning very much higher rates of wages than he can hope to obtain for at least three years. I do therefore hope that by improving the position of the immigrant, by giving him even the small increase which this Bill contemplates (personally I would go further), we may possibly be doing something to diminish sickness and the death-rate on the estates in Province Wellesley.

Then, Sir, with regard to the period of contract. When I first knew Province Wellesley the period of contract was one year.

Mr. VERMONT:—Eighteen months.

The COLONIAL SECRETARY:—I accept my Hon'ble friend's correction, but I believe it was at some period one year. That was increased to two years, the argument used by the planters being very much the same as it is now—that a man was not of much use on an estate in the first year, and was only doing good service in the second year. When the period of service was discussed in Penang, at the time to which I have referred, a stand was made to fix the term of contract for three years. This was agreed to by the Indian Commissioners. If the delegates of India on that occasion accepted three years on behalf of the subjects of their own Government, it is not surprising that the Council, in passing the Ordinance of 1884, fixed the term at three years; but when it is considered how small the advance is, how close India is to us, how short the passage is—only taking a few days—is there really any reason why a man coming from India on these terms should be tied down to enforced

labour for at least three years? Personally I say no, and I am glad to find that by this Bill effect is given to this opinion, and that it is contemplated to reduce the term to 720 days. I should be better pleased if this term were even shorter, and I think that two years, or the number of working days in two years, would be amply sufficient.

The Hon'ble member who spoke immediately after the Attorney-General alluded to competition between Government and the planter. Sir, I deny that there is any such competition—any intentional competition at least—on the part of Government. It is perfectly true that the Government does employ Indian labour. It is also perfectly true that in a Public Works gang in Penang or Province Wellesley men will be found—a small proportion—who have at some time or other been imported by a planter and have worked on an estate. But, Sir, employers certainly ought not to grudge to men who have passed through the period of their apprenticeship their freedom when they get to the end of their term and their right to start themselves in some other line. I maintain that, at the end of his contract, the coolie ought to be free to go wherever he pleases, and he is not only within his rights, but is commendable, if he chooses for himself the most remunerative line of employment he can get. The Government, on the other hand, is anxious to reduce the rate of labour for Public Works as low as it possibly can, commensurate with the obtaining of competent labourers, and I know of no instance in which the Government has intentionally raised the rate of wages in order to compete with the planter or to take away his men.

Sir, these are the only remarks I have to make at this stage. I can only say that I speak with all the feeling of responsibility induced by the fact that our debates at this table will be followed by the Government of India and by the Government of Madras. I have also the greatest desire to see justice done to the planters—a class of men for whom I have much respect, and among whom I count many friends, including, I hope, my Hon'ble friend on the other side of the table.

The ACTING ATTORNEY-GENERAL:—Sir, with regard to the amount of wages, I would call your attention to the result of the inquiry which was made by the Commissioners. They inquired as to what was the least amount on which it was possible for the labourer to keep body and soul together, and they found that he could do it on 7 or 8 cents a day. They found that for the absolute necessities of life he required \$2.40 a month, and they found also that in his first year the average number of days that he was able to work in a month was 20.5, so that he was able on his contract to earn \$2.46 a month—that is, 6 cents above the minimum upon which he could support himself. But he did not receive the whole of that. On two estates, according to Province Wellesley figures—the Prye and Batu Kawan estates—they found that there was on an average 55 cents a month to be deducted from that \$2.46 which was earned by the agricultural labourer, leaving a balance of only \$1.91, or 55 cents less than the Commission found barely sufficient. Now, Sir, only long practice could enable a man to live upon so much less than the minimum as that. The coolie, unfortunately, has plenty of practice in that direction. He comes from a country where, as we know from Sir ALI BABA, famine is his horizon, and insufficiency of food his foreground. We do not want him to continue that practice here. And when the Hon'ble member says that 90 of his men saved over \$2,000, it cannot have been immigrants in their first three years of service; it must have been free men, and we are not concerned with them in these amendments. The sums drawn, as he states, from the Bank cannot have been drawn by indentured coolies; neither can they save 5 or 6 cents a day, as the senior member for Penang says that they do.

Mr. VERMONT:—Sir, I said it was drawn by men of the coolie class, not the immigrants. None of us can save on our first arrival—we must wait for that.

The GOVERNOR:—I would only add a very few words on behalf of the Bill. My Hon'ble and learned friend opposite, in his very careful and lucid speech, explained admirably the objects of the Bill, and it is hardly necessary for me to add anything. My Hon'ble friend on the right (Mr. MURRAY) condoled with the Hon'ble member from Penang on his position, but I think it is the Government that should be condoled with. Those who were connected with the planting interest asked the Government to appoint a Commission. It was not sought for by the Government, but it was sought for by the planters, and, as he has said, was to have the fullest scope in its inquiry. It has reported, and the Report was signed by my Hon'ble friend the senior member for Penang (Mr. VERMONT) as well as by his colleague who is not present to-day, and although I concur that it is fair to allow a man to change his opinion, my Hon'ble friend has certainly not changed his opinion upon one subject merely, but upon every subject dealt with in the Report. I had, as Hon'ble members know, nothing whatever to do with the appointment of the Commission, which was appointed in my absence on leave, but I should have been wanting in my duty, on receiving the Report, with the weight it bore on the face of it, and signed by every member of that Commission, if I had

refrained from giving effect to the recommendations which the Report made. I at once, when the Report came in, took consultation with the Executive Council, and the Bill before you is the result of those consultations; and I, for my part, see nothing in the Bill unworthy of acceptance.

My Hon'ble friend opposite has dealt with nearly all the points which in his opinion and the opinion of the Government require attention. He has dealt with this very important subject of the rate of wages, and I am exceedingly sorry to find that the senior member for Penang is unable now to confirm the advice which he has given to the Government in the Report by this Commission. I cannot go fully into this question now, but I should like to say that though it is perfectly true that he advocated at this table, with Mr. READ—and I am inclined to think Mr. ADDIS was with him—a sort of sliding-scale, he began by putting the minimum rate at 11 cents, and after what my Hon'ble and learned friend has said as to what was left to the labourer pining at the minimum rate, I think the Council will see that they were right in 1884 in, by a very large majority, declining to agree to the amendment which the member for Penang either introduced or supported. Nothing was said of this Sunday pay, whether it was part and parcel of the rates of the scale of wages, but my Hon'ble friend attached his name to this paragraph amongst other in the Report:—

"The object of the present rule, by which pay is drawn for Sunday if six days' work has been done in the week, is to induce coolies to work steadily. It has only been partially successful and may well be abolished."

It is because my Hon'ble friend opposite has recommended to the Government that it should be abolished that we have cut out Sunday pay in the measure now submitted to you.

We have also dealt with the question of the circumstances under which a coolie has his wages cut on the record being made by the Magistrate, which, as he has put it, pushes the planter into prosecuting his coolies. That also is a distinct recommendation of the Report signed by the senior member for Penang in paragraph 400. The Commissioners recommend that a minimum rate of pay shall be laid down by law, and then there is this paragraph to which I refer.

I think I need not go into any other parts of the Report, which have been sufficiently dealt with at this table. I consider it my duty to proceed with this measure. A portion of it, or even one section of it, can be brought into operation. I consider it the duty of the Government, after this Report of the Commission, to proceed with this measure, and when it is passed, if it is passed, it will be submitted to the Government of India according to practice, and then to Her Majesty's Government. There is, therefore, a very long period of time to elapse before this measure, if it is ever agreed to by this Council, being brought into operation, and I shall take care that both the Government of India and Her Majesty's Government shall be made acquainted with the objections both of my Hon'ble friend opposite and of any other member.

The original motion was then agreed to, and the Bill was read a second time.

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LEGISLATIVE COUNCIL.

THURSDAY, 17TH NOVEMBER, 1892.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
(Sir CECIL C. SMITH, G.C.M.G.).

The Hon'ble the Colonial Secretary (W. E. MAXWELL, C.M.G.).
" the Acting Attorney-General (J. A. HARWOOD).
" the Colonial Treasurer (E. E. ISEMONGER).
" the Auditor-General (H. TROTTER).
" the Colonial Engineer (Major H. E. MCCALLUM, R.E., C.M.G.).
" J. M. B. VERMONT.
" T. SHELFORD, C.M.G.
" G. S. MURRAY.
" TAN JIAK KIM.
" T. C. BOGAARDT.
" A. L. DONALDSON.

ABSENT:

His Excellency the General Officer Commanding the Troops (Major-General Sir CHARLES WARREN, G.C.M.G., K.C.B.).
The Hon'ble the Resident Councillor of Penang (A. M. SKINNER, C.M.G.).
" the Resident Councillor of Malacca (D. F. A. HERVEY, C.M.G.).
" D. COMRIE.

The minutes of the last meeting were read and confirmed.

INDIAN IMMIGRATION ORDINANCE AMENDMENT BILL.

The GOVERNOR said no doubt the Council would wish, as the member for Penang was still here, to take up this Bill first.

Mr. VERMONT asked whether he might be allowed to make some remarks on what had been said by the Colonial Secretary at the last meeting.

The GOVERNOR said the Colonial Secretary had dealt mainly with two points—the rate of wages and the period of contract—and his Hon'ble friend could very well make his reply when they came to the sections referred to, which would be more in order.

On the motion of the COLONIAL SECRETARY, the Council went into Committee on the Bill.

On clause 3, Mr. VERMONT pressed for the insertion of the word "actual" before "work" in the first line of the definition of "a day's work", as was the case in the Ordinance of 1884 and the Chinese Labour Ordinance. A man might be out in the fields for nine hours and do no actual work.

The COLONIAL SECRETARY:—Surely work is work and play is play.

After some conversation the matter dropped.

Mr. VERMONT asked the meaning of the words "who has laboured for nine hours in a day or has performed such a task as aforesaid."

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Mr. DONALDSON:—I take it that the labourer may spread his task over two or three days if he chooses.

The COLONIAL SECRETARY:—He must either work by the day or task work.

The sub-clause passed.

On sub-clause (d), the definition of "advances," Mr. VERMONT raised a question as to how the advances were to be made, pending the appointment of an Agent-General.

After some discussion, the sub-clause was left over for re-consideration.

On clause 11,

Mr. VERMONT contended that the \$24 which the immigrant had to pay if he refused to enter into a contract was too low. A dishonest man might come and save the expense of recruiting by paying this money and taking the coolie. It had been done in his experience.

The GOVERNOR pointed out that this was one of the Hon'ble member's recommendations.

Mr. VERMONT:—It is not my sole recommendation. Out of 56 meetings I think I attended 20; in many cases where I remonstrated or objected, no note was made of my objections, and because I put my name to the Report I am blamed for the whole thing.

The GOVERNOR:—We are not blaming the Hon'ble member, but are trying to get a law to carry out his recommendations, as one of the most important members of the Commission.

Mr. VERMONT:—I think \$24 is too little.

The GOVERNOR:—Can you give us any grounds for thinking it should be a larger sum, that we may consider them?

Mr. VERMONT said that a man might be on the estate, and if this money were paid he could go.

After some conversation, the clause passed unaltered.

In clause 13, Mr. DONALDSON having pointed out that there was some obscurity, the word "first" in sub-clause (b) was altered to "last", and sub-clause (d) was struck out.

On clause 17,

Mr. DONALDSON said that if it was intended by sub-clause (b) to exempt contracts under this Ordinance from stamp-duty, this should be stated, otherwise they would apparently be liable to an agreement stamp under the Stamp Ordinance.

The following words were therefore substituted:—"Substituting for the second paragraph thereof the following words: 'Every such contract shall be exempt from stamp duty'."

Clause 18 was ordered to stand over in connexion with sub-clause (d) of clause 3.

On clause 19,

Mr. DONALDSON suggested whether it would not be possible to have these small offences tried by the Immigration Agent when he visited the estate, rather than sending them to the Police Court, which occupied a great deal of time, and took the men away from their work.

The GOVERNOR said it would be difficult to make such an arrangement.

Mr. VERMONT said it was one of the greatest taxes upon employers to have to prosecute coolies. Personally he never prosecuted a man unless it was a serious offence or he had absented himself for a great many days. The present system was working exceedingly well, and he did not see why it should be changed.

Mr. DONALDSON:—Would it not be possible to have them tried by the Indian Immigration Agent?

Mr. VERMONT:—Well, he only sits every six months. I think these clauses might be left as they are in the Ordinance of 1884.

The GOVERNOR:—Will my Hon'ble friend move that they be omitted?

Mr. VERMONT said he did not see to be supported. The present course (he continued) is, when the Agent visits the estate, the men are brought up in line and asked

whether they have any complaints to make. Those who make complaints are questioned, and the books are compared and examined, and the Agent certifies.

On the motion of the ACTING ATTORNEY-GENERAL, the words "sections fifty-eight and ninety-five" were substituted for "section fifty-eight" in sub-clause (1) (e).

On sub-clause (4),

Mr. VERMONT said:—It does seem encouraging laziness that a man should only work 720 days in three years. It may be that is the average time worked, but the Attorney-General spoke of the men being on starvation wages, and if so this is against their own interest. And then there is further 60 days allowed off for sickness, which leaves only 660 days in three years.

The GOVERNOR pointed out that this was another of the Hon'ble member's recommendations in the Report.

Mr. VERMONT having expressed his regret at having incautiously signed such a Report,

The GOVERNOR said:—We are dealing with a very important document, and must refer to it, but I am going to refer to additional information which has reached me, which is this—that in three of the largest estates in Province Wellesley the average working was 18.5 days a month in the first year and 20 days a month in the second year, and free coolies worked 22 days a month, with a slight improvement in the third year. I think that is additional evidence to what you have in the Report as to the length of time that the coolies work.

Mr. VERMONT moved to delete the sub-clause (4).

There was no seconder, and the clause passed.

On clause 20, sub-clause (3),

Mr. VERMONT said it would be impossible to have the accounts prepared on the first day of the month, and he saw no necessity for the provision.

The words "within the first seven days" were substituted for "on the first day".

On clause 21,

Mr. VERMONT moved that fourteen cents a day should be struck out and the men given their Sundays, but subsequently altered this to a motion that fourteen cents should be the minimum rate for the whole period of the contract.

This was seconded by Mr. BOGAARDT, and supported by Mr. DONALDSON, on the ground that the Commission said this was enough to keep a coolie, and if the planters could not get labour at that rate they would have to give more.

The ACTING ATTORNEY-GENERAL pointing out that what was necessary for this alteration was an amendment in the schedule, the motion was withdrawn.

The GOVERNOR said that as it was getting late, and as there could not be another meeting before the Hon'ble member for Penang left, it would now be best to take only the sections to which he wishes to propose amendments, and he asked him to state them.

Mr. VERMONT said the next was section 23, in which the value of the unexpired portion of a contract was placed much too low. At present \$63 altogether could be claimed; it was now to be limited to \$12. It should be at least \$30. He would suggest \$1 a month for the first year and \$2 a month for the second year, the total not to exceed \$30.

After some conversation,

Mr. DONALDSON said:—Make it \$24, and we will support you.

This amendment was agreed to.

Mr. VERMONT:—Section 29 repeals section 74 of the principal Ordinance, one of the most useful sections we have. It saves a great deal of prosecution, and has worked smoothly, and to repeal it will be a very serious blow to the happy relations between master and servant. I move that the clause 29 be deleted.

Mr. DONALDSON seconded the motion, and it was agreed to.

Mr. VERMONT said his next objection was to the repeal of section 99 of the principal Ordinance by clause 32.

The ACTING ATTORNEY-GENERAL explained that this was only taken out because it was included in a Bill already prepared for the amendment of the Crimping Ordinance.

The clause passed.
On schedule B,
Mr. DONALDSON suggested the insertion of the words "and as signs" after "administrators" in the sixth line of the first form of contract.]
Agreed to.
In the same form of contract, Mr. VERMONT moved to omit the words from "until" in the second line to "work" in the sixth line of the 2nd clause.
Mr. BOGAARDT seconded the amendment.
On a division being taken the amendment was carried, only the Colonial Secretary voting against it.
Mr. DONALDSON pointed out that the 4th clause would have to be altered in accordance with the amendment made in clause 23 of the Bill.
The GOVERNOR said this was a consequential amendment which the Attorney-General would attend to.
Some conversation took place on the form of contract for free labourers, Mr. VERMONT asking why there should be a form for them at all. The terms upon which it was necessary to engage a free labourer would be of the most varied kinds.
Mr. DONALDSON suggested that the difficulty might be met by the use of a blank clause. He had no experience in these labour contracts, but something like this was what occurred to him: "Here insert any special conditions relative to the class of work undertaken by the labourer."
The GOVERNOR:—The Governor in Council has power to prescribe any form that may be necessary.
The GOVERNOR:—The Attorney-General has prepared a clause for dissolution of contract by consent.
The ACTING ATTORNEY-GENERAL (reads):—
23A. There shall be inserted after section fifty of the principal Ordinance the following section to be numbered 50A:—
"50A. Any contract under this Ordinance with a Statute Immigrant may be determined with the consent of such Immigrant and of his employer and with the approval of the Indian Immigration Agent but such determination shall not take effect until the expiration of a period of three months from the date of such consent and approval. Every such consent and approval shall be endorsed on the contract by the person giving such consent or approval."
Mr. VERMONT objected to this.
The GOVERNOR:—We simply give notice of it.
Progress was then reported.

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LEGISLATIVE COUNCIL.

THURSDAY, 24TH NOVEMBER, 1892.

PRESENT:

HIS EXCELLENCY THE GOVERNOR
(Sir CECIL C. SMITH, G.C.M.G.).

The Hon'ble the Colonial Secretary (W. E. MAXWELL, C.M.G.).
" the Acting Attorney-General (J. A. HARWOOD).
" the Colonial Treasurer (E. E. ISEMONGER).
" the Auditor-General (H. TROTTER).
" the Colonial Engineer (Major H. E. MCCALLUM, R.E., C.M.G.).
" T. SHELFORD, C.M.G.
" G. S. MURRAY.
" TAN JIAK KIM.
" T. C. BOGAARDT.
" A. L. DONALDSON.

ABSENT:

His Excellency the General Officer Commanding the Troops (Major-General Sir CHARLES WARREN, G.C.M.G., K.C.B.).
The Hon'ble the Resident Councillor of Penang (A. M. SKINNER, C.M.G.).
" the Resident Councillor of Malacca (D. F. A. HERVEY, C.M.G.).
" J. M. B. VERMONT.
" D. COMRIE.

The minutes of the last meeting were read and confirmed.

INDIAN IMMIGRATION ORDINANCE AMENDMENT BILL.

The Council resumed the consideration of this Bill in Committee, taking *seriatim* the clauses not already passed, beginning with clause 22.

The ATTORNEY-GENERAL proposed the following new section:—

23A. There shall be inserted after section fifty of the principal Ordinance the following section to be numbered 50A:—

"50A. Any contract under this Ordinance with a Statute Immigrant may be determined with the consent of such Immigrant and of his employer and with the approval of the Indian Immigration Agent but such determination shall not take effect until the expiration of a period of three months from the date of such consent and approval. Every such consent and approval shall be endorsed on the contract by the person giving such consent or approval."

Mr. DONALDSON, who said he had been requested by his Hon'ble friend the senior member for Penang to bring some matter to notice which he had omitted at the last meeting, represented that, in its present form, the section might throw an unfair burden upon the employer, by rendering him liable for continued payment of wages and for other obligations to the Immigrant even after the latter had obtained other employment, if within the three months.

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The COLONIAL SECRETARY said that the purpose was that while the determination of a contract by mutual consent would be recognised by law, the employer would not be immediately relieved of his liability to supply the coolie with necessities. He thought that the objection might be met by substituting for the words from "shall not" to "approval" the words "shall not operate to relieve the employer of any liability under this Ordinance for the space of three calendar months from the date of the determination of the contract".

This was accepted by Mr. DONALDSON and the clause so amended was passed.

On clause 27,

Mr. DONALDSON said he was not sure what was the exact object of the proposed new section, but if it was intended to give the Indian Immigration Agent the same powers as regards "Immigrants" that the Ordinance gave him as regards "Statute Immigrants," he was of opinion, from a legal point of view, that something more was required.

The clause, however, passed unaltered.

Mr. DONALDSON said that his Hon'ble friend had asked him to suggest amendments to sections 75 and 85 of the principal Ordinance. As regards section 75, he asked that it might be amended so as to recognize the principle of rewards given for the arrest of deserters. The Ordinance was silent on the subject, and the Agent had no power to allow these rewards to be deducted. There was such a provision in the Chinese Labour Ordinance, where the Magistrate was empowered to order the labourer to pay to the employer such sum not exceeding \$15 as may be proved to have been expended by the employer in effecting his arrest. He asked for the introduction of a section, to be numbered 75A, in identical terms with section 7 of the Chinese Labour Ordinance, only substituting "two dollars" for "fifteen dollars", it being considered that the former sum would be sufficient in the case of the Indian labourer.

This was agreed to.

Mr. DONALDSON said that section 85 of the Ordinance provided that "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." It was the practice for the employer to put a certain sum in the hands of the Gaoler, who paid the expenses out of it and rendered accounts; and it was desired that power should be given to debit such expenses to the labourer.

The GOVERNOR thought there would be no end to such claims if this proposal were allowed, and it was not pressed.

Mr. DONALDSON said that another proposal that he had to make related to the form of contract in the Schedule, and in this case he was sorry that his Hon'ble friend had not brought it forward himself, because it was one in which he would have had the Report in his favour instead of against him. The Report said that the contract should show the labourer all his liabilities and duties, and perhaps it was only an oversight that the proposed form did not do so. Section 47 of the principal Ordinance provided for several important matters which were not in the form—such as care of animals, cleaning of machinery, the observance of usual sanitary regulations, and (a most important clause)—"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." There was no allusion to factory work or to this liability in the form of contract.

After some conversation,

The ACTING ATTORNEY-GENERAL said he would draft a clause embodying these conditions.

The GOVERNOR also requested the ACTING ATTORNEY-GENERAL to prepare a clause providing that the present arrangement as to advances should subsist until the Government is in the position to take up recruiting and suspending the operation of the new sections affecting advances.

Mr. DONALDSON drew attention to the certificate to be endorsed on the contract by the Indian Immigration Agent, and to section 37 of the Ordinance, which requires that every contract must be executed before the Agent, and personally explained and

certified by him. His Hon'ble friend desired him to point out that it would be a matter of convenience if the Assistant Immigration Agent were also empowered to attend to this duty.

An amendment in this sense was agreed to.

Mr. DONALDSON then drew attention to the form of contract for free labour. He said that this was a rather important question to the planters, as he understood that free labour was ousting contract labour to a large extent; and they asked whether it was necessary to put all these restrictions upon free labour. The form of contract, it must be remembered, would apply not only to agricultural labourers, but to every Tamil employed by the Municipality, Government contractors and others, as well as on estates, and it was necessary that it should do so.

In the course of a long discussion, Mr. DONALDSON pointed out that, according to the form of the contract, no free labourer—that is, one whose passage has not been paid in India—could be legally engaged for more than one month, though in practice contracts were made for eighteen months. What he proposed was that the first clause of the contract for free labour should follow the same rule as the contract in the old Ordinance.

This was agreed to.

The third clause was ordered to be amended in the same manner as in the contract for a Statute Immigrant, as also the endorsement.

Mr. DONALDSON said there was one other point that he had been asked to bring forward. Section 37 of the Ordinance provided that first contracts must be executed before the Indian Immigration Agent; while section 38 provided that any subsequent contract might be executed before a Magistrate, provided that it be afterwards confirmed by the Indian Immigration Agent. It was desired to somewhat extend the operation of section 38. It was considered unnecessary to apply section 37 to the case of free immigrants, and that these should come under section 38.

The GOVERNOR said this point would be noted for consideration.

An amendment was made in the first form of contract in accordance with the amendment made to clause 23 at the last meeting.

Progress was then reported, the Bill to be reprinted with the amendments already agreed to.

* * * * *

[Read 1st time, ...	20th October, 1892.]
[Read 2nd time, ...	14th November, 1892.]
[Committee, ...	17th November, 1892.]
[Do., ...	24th November, 1892.]
[Do., ...	1st December, 1892.]

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:—

- Ord. 5 of 1894.
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.
- Short title.
- Commencement.
- 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.
- Amendment of section 1 of principal Ordinance.
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
- (b) by the insertion of the words following:—
- "The expression 'a day's work' means either work for a day of nine hours or a task which is approved by the Indian Immigration Agent under section forty-five for the estate on which the labourer is for the time being working as being equivalent to such work and a Statute Immigrant shall be deemed to have done 'a day's work' who has laboured for nine hours in a day or has performed such a task as aforesaid."
- "The expressions 'India' and 'British India' mean the territories which are or may become vested in Her Majesty by the Imperial Statute 21 and 22 Vic. c. 106 intituled 'An Act for the better Government of India' and includes the Native Indian States which are for the time being under the protection of the British Indian Government"
- Amendment of section 2 of principal Ordinance.

(c) by substituting for the definition of "Immigrant" the following definition:—
 "Immigrant" means an Asiatic native of British India and for the purposes of this Ordinance every Asiatic of Indian descent shall be deemed to be a native of British India until the contrary be proved."

(d) by substituting for the definition of "advances" the following:—
 "Advances" means any sum or sums not exceeding five dollars in all advanced in cash to the labourer before he enters into a contract under this Ordinance by an Officer of the Indian Immigration Department and entered in the contract."

Amendment of section 3 of principal Ordinance. 4. For section three of the principal Ordinance shall be substituted the following:—

"3. The enactments in Schedule C shall be repealed to the extent therein specified."

Amendment of section 5 of principal Ordinance. 5. Section five of the principal Ordinance shall be amended by the omission of all that follows the word "purpose".

Amendment of section 6 of principal Ordinance. 6. Section six of the principal Ordinance shall be amended by inserting before the words "an Assistant Indian Immigration Agent" the words "a Deputy Indian Immigration Agent or".

Amendment of section 7 of principal Ordinance. 7. Section seven of the principal Ordinance shall be amended by inserting before the words "Assistant Agent" the words "Deputy or".

Amendment of section 18 of principal Ordinance. 8. Section eighteen of the principal Ordinance shall be amended by substituting for the words "the Indian Immigration Agent" the words "an Officer of the Indian Immigration Agent's Department".

Amendment of section 20 of principal Ordinance. 9. Section twenty of the principal Ordinance shall be amended by omitting the words "cargo or".

Amendment of section 21 of principal Ordinance. 10. Section twenty-one of the principal Ordinance shall be amended by omitting all that follows the words "proceed on board".

Repeal of section 22 of principal Ordinance. 11. Section twenty-two of the principal Ordinance shall be repealed.

Amendment of section 24 of principal Ordinance. 12. Section twenty-four of the principal Ordinance shall be amended by substituting for the words "received advances" the words "received a free passage from India under a promise to enter into a contract under this Ordinance".

Amendment of section 25 of principal Ordinance. 13. For section twenty-five of the principal Ordinance shall be substituted the following:—

"25. (1)—Any Immigrant who has received a free passage from India under a promise to enter into a contract under this Ordinance may be detained under the care of the Indian Immigration Agent in a depôt until he shall have entered into such contract or shall have paid to the Indian Immigration Agent the sum of twenty-four dollars provided that no Immigrant shall be detained in a depôt against his will for more than one week.

"(2)—Any Immigrant who has received a free passage from India under a promise to labour in a foreign country or State to which Indian Immigration is authorised by the Indian Government may be detained in a depôt until he can be forwarded to his destination."

14. Section twenty-six of the principal Ordinance shall be amended by—

(a) omitting the words "or if he be a Statute Immigrant to his employer".

(b) substituting for the words "employer by whom or on whose behalf the advances have been made" the word "Government".

(c) omitting the second paragraph.

15. Section twenty-eight of the principal Ordinance shall be amended by—

(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 last 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".

16. 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".

17. 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".

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

19. Section thirty-seven of the principal Ordinance shall be amended by adding after the words "Indian Immigration Agent" wherever they occur in the said section the words "Deputy Indian Immigration Agent or Assistant Indian Immigration Agent."

Amendment
of section 39
of principal
Ordinance.

20. 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) substituting for the second paragraph thereof the following words:—"Every such contract shall be exempt from Stamp duty."

Repeal of
sections 41, 42
and 43 of
principal
Ordinance.

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

Amendment
of section 44
of principal
Ordinance.

22. 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 sections fifty-eight and ninety-five.

"(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.

Amendment
of section 45
of principal
Ordinance.

23. 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 hereunder be equivalent to working for a day but so that the hours in any one day."

"(3)—The employer shall within the first seven days of each month post up in a conspicuous place on the estate a list of the number of days' work which have been performed by each Statute Immigrant on the estate in the preceding month together with the total number of days' work which have been performed by such Statute Immigrant under his contract up to date. An employer neglecting to comply with the provisions of this subsection shall be liable to a fine of twenty-five dollars."

24. (1)—For section forty-six of the principal Ordinance shall be substituted the following section:—

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

"For a male fourteen cents a day.

"For a female ten cents a day.

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

25. Section forty-seven of the principal Ordinance shall be amended by—

- (a) the omission of the clause beginning with the words "He shall" and ending with the words "in the week" and of the clause beginning with the words "If he works" and ending with the words "contract rate";
- (b) the insertion after the word "employer" in the third paragraph of the words "at work other than factory work";
- (c) the substitution in the said third paragraph for the words "two cents" of the words "one cent for each half hour's work"; and
- (d) the omission of the words "hereinbefore mentioned" at the end of the section.

26. Section fifty of the principal Ordinance shall be amended by substituting for the second clause thereof the clauses following:—

Amendment
of section 46
of principal
Ordinance.

Amendment
of section 47
of principal
Ordinance.

Amendment
of section 50
of 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 in particular prescribing:—

Rules.

- (a) the manner in which 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.

Substitution of new Schedule for Schedule B.

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

"SCHEDULE B.

Form of Contract for Immigrant who has received a free Passage from India under a promise to enter into a contract under this Ordinance.

A Contract made the _____ day of _____ 18____ 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 administrators and assigns) of the other part.

[*WHEREAS the Labourer has received 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;
- (d) every day in respect of which he is convicted by a Magistrate of neglect of labour under section seventy-one of the Ordinance.

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

(e) every day over sixty days during the continuance of the contract in which he is absent from work on account of sickness and which is entered on the contract by the Indian Immigration Agent under section fifty-eight of the Ordinance.

(f) every day during which he is absent from work on account of an enquiry into any untrue or frivolous complaint made by him to the Indian Immigration Agent and which is entered on the contract by the Indian Immigration Agent under section ninety-five of the Ordinance.

2. The Employer will pay to the Labourer wages payable monthly at the rate of* fourteen cents for each day's work [†provided always that the Employer may deduct from such wages a sum not exceeding fifty cents a month until the said sum of dollars has been thereby repaid.]

3. The Labourer shall not be bound to labour for more than six days in any week or for more than twenty days in any month nor for more than six consecutive hours or except as hereinafter mentioned for more than nine hours in all in any one day, but if the Labourer at the request of the Employer works more than nine hours in any day the Employer will pay to the Labourer two cents for every hour over nine during which he shall labour in any one day. Provided that the Labourer when employed exclusively in factory work shall be bound when required by the Employer in case of need to work for a time not exceeding three hours in any one day over and above the nine hours above-mentioned and shall receive for such extra work the extra pay of two cents. And provided that the Employer may require from the Labourer without pay over and above the work which he is bound to perform as aforesaid any reasonable and customary labour for the care of animals the cleaning and maintenance of machinery and the observance of usual sanitary regulations.

4. The Labourer may at any time redeem himself from this Contract by paying to the Employer the value of the unexpired portion thereof calculated at the rate of one dollar for every thirty days' work which the Labourer is at the time bound to do during the first year under the Contract and at the rate of two dollars for every thirty days' work which the Labourer is at the time bound to do during the second and subsequent years under the Contract or the sum of twelve dollars whichever sum shall be the greater [† and in addition so much (if any) of the said sum of _____ dollars as shall not have been repaid under clause two hereof.] In no case shall the value of the unexpired portion of the Contract exceed twenty-four dollars.

* Where a higher rate is agreed on, substitute which higher rate. Where the Labourer is a female, substitute for the word "four" the word "ten" or a higher rate if agreed on.

† Where no advances are due, the words following brackets are to be omitted.

5. 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 Labourer and have ascertained that he is fully aware of the terms thereof.

Signed _____
Indian Immigration Agent,
or Assistant Immigration Agent,
Settlement of _____

Form of Contract for Free Labourer.

This Contract made on the _____ day of _____ 18____ 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 administrators and assigns) of the other part WITNESSETH that it is hereby mutually agreed as follows:—

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

2. The Employer will pay to the Labourer wages payable monthly at the rate of (a) _____ for every day's work.

(a) i.e., not less than four-teen cents for a male and ten cents for a female.

3. The Labourer shall not be bound to labour for more than six days in any week or for more than twenty days in any month nor for more than six consecutive hours or except as hereinafter mentioned for more than nine hours in all in any one day but if the Labourer at the request of the Employer works more than nine hours in any day the Employer will pay to the Labourer two cents for every hour over nine during which he shall labour in any one day. Provide that the Labourer when employed exclusively in factory work shall be bound when 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 above-mentioned and shall receive for such extra work the extra pay of two cents. And provided that the Employer may require from the Labourer without pay over and above the customary labour for to perform as aforesaid any reasonable amount of maintenance of machinery and the observance of usual sanitary regulations.

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 Labourer and have ascertained that he is fully aware of the terms thereof.

Signed _____
Indian Immigration Agent,
or Assistant Immigration Agent,
Settlement of _____

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GOVERNMENT OF THE STRAITS
SETTLEMENTS.

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BILL
TO
Amend "The Indian Immigration Ordinance 1884."

(The ACTING ATTORNEY-GENERAL.)

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1891

Date..... Dept.

Encl. No. 1

To

No. 10

CURRENT No. 10

[9]

Public DEPARTMENT

From

The Govt of India

Secy & Asst: Secy

No. 3070
61

Dated 29th Dec/92

Received 2nd } Jan/93.
Recd 9th }

Enclosures 7 & under one s.c. each of the
enclosures are to the letter from the
Colonel Secy.

SUBJECT.

Forwarding Proceedings of the
Legislative Council on the Indian
Immigration Ordinance Amendment
Bill.

Go. 25105 9-12-92
718 7/17-10-92
899 8/24-12-92

N

Order 14 Jan 93
12/13.

Recorded in contn

of G.O. dt 24.12.92.

No. 899.

30B.

for C.S.

10/1/93