

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 28-9-94
No. 725

INDEXED.

When given for copying. 1/10

[Despatch Abstract.]

Comd to the Protector
of Emigrants Endorsement
of the Govt for forwarding
copy of despatch from
the Secy of State on the
subject of Dr. Connors
report on Emigration from
India to British Guiana

BACK PAPER, No.

OF 189 .

FURTHER PAPER, No.

247

OF 189 5

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Public (Emigration).
No. 73.

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

MY LORD,—With reference to your letter No. 62 (Emigration), dated 20th September 1893, on the subject of Dr. Comins' report on Emigration from India to British Guiana, I forward for the information of your Excellency in Council a copy of a letter (with its two enclosures) received from the Colonial Office on the same subject.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

H. H. FOWLER.

Dated 23rd July 1894.

From—EDWARD WINGFIELD, Esq., C.B., Colonial Office,

To—The Under-Secretary of State for India.

With reference to your letter of the 26th October last, J. & P. 1958, enclosing copies of a despatch from the Government of India commenting on Surgeon-Major Comins' Note on Emigration from India to British Guiana, I am directed by the Marquess of Ripon to transmit to you the accompanying copy of a despatch which his Lordship has addressed to the Governor of that Colony on the subject.

Emigration 23rd July 1894.

2. As the Government of India have expressed a general approval of the Ordinance 25 of 1891, which had been kept in abeyance pending the receipt and consideration of Dr. Comins' Report, Lord Ripon has now conveyed to the Governor Her Majesty's approval of the Ordinance and has informed him that he will be at liberty to bring it at once into operation, although it appears to require some amendment.

3. I am to call your attention to section 5 of the British Guiana Ordinance No. 10 of 1887 which allowed a female immigrant entitled to return passage to be accompanied by her husband although not otherwise so entitled. This provision did not occur in the Immigration Ordinance, 1873, and has not been re-enacted in the Immigration Ordinance, 1891 (section 199); but if the Government of India see no objection, Lord Ripon does not propose to press for its restoration, it having been represented that advantage has been taken of it by male immigrants who have no claim in their own right to return passage, to marry women so entitled for the mere purpose of putting forward such a claim.

Copy enclosed.

4. I am to point out that the proviso to section 49 of the Ordinance of 1891 appears to remove the objection taken by Dr. Comins to this clause as originally drafted.

5. With reference to the last sentence of your letter of the 26th of October last, I am to point out that the Ordinance of 1891 is in itself "an Ordinance to consolidate and amend the laws relating to Asiatic Immigrants", including

Marriage (Part X). If any general Marriage Ordinance should be proposed affecting the provisions on that subject contained in the Immigration Ordinance, 1891, it will be communicated to the India Office.

Dated Colonial Office, the 23rd July 1894.

From—The Marquess of Ripon, K.G., Secretary of State for the Colonies,
To—Sir C. C. Lees, K.C.M. G., Governor of British Guiana.

With reference to my despatch of the 10th of October last, transmitting copies of Surgeon-Major Comins' Notes on Emigration from India to British Guiana and other West India Colonies, I have now the honour to transmit to you the accompanying copies of a despatch from the Government of India commenting on Dr. Comins' Note on Emigration to British Guiana.

20th September 1893.

2. I have first to inform you that Her Majesty will not exercise Her prerogative of disallowance in respect of "the Immigration Ordinance, 1891," and that you will therefore be at liberty at once to bring that Ordinance into operation.

3. But the Ordinance appears to require amendment on some of the points to which exception was taken by the late Surgeon-General in his letter enclosed in Lord Gormanston's despatch No. 7 of the 12th of January 1892. For example, in his despatch No. 326 of the 30th of November 1887, my predecessor suggested that section 119 of "the Immigration Ordinance, 1873" (as amended by the Medical Ordinance, 1886), should be amended by imposing on the Surgeon-General alone the duty of making Hospital and Dietary Rules; that section 128 should be amended by giving the appeal to the Surgeon-General instead of to the Immigration Agent General; and section 134 by providing that the Medical Inspector instead of making requisitions as to dwellings should report his proposed requisitions to the Surgeon-General, who should communicate them to the Immigration Agent General. None of these amendments were adopted in "the Immigration Ordinance, 1891," in which these sections have been re-enacted as sections 79, 88 and 67 respectively, and I desire that they may now be included in an amending Ordinance.

4. There are two other points in which the late Surgeon-General has shewn the necessity for amendment of the Ordinance of 1891. In the arrangement of the Ordinance "Medical Officers" appears as a sub-head of Part I which is headed "Immigration Department;" this seems to imply that the Medical Officers, notwithstanding the Medical Ordinance of 1886, are still members of the Immigration Department and subordinate to the Immigration Agent General. The possibility of this inference should be removed by inserting in section 7 (1) after the word "duties" some such words as "but not of the duties of the Medical Officers". Again, the Medical Ordinance, 1886, contained a provision (section 21) that where a District Medical Officer under the old Immigration Ordinances was required to send any report or return to the Medical Officer of the Immigration Department (now the Medical Inspector) the Government Medical Officer (who replaces the District Medical Officer) shall send such report or return to the Surgeon-General. This clause is repealed by the Ordinance of 1891 without making the necessary alterations throughout the Ordinance by substituting the Surgeon-General for the Medical Inspector in all clauses which require such reports or returns to be furnished. This omission should be supplied in the amending Ordinance.

5. In section 134 of the Ordinance of 1891 the word "male" should be inserted before the words "indentured immigrant".

6. In section 141 (3) the words "that either of the parties had a wife or husband alive at the time of registration, or" should be omitted. The Government of India take no exception to the prohibition of the contracting of polygamous marriages after arrival in the Colony, but they would strongly object to the refusal to register such marriages when previously lawfully contracted in India.

7. The Court of Policy should be invited to consider the question of extending the provisions of section 156 by legalising the practice of the Administrator General and the Immigration Agent General as regards the claim of a surviving reputed wife or husband in respect of property jointly acquired by her or him and her or his deceased reputed husband or wife.

8. The 199th section will require to be brought into conformity with the new rule that future immigrants shall be required to contribute to the cost of their return passages.

9. You should also bring under the consideration of the Court the suggestion of Dr. Comins (page 37 of his report) that the period of indenture of female immigrants should be reduced to two years.

10. I have to call your attention to the remarks of Dr. Comins, referred to by the Government of India, as to vaccination, distribution of rations, and the weekly payment of wages for uncompleted tasks. Instructions should be given for ensuring the more effective administration of the law on these subjects.

11. As regards section 49, the Government of India appear to have overlooked the proviso at the end of the section, which meets the objection taken by Dr. Comins (page 13 of his report) to this clause as it seems to have stood in the first draft of the Ordinance. No amendment of it, therefore, appears to be necessary.

No. 10.

1887.

BRITISH GUIANA.

(COURT OF POLICY.)

An Ordinance to amend the Immigration Ordinances, 1873 to 1876.

Ordinance Enacted.

By His Excellency Sir HENRY TURNER IRVING, Knight
Commander of the Most Distinguished Order of Saint
Michael and Saint George, Governor and Commander-in-
Chief in and over the Colony of British Guiana, Vice-
Admiral, and Ordinary of the same, &c., &c., &c., with
the Advice and Consent of the Honourable the Court of
Policy of Said Colony.

To all to whom these present, do, may, or shall come, greeting. Be it known:—

Whereas it is expedient to amend the Immigration Ordinances, 1873 to 1876: Be it therefore enacted by His Excellency the Governor of British Guiana, with the advice and consent of the Court of Policy thereof as follows:

1. This Ordinance may be cited as "The Immigration Ordinance, 1886," and except where inconsistent therewith shall be construed as one with the Immigration Ordinances, 1873 to 1876, and the said Ordinances and this Ordinance may be cited collectively as the Immigration Ordinances, 1873 to 1887.

2. Where any Indian immigrant is under the age of ten years on introduction into the Colony, he shall, on attaining that age, be deemed to be under indenture until the expiration or determination of the indenture of the relative or friend under whose charge such immigrant has been introduced, and shall be deemed to be under indenture to the employer to whom such relative or friend is indentured until such event as aforesaid. At the determination or expiration of the indenture of such relative or friend every Immigrant who has been introduced under the age of ten years shall be entitled to a certificate of exemption from labour, whether he has been indentured or not.

3. A Sub-Agent of Immigration shall collect and take possession of all the property of any indentured Immigrant who dies in his district, and with the sanction of the Immigration Agent General deliver or pay the same to any person who establishes a right to it, or in the absence of any such person, shall convert the whole into money and pay over the amount realized to the Colonial Receiver General to be remitted to the persons in India, or elsewhere, who may be entitled to the same.

Passports and Return Passages.

4. Every Indian Immigrant who has obtained or become entitled to a certificate of exemption from labour and who may be desirous of quitting the Colony shall apply to the Immigration Agent General for a passport, and thereupon the Immigration Agent General shall within one week from the date of such application deliver to him free of charge a passport good for fourteen days from the date thereof, and shall register such passport in the register of exemptions from labour and the certificate of exemption from labour of such immigrant and his right to receive such certificate shall be thereupon suspended.

5. Every Indian Immigrant who has completed a continuous residence of ten years in the Colony and has during that time obtained or become entitled to a certificate of exemption from labour shall be entitled to be provided at the expense of the Colony with a passage back to the port whence such Immigrant sailed from India for himself, for every son and daughter, and for the husband or wife of such Immigrant:
Provided as follows:—

- (1) No son or daughter born in the Colony of any Indian Immigrant shall be entitled to a passage to India unless sailing from this Colony with his or her parent;
- (2) Where any son or daughter of any Indian Immigrant is under the age of twelve years the Governor may refuse a return passage or a passage to India to any such son or daughter if it appears that it is desirable in the interests of the child that the child should remain in the Colony;
- (3) If the wife of child of any such immigrant be under indenture upon which any bounty or indenture fee has been paid, he shall pay the commutation money to the employer of such wife or child as the case may be; and
- (4) Every Immigrant who at any time quits or attempts to quit the Colony without a passport shall thereby forfeit all claim to a back passage at the expense of the Colony, notwithstanding he may have resided ten years in the Colony.

6 Where in any proceedings before a Stipendiary Magistrate against an Immigrant to be taken to hospital the Stipendiary Magistrate that such Immigrant requires Medical care or to be medically examined, the Stipendiary Magistrate may order such Immigrant to be taken to the Hospital of the plantation on which such Immigrant is indentured, and thereupon such Immigrant shall be conveyed by the Police and admitted to such Hospital.

Every such Immigrant so ordered to be taken to Hospital shall be subject to the provisions of section 131 of the Immigration Ordinance, 1873, in the same manner as if he had been sent to the Hospital by the Manager.

When any such order is made the proceedings may be adjourned to any time mentioned or until after such Immigrant is discharged from Hospital; in which latter case the Stipendiary Magistrate before continuing the proceedings shall cause proper intimation to be given to the parties of the time and place at which the proceedings will be continued.

7. Any Stipendiary Magistrate who orders any Immigrant under indenture to be imprisoned by virtue of any conviction under the Immigration Ordinances, 1873 to 1876, may order such Immigrant to be imprisoned either with or without hard labour.

8. Sections one hundred and forty-four (144), one hundred and forty-six (146), one hundred and forty-seven (147) and one hundred and sixty-six (166) of the Immigration Ordinance, 1873 are hereby repealed.

9. This Ordinance shall come into operation and take effect on the publication thereof.

And that no ignorance may be pretended of this our Ordinance these presents shall be printed and published in the customary manner.

Thus done and enacted at our Adjourned Quarterly Assembly held at the Guiana Public Buildings, Georgetown, Demerara, this twenty-first day of May, One thousand eight hundred and eighty-seven, and published on the twenty-fifth day of May in the same year.

Henry T. IRVING.

By Command of the Court,

Chas. Bruce,

Secretary.

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.

(Emigration)

Simla dated the 15th September 1894.

Forwarded to the Government of Madras for information, in continuation of this Department's letter No. 2708-26 dated the 29th September 1893.

40956
27-11-93



Order.

SK

Offg: Under-Secretary to the Government of India.

List of Papers forwarded.

X
Despatch from the Secretary of State No. 73 dated the 9th August 1894 and enclosures.

x 15 spare copies by packet post

The Govt of India
Rev. & Agri. Dept.
(Emigration)
Simla

N^o 2525
78

Dated 18th }
Recd 25th } September 1894
Regd 26th }
Encl: one.

Subject

Forwarding Copy of Despatch
from the Secretary of State
on the subject of Emigration
from India to British Guiana

Protector of Emigrants }
under }
copy 2/10/94 }
10/10/94 }
10/10/94 }

Order 428 Sep 94, N^o 725
Comm^d to the Protector
of Emigrants with reference
to the correspondence
ending with his letter
N^o 533, d/ 20-11-93.

38B
27/9

27/9/94

...to consider the question of
...the practice of the
Administrator General and the Immigration General as regards the
claim of a surviving reputed wife or husband of property jointly
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tion of Dr. Comins (page 37 of his report) that the period of indenture of
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the weekly payment of wages for uncompleted tasks. Instructions should be
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By His Excellency Sir HENRY TURNER IRVING, Knight
Commander of the Most Distinguished Order of Saint
Michael and Saint George, Governor and Commander-in-
Chief in and over the Colony of British Guiana, Vice-
Admiral, and Ordinary of the same, &c., &c., &c., with
the Advice and Consent of the Honourable the Court of
Policy of Said Colony.

To all to whom these present, do, may, or shall come, greeting. Be it
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1876 : Be it therefore enacted by His Ex-
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shall be construed as one with the Im-
migration Ordinances, 1873 to 1876, and the said Ordinances and this Ordinance
may be cited collectively as the Immigration Ordinances, 1873 to 1887.

2. Where any Indian immigrant is under the age of ten years on introduction,
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that age, be deemed to be under indenture
until the expiration or determination of the indenture of the relative or friend
under whose charge such immigrant has been introduced, and shall be
deemed to be under indenture to the employer to whom such relative or friend
is indentured until such event as aforesaid. At the determination or expiration
of the indenture of such relative or friend every Immigrant who has
been introduced under the age of ten years shall be entitled to a certificate
of exemption from labour, whether he has been indentured or not.

3. A Sub-Agent of the District shall collect and take possession of the property of any indentured Immigrant who dies in his district, and with the sanction of the Immigration Agent General deliver or pay the same to any person who establishes a claim to it, or in the absence of any such person, shall convert the whole into money and pay over the amount realized to the Colonial Receiver General to be distributed to the persons in India, or elsewhere, who may be entitled to the same.

Passports and Return Passages.

4. Every Indian Immigrant who has obtained or become entitled to a certificate of exemption from labour and who may be desirous of quitting the Colony shall apply to the Immigration Agent General for a passport, and thereupon the Immigration Agent General shall within one week from the date of such application deliver to him free of charge a passport good for fourteen days from the date thereof, and shall register such passport in the register of exemptions from labour and the certificate of exemption from labour of such immigrant and his right to receive such certificate shall be thereupon suspended.

5. Every Indian Immigrant who has completed a continuous residence of ten years in the Colony and has during that time obtained or become entitled to a certificate of exemption from labour shall be entitled to be provided at the expense of the Colony with a passage back to the port whence such Immigrant sailed from India for himself, for every son and daughter, and for the husband or wife of such Immigrant:
Provided as follows:—

- (1) No son or daughter born in the Colony of any Indian Immigrant shall be entitled to a passage to India unless sailing from this Colony with his or her parent;
- (2) Where any son or daughter of any Indian Immigrant is under the age of twelve years the Governor may refuse a return passage or a passage to India to any such son or daughter if it appears that it is desirable in the interests of the child that the child should remain in the Colony;
- (3) If the wife of child of any such immigrant be under indenture upon which any bounty or indenture fee has been paid, he shall pay the commutation money to the employer of such wife or child as the case may be; and
- (4) Every Immigrant who at any time quits or attempts to quit the Colony without a passport shall thereby forfeit all claim to a back passage at the expense of the Colony, notwithstanding he may have resided ten years in the Colony.

6 Where in any proceedings before a Stipendiary Magistrate against an Immigrant under indenture it appears to the Stipendiary Magistrate that such Immigrant requires Medical care or to be medically examined, the Stipendiary Magistrate may order such Immigrant to be taken to the Hospital of the plantation on which such Immigrant is indentured, and thereupon such Immigrant shall be conveyed by the Police and admitted to such Hospital.

Every such Immigrant so ordered to be taken to Hospital shall be subject to the provisions of section 131 of the Immigration Ordinance, 1873, in the same manner as if he had been sent to the Hospital by the Manager.

When any such order is made the proceedings may be adjourned to any time mentioned or until after such Immigrant is discharged from Hospital; in which latter case the Stipendiary Magistrate before continuing the proceedings shall cause proper intimation to be given to the parties of the time and place at which the proceedings will be continued.

Marriage
general
immigrant under inden-
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der the Immigration Ordin-
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ances, 1873 to 1876, may order such
or without hard labour.

8. Sections one hundred and forty (140), one hundred and forty-six (146), one hundred and forty-seven (147) and one hundred and forty-eight (148) of the Immigration Ordinance, 1873 are hereby repealed.

9. This Ordinance shall come into operation and take effect on the publication thereof.

And that no ignorance may be pretended of this our Ordinance these presents shall be printed and published in the customary manner.

Thus done and enacted at our Adjourned Quarterly Assembly held at the Guiana Public Buildings, Georgetown, Demerara, this twenty-first day of May, One thousand eight hundred and eighty-seven, and published on the twenty-fifth day of May in the same year.

Henry T. IRVING.

By Command of the Court,

Chas. Bruce,

Secretary.

Pub. 725 sub
28-9-94

Marriage (Part X). If any general affecting the provisions on that subject contained in the 1891, it will be communicated to the India Office.

Dated Colonial Office, the 23rd July 1894.

From—The Marquess of Ripon, K.G., Secretary of State for the Colonies,
To—Sir C. C. Lees, K.C.M. G., Governor of British Guiana.

With reference to my despatch of the 10th of October last, transmitting copies of Surgeon-Major Comins' Notes on Emigration from India to British Guiana and other West India Colonies, I have now the honour to transmit to you the accompanying copies of a despatch from the Government of India commenting on Dr. Comins' Note on Emigration to British Guiana.

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3. But the Ordinance appears to require amendment on some of the points to which exception was taken by the late Surgeon-General in his letter enclosed in Lord Gormanston's despatch No. 7 of the 12th of January 1892. For example, in his despatch No. 326 of the 30th of November 1887, my predecessor suggested that section 119 of "the Immigration Ordinance, 1873" (as amended by the Medical Ordinance, 1886), should be amended by imposing on the Surgeon-General alone the duty of making Hospital and Dietary Rules; that section 128 should be amended by giving the appeal to the Surgeon-General instead of to the Immigration Agent General; and section 134 by providing that the Medical Inspector instead of making requisitions as to dwellings should report his proposed requisitions to the Surgeon-General, who should communicate them to the Immigration Agent General. None of these amendments were adopted in "the Immigration Ordinance, 1891," in which these sections have been re-enacted as sections 79, 88 and 67 respectively, and I desire that they may now be included in an amending Ordinance.

4. There are two other points in which the late Surgeon-General has shewn the necessity for amendment of the Ordinance of 1891. In the arrangement of the Ordinance "Medical Officers" appears as a sub-head of Part I which is headed "Immigration Department;" this seems to imply that the Medical Officers, notwithstanding the Medical Ordinance of 1886, are still members of the Immigration Department and subordinate to the Immigration Agent General. The possibility of this inference should be removed by inserting in section 7 (1) after the word "duties" some such words as "but not of the duties of the Medical Officers". Again, the Medical Ordinance, 1886, contained a provision (section 21) that where a District Medical Officer under the old Immigration Ordinances was required to send any report or return to the Medical Officer of the Immigration Department (now the Medical Inspector) the Government Medical Officer (who replaces the District Medical Officer) shall send such report or return to the Surgeon-General. This clause is repealed by the Ordinance of 1891 without making the necessary alterations throughout the Ordinance by substituting the Surgeon-General for the Medical Inspector in all clauses which require such reports or returns to be furnished. This omission should be supplied in the amending Ordinance.

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Public (Emigration).
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H. H. FOWLER.

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Repealing clause.

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Secretary.

INDIA OFFICE, File No. 101
London, 9th August 1894. Serial No. 101

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

My LORD,—With reference to your letter No. 62 (Emigration), dated 20th September 1893, on the subject of Dr. Comins' report on Emigration from India to British Guiana, I forward for the information of your Excellency in Council a copy of a letter (with its two enclosures) received from the Colonial Office on the same subject.

Dated 23rd July 1894.

Office on the same subject.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

H. H. FOWLER.

Dated 23rd July 1894.

From—EDWARD WINGFIELD, Esq., C.B., Colonial Office,
To—The Under-Secretary of State.

To—The Under-Secretary of State for India.

With reference to your letter of the 26th October last, J. & P. 1958, enclosing copies of a despatch from the Government of India commenting on Surgeon-Major Comins' Note on Emigration from India to British Guiana, I am directed by the Marquess of Ripon to transmit to you the accompanying copy of a despatch which his Lordship has addressed to the Governor of that Colony on the subject.

2. As the Governor

Emigration 23rd July 1894.

Colony on the subject.

2. As the Government of India have expressed a general approval of the Ordinance 25 of 1891, which had been kept in abeyance pending the receipt and consideration of Dr. Comins' Report, Lord Ripon has now conveyed to the Governor Her Majesty's approval of the Ordinance and has informed him that he will be at liberty to bring it at once into operation, although it appears to require some amendment.

3. I am to call your attention to section 5 of the British Guiana Ordinance No. 10 of 1887 which allowed a female immigrant entitled to return passage to be accompanied by her husband although not otherwise so entitled. This provision did not occur in the Immigration Ordinance, 1873, and has not been re-enacted in the Immigration Ordinance, 1891 (section 199); but if the Government of India see no objection, Lord Ripon does not propose to press for its restoration, it having been represented that advantage has been taken of it by male immigrants who have no claim in their own right to return passage, to marry women so entitled for the mere purpose of putting forward such a claim.

4. I am to point out that the proviso to section 5 of the British Guiana Ordinance No. 10 of 1887 which allowed a female immigrant entitled to return passage to be accompanied by her husband although not otherwise so entitled, was inserted in 1891.

Copy enclosed.

4. I am to point out that the proviso to section 49 of the Ordinance of 1891 appears to remove the objection taken by Dr. Comins to this clause as originally drafted.

5. With reference to the last sentence of your letter of the 26th of October last, I am to point out that the Ordinance of 1891 is in itself "an Ordinance to consolidate and amend the laws relating to Asiatic Immigrants", including [REDACTED]

the legitimacy of the practice of the
 the Attorney General as regards the
 and in respect of property jointly
 by her or him and her or his deceased reputed husband or wife.

The 199th section will require to be brought into conformity with the rule that future immigrants shall be required to contribute to the cost of their return passages.

9. You should also bring under the consideration of the Court the suggestion of Dr. Comins (page 37 of his report) that the period of indenture of female immigrants should be reduced to two years.

10. I have to call your attention to the remarks of Dr. Comins, referred to by the Government of India, as to vaccination, distribution of rations, and the weekly payment of wages for uncompleted tasks. Instructions should be given for ensuring the more effective administration of the law on these subjects.

11. As regards section 49, the Government of India appear to have overlooked the proviso at the end of the section, which meets the objection taken by Dr. Comins (page 13 of his report) to this clause as it seems to have stood in the first draft of the Ordinance. No amendment of it, therefore, appears to be necessary.

No. 10.

1887.

BRITISH GUIANA.

(COURT OF POLICY.)

An Ordinance to amend the Immigration Ordinances, 1873 to 1876.

Ordinance Enacted.

By His Excellency Sir HENRY TURNER IRVING, Knight
Commander of the Most Distinguished Order of Saint
Michael and Saint George, Governor and Commander-in-
Chief in and over the Colony of British Guiana, Vice-
Admiral, and Ordinary of the same, &c., &c., &c., with
the Advice and Consent of the Honourable the Court of
Policy of Said Colony.

To all to whom these present, do, may, or shall come, greeting. Be it known :—

Whereas it is expedient to amend the Immigration Ordinances, 1873 to 1876: Be it therefore enacted by His Ex-

Preamble.

with the advice and consent of the Court of Policy thereof as follows :

1. This Ordinance may be cited as "The Immigration Ordinance, 1886,"

Short title.

migration Ordinances, 1873 to 1876, and the said Ordinances and this Ordinance may be cited collectively as the Immigration Ordinances, 1873 to 1887.

2. Where any Indian immigrant is under the age of ten years on introduction into the Colony, he shall, on attaining

Minors.

until the expiration or determination of the indenture of the relative or friend under whose charge such immigrant has been introduced, and shall be deemed to be under indenture to the employer to whom such relative or friend is indentured until such event as aforesaid. At the determination or expiration of the indenture of such relative or friend every Immigrant who has been introduced under the age of ten years shall be entitled to a certificate of exemption from labour, whether he has been indentured or not.

Dated Colonial Office, the 23rd July 1891.

From—The Marquess of Ripon, K.C., Secretary of State for the Colonies,
To—Sir C. C. Lees, K.C.M.G., Governor of British Guiana.

With reference to my despatch of the 10th of October last, transmitting copies of Surgeon-Major Comins' Notes on Emigration from India to British Guiana and other West India Colonies, I have now the honour to transmit to you the accompanying copies of a despatch from the Government of India commenting on Dr. Comins' Note on Emigration to British Guiana.

20th September 1891.

2. I have first to inform you that Her Majesty will not exercise Her prerogative of disallowance in respect of "the Immigration Ordinance, 1891," and that you will therefore be at liberty at once to bring that Ordinance into operation.

3. But the Ordinance appears to require amendment on some of the points to which exception was taken by the late Surgeon-General in his letter enclosed in Lord Gormanston's despatch No. 7 of the 12th of January 1892. For example, in his despatch No. 326 of the 30th of November 1887, my predecessor suggested that section 119 of "the Immigration Ordinance, 1873" (as amended by the Medical Ordinance, 1886), should be amended by imposing on the Surgeon-General alone the duty of making Hospital and Dietary Rules; that section 128 should be amended by giving the appeal to the Surgeon-General instead of to the Immigration Agent General; and section 134 by providing that the Medical Inspector instead of making requisitions as to dwellings should report his proposed requisitions to the Surgeon-General, who should communicate them to the Immigration Agent General. None of these amendments were adopted in "the Immigration Ordinance, 1891," in which these sections have been re-enacted as sections 79, 88 and 67 respectively, and I desire that they may now be included in an amending Ordinance.

4. There are two other points in which the late Surgeon-General has shewn the necessity for amendment of the Ordinance of 1891. In the arrangement of the Ordinance "Medical Officers" appears as a sub-head of Part I which is headed "Immigration Department"; this seems to imply that the Medical Officers, notwithstanding the Medical Ordinance of 1886, are still members of the Immigration Department and subordinate to the Immigration Agent General. The possibility of this inference should be removed by inserting in section 7 (1) after the word "duties" some such words as "but not of the duties of the Medical Officers". Again, the Medical Ordinance, 1886, contained a provision (section 21) that where a District Medical Officer under the old Immigration Ordinance was required to send any report or return to the Medical Officer of the Immigration Department (now the Medical Inspector) the Government Medical Officer (who replaces the District Medical Officer) shall send such report or return to the Surgeon-General. This clause is repealed by the Ordinance of 1891 without making the necessary alterations throughout the Ordinance by substituting the Surgeon-General for the Medical Inspector in all clauses which require such reports or returns to be furnished. This omission should be supplied in the amending Ordinance.

5. In section 134 of the Ordinance of 1891 the word "male" should be inserted before the words "indentured immigrant".

6. In section 141 (3) the words "that either of the parties had a wife or husband alive at the time of registration, or" should be omitted. The Government of India take no exception to the prohibition of the contracting of polygamous marriages after arrival in the Colony, but they would strongly object to the refusal to register such marriages when previously lawfully contracted in India.

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

My LORD,—With reference to your letter No. 62 (Emigration), dated 20th September 1893, on the subject of Dr. Comins' report on Emigration from India to British Guiana, I forward for the information of your Excellency in Council a copy of a letter (with its two enclosures) received from the Colonial Office on the same subject.

Dated 23rd July 1894.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

H. H. FOWLER.

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From—EDWARD WINGFIELD, Esq., C.B., Colonial Office,

To—The Under-Secretary of State for India.

With reference to your letter of the 26th October last, J. & P. 1958, enclosing copies of a despatch from the Government of India commenting on Surgeon-Major Comins' Note on Emigration from India to British Guiana, I am directed by the Marquess of Ripon to transmit to you the accompanying copy of a despatch which his Lordship has addressed to the Governor of that Colony on the subject.

Emigration 23rd July 1894.

2. As the Government of India have expressed a general approval of the Ordinance 25 of 1891, which had been kept in abeyance pending the receipt and consideration of Dr. Comins' Report, Lord Ripon has now conveyed to the Governor Her Majesty's approval of the Ordinance and has informed him that he will be at liberty to bring it at once into operation, although it appears to require some amendment.

3. I am to call your attention to section 5 of the British Guiana Ordinance No. 10 of 1887 which allowed a female immigrant entitled to return passage to be accompanied by her husband although not otherwise so entitled. This provision did not occur in the Immigration Ordinance, 1873, and has not been re-enacted in the Immigration Ordinance, 1891 (section 199); but if the Government of India see no objection, Lord Ripon does not propose to press for its restoration, it having been represented that advantage has been taken of it by male immigrants who have no claim in their own right to return passage, to marry women so entitled for the mere purpose of putting forward such a claim.

Copy enclosed.

4. I am to point out that the proviso to section 49 of the Ordinance of 1891 appears to remove the objection taken by Dr. Comins to this clause as originally drafted.

5. With reference to the last sentence of your letter of the 26th of October last, I am to point out that the Ordinance of 1891 is in itself "an Ordinance to consolidate and amend the laws relating to Asiatic Immigrants", including

their return passages.

9. You should also bring under the consideration of the Court the suggestion of Dr. Comins (page 37 of his report) that the period of indenture of female immigrants should be reduced to two years.

10. I have to call your attention to the remarks of Dr. Comins, referred to by the Government of India, as to vaccination, distribution of rations, and the weekly payment of wages for uncompleted tasks. Instructions should be given for ensuring the more effective administration of the law on these subjects.

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No 10.

1887.

BRITISH GUIANA.

(COURT OF POLICY.)

An Ordinance to amend the Immigration Ordinances, 1873 to 1876.

Ordinance Enacted.

By His Excellency Sir HENRY TURNER IRVING, Knight
Commander of the Most Distinguished Order of Saint
Michael and Saint George, Governor and Commander-in-
Chief in and over the Colony of British Guiana, Vice-
Admiral, and Ordinary of the same, &c., &c., &c., with
the Advice and Consent of the Honourable the Court of
Policy of Said Colony.

To all to whom these present, do, may, or shall come, greeting. Be it known :—

Whereas it is expedient to amend the Immigration Ordinances, 1873 to 1876 : Be it therefore enacted by His Excellency the Governor of British Guiana, with the advice and consent of the Court of Policy thereof as follows :

1. This Ordinance may be cited as " The Immigration Ordinance, 1886," and except where inconsistent therewith shall be construed as one with the Immigration Ordinances, 1873 to 1876, and the said Ordinances and this Ordinance may be cited collectively as the Immigration Ordinances, 1873 to 1887.

2. Where any Indian immigrant is under the age of ten years on introduction into the Colony, he shall, on attaining that age, be deemed to be under indenture until the expiration or determination of the indenture of the relative or friend under whose charge such immigrant has been introduced, and shall be deemed to be under indenture to the employer to whom such relative or friend is indentured until such event as aforesaid. At the determination or expiration of the indenture of such relative or friend every Immigrant who has been introduced under the age of ten years shall be entitled to a certificate of exemption from labour, whether he has been indentured or not.

Passports and Return Passages.

4. Every Indian Immigrant who has obtained or become entitled to a certificate of exemption from labour and who may be desirous of quitting the Colony shall apply to the Immigration Agent General for a passport, and thereupon the Immigration Agent General shall within one week from the date of such application deliver to him free of charge a passport good for fourteen days from the date thereof, and shall register such passport in the register of exemptions from labour and the certificate of exemption from labour of such immigrant and his right to receive such certificate shall be thereupon suspended.

Return Passages.

5. Every Indian Immigrant who has completed a continuous residence of ten years in the Colony and has during that time obtained or become entitled to a certificate of exemption from labour shall be entitled to be provided at the expense of the Colony with a passage back to the port whence such Immigrant sailed from India for himself, for every son and daughter, and for the husband or wife of such Immigrant:
Provided as follows:—

- (1) No son or daughter born in the Colony of any Indian Immigrant shall be entitled to a passage to India unless sailing from this Colony with his or her parent;
- (2) Where any son or daughter of any Indian Immigrant is under the age of twelve years the Governor may refuse a return passage or a passage to India to any such son or daughter if it appears that it is desirable in the interests of the child that the child should remain in the Colony;
- (3) If the wife of child of any such immigrant be under indenture upon which any bounty or indenture fee has been paid, he shall pay the commutation money to the employer of such wife or child as the case may be; and
- (4) Every Immigrant who at any time quits or attempts to quit the Colony without a passport shall thereby forfeit all claim to a back passage at the expense of the Colony, notwithstanding he may have resided ten years in the Colony.

6 Where in any proceedings before a Stipendiary Magistrate against an Immigrant under indenture it appears to the Stipendiary Magistrate that such Immigrant requires Medical care or to be medically examined, the Stipendiary Magistrate may order such Immigrant to be taken to the Hospital of the plantation on which such Immigrant is indentured, and thereupon such Immigrant shall be conveyed by the Police and admitted to such Hospital.

Every such Immigrant so ordered to be taken to Hospital shall be subject to the provisions of section 131 of the Immigration Ordinance, 1873, in the same manner as if he had been sent to the Hospital by the Manager.

When any such order is made the proceedings may be adjourned to any time mentioned or until after such Immigrant is discharged from Hospital; in which latter case the Stipendiary Magistrate, before continuing the proceedings shall cause proper intimation to be given to the parties of the time and place at which the proceedings will be continued.

the Immigration Ordinance, 1873 are hereby repealed, and one hundred and forty-seven (147) and one hundred and forty-eight (148) of the Immigration Ordinance, 1873 are hereby repealed.
This Ordinance shall come into operation and take effect on the publication thereof.

And that no ignorance may be pretended of this our Ordinance these presents shall be printed and published in the customary manner.

Thus done and enacted at our Adjourned Quarterly Assembly held at the Guiana Public Buildings, Georgetown, Demerara, this twenty-first day of May, One thousand eight hundred and eighty-seven, and published on the twenty-fifth day of May in the same year:

Henry T. IRVING.

By Command of the Court,

Chas. Bruce,

Secretary.

Marriage (Part X). If any general Marriage Ordinance should be proposed affecting the provisions on that subject contained in the Immigration Ordinance, 1891, it will be communicated to the India Office.

Dated Colonial Office, the 23rd July 1894.

From—The Marquess of Ripon, K.G., Secretary of State for the Colonies,
To—Sir C. C. Lees, K.C.M. G., Governor of British Guiana.

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INDIA OFFICE, File No. 78.
London, 9th August 1894. Serial No. 1.

Public (Emigration).
No. 78.

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

MY LORD,—With reference to your letter No. 62 (Emigration), dated 20th September 1893, on the subject of Dr. Comins' report on Emigration from India to British Guiana, I forward for the information of your Excellency in Council a copy of a letter (with its two enclosures) received from the Colonial Office on the same subject.

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H. H. FOWLER.

Dated 23rd July 1894.

From—EDWARD WINGFIELD, Esq., C.B., Colonial Office,
To—The Under-Secretary of State for India.

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