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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Public

DEPARTMENT

G.O. No.	814	~~Press~~
B.P. No.		Mis.
Dated	30.10.1894	196

Not to be folded or roughly handled

No. 29 OF 1894.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

EMIGRATION.

To

THE RIGHT HONOURABLE H. H. FOWLER, M. P.,

Her Majesty's Secretary of State for India.

Simla, the 22nd May 1894.

SIR,

ON the 5th December last Lord Kimberley intimated by telegram that two delegates from the Governor of Natal were on their way to India for the discussion of matters connected with emigration from India to Natal. The delegates, the Honourable H. Binns of the Natal Legislature, and Mr. L. H. Mason, Protector of Immigrants, arrived in the middle of January and were afforded every opportunity of representing the views which they were instructed to put forward. While negotiations with the delegates were in progress, we received from Lord Kimberley a despatch, No. 4, dated the 24th January 1894, in continuation of the telegram already received, which forwarded correspondence with the Colonial Office on the subject of the delegation.

2. The second paragraph of the despatch just referred to intimated that Lord Kimberley had agreed to the proposal that all future correspondence should pass between the Governor of the Colony and the Government of India direct instead of through the Colonial Office. We have not, however, understood this to mean that any important change in the principles upon which emigration has hitherto been conducted should be made without the sanction of Her Majesty's Secretary of State, and in view of the fact that the discussions which have been held with the Natal delegates have led to proposals, concurred in by the Local Governments concerned, which involve an important alteration in the system of emigration to Natal, we have thought it desirable to submit the conclusions at which we have arrived for your consideration and approval.

3. Our letter of the 28th of February 1894, to the Governments of Madras and Bengal, which will be found among the papers appended to this despatch, explains the issues which arose in the course of discussion, as well as the views which we formed upon them. We invite your perusal of this letter.

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Briefly, however, we may state at once that the main point urged by the delegates was that, unless some arrangement could be made under which Indian coolies could be prevented or discouraged from settling as permanent residents in the Colony, there was strong reason to apprehend that emigration from India to Natal would at no very distant date be altogether closed. This result would, in the opinion of the delegates, be a calamity to the Colony, and in our own a loss to India. The reports elicited by the enquiries instituted by Lord Dufferin on the condition of the poorer classes in India led to the conclusion that every possible field that could be found for Indian labour should be thrown open or extended, and it would in these circumstances be a material cause for regret if any outlet now existing should for any avoidable reason be closed. We were therefore anxious to arrive at some compromise which would at the same time meet the wishes of the Natal authorities, and secure the continuance of emigration to the Colony under conditions sufficiently favourable to Indian emigrants.

4. The reasons advanced by the delegates in support of their view were the growing jealousy of Indian settlers evinced by European colonists, and the difficulty of finding room for Indian settlers in a Colony already possessing a large native population. The arrangement they suggested for preventing the eventual settlement of Indian emigrants in the Colony was the inclusion in the original or renewed indenture into which they might enter, a condition binding them to return on the conclusion of the term of indenture. The compensating advantages offered, were the grant of a free passage at the end of each and every term of indenture, and at the end of the second term wages equivalent to the highest market wages for free labour.

5. The representations made by the delegates as to the jealousy felt by the European colonist to the Indian emigrant are supported by the fact which was brought to light in the course of our correspondence with the Queensland and South Australian Governments on the subject of emigration to Australia, that under no circumstances was emigration likely to be established in the Australian Colonies unless the permanent residence of Indian settlers could be prevented. This circumstance should, we think, be borne in mind in dealing with the present case. For, as we intimated in our letter to the Local Governments, if an arrangement can be made with the Natal authorities under which the settlement of coolies will be discouraged, it is possible that the example may be hereafter followed in Australia of which country the northern or sub-tropical regions afford an extensive and desirable field for Indian labour.

6. For the reasons which we have indicated we are prepared to accept the compromise to which the discussions have led. The one question of difficulty which is connected with the case is how to enforce the return of a coolie who refuses to carry out the condition in his indenture binding him to leave the Colony at its close unless re-indentured. As intimated in the final paragraph of our letter to the Local Governments, we cannot agree to any proposals which involve compulsion under penal laws. We believe, however, that refusals to return will probably be rare, and that they may be reduced to a minimum by imposing a tax on residence of such a character that it will prevent the settlement to any objectional extent of Indian immigrants in the Colony. We should, as we have stated in our letter to the Governments of Madras and Bengal, ourselves prefer not to countenance any interference with

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the full freedom of the immigrant at the conclusion of his indenture; but in view of the real grounds which exist for apprehending the complete closure of emigration, if no restriction can be placed on settlement, and also of the desirability of establishing a system which may prove acceptable to the Australian Governments, we have consented to give our support to the compromise of which we have explained the material conditions. The modifications in the existing terms to which we are prepared to assent, are set forth in detail in the appendix to this despatch. They are, in the opinion of the delegates, likely to be accepted by the Natal Government, but we desire in the first place to solicit your own approval of them.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

ELGIN.

G. S. WHITE.

A. E. MILLER.

H. BRACKENBURY.

C. B. PRITCHARD.

J. WESTLAND.

A. P. MACDONNELL.

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LIST OF ENCLOSURES.

1. Memorandum, dated the 20th January 1894, from Messrs. Binns and Mason, Delegates from the Government of Natal.
2. Memorandum, dated the 26th January 1894, from Messrs. Binns and Mason, Delegates from the Government of Natal.
3. Two letters, dated the 1st February 1894, from Messrs. Binns and Mason, Delegates from the Government of Natal.
4. Letters to the Governments of Madras and Bengal, Nos. 353-354, dated the 12th February 1894.
5. Letter from the Government of Bengal, No. 663, dated the 26th February 1894.
6. Letters to the Governments of Madras and Bengal, Nos. 517-518, dated the 28th February 1894.
7. Letter from the Government of Madras, No. 149, dated the 1st March 1894.
8. Letter from the Government of Bengal, No. 1177, dated the 2nd April 1894.
9. Letter from the Government of Madras, No. 215, dated the 3rd April 1894.
10. Appendix. Modifications in existing conditions for the conduct of emigration from India to Natal.

File No. 18.
SERIAL NO. 18.

1894.

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND
AGRICULTURE.

EMIGRATION.

NO. 29, DATED SIMLA, THE 22ND MAY 1894.

(COPY.)

*Letter to Her Majesty's Secretary of
State for India.*

SUBJECT.

With reference to Lord Kimberley's Despatch No. 4 (Public—Emigration), dated 24th January 1894, forwards copy of papers relative to the negotiations with the Delegates from the Government of Natal in regard to the conditions under which emigration from India to Natal may be regulated in future.

INDIA OFFICE;
London, 2nd August 1894.

Public (Emigration).
No. 72.

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

MY LORD,—I have considered in Council the letter from your Government, No. 29, dated 22nd May 1894, regarding a modification of the conditions under which labourers are recruited in India for work in the colony of Natal.

2. I enclose, for the information of Your Excellency's Government, a copy of correspondence on the subject which has passed between this office and the Colonial Office. It will be better that you should not suggest, or intimate any approval of, the imposition of a tax on emigrants who may refuse to return to India in compliance with their engagements. The point may be left to be raised by the Colonial Government, if necessary, but it is possible that the object in view may be more simply as well as more surely attained by requiring the emigrant to contribute from his earnings a certain proportion of the cost of return passage, and by forfeiting such contribution in the event of his not fulfilling his undertaking to return within some reasonable period.

3. Subject to these observations I see no objection to the proposals favoured by your Government.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

H. H. FOWLER.

No. 1020-J. and P., dated the 4th July 1894.

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

I AM desired by Mr. Secretary Fowler to transmit, for the consideration of the Marquess of Ripon, a copy of a despatch from the Government of India, with its enclosures, relating to a proposed alteration of the conditions under which

Indian labourers are engaged for work in Natal. It will be seen that strong objections are felt in Natal to any of these immigrants settling down in the colony and it is therefore proposed, at the end of any term for which they may have engaged, to give them the choice between a free passage back to India and a new indenture for a term of two years, their wages being raised at the rate of one shilling annually until they reach the maximum of 20 shillings a month.

As these proposals involve the exclusion of a class of Her Majesty's subjects from Natal, Mr. Fowler will be glad to have the opinion of the Marquess of Ripon upon them before he replies to the Government of India.

It will be seen that it is not at present proposed to interfere with any one but those Indians who have been recruited as labourers under an agreement binding them to return to their country or renew their indentures. The Government of India will stipulate, and it is understood that the colony is prepared to agree that this covenant shall not be enforced by any criminal law, and it seems to be contemplated that a special tax may be imposed on emigrants who remain in the colony contrary to the terms of their undertaking. When once such a tax has been imposed there might be considerable danger of its extension to free

Indians who have come to the colony at their own expense, and without conditions for the purposes of trade. Mr. Fowler desires to be informed whether the Marquess of Ripon considers that any special caution should be conveyed to the Government of India against saying anything which might be construed into an approval of the contemplated tax.

Dated the 10th July 1894.

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

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 4th instant, transmitting copies of a despatch from the Indian Government, with enclosures, with reference to the visit of the Delegates from Natal to the Government of India and the modifications proposed by them, on behalf of the Natal Government, in the conditions under which Indians are at present engaged for labour in the colony.

With reference to the suggestion of the Government of India that a special tax should be imposed on emigrants who remain in the colony on the expiration of their terms of indenture contrary to the terms of their agreements, I am to state that Lord Ripon considers that such a tax would be in effect a penalty for enforcing contracts voluntarily made by the coolies in India, and might be justified on that ground, but that it would not follow that the allowance of such a measure would preclude disallowance of a law imposing a special tax on free Indian emigrants to Natal.

Lord Ripon presumes that the Indian Government, in communicating to the Government of Natal their assent to the proposed modification of the existing terms, will not suggest or intimate any approval of the imposition of such a tax but will leave it to the Colonial Government to raise the point.

1894.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

EMIGRATION.

File No. 18.

Serial No. 21.

To

HIS EXCELLENCY
SIR WALTER FRANCIS HELY-HUTCHINSON, K.C.M.G.,
GOVERNOR OF NATAL.

No. $\frac{2509}{18}$

Dated Simla, the 17th September 1894.

SUBJECT.

Revised conditions under which Indian labourers may be recruited for Natal.

To

HIS EXCELLENCY
SIR WALTER FRANCIS HELY-HUTCHINSON, K.C.M.G.,
GOVERNOR OF NATAL.

Dept. of Rev. & Agri.
Emigration.

Simla, the 17th September 1894.

YOUR EXCELLENCY,

WITH reference to your letter of the 4th December 1893, notifying the deputation of Messrs. H. Binns and L. H. Mason, as Delegates from the Government of Natal to confer with the Government of India on questions connected with the emigration of labourers from India to Natal, I have the honour to inform you that the Government of India have, in consultation with the Governments of Madras and Bengal and with the Delegates themselves, carefully considered the proposed alterations in the present system under which emigration is permitted.

2. These proposals are stated in a memorandum dated the 20th January 1894, which was submitted to the Government of India by the Delegates, and which also forms one of the enclosures of Your Excellency's despatch of the 23rd April 1894. It will be observed that the main object underlying the conditions is to secure an arrangement by which the Indian immigrant in Natal may be required to return to India after the completion of the term of indenture and by which he shall be unable to remain in the Colony otherwise than under indenture.

3. I should myself have preferred the continuance of the existing system under which it is open to an immigrant after the termination of his period of indenture to settle in the Colony on his own account; and I have little sympathy with the views that would prevent any subject of the Crown from settling in any Colony under the British flag. But in consideration of the feeling at present manifested in the Colony of Natal towards Indian settlers, I am prepared to accept

the proposals (a to f) set forth by the Delegates in the memorandum of 20th January 1894 referred to in the preceding paragraph, subject to the following provisos, viz.—

- (a) that a coolie when first recruited should be required by the terms of his contract to return to India within or immediately on the expiration of the period of his indenture, unless he may prefer to enter into a further indenture on the same conditions;
- (b) that such coolies as may refuse to return should in no case be made subject to penalties under the criminal law; and
- (c) that all renewals should be for a period of two years, and that a free passage should be secured to the immigrant at the end of the first term for which his engagement is made, as well as at the end of every subsequent renewal.

4. The alterations in the existing system which I am prepared to sanction with the approval of Her Majesty's Government, may therefore be summarised as follows:—

- (i) Every Indian when first recruited for a term of five years shall be required by the terms of his contract either to return to India at the end of the period of contract or on the expiry of that period to enter into a further indenture in the Colony on the same conditions.
- (ii) If he desires to return on the expiry of the first period, he shall be provided with a free passage to his home in India.
- (iii) If he desires to remain in the Colony, he shall enter into an indenture for two years on the same terms, except as provided by clause (v) below, as those of the first contract, and on the conclusion of this and of each new period of indenture shall be at liberty to enter on a further indenture for a further period of two years on the same terms. After the first period of indenture the coolie shall be at liberty to choose his employer.
- (iv) If at the conclusion of any period of indenture he shall desire not to enter into any further indenture, he shall be returned to his home in India free of charge to himself.
- (v) The rate of wages for the second period of indenture shall be 16s. per mensem for the first and 17s. per mensem for the second, year: the rate for the third period of indenture shall be 18s. per mensem for the first, and 19s. per mensem for the second, year: thereafter the rate shall be fixed at 20s. per mensem.
- (vi) If an emigrant declining to enter into a new indenture refuse to abide by the provision in his contract, which requires him to return to India at the conclusion of a period of indenture, he shall not be dealt with under the criminal law.
- (vii) During all the periods of re-indenture the Indian will have the rights and privileges which he has at present during the first term of indenture.
- (viii) All indentures entered into in the Colony will be subject to the approval of the Protector of Immigrants.

I shall be ready to permit the commencement of emigration on these revised terms as soon as I have been informed that they have been accepted by Your

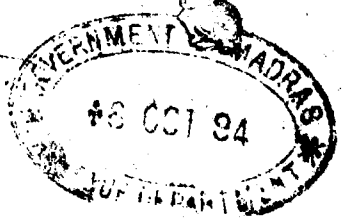
Excellency's Government and that the necessary changes have been made in the Colonial Laws.

5. The Delegates made a further proposal that the general rule under which the number of women recruited must not be less than 40 to every 100 men should be altered in the case of Natal so as to admit of the recruitment of 30 women to every 100 men. I find, however, that the number of females settled in the Colony is only about 45 per cent. of that of the males and under these circumstances I see no sufficient reason for exempting the Natal coolie emigration from the general rule above referred to.

I have the honour to be,

SIR,

Your Excellency's most obedient, humble Servant,



No. 1611
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GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.
(Emigration)

Simla dated the 29th September 1894.

Forwarded to the Government of Madras for information, with reference to the correspondence ending with its letter No. 215 dated the 3rd April 1894.

By order,

Under-Secretary to the Government of India.

List of Papers forwarded.

Letter to the Government of Natal No. 2509/18 dated the 17th September 1894.

Despatch from the Secretary of State, No. 12 dated the 2nd August 1894 and enclosed

Despatch to the Secretary of State No. 29 dated the 22nd May 1894.

R. & A. Regr. No. 23.

G. L. P. O. - No. 12 D. R. & A. - 1894

Sat 21/3/4-94

Public Dep

From

Gen. and Circ.
230 200 1894 N° 874
Order
27/10

The Govt of India
Res: + Agric Dept
(Immigration)
India

Recorded

25/10
15/10

N° 264
18

Recd 29th Sep:
Recd 6/10 } 1894
Recd 9/10 }

To The Protector of Emigrants
with ref: to his N° 145
& 13: 3.94
16/10

Encl: 3.

Subject

Forwarding for information
letter to the Govt of Natal
re regarding the Co
under which
labourers may be re.
for Natal.

20/10
Specimen

ORDINARY, MS.

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1-11-06 ✓

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8-9-16

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Sub DEPARTMENT.

G.O., DATED 30th Dec 1894

No. 814

INDEXED

When given for copying. 30/10

[Despatch Abstract.]

ording endorsement of
Govt. from a group
of course, presence
a day the conditions
des which migration
in India to State
may be regulated further

Dated

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