

Public (1895) Department.

ORDINARY MS.

G.O., No. 77

DATED 1st Feb. 1895

INDEXED.

[Despatch Abstract.]

EMIGRATION TO GUIANA.

Communicating to the Protector of Emigrants endorsement of the Government of India on despatch from the Secretary of State forwarding copy of the British Guiana Ordinance No.16 of 1894 relating to—

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BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

No. 120, dated India Office, London, the 13th December 1894.

From—Her Majesty's Secretary of State for India,
To—The Government of India.

FILE No. 2.
SERIAL No. 1.

In continuation of my Despatch No. 73, dated 9th August last, I forward for the information of Your Excellency in Council copy of a letter from the Colonial Office (with its two enclosures transmitting) a copy of the British Guiana Ordinance, No. 16 of 1894, entitled "An Ordinance to amend the Immigration Ordinance, 1891," which has received the sanction of Her Majesty.

Dated Colonial Office, Downing Street, London, the 21st November 1894.

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

I AM directed by the Marquess of Ripon to transmit to you, with reference to the letter from this Department of the 23rd of July last, a copy of the British Guiana Ordinance, No. 16 of 1894, entitled "An Ordinance to amend the Immigration Ordinance, 1891," which has received the sanction of Her Majesty.

I am to add that this Ordinance carries out the amendments suggested in Lord Ripon's despatch to Sir C. Lees of the 23rd of July, a copy of which was forwarded to you with the letter referred to above, with the exception that section 2, sub-section 2, for the reasons stated in the Acting Attorney General's report on the Ordinance, reduces the term of indenture of female immigrants for the purposes of labour under Part VIII of the Ordinance of 1891 from five to three years instead of to two years as suggested by his Lordship.

Ordinance No. 16 of 1894.

An Ordinance to amend the Immigration Ordinance, 1891.

(1st November 1894.)

Be it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

Short title. 1. This Ordinance may be cited as the Immigration Ordinance, 1891, Amendment Ordinance, 1894.
Amendment in the Immigration Ordinance, 1891. 2. The Immigration Ordinance, 1891, is hereby amended as follows, that is to say:—

- (1) Section 7 (1) shall be construed and have effect as if the words "but not of the duties of the Medical Officers" were inserted therein after the words "of its duties";
- (2) The term of indenture of a female immigrant for the purposes of labour under Part VIII of the Ordinance shall be three years instead of five years, and all necessary consequential amendments shall be deemed to be made in the Ordinance.
- (3) In section 67 (2) the words from "and shall also make" to the end of the section are hereby repealed, and the following sub-section shall be substituted and have effect instead thereof:—
"(3) The Medical Inspector shall report to the Surgeon General such requisitions as he may deem necessary for ensuring the sanitary fitness of such dwelling for the habitation, and a copy of every such requisition shall be transmitted by the Surgeon General to the Immigration Agent General, and by the Immigration Agent General to the employer; and every such requisition shall be complied with by the employer; Provided that if the employer considers any such requisition unreasonable he may make such representation as is hereinafter provided in the case of requisitions in the Hospital Register."
- (4) Section 79 shall be construed and have effect as if the making of the regulations and the framing of the dietary therein referred to were vested in the Surgeon General alone.
- (5) Section 88 shall be construed and have effect as if the words "the Surgeon General" were substituted for the words "the Immigration Agent General" wherever these latter words occur;
- (6) Section 134 shall be construed and have effect as if the word "male" were inserted therein before the words "indentured immigrant,"
- (7) Section 141 (3) shall be construed and have effect as if the words "that either of the parties had a wife or husband alive at the time of registration, or," were omitted therefrom;

(8) The following sub-sections shall be added to section 156 :—

“(4) Where a male immigrant and a female immigrant have cohabited together, without having been married, and one of them dies intestate during the period of cohabitation, it shall be lawful for the Immigration Agent General in the case of the death of an indentured immigrant, or of an immigrant not under indenture dying in any Hospital, Asylum, Prison or other Public Institution of whatever kind, and being in possession of moveable property not exceeding in value the sum of ten dollars, and for the Administrator General, in the case of the death of any other immigrant not under indenture, to assign to the survivor for his or her absolute use and benefit such share, not exceeding one-half of all the property moveable and immoveable, belonging to the estate of the deceased immigrant which has been acquired by their joint earnings, or to the acquisition of which the survivor has contributed, as after due inquiry and consideration appears just.”

“(5) Every decision under the preceding sub-section shall be final, and the Immigration Agent General or the Administrator General, as the case may be, shall have full power and authority to do all things necessary, including the power to transport immoveable property for placing such survivor in possession of the share of such property so assigned.”

(9) Section 199 is hereby repealed, and the following section shall be read in the place thereof :—

“199. 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, if such immigrant desires to return to India, be entitled to be provided with a passage back to the Port in India whence such immigrant sailed for this Colony, on payment of one-fourth of the passage money in the case of males and of one-sixth thereof in the case of females.

Provided as follows :—

- (1) Every such immigrant who is destitute or disabled shall be entitled to a free passage.
- (2) The wife and every son and daughter of every such immigrant and any person being an immigrant or the descendant of an immigrant who is dependent on any such immigrant shall be entitled to a free passage, if such wife, or son, or daughter or other person sails from this Colony with her husband or his or her parent or with the person on whom he or she is dependent, as the case may be, but not otherwise.
- (3) Where any son or daughter of any Indian immigrant is a child under the age of twelve years, the Governor may refuse a return passage or a passage to India to such child, if it appears that it is desirable, in the interests of the child, that the child should remain in the Colony.
- (4) If the child of any Indian immigrant is under indenture upon which any indenture fee has been paid, he shall pay the commutation money to the employer of such child; and
- (5) Every immigrant who at any time quits or attempts to quit the Colony without a passport shall thereby forfeit all claim to a return passage, whether wholly or partly, at the expense of the Colony notwithstanding he may have resided ten years in the Colony.
- (6) This section shall not affect the rights of immigrants who have been engaged on the terms of being entitled to a return passage wholly at the expense of the Colony.
- (7) The right to a return passage in terms of this section shall be subject, in the case of every person who has previously proceeded to the Colony as an immigrant and has returned to India, to any condition made with him or her on his or her engagement in India that he or she shall have no right to a free or reduced return passage.

Provided, however, that the Immigration Agent General may with the express sanction of the Governor, in any particular case and for special cause, relax any of the provisos of this section.”

(10) In section 207 in the second line, in the place of the word “quarter” there should be read the word “year,” and in the third line in the place of the word “cases” there shall be read the word “diseases.”

(11) Wherever it is provided that any report or return shall be sent by a Government Medical Officer to the Medical Inspector, such report or return shall be sent by such Government Medical Officer to the Surgeon General.

Dated Chambers, the 1st November 1894.

From—ALFRED KINGDON, Esq., Q.C., Acting Attorney General,

To—His Excellency Sir CHARLES C. LEES, K.C.M.G.

I HAVE the honour to report as follows on Ordinance No. 16 of 1894 entitled “An Ordinance to amend the Immigration Ordinance, 1891”.

2. This Ordinance amends the Immigration Ordinance, 1891, in the way required by the Secretary of State in his despatch marked “Emigration” of 23rd July 1894.

3. Section 2, sub-section 2, relates to the indenture of a female immigrant (see paragraph 9 of despatch). The clause as drafted reduced the term of indenture for the purpose of labour to two years as suggested by Dr. Comins, but on the motion of Mr. Howell Jones, who stated that he was expressing the views of the Planters generally, the term was made three years, the shorter period being thought insufficient to enable the immigrants to thoroughly learn their work or to repay the employer, seeing of what comparatively little use they are for the first 12 months. It was considered absolutely necessary that the term of indenture for the purposes of residence should remain five years as at present.

4. Sub-section 8 of section 2 was drafted after consultation with the Immigration Agent General and the Administrator General and legalises the existing practice.

5. Sub-section 9 gives effect to the amended Resolution recently passed in the Court of Policy as directed in the Secretary of State's despatch marked “Emigration” of 31st July 1894, and sent home in Despatch No. 293 of 1st October 1894.

6. Sub-section 10 is new and was suggested by the Surgeon General and approved by the Immigration Agent General.

7. The Immigration Ordinance, 1891, has been proclaimed to take effect from to-day (1st November) simultaneously with the publication and coming into operation of the present Ordinance.

8. In my opinion this Ordinance is one to which the Royal Assent may properly be given.

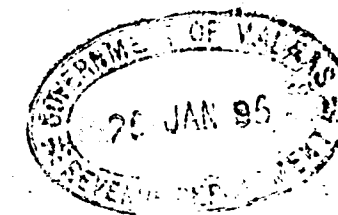
CURRENT NO. 247

No. 117
2

GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.
(Emigration)

Calcutta, dated the 21st January 1895.

Forwarded to the Government of Madras for information, in continuation of this Department's endorsement No. 2525-78 dated the 18th September 1894.



By order,

W. M. A. S.

Under-Secretary to the Government of India.

List of Papers forwarded.

x
Despatch from the Secretary of State, No. 120 (Emigration) dated the 13th December 1894 and enclosures.

x 15 open copies by packet post.

5
247
1
247

CURRENT NO. 247

From
The Govt of India
R + A Dept

At this
Order 31.2.95, No. 77
Comm^d to the Protector
of Emigrants in contr^y of G.O.
dt 28-9-94, No. 725. Pub.

55B.
28/11
31/1/95

No 117
2

Dated 21.1.95
Recd 25.1.95
Regd 15 S.C. of Encl.

Subject.

Forwards Despatch from the Secy
of State, No 120 (Emigration)
dt 13th Dec 94 + enclosures.

Cef
Protector of Emigrants. With Encl.
b Current Sec.
DESPATCHED
4.5396
M.S.

WITH ORDER

When given for copying _____
When copied _____
When examined _____
When signed _____ } 189

READ AGAIN G.O., No. 189 DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DIITO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—
A = Copy in full.
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