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[Despatch Abstract.]

*Expressing to the Govt.
of India the views of
this Govt. on the question
of Emigration to the
Straits Settlements from
Southern India*

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FORWARD PAPER, No.

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OF 188

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READ AGAIN ORDER OF GOVERNMENT, DATED
188 , 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).

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NOTES ON EMIGRATION TO THE STRAITS SETTLEMENTS.

The first matter for consideration is the correspondence in Current No. 1346 in which the Government of India forwards a letter from the Straits Administration suggesting a further inquiry into the working of the labour laws affecting Indian immigrants in the settlements. The colonial administration thinks the time has come to raise the minimum wage and shorten the period of indenture for labourers engaged under those laws. It also desires to consider whether the ordinance of 1892 (amending the ordinance of 1884) should now in whole or in part be brought into operation; and finally it suggests the deputation as in 1883 of officers representing the Governments of India and Madras to consider with local representatives the whole question.

2. For the better understanding of the present state of the emigration question it seems desirable to recapitulate shortly its history during the last ten or twelve years. Originally emigration from this Presidency to the Straits was regulated by Act V of 1877. But this was repealed by Act No. XXI of 1884 with the result that the traffic was left absolutely free from all legal restriction on this side of the water. The circumstances which led to the adoption of this course were thus stated by Sir S. Beyley in introducing the Bill of 1884: "Act V of 1877 was intended to stop the system of emigration under advances by rendering the recoveries of advances illegal. The result has been that four-fifths of the emigration to the Straits have evaded the restrictions of the law and have gone on unregistered and unprotected as well as unhampered by that Act. It is in consequence of the entire failure of the Act in this respect that we have now before us . . . the proposal to repeal the Act and to rely on protection in the colony rather than on restrictions at the place of departure."

3. But before finally deciding on this legislation the Government of India had, in July 1883, deputed Sir E. Buck and Colonel Fischer to proceed to the Straits and there investigate the subject, and come to some settlement as to the character and scope of the protection which the Straits Government should afford the Indian immigrants on the repeal on this side of the Act of 1877 which had proved ineffective.

4. The result was the Straits Ordinance V of 1884 which gave effect to the recommendations of Sir E. Buck's * commission. This Ordinance gave protection to all Indian immigrants engaging in writing to work as agricultural labourers on an estate, whether first arrivals or persons re-engaging in the colony: if any Indian immigrant entered into a written engagement as aforesaid he was at once brought under the Ordinance (a "free" Indian labourer was therefore under a verbal agreement): all contracts were entered into in the colony itself under supervision: engagements made in India before arrival were not any longer recognized: the advances made recoverable were strictly defined and limited to 12 dollars, recoverable by deductions of not more than one dollar a month: the minimum wage was declared to be 12 cents a day for the first year and provided the advances had been paid off 14 cents for the second and third years with lower rates for women: compulsory work was not to exceed six days a week: provision was made for the redemption of the contract, the period of which was limited to three years. There

Section 36 of Ordinance.

Sections 37, 38.

Sections 41—43.

Section 46.

Section 47.

Section 50.

Sections 52—58.

Sections 64—69.

Sections 59—63.

other matters securing their welfare. The Ordinance also recognized a system of certificates which had for its objects (a) the protecting of free labourers not under the Ordinance from interference, and (b) the preventing his leaving the colony save back to India or to some place to which the Government of India had not forbidden emigration (*vide* paragraphs 24—30 of the Penang Report, pages 15—16 in G.O., Nos. 2126—7, dated 5th November 1883).

Sections 9—16.

Vide

5. On the passing then of our Act of 1884, repealing the Act of 1877, the only legal interference remaining on this side was under the Passenger Ship Act, which secured that the voyage should be made in a properly found ship, not overcrowded, and sanitarily wholesome. Further, by executive orders District Magistrates were authorized to license recruiters recommended by estate agents or the Straits Immigration Agent, such recruiters alone being permitted to have their recruits entered in the Register A maintained by the Immigration Agent at Negapatam where there was a depôt under medical inspection; and provision was also made for giving "certificates" to "free emigrants" embarking for the Straits. But there interference on this side came to an end. Unlicensed recruiting was not prohibited by Madras orders: but in the Straits the Immigration Agent refused to recognize labourers brought by such recruiters.

6. In the two years before 1890 there was a marked falling off in the amount of imported labour from India. The planters complained and the Straits Government appointed in that year a Labour Commission to inquire into the causes of the decline and to make proposals for removing any difficulties that they might find to be in the way of Indian immigration.

Paragraph 280 of Commission's Report, page 42 of the Pink Volume, and see also page 2 of Colonial Debates, dated 14th November 1892, in G.O., No. 13, dated 14th January 1893.

7. The Commission reported that the complaints related to three things—

(1) the *bad physique* of the immigrants;

(2) the *insufficient quantity*; and

(3) the *heavy cost* of importation.

As to (1) and (3) the remedy they suggested was the appointment of an Agent-General for Emigration to be stationed in India who should be responsible for everything connected with the recruiting, examination and shipping of the coolies, as by this means only could the ring of recruiters with their heavy charges (about 20 dollars a head landed) be broken up, and labourers of suitable physique selected: in other words the emigration was to be undertaken as a Government business which it was estimated would reduce cost of importation to 12 dollars. With regard to the complaint of *insufficient numbers*, the Commission found that this was due mainly to (a) the real competition with Ceylon and Burma; (b) the misrepresentations of coolie-brokers, the discovery and report of which rendered the recruitment unpopular; (c) the long period of *three years* for which the contract

Paragraphs 290—294 of the Pink Report.

inured, and seldom did the labourers become free at the end of the period as they found themselves with advances and other debts to the employer to pay off; but the chief cause, in the Commission's opinion, was (d) *insufficient pay*—the minimum under the Ordinance being 12 cents a day for the first year and 14 cents for the second and third years, and it was rare that at the end of the first year the labourer was free of advances and able to draw the enhanced rate. The report shows (sections 305—312) that free labourers were getting from 20 cents and upwards per diem in

were also ample provisions for the proper treatment of the immigrants and the inspection by Government Agents, also for declaring an estate unfit for the residence or employment of immigrants and many

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Penang and Province Wellesley, and 25 to 30 cents in the Native States. The contrast of his lower wage with these high rates coupled with the long term of bondage was naturally a patent factor in producing the discontent that prevailed.

8. For the present purpose the important points to bear in mind are the Commission's findings as to the rates of pay and the period of indenture.

9. The result of the Commission's report was the passing of Ordinance XVI of 1892 amending the Ordinance of 1884 in general accordance with their recommendations.

10. The principal alterations were —

(i) Immigrant labourers arriving under a promise to enter into an engagement under the Ordinance were landed *free*; the only advances recoverable from them being sums advanced in actual *cash* up to a maximum of dollars 5 *only*, which could be recovered by monthly deductions not exceeding 50 cents. Under the Ordinance of 1884 all advances (including passage money) up to 12 dollars were recoverable by deductions of one dollar a month.

(ii) The *minimum* wage was fixed generally for the whole period at 14 cents a day of nine hours. Extra work was to be paid for at one cent for each half hour's work at agricultural labour.

Section 46 as amended.

Section 47 as amended.

(iii) The Sunday was excluded, but

if work should be done it would be paid for as *extra*.

(iv) But the *three years' period* was declared to be equivalent to 720 days' work either in nine hours a day labour or in tasks declared to be equivalent; and as soon as 720 days' work had been performed the labourer was free of his contract.

(v) This *three years' period* was compulsory in the case only of immigrants who received a free passage under a promise to enter into a statute contract. All other immigrants and Indians re-engaging in the colony might enter into an engagement for any definite term not exceeding three years, or for an indefinite term terminable on either side by one month's notice: it is to these classes, who did not receive a free passage, that the new form of contract introduced by the Ordinance of 1892 as for "free labourers" is intended. [In this connection the term is distinguished from those receiving a free passage, and has not the same signification as the "free labourers" mentioned in the Annual Straits Immigration Reports, where it refers to labourers *not* under an Ordinance contract.]

(vi) *Task* work as an equivalent to a day's labour was also newly introduced (new section 45 of Ordinance of 1884, as inserted by section 23 of the Ordinance of 1892); the equivalent tasks being subject to the approval of the Immigration Agent.

(vii) "*Smart money*" payable by an immigrant receiving a free passage for release from his promise to labour is fixed at 24 dollars; and the same sum is the limit payable for the *redemption* of a contract (section 50 of Ordinance of 1884 as amended by section 26 of Ordinance of 1892).

(viii) Another alteration in favour of the labourer is made by the amendment of section 58, whereby 60 days' absence on account of sickness (not the direct result of his own misconduct) is allowed to count in the whole three years' term, only days in excess of this number counting against the contract.

(ix) The form of contract was also modified so as to show all the conditions to which it was subject.

11. Now this Ordinance of 1892 has never been put in operation and matters are still regulated by the Ordinance of 1884. The main reason is evidently the opposition of the planting interest, who contend that their assent was procured on the understanding that the immigration business was to be taken over by Government and a Director to control operations appointed in India (*see* Mr. Vermont's Speech in the Straits Council, page 7 of the Debates of 14th November 1892, in G.O., No. 13, Public, dated 14th January 1893). Believing that in this way they would get a sufficient

supply of suitable men at a minimum of cost, the planters accepted the more onerous terms introduced by the Ordinance of 1892. From time to time we have been told by the Colonial Government that the operation of the Ordinance was delayed. That Government has plainly not been able to get over the opposition on this point. At the same time it is clear it does not mean to give in, for in a Minute, dated 19th June 1894, appended to the G.O., No. 718, dated 25th September 1894. Annual Indian Immigration Report for 1893, the Colonial Secretary remarks:—

"[The proposal to appoint in India an Agent-General for Emigration] may be considered to be definitely abandoned, for the Colonial Government has no intention of undertaking the duty of recruiting Indian labourers for private employers. As it is, the expenditure of the Indian Immigration Department far exceeds the fees recovered, and it is likely before long to become a question how far any expenditure for the support of a particular industry is a fair charge on the revenue of the colony."

12. Nevertheless, although the Straits Government has not apparently been able as yet to bring the Ordinance of 1892 into operation, it comes forward with the proposals in the correspondence now under consideration, which have in view "legislation for the purpose of raising the minimum rate of wages and shortening the period of contract."

13. This evidently means *new* legislation going farther than the Ordinance of 1892. Reading together paragraphs 4 and 5 of the Colonial Secretary's letter, I gather that the Straits Government is prepared to give effect to the Ordinance of 1892, in whole or in part, at the same time amending it so as to give the immigrant better wages and a shorter term.

In the last paragraph of the same letter the Straits Government recites, as a conclusion to which it would much wish to arrive, the hope expressed by the Government of India in a letter of 15th September * 1893, addressed to the Madras Government that "it may be found possible before many years are passed to free the immigration of coolies to the Straits Settlements from all legal restrictions."

Vide in G.O., No. 799, dated 27th Sept. 1893. Government of India in a letter of 15th September * 1893, addressed to the Madras Government that "it may be found possible before many years are passed to free the immigration of coolies to the Straits Settlements from all legal restrictions."

14. Before discussing the particular questions of enhanced wage and reduced term, it will be convenient to deal with this passage now and get it out of the way. Seeing that it was written in 1893, it should refer simply to the abolition in the Straits (and not on this side where no restriction exists) of all legal regulation of Indian imported labour. The Straits Government evidently take it in this sense. But whether it was really so meant, is not so clear as it might be; and to understand what the Government of India really did intend, the rest of the sentence should be read (the letter will be found in G.O., No. 799, Public, dated 27th September 1893). The words following those quoted in the Straits letter are, "but until the planters compete in the open market and offer to the immigrants, not the minimum statutory rate, but the same rate of pay which can be obtained elsewhere, it will be found difficult to undertake the entire freedom of emigration to the Straits Settlements which is the ultimate aim of our policy."

15. The Government of India letter appears to me to be very loosely expressed—in one place it speaks of the freedom of "immigration to the Straits," and again of "freedom of emigration to the Straits Settlements"; and as the letter began by asking this Government to watch the modes of recruitment as the recruiters might be driven to "various devices to secure labour," it almost looks as if the letter were written under the inadvertent impression that legal interference of some sort was still practised on this side.

16. Assuming, however, that what the Government of India and the Colonial Government would like to see is "freedom from all legal restrictions," on the Straits side, it is submitted that if the planters themselves are ready and willing to trust to the open market competitive prices and the Civil courts, this Government might, without any serious objection, assent to the repeal of the laws which regulate the contract of labour.

Emigration from this Presidency to the Settlements has been in vogue from the beginning * of the century. For many years the annual efflux has been from 20,000 to 30,000 emigrants, of whom from 85 per cent. to 90 per cent. † are "free" emigrants, i.e., emigrants who leave not under contract or advances (this is the sense in which "free" is used in the annual emigration reports). Of those who leave under contract, all come under the ordinance when they arrive in the Settlements. Of those who leave as "free" emigrants, a certain number engage as labourers under the ordinance, while of the rest some disappear in the general community as artisans, &c., and some engage as estate labourers, but as "free labourers" not under the ordinance. The numbers, therefore, shown in the annual returns as *statute immigrants* consist partly of emigrants who have left the presidency under indenture and partly of those who have left as "free emigrants," and have engaged under the ordinance in the Straits.

* *Vide* paragraph 5 of No. 27 E., dated 29th January 1883, from Government of India, in G.O., No. 583, Public, 19th March 1883.

† Year.	1	2	3	4	5
	Inden- tured.	Free.	Total.	Percent of (3) to (4).	
1890 ..	3,059	16,095	19,154	84	
1891 ..	3,834	26,552	30,386	87.4	
1892 ..	1,933	17,550	19,483	90	
1893 ..	2,300	16,043	18,343	87.5	
1894 ..	1,784	13,232	15,016	88	

For the four years (1891—94) I have taken out the figures shown in the marginal table. This shows that the total number of Indian labourers on the estates is about 8,000; of which from $\frac{1}{3}$ to $\frac{2}{3}$ is not under the ordinance at all. It will be noticed that in Province Wellesley the proportion is rising steadily; in the four years, the percentage of "free labour" to total labour being 22 per cent., 25 per cent., 32 per cent. and 40 per cent., respectively. In the Native states the relative proportion is more constant.

Table.

Numbers of Indian immigrant labourers on estates in Province Wellesley and in subordinate Native states, distinguishing those with engagements under the ordinance from labourers with no engagement under the ordinance (1891—94).

	1891.	1892.	1893.	1894.	
Wellesley ..	4,288 1,232	3,918 1,302	3,709 1,835	3,209 2,001	Under the ordinance. Not under the ordinance.
	5,520	5,220	5,544	5,210	
Native States ..	1,445 1,270	1,234 982	1,528 1,223	1,257 1,124	Under the ordinance. Not under the ordinance.
	2,715	2,216	2,751	2,381	
Total Indian labour..	8,235	7,436	8,295	7,591	
Unprotected ..	2,502	2,284	3,058	3,125	
Or	30% or $\frac{1}{3}$	31%	36%	40% or $\frac{2}{3}$	

While there is this large traffic to the Settlements, there is a corresponding large return of Indian emigrants from the Straits, the numbers for the last five years being: 1890, 14,100; 1891, 26,115; 1892, 19,000; 1893, 14,660; 1894, 14,000.

17. With these large numbers passing backwards and forwards, the conditions of life and of employment in the Straits must, now after a century of the traffic, be sufficiently well-known to the class from which the emigrants are drawn, to enable them generally to bargain on fairly equal terms with the employers. Again, all inquiries have shown that the Indian immigrants are very well treated. In January 1883, the Government of India remarked: "There is strong evidence that the free immigrant is at least as well cared for as he is in his own country. The planters themselves say that the free labourer is a happier and more contented person than the contract labourer" (To Mad., dated 29th January 1883, No. 27-E, in G.O., No. 583, dated 19th March 1883). In May 1883, the Government of India also noted that their condition, so far as could be judged, was satisfactory (G.O., No. 1238, dated 23rd June 1883, paragraph 3 of Mr. Buck's letter). This was confirmed by the inquiries on the spot, made later in the same year, by Mr. Buck and Colonel Fischer; the latter who went to Ceylon returned to bless—*vide* paragraph 21 of his letter, dated 23rd November 1886, No. 1238 (G.O., No. 635-7, dated 5th May 1887), when he writes as to the ease and comfort enjoyed by the immigrants that it was "a decidedly pleasant surprise"—*vide* also paragraph 3 of his letter of 10th January 1888, No. 21

(in G.O., No. 510, dated 15th May 1888). The Straits Commission of 1890 recorded similar testimony—*vide* p. 7 of the *Analysis (not Index)* of the Evidence (in G.O., No. 1141, dated 19th November 1891). See also paragraph 10 of Mr. Swettenham's report of 28th April 1891 (in G.O., No. 619, dated 24th July 1891—"these people are invariably well treated." And on the 3rd March 1893, Mr. MacGregor in his annual report for 1892 bears similar testimony (paragraph 23 *ibid*, in G.O., No. 799, dated 27th September 1893).

18. Having then regard to all these circumstances and to the fact that the Straits Government is like our own a British Government, I can see no very great objection to our being prepared to assent to the abolition on the Straits side of legislative interference with the contract so long as some law is retained providing—

(a) for the inspection of estates and the insuring the proper treatment of the labourer in the matter of health, accommodation, sanitation and medical attendance;

(b) for Government's interfering and closing an estate to labour, where the death rate is abnormally high and the estate after inquiry is declared to be unfit for the residence of labourers (*see* part VII, sections 59—63 of the present Straits Ordinance; and *cf.* sections 128—133 of the Assam Labour and Emigration Act, 1882); and

(c) for the maintenance of the "certificate system" in so far as it empowers

* Definition of *immigrant* in section 2 of the Ordinance as amended by Ordinance XVI of 1892.

the Government to prevent any Asiatic * native of British India, belonging to the "class ordinarily employed in agricultural work" (section 11 of the Ordinance)

from departing from the Settlements except (a) back to India, or (b) to a country or state to which Indian emigration is authorized by the Government of India (*see* section 31 of the Ordinance).

19. The first two provisos which I suggest are not strictly Emigration regulations, but appertain to the domain of "public health": the last is recommended as a security against the free traffic to the Straits being used as a cloak for the emigration of our coolies to a country to which emigration is forbidden. It would of course be at once accepted by the Colony, since it will, as the present section is meant to do, help to retain labour in the Settlements.

20. One cardinal point still remains, and that is whether the Straits Government in referring to the removal of "all legal restrictions" includes the Straits Labour Ordinance of 1882. The Immigration Ordinance repeals it, so far as affects statute immigrants. Now if the removal of the Immigration Ordinance from the statute book were to mean the revival of the Contracts Ordinance of 1882, we should require to know a good deal more than we have here the means of knowing about its provisions and working. A general account of it is given in paragraphs 15—17 of the Commission's report of 1890 (Pink book). It is a penal Contract Law somewhat on the lines of our Act XIII† of 1859, which it replaced as

† *Note.*—In 1859 the Strait Settlements were under the Government of India.

the latter was apparently not sufficiently far-reaching; and it apparently recognises penal contracts for five years if made abroad, and for three years if made in the Colony (paragraph 16 of the Pink report). We have no copy of the Ordinance here, and so I cannot ascertain what particular defaults entail imprisonment or an order to work off advances under the enactment. But unless, as the Secretary of State appears to have wished the penal period is reduced to one year or eighteen months, it would not be advisable to repeal the Immigration Ordinance merely to have it replaced by the more drastic and penal provisions of the ordinary Labour Contract Law of the Colony. Of course if it is not meant to apply it to Indian immigrants, then the objection disappears. In the Penang note of 26th July 1883 (in G.O., No. 2126, dated 5th November 1883), it was distinctly explained that one of the objects of special legislation on behalf of the immigrants was to obviate the application of the Labour Contract Ordinance of 1882 (*vide* paragraphs 8 and 9 and 17, *ibid.*).

21. I have entered thus at length into the general question of freeing immigrant labour in the Straits from legal restriction—first, so that we may see precisely how the case stands; and secondly, so that we may be able to say to the Straits Government

how far we are able to go in the direction of freedom; and if the views above stated are accepted, we shall be able to throw the whole *onus* upon them of retaining any restriction upon the liberty of contract.

22. But I believe that we may rest quite assured that the last thing in the world which the Straits planters desire is free immigrant labour. The question of the necessity of contract labour was fully discussed by the Labour Commission of 1890, and the conclusions reached are set out in paragraphs 366—369 of the Pink report; the arguments on the *employer's side* were thus explained:—

"366. In considering the subject of contract terms, the question which first suggests itself is whether such provisions are necessary at all. Many witnesses are strongly in favour of adopting a system of free emigration similar to that of Ceylon where no contract is made, and so far as the planter is concerned his coolies are only under a verbal monthly agreement. An employer requiring labour sends a tyndal or kangani to India, giving him an advance. By what agreement the coolies are bound to the kangani . . . is not known . . .

"367. Such a system has many advantages to the employer. It is, however, at present inapplicable to the Malay peninsula for several reasons, notably the excessive scarcity of labour. Without some stronger hold, such as can only be obtained by a legal contract, it is probable that kangani and coolies would frequently transfer themselves to . . . the best market.

"Then the distance from India is greater and the expenses of the journey much heavier, rendering large advances necessary . . .

"368. Desirable as it may be to render emigration absolutely free and spontaneous, we see no way at present of accomplishing this end, and it appears to us necessary to sanction a contract of specified length so as to enable the employer to recover by the labour of the cooly the sum advanced for the expenses of his importation.

"369. Again many employers argue that some system of contract is indispensable, for, unless they can be absolutely certain of having a labour force bound down to them and at command at certain seasons, there is risk of losing an entire crop. Were the supply of labour ample, the cogency of this argument would cease . . . ; but as things stand there is a very strong reason for retaining some form of contract. It is however no reason against reducing the term to the shortest period which would give time to replace losses."

23. It will thus be seen that the real difficulty in the way of freeing immigrant labour is raised by the colonial planters, and I think we may safely tell the Straits Government that when they on their side are ready to allow free contracts adjudicable in the civil courts in the ordinary way, or even under the Penal Labour Law, provided no agreement longer than one year or eighteen months is recognised, we on this side are prepared to consider favourably their proposals.

24. Turning now to the specific proposals for the amendment of the existing immigration law, the two main points are stated to be the raising of the rate of wage and the shortening the contract term.

25. In 1883 the Penang Commission recommended (paragraph 34 in G.O., No. 2126, dated 5th November 1883,) the reduction of the term to *two* years. "The maximum sum of \$12 should be repaid by the labourer in one year or a little more, and it is difficult to see why in that case he should be bound for a further term of two years." The Colonial Secretary asked the opinion of the Government of India on this point (paragraph 15 of his letter in G.O., No. 1492, dated 4th July 1884). Their reply is not in the file; but in response to a reference this Government did not raise any objection to the term of three years which was accordingly introduced into the Ordinance of 1884 (Government Order *ibid.*); but later correspondence is more decidedly in favour of a reduction.

In his letter dated 19th June 1890, No. 3251 (in G.O., No. 595, dated 20th August 1890), the Colonial Secretary informed the Government of India that, with regard to the Indian labourers employed in the protected Native States, the Governor proposed to address the administrations of those states in view of having the term reduced to two years, and, if possible, of fixing a higher rate of wage. The local authorities, he said, were "impressed with the unfavourable effect upon the mind and consequently on the physical health of coolie immigrants of the prospect of three years, enforced servitude upon wages fixed very much below the market rate of free labour."

In paragraph 7 *supra* I have set out the findings of the Labour Commission of 1890 regarding the insufficient rates of pay and the excessive term of contract—*vide* also page 9 of the *analysis* in G.O., No. 1141, dated 19th November 1891.

In the Debates in the Colonial Legislature in 1892 on the Ordinance amending the Ordinance of 1884, the Colonial Secretary (page 11 of Debates on 14th November 1892, in G.O., dated 24th November 1892), pressed strongly for a shorter term "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

* (i.e., days $20 \times 12 \times 3 = 720$).

† (That would be $20 \times 12 \times 2 = 480$) or 1 year and 115 days.

be better pleased if this term were even shorter, and I think that two years or the number of working days in two † year would be amply sufficient."

In the same speech he also pressed for the raising of the wage which he pointed out was still 12 cents., the rate at which it had been for twenty years, although wages of all other classes of labour had risen greatly. (The Ordinance of 1892 raised the minimum to 14 cents., but the law has not come into operation.)

In submitting the annual report on Indian immigration for 1893 Mr. MacGregor makes the remark (paragraph 28) that Indian coolies obtained in the Straits or re-engaged there never contract for more than eighteen months or one year. I quote this to show what term is considered reasonable when the coolie is free to make terms.

26. There has always been a strong feeling that the term of three years is far too long. The unpopularity of the service, the ill-health of the coolies, and the excessive number of desertions ‡ among contract labourers are all attributed largely to this condition. Even the 720 days of the 1892 Ordinance have not yet been accorded, and the full three-year term of the Ordinance of 1884 is still in operation. We should

‡ These are on an average about 20 per cent. from estates in Wellesley and over that from estates in Native States; from the latter in 1894 the number was 50 per cent.

strongly recommend reduction to eighteen months or two years at the most [vide page 9 of the analysis of the end of the 1890 Commission (G.O., No. 1141, dated 19th November 1891)].

If we had this reduction the minimum wage might be 14 cents as in the 1892 Ordinance. At present it is only 12 cents, and even the 14 cents of the second year are not § allowed if there are outstanding advances not paid off.

§ Proviso to section 46.

Mr. Swettenham, the Resident in Perak,

|| He recommended 14 and 16 cents as fair wages with an increase in the third year—see page 23 of the analysis (G.O., dated 19th November 1891), i.e., assuming there is a third year.

G.O., No. 619, dated 24th July 1891) "as a member of the Labour Commission I have already recommended || an increase in the wages to be paid to indentured Indian immigrants and what I consider of far more importance a reduction in the term of contract."

27. This increase of wages could be effected by bringing into operation the Ordinance of 1892, amending it with respect to the term as suggested above. And the Straits Government may be answered accordingly (through the Government of India) on the two main points of their reference.

28. With regard to the "desirability or otherwise of bringing into operation the whole or any part of the Ordinance XVI of 1892" we can only say that it is most desirable. The amendments which it introduces into the Ordinance of 1884 are generally greatly to the advantage of the immigrant (they are detailed in paragraph 10 *supra*). With the advantages as conferred and the shortened term as an essential amendment, emigration, or rather the engagement of immigrant labour under the Ordinance, would, I firmly believe, become much more popular than it seems to be.

29. The Straits Government suggest that the above matters should be discussed in the Settlement with two officers deputed as representatives of the Government of India and of the Government of Madras as was done in 1883. I do not see however

that any particular advantage is likely to arise from such a consultation. We are satisfied with the treatment of the coolies, and the Colonial Government can be made aware of our views as to the enhancement of the wage, the shortening of the term, and the bringing into effect the enactment of 1892. I do not therefore see what a local inquiry is to disclose; the voluminous evidence recorded in the Pink Book of 1890 and the report of that commission with the annual immigration reports give us all the facts that concern us. What evidently the Straits Government is really driving at is to induce this Government to favour more actively emigration to the Straits where the want of labour is much felt. We have however no particular object in giving adventitious help to the movement. Our own districts are already beginning to cry out for more and cheaper labour, while Burma and Ceylon, in which the conditions are admittedly healthier, already absorb as much as we can well spare. The matter, it is submitted, rests entirely with the Straits Government by raising the wage, restricting the term and giving other advantages enacted in the Ordinance of 1892. If it is necessary to conciliate the planters, it is open to the Colonial Government to appoint as proposed in 1891 an Agent General to supervise operations in India and make them more of a Government business. To such a course we need raise no objection.

When the deputation of an officer was similarly suggested in 1886, this Government thought it unnecessary (G.O., Nos. 635-7, dated 5th May 1887, paragraph 19, page 12). Since then we have the results of the 1890 Commission.

If an officer is deputed the deputation should not occupy more than one month, which was the length of Messrs. Buck and Fischer's visit in 1883.

30. With reference to paragraph 7 as to freedom from legal restrictions, it would be enough to indicate that the difficulties are not on this side but on their own side and refer to the conclusions of the 1890 Commission (*vide* paragraphs 22 and 23 *supra*) as to the absolute necessity for contract labour.

15th October 1895.

G. S. F.

NOTE BY THE HON'BLE MR. BLISS, C.I.E.

The matter has been so fully and clearly gone into by Mr. Forbes that I have little to say.

So far as this Government is concerned, we are not anxious to facilitate emigration, believing, as we do, that there is plenty of work to be done on this side of the bay to occupy all who are willing to work. On the other hand, if people think they can better themselves by going over to the Straits, we do not wish to prevent their doing so. We are therefore neutral in the matter. The Straits' Government, however, desires to provide for the proper payment and treatment of Indian labourers employed on its side of the bay and asks our advice as to raising the minimum statutory wages and lowering the term of service of Indian natives employed there under contract. We can only reply that we agree with them as to the desirability of the measures proposed and appreciate the benevolence of their action in favour of our people.

I do not see any reason at all for the suggestion, deputation of an officer to enquire and report. It would be a pleasant jaunt for some one, no doubt, but I cannot see that there is anything we need to enquire into.

23rd October 1895.

H. W. B.

NOTE BY THE HON'BLE MR. GROSE.

Two things are clear: *first*, that the Government of the Straits Settlement does get a good deal of labour from our Presidency already and wants to get more; and, *second*, that Madras has no congested districts which want to be relieved by this emigration, and though we ought to see that such of our people as do go to the Straits are properly treated there, we don't want either to prevent any one from going or to induce more to go.

The evidence that is on record shows that Madras coolies are well treated at the Straits and the "vague complaints" referred to by the Collector of Tanjore are not enough to justify action, so I don't see what object would be served if we spent money in sending agents to Singapore.

As for not preventing coolies from going to the Straits, recruitment is quite free here. There are no regulations restricting it. It is not our interest to promote it in any way, and no alteration need be made in our law or procedure.

We might reasonably require that our coolies should not be sent to estates in an insanitary condition and should be prohibited from going from the Straits to places where emigration is forbidden. This is secured at present, and even if immigration is made entirely "free," coolies won't go to the Straits, unless the conditions there attract them. The Straits Settlement is near India. Emigration has been established for 100 years. There are many coolies (some of whom are "free") going and coming every year. Ignorance of the conditions will not be such as to make the interference of Government necessary. Moreover, the planters will do all they can to continue immigration-restrictions and they will succeed, at all events, for a long time to come; so we need not consider what will be the effect of making immigration entirely free.

If the Straits Settlement wishes to get more coolies, the terms on which they are engaged, particularly with regard to the rate of wages and the period of service, must be improved. It is for those on the spot to calculate what can be afforded in this way. All we can say is that the general intention of the revisions of the Ordinance, being altogether in favour of the immigrants, is good.

It might be well for the authorities of the Straits to have agents here (at other places besides Negapatam) to foster emigration and explain matters to possible emigrants. It is for the planters to organize this, as the Government refuses to burden the revenue on that account.

25th October 1895.

J. G.

NOTE BY HIS EXCELLENCY LORD WENLOCK.

What we are asked to consider is, how far we can help the Straits Settlements to get coolies in larger numbers and at a cheaper rate than at present, *i.e.*, we are to consider how we can "more actively favour emigration" than (I suppose) we do at present.

I think we may well say that it is not our particular interest to foster emigration or render it more enticing than it is at present: that our chief object is to see that good openings exist for the surplus population in times of scarcity and distress, and that our people are carefully looked after in the places that they resort to. I see no necessity for deputing a special officer to the Straits; for as Mr. Forbes says, we are in full possession of all the facts up to a very recent date. All that we can state positively is that we quite agree that any measures which will ensure to the emigrant a higher rate of wages and a shorter period of contract are most desirable. In the other matters I agree with Mr. Forbes' conclusions.

7th November 1895.

W.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers:—

From DENZIL IBBETSON, Esq., C.S., Officiating Secretary to the Government of India, Department of Revenue and Agriculture (Emigration), to the Secretary to the Government of Madras, dated Simla, the 20th April 1895, No. 520—26-2.

In continuation of this department's endorsement, No. 1076-33, dated the 5th May 1894, I am directed to forward, for the information and consideration of the Government of Madras, a copy of a letter from the Government of the Straits Settlements explaining the circumstances under

which the Immigration Ordinance XVI of 1892 has not been brought into operation, and suggesting that representatives of the Government of India and of the Government of Madras should again visit the Straits Settlements with the view of enquiring, in conjunction with two officers of the Straits Government, into the working of the labour laws of the colony.

2. I am to ask that the Government of India may be favoured with the views of His Excellency the Governor in Council on the proposals contained in paragraph 5 of the letter from the Straits Government.

ENCLOSURE.

LETTER—from the Acting Colonial Secretary, Straits Settlements, to the Secretary to the Government of India, Revenue and Agricultural Department, No. 1590-95, dated 15th March 1895.

With reference to my letter, No. 12136, of the 12th April last, in which I informed you that it was deemed desirable to delay bringing into operation Ordinance XVI of 1892, amending the Indian Immigration Ordinance, 1884, I am directed by the Governor of the Straits Settlements to state, for the information of the Government of India, that His Excellency has since then been giving further consideration to the question of Indian immigration and has been in correspondence with the Secretary of State for the Colonies upon the subject.

2. Ordinance XVI of 1892 was passed, it will be remembered, principally to carry out the recommendations of the Commission which was appointed in 1890 to enquire into the state of labour in this colony. It provided for the Government undertaking the business of recruiting and the direct importation of Indian coolies, for which purpose an Agent-General was to be appointed to reside in India. The Government was not in a position to carry out that scheme at the time and it was at first proposed to bring into operation only those sections of the Ordinance which affect the position of the labourer in the colony and those which affect the obligations of the employer.

3. This course was strongly objected to by the employers of labour in Province Wellesley, whose desire is to obtain State support in some shape. They, therefore, opposed any alteration of the existing law, unless the whole scheme contemplated by Ordinance XVI of 1892 was carried out.

4. His Excellency is, however, of opinion that there are strong grounds for undertaking legislation for the purpose of raising the minimum rate of wages and shortening the period of contract, even though the scheme itself is abandoned, but does not propose to take any steps to carry this out until the views of the Governments of India and Madras upon the whole question have been obtained.

5. The proposal which His Excellency now desires me to make is that representatives of the Government of India and of the Government of Madras should again visit the Straits Settlements, as they did in 1883, with the view of enquiring, in conjunction with two officers of this Government, into the working of the labour laws, the subjects for discussion being—

- I.—The desirability or otherwise of bringing into operation the whole or any part of Ordinance XVI of 1892.
- II.—The necessity for still further improving the position of the Indian coolie and thus rendering Indian immigration to this colony more popular.
- III.—The result, as far as the Indian population of this colony is concerned, of the depreciation of the dollar and the consequent necessity of raising the statutory minimum rate of wages.
- IV.—The statutory term of contract.
- V.—The possibility of improving the conditions under which recruiting is carried on in India, by inducing the Government of Madras to more actively favour emigration to the Straits and so render cheaper and more satisfactory a business which is now too exclusively in the hands of professional recruiters and brokers.

6. Should the Government of India be in a position to accept this proposal, the details can be settled later, and this Government will be ready to render every assistance in its power to secure a full and impartial enquiry.

7. His Excellency, at the same time, desires me to refer to a passage in your letter, No. 2516-54, dated Simla, 15th September 1893, to the Government of Madras, a copy of which was enclosed in your letter, No. 3403-54, of the 14th December 1893, to this Government, to the effect that "it may be found possible, before many years are passed, to free the immigration of coolies to the Straits Settlements from all legal restrictions," and to say that this is a conclusion at which His Excellency would much wish to arrive.

From E. C. RAWSON, Esq., Acting Collector of Tanjore, to the Chief Secretary to Government, dated Vallam, 19th July 1895, No. 558-S.R.

In reply to your endorsement, No. 1034, dated the 14th May 1895, herewith

* *Vide* Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 2128, dated 17th May 1895, reporting on an article in "Nagai Nilalochani". returned with its enclosure, I have the honour to report that certain vague complaints * have of late been made of Indian coolies being subjected to ill-treatment in the Straits Settlements, and that this phase of the question, which there is no means of threshing out here, would be likely to receive satisfactory consideration by an officer representing this Government being deputed to ascertain matters on the spot.

2. There is no great necessity, in this district at any rate, for the Indian labourer to leave his home in search of employment, and unless sufficient inducement is offered by making emigration more advantageous and lucrative, the Colonial Government cannot expect to get the sort of labourers they require. The lines on which it is proposed to institute enquiries, especially that of raising the statutory minimum rate of wages in consequence of the depreciation in the value of silver and of shortening the term of the contract, are exactly those on which reform is most required.

LETTER—to the Secretary to the Government of India, Department of Revenue and Agriculture, dated 14th November 1895, No. 936.

I am to reply to your letter, No. 520-26-2, dated 20th April last, and express the regret of this Government at the delay which has been, owing to the desire to look thoroughly into the whole question of emigration from Southern India to the Straits Settlements, arisen in doing so.

2. In paragraph 2 of your letter under reply the views of this Government are requested on the proposals of the Straits Government that representatives of the Governments of India and of Madras should again visit the colony, as they did in 1883, with the view of enquiring, in conjunction with officers of the Straits Government, into the working of the labour laws in connection with certain specified

subjects. After very carefully reviewing the history and present circumstances of the case, His Excellency the Governor in Council is unable to see what advantages would accrue from the deputation of an officer from this Presidency as proposed.

3. With reference to the desire of the Straits Government that this Government should assist it more than it at present does in obtaining a large and cheap supply of labour, I am to remark that it hardly appears to be the particular interest of this Government to foster emigration or to render it more attractive than it now is. The chief object seems to be to secure good openings for the surplus population in times of scarcity and distress—there being at other times ample employment for all who are willing to work—and to ensure that when emigrants quit the Presidency they are well treated in the homes of their adoption. In the matter of emigration, the position of this Government is entirely neutral, for, while on the one hand it does not feel called upon to definitely encourage it, on the other it desires to place no restriction or restraint upon it.

4. The large numbers of people who pass annually between the Straits and Southern India doubtless tend to a general acquaintance here with the excellent manner in which the Indian emigrant is cared for in the Straits; should further steps in this direction be desired, I am to suggest that the Straits Government should open other emigration depôts in this Presidency—a course to which there would be no objection.

5. It is obviously probable that if the terms offered to emigrants are improved, a far greater number than at present would accept them. The proposal to raise the minimum rate of wages and to shorten the period of contract is eminently calculated to encourage the emigration which the Straits Government is so anxious to secure; and this Government on its part most cordially recognises the advantages which the emigrants themselves would derive from these measures and would strongly press for no further delay in carrying into effect this portion of the programme, which was approved more than three years ago.

6. It is understood that the emigrant who leaves this Presidency for the Straits on his own account, and who is free to make his own terms with his employer, never contracts for more than one year or eighteen months, and this is also the case with the registered emigrant who re-engages after completing his time. There is clearly a strong feeling in favour of shortening the existing term of three years, and this Government would urge upon the consideration of the Government of India the advisability of reducing the period of indenture to eighteen months or two years at the most. The minimum rate of wages should, in the opinion of His Excellency in Council, be raised at the same time. The fourteen cents allowed by the Ordinance of 1892 would be sufficient, and the increase could be readily effected by bringing that Ordinance into operation after amending it as suggested above with respect to the length of the contract.

7. On the general question of "bringing into operation the whole or any part of the Ordinance XVI of 1892," this Government is of opinion that it is highly desirable and trusts that the Straits Government will be in a position to take action in this direction at an early date.

8. In conclusion, I am directed to refer to the possibility of freeing immigration into the Straits from all legal restrictions—a measure which His Excellency the Governor of the Straits Settlements appears to strongly favour. I am in this connection to remark that the difficulties in the way do not arise in India, and that this Government would be prepared, subject to certain minor provisos—to which it is needless to at present refer as the question is not under consideration—to assent to the abolition on the other side of all legislative interference with the contract. The necessity, however, for all labour in the Straits being under some kind of contract was sufficiently demonstrated by the Labour Commission of 1890.

(Signed) J. F. PRICE,
Chief Secretary.

PUBLIC DEPARTMENT.

(Miscellaneous.)

Letter, No. 936, 14th November 1895.

Emigration to the Straits Settlements.—Expressing to the Government of India the views of this Government on the question of — from Southern India.

Letter from the Acting Colonial Secretary, Straits Settlements, to the Secretary to the Government of India, Revenue and Agricultural Department, No. 1590/95 dated 15th March 1895.

With reference to my letter No. 12136 of the 12th April last, in which I informed you that it was deemed desirable to delay bringing into operation Ordinance XVI of 1892, amending the Indian Immigration Ordinance, 1884, I am directed by the Governor of the Straits Settlements to state, for the information of the Government of India, that His Excellency has since then been giving further consideration to the question of Indian Immigration and has been in correspondence with the Secretary of State for the Colonies upon the subject.

2. Ordinance XVI of 1892 was passed, it will be remembered, principally to carry out the recommendations of the Commission which was appointed in 1890 to enquire into the state of labour in this Colony. It provided for the Government undertaking the business of recruiting and the direct importation of Indian coolies, for which purpose an Agent General was to be appointed to reside in India. The Government was not in a position to carry out that scheme at the time and it was at first proposed to bring into operation only those sections of the Ordinance which affect the position of the labourer in the Colony and those which affect the obligations of the employer.

3. This course was strongly objected to by the employers of labour in Province Wellesley, whose desire is to obtain State support in some shape. They, therefore, opposed any alteration of the existing law, unless the

whole scheme contemplated by Ordinance XVI of 1892 was carried out.

4. His Excellency is, however, of opinion that there are strong grounds for undertaking legislation for the purpose of raising the minimum rate of wages and shortening the period of contract, even though the scheme itself is abandoned, but does not propose to take any steps to carry this out until the views of the Government of India and Madras upon the whole question have been obtained.

5. The proposal which His Excellency now desires me to make is that representatives of the Government of India and of the Government of Madras should again visit the Straits Settlements, as they did in 1883, with the view of enquiring, in conjunction with two officers of this Government, into the working of the labour laws, the subjects for discussion being

Ref No 2125-27
5-11-83
in the name of
Ref. 56
14-1-84

I. The desirability or otherwise of bringing into operation the whole or any part of Ordinance XVI of 1892;

II. The necessity for still further improving the position of the Indian coolie and thus rendering Indian Immigration to this Colony more popular;

III. The result, as far as the Indian population of this Colony is concerned, of the depreciation of the dollar and the consequent necessity of raising the statutory minimum rate of wages;

IV. The statutory term of contract;

V. The possibility of improving the conditions under which recruiting is carried on in India, by inducing the Government of Madras to more actively favour emigration to the Straits and so render cheaper and more satisfactory a business which is now too exclusively in the hands of

professional

professional recruiters and brokers.

6. Should the Government of India be in a position to accept this proposal, the details can be settled later, and this Government will be ready to render every assistance in its power to secure a full and impartial enquiry.

7. His Excellency, at the same time, desires me to refer to a passage in your letter No.2516-54 dated Siria 15th September 1893, to the Government of Madras, a copy of which was enclosed in your letter No.3403-54 of the 14th December 1893 to this Government, to the effect that "it may be found possible, before many years are passed, "to free the immigration of coolies to the Straits Settlements from all legal restrictions", and to say that this is a conclusion at which His Excellency would much wish to arrive.

(True copies)

A. H. M. S.

Registrar,

Department of Revenue and Agriculture.

No. 520
16-9

FROM

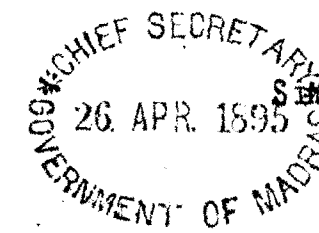
DENZIL IBBETSON, Esq., C.S.,

Offg. Secretary to the Government of India,

TO

The Secretary to the

Government of Madras.



Sir,

20 April 1895

Department of Revenue and
Agriculture.

(Emigration)

SIR,

In continuation of this Department's endorsement No. 1076-33 dated the 5th May 1894, I am directed to forward for the information and consideration of the Government of Madras, a copy of a letter from the Government of the Straits Settlements explaining the circumstances under which the Immigration Ordinance XVI of 1892 has not been brought into operation; and suggesting that representatives of the Government of India and of the Government of Madras should again visit the Straits Settlements with the view of enquiring in conjunction with two officers of the Straits Government into the working of the labour laws of the Colony.

2. I am to ask that the Government of India may be favoured with the views of His Excellency the Governor in Council on the proposals contained in paragraph 5 of the letter from the Straits Government.

I have the honour to be,

Sir,

Your most obedient servant,

Denzil Ibbetson

Offg. Secretary

No. 1340
Public Dept

The Govt of India (for info)

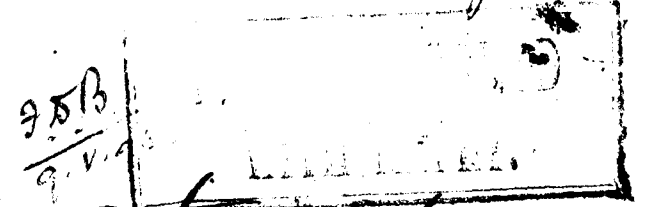
Recd 20
Recd 26 } April 95
Recd 29
Enclos 1

No. 522
26-2

Subject
Inviting the views of H.C. P. & Co. on Subject of the working of the labor laws in the Straits Settlements.

Ref. No. 1182525-9-94
344719-5-94
199721-3-94
102123-12-93
995-67,11-12-93
998-4710-11-93
999727-9-93
743-4719-9-93
9877-2-93
56714-1-84
1529717-9-83
2126775-11-83
1238723-1-83
1027722-5-83
984715-5-83
907797-1-5-83
583719-3-83
Prints file 28 Emigrant ASH Settlements with
with SP. No 61924-7-91

Referred to the Collector
of Bangalore for early report.
Respectfully
Chief Secretary



14 May 1892
1675
114

Bangalore Collectors Office,
Bangalore, 10th July 1895

12 558
5.8

S. E. Rawson Esquire,

Acting Collector of

Bangalore

The Chief Secretary to Government,
Public Department,
Madras.

My

In reply to your endorsement dated the
4th May 1895, No 1034, herewith returned with
its enclosure,
I have the honor
to report that
certain vague complaints
have of late been made of Indian Coolies
being

being subjected to ill-treatment in the Straits Settlements and that this phase of the question which there is no means of threshing out here would be likely to receive satisfactory consideration by an officer representing this Government being deputed to ascertain matters on the spot.

2. There is no great necessity in this district at any rate for the Indian labourer to leave his home in search of employment and unless sufficient inducement is offered by making emigration more advantageous and lucrative, the Colonial Government cannot expect to get the sort of labourers they require. The lines on which it is

proposed

proposed to institute enquiries, especially that of raising the statutory minimum rate of wages in consequence of the depreciation in the value of silver and of shortening the term of the Contract are exactly those on which reform is most required.

I have the honour to be,

Sir,

your most obedient servant,

For By. Collector
20/2/85

sd/

CURRENT No. 2324

The Collector of

Sanjore

The Chief Secretary

to Government

Public Department

Madras

Dated 19th }
Despatched } July 1895

Received
No. 558
558
SR.

Enc. Two

Subject

Reporting on the proposal of the
Government of the Straits
Settlements on the subject
of the working of the Labour
Laws in the Straits

Pub 82 320 737 217-6-95
Pub 50 166-8-3-95
718-25-9-94
586-2-8-94
344-19-5-94
199-21-3-94
1021-23-12-93
995-96-11-12-93
903-4-10-11-93
799-27-9-93
748-4-9-9-93
98-7-2-93
56-27-1-93
899-24-12-92
867-9-12-92
743-27-10-92
718-17-10-92
689-8-10-92
521-2-29-7-92
619-24-7-41-92
246-28-3-91
30-10-1-91
Pub 50 595-20-8-90
209-18-3-90
14-15-10-1-90
877-77A 25-11-89
979 12-9-89
56 14-1-89
1660-22-8-83
1829-17-9-83
2126-5-11-83
1799 10-9-83
1237 23-6-83
1238 23-6-83
1027 22-5-83
954 15-5-83
900 1-5-83
583 19-3-83
Book file ending with 8069
of 91 re emigration Straits
Settlements

Recruitment in India is not
under regulation & any one
may recruit, but only labourers
brought by licensed recruiters
are put on Register & by the
Emigration Agent

Co. 57587 no 635
1575/88 no 510
161/90 no. 27
S.F.

This is inaccurate
S.F.

TAMIL LABOUR FOR SELANGOR.

Mr. E. V. CANAR, Chairman of the Selangor Planters' Association, has drawn up the following report on his recent visit to Southern India:-

I have the pleasure to submit to this Association the following report upon my recent trip to Southern India in connection with the recruiting of Tamil labour in that country, and the conclusions which I have drawn therefrom. From the time I left Singapore to the time I returned I received every possible assistance and help from the many Government officials, with whom I had business to transact, and my acknowledgments in this connection are especially due to Mr. Evans, the Immigration Agent at Penang; Dr. Hardaker, the Emigration Agent, Mr. Carlyon, the Port Officer, and the Assistant Collector of Customs, at Negapatam.

In order that when incidentally referring to Indentured Immigration my remarks may not be construed into an expression of hostility towards this method of recruiting labour, I wish to distinctly repudiate any such intention, though it is necessary that I should comment upon the difficulties in the way of free immigration, which, in my opinion, to some extent result from the system of recruiting coolies under indentures as it is now worked. In order that I may, to the best of my ability, put the position of free labour clearly before the Association.

Arriving at Penang, I called on Mr. Evans, the Immigration Agent, who told me that free coolies could not be recruited from India except by duly licensed persons, and that it would be necessary for me to apply for licenses to Dr. Hardaker, the Emigration Agent at Negapatam. Mr. Evans also assured me that he would always be glad to give the native agents of the Straits Settlements letters to Dr. Hardaker, recommending that they should be supplied with licenses.

As soon as I arrived at Negapatam I at once went to see Dr. Hardaker, who gave me application forms for four licenses (one for myself and three for my companies) and a letter to the Assistant Collector, a native gentleman, who, after hearing what I had to say, sent me on to the Port Officer, it being apparently the custom that the latter official should signify his approval of the applicant before the licenses could be issued. Having survived this ordeal I obtained my licenses, free of cost, but before availing myself of the privileges which they conferred upon me, I had again to take them to be countersigned by the Port Officer and Emigration Agent. The time occupied by these proceedings was exactly five days, the previous record having been, I was told, a month, so I had every reason to consider myself extremely lucky; but I could not help thinking that the matter would be much simplified if licenses were issued direct on Dr. Hardaker's recommendation, which surely should be sufficient. There does not seem to be any other objection to the system of compulsory licensing, which to some extent prevents irregular recruiting by persons whose representations, as a rule quite false, must in the end do considerable harm to the cause of emigration to this country.

During my stay in Negapatam, whilst waiting for my licenses, I took the opportunity of sounding Messrs. Adamson, MacTaggart & Co. and Messrs. Ganapithay Pillai & Co., both of whom recruit indentured labour, with a view to ascertaining whether they would undertake the supply of free coolies. The latter firm refused point blank on the ground that they were prevented by law and also that they could not work the two businesses harmoniously. Messrs. Adamson, MacTaggart & Co., however, acting upon my suggestion, addressed the Government upon the subject and endeavoured to find out what the legal position was, but up to the time of my departure they had received no reply; they, however, expressed their willingness to recruit for us on reasonable terms provided no legal difficulties existed.

After some trouble and a lengthy search through many Immigration and Emigration Acts and Ordinances, I unearthed a Madras General Order dated 15th May, 1888—a copy of which I have handed to the Hon. Secretary for information of members—which does not seem to have been repealed and which covers copy of a Circular addressed by the then Acting Indian Immigration Agent, Penang, to Estate Managers in the Colony and the Native States. This Circular, which purports to have the force of law, is worded as follows, and is dated Penang, 8th November, 1887:-

"I am directed to inform you that the following rules are to be observed with reference to the recruiting of labour in India:-

(a) All recruiters arriving in India with a letter from the Indian Immigration Agent and those appointed by the agents of the planters there shall take out licenses in India.

(b) No agent or recruiter shall receive any commission on coolies not entered in the list of indentured coolies (Form A).

2. I will ask you to be good enough to communicate the above rules to your Agents in India.—(Signed) H.A. Thompson, Acting Indian Immigration Agent."

Commenting upon the above rules the Madras Government, in the same Government Order, p. 9 para. 5, has the following:-

"The proposal that agents and recruiters shall not receive a commission for any emigrants not entered in Form A. cannot of course be enforced by this Government."

The position, briefly summarised, is therefore this: the planter may go to India and recruit free coolies, he may send his native agent from here for the same purpose providing he pays him no commission; but he cannot employ even the most respectable and trustworthy agents at Negapatam to do the same thing because he is not allowed to pay such agents any commission, free coolies not being entitled to have their names entered in Registrar A, which is reserved for indentured labour only. This, I venture to think, is an exceedingly anomalous and untenable position, and I have no doubt that when it is pointed out to the Government exceptions will be made in the case of firms and agents of standing and position. The fact of the Madras Government declining to enforce the law referred to does not do away with the difficulty in Penang, which must clearly be set right, such enormous and comprehensive powers are conferred upon the Immigration Agent there by Indian Immigration Ordinance, No. V. of 1884, that it is conceivable that coolies recruited on commission through Indian agents (the fact having become known to the Penang authorities) might not be allowed to proceed to their destinations in Selangor.

Leaving Negapatam I went for a 10-day round of recruiting grounds at which I hoped to collect coolies visiting Madura, Chittambaram, Arakonam, Tirupattur, Tullikapetty and other towns and villages. Wherever I went I found the coolies willing enough to listen to all I had to say and many of them to come with me, though somewhat sceptical as to the existence of such a place as Selangor, with its salubrious climate, high wages and already settled Tamil community.

I regret that I am unable to announce what the nett result of my trip was, as the *Canganyies* I left behind have not come yet; but I believe that I have secured 100 to 150 coolies, which was all that I wanted, and I am certain that had I been able to stay in India for two months or so myself I could have recruited 500 if I had been desirous of doing so. In one or two villages I found coolies who had been over to the Straits, but under indentures, and it was only when I explained that I proposed to enter into no contract with them, that I could in these cases obtain a hearing at all, the native recruiters who had got at them in the first instance having, according to their own accounts, misled them not a little.

To sum up, I attribute the poor influx of Tamil labour into this country to the following causes:—

- (1) Want of advertisement—the vast majority of the coolies I spoke to only knew the Straits by name as "Singapore" and had not heard of Selangor at all;
- (2) The heavy and steady drain upon the villages from the tea and coffee estates in India and emigration to other and better-known countries. In connection with which it may here be stated that the "congestion" cry appears to be much exaggerated;
- (3) The prevalence of the truck system, by which the labourer is practically kept always in debt to the "Jemindar" or headman, lessor of the land on which he lives, where he works, and from which he consequently often experiences great difficulty in getting away;
- (4) The system of recruiting as adopted by the agents of indentured immigration—viz. Re. 15 per head paid to native recruiters for every coolie brought to the depot at Negapatam and passed by the Medical Officer. The recruits may not have had a rupee spent upon them, but the recruiter gets his money all the same, and these things are naturally strongly opposed to free labour operations where strict accounts of expenditure have to be kept. They are also practically the only recruiters the coolies in the villages have any experience of, and I should say the large majority of them are men who as long as they secure recruits, care little how they get them, and consequently command neither the respect nor the confidence of the inhabitants.

Although I saw many gaudy posters in the offices of the Negapatam houses which were supposed to be distributed as labour advertisements through the villages, I never came across one of them there myself, nor did I meet a single coolie who had seen one. I did not feel justified, therefore, in spending any money in this way; but in Madras, where I went to see Mr. G. L. Young, of the Southern India Planters' Association, I called upon the Editor of the *Hindu*, a widely circulated native paper, with whom I had a long conversation and eventually arranged to have an advertisement inserted for three months both in the *Hindu* and in a paper printed in the vernacular. This was all I could see my way to doing in the direction of advertising. The Editor of the *Madras Times*, upon whom I also called, was good enough to notice my visit and to draw attention in a long leader to the anomaly of planters being unable to pay agents for recruiting free labour, though allowed and encouraged to recruit such labour themselves. Mr. Young is willing to supply us with what free coolies he can, providing the existing difficulty is smoothed over on the same terms as the Negapatam firm. He was, however, experiencing great difficulty in undoing, through his European recruiting assistant Mr. Clarke, whom I was fortunate enough to meet, the mischief which has been done by the Re. 15 a head recruiters; but there is no doubt he is upon the right track, and I am strongly of opinion that, if our proposed representation to this Government is successful, we should, if we can command sufficient funds, engage an experienced European, well up in the dialects of Southern India, who should travel continually with his bullock cart and tent through the labour districts, preaching the gospel of emigration to this country, distributing advertisements freely and recruiting coolies when opportunity offered. It would possibly be

the Straits Ordinance

the coolies seeing he was only an agent and not a principal would suspect he was getting something for each one he recruited and might mistrust him at first. But this difficulty would soon be surmounted if we secured a suitable man, and in Mr. Cammiade, a gentleman to whom I was introduced in Madras, and who has offered his services to the Association, I believe we have exactly the right sort of person for the job. But this is a matter which will require a great deal of consideration before any definite steps can be taken, involving as it would the expenditure of a large sum of money—more, possibly, than the Association could see its way to providing unaided. For the present, I merely throw out the idea as being the only feasible and reliable method of advertising, for active travelling agents cannot be entirely trusted, and newspapers are but little read by the class of natives we wish to get at, and I repeat that I think that if we are to be successful with our recruiting in India and induce natives to come into this country we must work through a European travelling Agent.

IDENTURED IMMIGRATION.—So much has been said of the unsuitability and poor physique of the coolies sent over through the agency of Messrs. Adamson, MacTaggart & Co., and other firms in Negapatam and elsewhere, that I took the opportunity of visiting the depot, which is situated in a rather out-of-the-way quarter of Negapatam, whilst several batches of these coolies were being examined by the Medical Officer prior to despatch to the Straits. The depot was a large airy building kept scrupulously clean, and the accepted recruits were as fine looking a lot of men and women as one could wish to see—indeed, Dr. Hardaker turned away several as unsuitable whom as far as physique went I would have been uncommonly glad of myself, on the ground that their hands were not hardened by manual labour, or that they belonged to other than an agricultural caste. Each man was made to use the mammetty or chankol in the presence of Dr. Hardaker until the sweat ran off his back in order that his knowledge of the use of this instrument, which is more commonly used than any other for digging purposes, might be thoroughly tested. I also learnt that, in the case of Messrs. Adamson, MacTaggart & Co., a member of that firm almost invariably inspected their new recruits, after his Government examination, in order that there might be no doubt as to their fitness for exportation as agricultural labourers. It is difficult therefore to account for the dissatisfaction so often expressed by employers at this end, as in the majority of cases the coolies are not only photographed, but a careful record is kept of their distinguishing marks and peculiarities for purposes of identification on arrival, so that it is morally impossible for them to be changed in transit as it is sometimes alleged they are.

I went over to India prepared to find the whole system of indentured immigration rotten, as I believed it, and as I know numbers of planters believe it, to be. But I soon saw for myself that it had a great deal to recommend it, and that in many respects it was excellently worked, especially in every particular connected with the depot at Negapatam. It is the more to be regretted therefore that the many drawbacks which the system possesses, and which I do not propose to touch upon now, render it so unacceptable to planters who have been accustomed to free labour, that they do not care to avail themselves of its provisions and assistance. I write under correction, but I believe the Indian Immigration Ordinance, No. V. of 1884, to have been, to a great extent if not entirely, framed for the purpose of enabling sugar planters to secure labour for a period of years at rates which the position of that industry allowed of their paying, and as they have been practically the only supporters of the scheme for so many years and thoroughly understand its working, I think any action on the part of coffee planters which savours of competition and might have a tendency to a rise in rates is to be strongly deprecated.

Whilst it is stated that the wages of free labourers on sugar estates in Province Wellesley are comparatively very little in advance of those paid to coolies under indenture, in Selangor the difference is 50 per cent. and in some cases 100 per cent. in favour of the free coolies. The temptation to a second therefore clearly makes it a risky business for planters in this State to go in for this expensive and necessarily unsatisfactory class of labour unless higher rates are offered, a step which might lead to very serious consequences as it would probably attract the already none too plentiful supply of labour from the Indian recruiting grounds in Province Wellesley to Selangor, and put us in direct competition with the sugar planters. The demand for all classes of Tamil labour in the Straits Settlements and Native States is far in excess of the supply, with the result that abnormally high wages rule, and if employers compete in any way, it simply means that we are playing into the coolies' hands, and cutting our own throats; the experience of other countries affords us abundant proof of this, and it is quite the most important lesson we have to learn. The solution to the whole labour difficulty is to devise some means by which a sufficiency of labour may be attracted to the country, and not to compete for what we already have.

GENERAL.—I strongly recommend that the Association should have a native agent travelling on every steamer to and from Negapatam to look after and assist all coolies whose passages have been paid for them by our Negapatam agents, and who, unless in charge of some responsible and recognised guide, might easily get adrift in Penang. I also think that the Government should be asked to stipulate with contractors that at least half of their

Tamil coolie labour should be imported from India direct, making at the same time sufficient allowances to the contractors to enable them to do this, and that the Government themselves should import Tamil labour from India, instead of depending solely upon local supply for the carrying out of works undertaken departmentally.

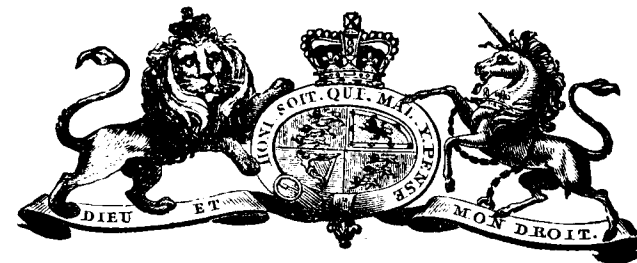
Without being for a moment a supporter of the "clapnet" cry that Government is always crimping the planters' coolies, because there have been one or two notorious cases of this, and because the Government happens to be woefully ignorant of the etiquette which should exist amongst all employers of labour; still, I nevertheless assert, and indeed it admits of no argument, that the percentage of runaway coolies who find employment with the Government must be proportionately enormously in excess of those engaged by the planter, for the simple reason that the planter imports practically all his labour whilst the Government directly imports no labour at all, and it is time that this fact was prominently brought forward and commented upon, because signs are not wanting of very considerable extensions in the near future, both in the way of roads and railways and in the opening up of coffee estates. The services of the Tamil coolies will then be largely in requisition, and unless the Government awakes to a sense of their responsibility in the matter of stocking the country with a fair share of the labour required, we shall ere long be face to face with a very serious position. There is also the point that in the event of a coolie "famine" the Government can construct roads and railways with the Chinaman, who is quite useless to the planter except for earthwork, of which there is very little to be done on estates and then only when they are first opened. The planters therefore will undoubtedly be the heaviest sufferers in the event of the demand for Tamil labour increasing out of all proportion to its supply, and this is a danger which planters will do well to keep always before them.

NEW AMHERST ESTATE, 27th July, 1895.

E. V. CAREY.

Letter in the *Madras Times* of 5 Sept 1895 regarding Emigration from India to the Straits Settlements by E. V. Carey, Chairman of the Labourers' Association

E. V. Carey



Straits Settlements.

ORDINANCE No. V of 1884.

An Ordinance for the Protection of Indian Immigrants.

[17th October, 1884.]

CECIL C. SMITH.

WHEREAS it is expedient to make better provision by law for the protection of natives of India now and hereafter to be employed in the Colony as labourers;

It is hereby enacted by the Governor of the Straits Settlements, with the advice and consent of the Legislative Council thereof, as follows:—

PART I.

PRELIMINARY.

1. This Ordinance may be cited as "The Indian Immigrant Short title, Ordinance, 1884."

It shall come into operation at the several Settlements at such time or times as the Governor in Council may direct.

2. In this Ordinance each of the following terms shall have the meaning assigned to it by this section, unless there be something inconsistent with such meaning in the subject or context:—

"Advances" means money paid to or expended on behalf of an Immigrant on account of any of the purposes mentioned in section forty-one hereof.

"Certificated Immigrant" means an Immigrant who holds a certificate in the form prescribed in Schedule A to this Ordinance issued under the authority of the Indian Government or under this Ordinance.

"Contract under this Ordinance" means a contract entered into by an Immigrant in accordance with the provisions of this Ordinance to labour on an estate where agricultural operations are carried on or to labour elsewhere at such work as shall from time to time be specified by the Governor in Council under the power in that behalf given by section thirty-six hereof.

"Employer" means the person for whose service a contract of labour is entered into, and, in his absence from the estate, includes his Agent or Manager or other person in charge of the business on the estate.

"Estate" means a place where a contract under this Ordinance is to be performed.

"Immigrant" means a native of India.

"Immigrant."

Tamil making contract verum India the case. With "claptr planter" notorio pens to should nevert ment, t employ ately el planter, practice directly, that th commen of very both in ing up o will ther Govern in the r of the la with a v that in can cons who is o of which then on therefor the even of all p planters

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"Magistrate." "Magistrate" means a salaried Magistrate of Police acting for the district where the matter requiring the cognizance of a Magistrate arises.

"Master." "Master" means the person for the time being in charge of a ship.

"Medical Officer." "Medical Officer" means a Medical Officer appointed or acting under this Ordinance.

"Ship." "Ship" includes every kind of vessel used for the conveyance of passengers by water whether propelled by oars or otherwise.

"Statute Immigrant." "Statute Immigrant" means an Immigrant who is bound by the provisions of a contract under this Ordinance.

Repeal.

3. On and after the day on which this Ordinance shall come into operation in any Settlement the enactments in Schedule C hereto shall be repealed in such Settlement to the extent in such Schedule specified, but such repeal shall not affect the past operation of such enactments or anything duly done or suffered thereunder.

4. This Ordinance is divided into parts, as follows:—

- Part I.—Preliminary.
- Part II.—Immigration Officers.
- Part III.—Certificated Immigrants.
- Part IV.—Arrival and Departure of Immigrants.
- Part V.—Contracts of Immigrants.
- Part VI.—Treatment of Statute Immigrants on Estates.
- Part VII.—Localities unfit for Residence and Employment of Statute Immigrants.
- Part VIII.—Indian Immigration Agent's Inspection and Report.
- Part IX.—Offences committed by Statute Immigrants.
- Part X.—Offences committed against Statute Immigrants.
- Part XI.—General.

PART II.

IMMIGRATION OFFICERS.

5. It shall be lawful for the Governor to appoint an Officer to be styled the Indian Immigration Agent and such other Officers with such powers as may be necessary for carrying into effect the provisions of this Ordinance and to incur such expense as may be necessary for the purpose but all Officers who on the coming into operation of this Ordinance, shall be in office under Ord. I of 1876. "The Indian Immigrants' Protection Ordinance, 1876" shall continue to hold their offices as if appointed under this Ordinance.

6. The Indian Immigration Agent shall have the powers of a Magistrate so far as may be necessary to enable him to perform the several duties imposed on him by this Ordinance. In his absence from any Settlement his duties shall be performed in that Settlement by an Assistant Indian Immigration Agent, who shall for that purpose have all the powers hereby conferred on the Indian Immigration Agent.

7. The Indian Immigration Agent and every Assistant Agent Medical or other Officer appointed or acting under this Ordinance is hereby declared to be a public servant within the meaning of the Penal Code.

8. The Governor in Council may from time to time frame Rules and Orders for the conduct of the duties of the Officers under this Ordinance.

PART III.

CERTIFICATED IMMIGRANTS.

9. Every Immigrant holding an unexpired certificate to the effect stated in section ten hereof issued by the proper authority in

Certificates issued in India.

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British India, shall have all the immunities given in this Part to Immigrants holding like certificates issued in the Colony.

10. Any Immigrant in the Colony may apply to the Indian Immigration Agent for a certificate declaring that the person Colony. named and described therein is not subject to the provisions of this Ordinance.

11. The Indian Immigration Agent shall, if he is of opinion that the applicant is not a labourer or of a class ordinarily employed in agricultural work, issue forthwith under his hand and seal, free of charge, a certificate in the form or to the effect of Schedule A hereto.

12. Every certificate issued under this Ordinance shall contain the names of the holder thereof and of his or her father, and shall specify his or her place of abode in India age sex religion caste (if any) and calling. A general description of the holder of such certificate and of any marks on the portions of the body ordinarily unclothed by which he or she may be more certainly known shall also be written therein. The certificate shall be dated on the day of its issue and shall have force until the holder enters into a contract under this Ordinance.

13. A Certificated Immigrant shall, upon production of his certificate, be wholly exempted from every restriction imposed upon Immigrants by this Ordinance.

14. Every Certificated Immigrant shall be bound to produce his certificate when required to do so by a Magistrate or Police Officer, or by an Officer of the Indian Immigration Agent's Department, or by the Master or Officer of a ship in which such Certificated Immigrant is or proposes to be a passenger; and if he shall refuse or fail to do so when so required, he may be treated in all respects as an Uncertificated Immigrant until such time as he shall produce such certificate.

15. A Certificated Immigrant whose certificate has been lost or destroyed may apply to the Indian Immigration Agent for a fresh certificate and the same shall be issued accordingly: provided that it shall be lawful for the Indian Immigration Agent to require satisfactory evidence of such loss or destruction before issuing a new certificate.

16. The Governor may from time to time with the consent of the Government of India declare that any class of Immigrants is not a labouring class, and that any person belonging thereto is entitled to a certificate without enquiry; or that any class of Immigrants is a labouring class and that persons belonging thereto are not entitled to certificates.

PART IV.

ARRIVAL AND DEPARTURE OF IMMIGRANTS.

17. Nothing in this Part shall apply to,—

- (a) Certificated Immigrants.
- (b) First class cabin passengers.
- (c) Second class cabin passengers arriving or departing in a ship in respect of which the Governor has made such declaration as next hereinafter mentioned.
- (d) Menial servants in actual service.
- (e) Seamen firemen and other persons serving on board a ship.

The Governor may declare from time to time, by notification in the Government Gazette, that the second class cabin passengers of certain ships or lines of ships shall be exempted from the operation of this part.

Exemption.

Ports at which Immigrants may be landed. Ord. VIII of 1872.

18. No Immigrant shall land in the Colony except at the ports of Penang Malacca and Singapore as defined under "The Harbours Ordinance, 1872," or at such ports until authorised by the Indian Immigration Agent, and any Master causing or permitting any Immigrant to land contrary to the provisions of this section shall be liable to a fine not exceeding fifty dollars for each Immigrant so landing. A Master from whose ship an Immigrant shall land contrary to the provisions of this section shall in the absence of proof to the contrary be deemed to have caused or permitted him so to land.

Arrival of ships to be signalled.

19. Ships having any Immigrants on board embarked at a port in India shall, on arrival within signalling distance of any of the ports named in the preceding section, hoist the signal "D. K. W." together with a flag or flags denoting the number of Immigrants on board other than those exempted under section seventeen hereof, and shall keep the same flying until the arrival on board of an Officer of the Immigration Department. A Master omitting to comply with the provisions of this section shall be liable to a fine not exceeding two hundred and fifty dollars.

No communication with ship till after Immigrants landed, except by certain officers.

20. It shall not be lawful for any persons, other than the Health Officer, Master Attendant, Harbour Master, Indian Immigration Agent or the officers of any of them, or the owner agent or consignee of the ship, to communicate with any such ship as in the last preceding section mentioned on its arrival in Port, except for the purpose of landing cargo or passengers or disembarking Immigrants under the provisions of this Ordinance, until after the Immigrants on board thereof have been disembarked; and no Immigrant shall disembark or land or attempt to disembark or land from any such ship except as provided by this Ordinance.

Proviso.

Nothing in this section shall be held to prevent the Consul-General, Consul, Vice-Consul, or Consular Agent of any Foreign Power from boarding any ship of the nationality represented by him.

Penalty.

Any person communicating or attempting to communicate with any such ship contrary to the provisions of this section, and any Immigrant disembarking or attempting to disembark contrary to the provisions of this Ordinance, and any person aiding or abetting any Immigrant to disembark from any such ship contrary to the provisions of this Ordinance shall be liable to a fine not exceeding five hundred dollars and in default of payment to imprisonment of either description for a period not exceeding six months.

Indian Immigration Agent to receive notice of arrival and go on board.

21. On the arrival of the ship the Harbour Master shall give immediate notice to the Indian Immigration Agent, who shall forthwith proceed on board, apply to the Master for the passenger list or lists, and ascertain whether the number and description of Immigrants on board are in accordance therewith.

List of passengers—Duties of Master and Indian Immigration Agent in respect thereto.

22. The master shall, on application, deliver any passenger list in his possession relating to such Immigrants to the Indian Immigration Agent, who shall file the same in his office in chronological order, and shall note in writing therein whether each Immigrant therein named has arrived or not, and, if not, the cause of his non-arrival, and shall transmit by post to such Department in India as the Governor at the request of the Government of India may direct one copy of every note so made.

Ord. IV of 1871.

A Master who shall not on application deliver to the Indian Immigration Agent any such passenger list as aforesaid shall be deemed to have committed an offence under section one hundred and seventy-five of the Penal Code, and a Master delivering an incorrect passenger list to the Indian Immigration Agent shall until the contrary be proved be deemed to have committed an offence under section one hundred and seventy-seven of the Penal Code.

23. It shall be lawful for the Governor to establish examination depôts at each of the ports named in section eighteen hereof for the examination and detention of Immigrants, and also to license depôts for the detention of Immigrants, and to frame Rules for the management and regulation of such depôts, and to frame tables of fees and charges to be paid for the use thereof and for the maintenance of Immigrants detained therein.

24. On the ship being boarded as prescribed in section twenty-one hereof the Indian Immigration Agent shall require every Immigrant to go to an examination depôt, where it shall be ascertained whether he has received advances or not, and where, in the former case, he shall be examined by a Medical Officer.

25. Any Immigrant who has received advances under a promise to enter into a contract under this Ordinance may at the request and expense of the employer by whom or on whose behalf the advances have been made be detained under the care of the Indian Immigration Agent in a depôt until he shall have entered into such contract with such employer or shall have repaid all advances together with a sum of twelve dollars by way of smart-money; provided that no Immigrant shall be detained in a depôt against his will for more than one week, or after he has executed such contract or repaid such advances and smart-money as aforesaid.

26. Any such Immigrant found on examination to be unfit for labour from disease or physical debility shall be sent to an hospital for medical treatment, and shall be detained there till declared by the Medical Officer in charge of the hospital to be fit for labour, when he shall be handed over to the Indian Immigration Agent for detention in a depôt under the preceding section, or if he be a Statute Immigrant to his employer; and if the Immigrant is declared to be incurable or permanently unfit for labour under a contract under this Ordinance he shall be sent back at the expense of the employer by whom or on whose behalf the advances have been made to the place at which he was recruited in India.

All such expenses as in this and the last preceding section mentioned, whatever the amount, may be recovered from the employer in a Court of Requests at the suit of the Indian Immigration Agent whose certificate of the amount thereof shall be sufficient *prima facie* evidence that the sum named therein is the sum recoverable.

27. The Indian Immigration Agent shall explain to every Immigrant brought to an examination depôt that no contract for such labour as in section thirty-six hereof is mentioned or referred to is valid unless made in accordance with Part V of this Ordinance.

28. Any Immigrant who,—

Penalty.

- omits to go to an examination depôt or to a depôt licensed under this Ordinance after having been lawfully required by an Officer of the Indian Immigration Agent's Department to do so; or
- leaves such depôt without the written permission of the Indian Immigration Agent,

shall be liable to a fine not exceeding fifty dollars or imprisonment of either description for a period not exceeding three months; and any Immigrant detained under section twenty-five hereof who refuses to enter into a contract under this Ordinance or to repay his advances with such smart-money as aforesaid within seven days from the time of his entering such depôt shall be liable to a fine not exceeding twenty dollars or to imprisonment of either description for a period not exceeding one month, and if on the expiration of any sentence of imprisonment imposed for such refusal he shall still persist in such refusal as aforesaid he shall be liable to a further fine not exceeding thirty dollars or a further period of imprisonment not exceeding two months.

Any fine recovered under this section shall be paid to the employer by whom or on whose behalf such advances have been made.

PART V

CONTRACTS OF IMMIGRANTS.

37. Except as hereinafter mentioned in section thirty-eight hereof every contract made by an Immigrant under this Ordinance must be executed before the Indian Immigration Agent. If the employer is unable to attend the contract must be executed by the Indian Immigration Agent.

(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 and returning from a Court in or about a case in which he shall be convicted

contracts may
be executed
before a Ma-
gistrate.

Stamp duty.

Examination

Immigration
Officer to
satisfy him-
self that ad-
vances were
really made.

Term of contract.

At the case of the minor
who has received
from the court
under a judgment of
a court, the court has
been able to
to the court.

of an offence in respect of which the Judge or Magistrate before whom a case is tried certifies that such attendance was not necessary for the ends of public justice;

(c) Every period in respect of which an endorsement has been made on the contract by the Indian Immigration Agent under sections fifty-eight and ninety-five hereof;

(d) Every whole day during which the Statute Immigrant shall without reasonable excuse neglect to labour.

(2) For the purposes of sub-sections (a) and (b) any part of a day shall be counted as one day.

45. If the sum repayable by the Statute Immigrant be not paid at the end of the definite term, or in the case of a contract made for an indefinite term, at the end of the month's notice which may have been given by the Statute Immigrant, he may be required to labour until such sum has been paid in full.

In every such case the employer shall endorse on the contract the amount remaining due at the end of the term or notice, as the case may be, and shall produce such endorsement to the Indian Immigration Agent on his next visit for his allowance.

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

For an adult male, { 12 cents per day during the first year.
14 cents per day during the second and subsequent years.

For a female or for a boy under 21, { 8 cents per day for the first year.
10 cents per day for the second and subsequent years.

Provided that the higher rate shall not come into operation unless and until the sum contracted to be repaid has been paid or tendered.

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

47. No Statute Immigrant shall be bound to work on more than six days in one week, or more than six consecutive hours, or (subject as hereinafter mentioned) more than nine hours a day of actual labour. He shall for one day in each week receive wages without working on that day, if he has worked six full days in the week.

If he works for and at the request of his employer more than six days in any one week, he shall be paid for any work that he may do on the seventh day extra wages at the contract rate.

If he works for and at the request of his employer more than nine hours in any one day he shall be paid for such extra work the sum of two cents.

Provided that it shall at all times be lawful for the employer to require from a Statute Immigrant 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 of machinery.
- The maintenance of machinery in an efficient condition.

(d) The observance of usual sanitary regulations.

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, and shall be entitled to receive for such extra work the extra pay of two cents hereinbefore mentioned.

Immigrant to labour until advances repaid.

Rate of wages.

Time of payment of wages.

Days and hours of labour.

48. The Statute Immigrant shall not be bound to labour Where outside the limits of the Settlement for which the contract is made but his contract may with his own consent and the approval of the Indian Immigration Agent be transferred to any other employer in the Colony.

49. The Governor in Council may from time to time make Rules may be subject to which Immigrants may be engaged in the Colony for service in a country or state to which Indian Emigration Emigration is authorised.

50. If a Statute Immigrant whose contract is for a definite term shall be able and desirous to redeem the unexpired portion of such contract, such Immigrant may request his employer to take him or allow him to go before the Indian Immigration Agent, who, upon receiving from such Immigrant a sum equal to the value of the unexpired portion of his contract together with any sum which may be due from him to his employer under such contract, shall forthwith give notice of such receipt to the employer of such Immigrant, and unless such employer shall within one week from the date of such notice satisfy the Indian Immigration Agent that there is some sufficient reason why such Immigrant should not be allowed to redeem such portion as aforesaid, the contract shall determine as from the date of such receipt. The Indian Immigration Agent shall endorse a memorandum of such determination on the contract, which shall be given up to him for that purpose, and shall pay the amount so received by him as aforesaid to the employer.

The value of the unexpired portion of a contract under this Ordinance shall be the aggregate amount of one dollar for every month of the unexpired portion of the first year and of two dollars for every such month of the second and subsequent years of the original term of the contract.

51. Every Statute Immigrant who has completed his contract shall be entitled to appear forthwith before the Indian Immigration Agent in order that the completion of the contract may be registered, and all wages due to the Statute Immigrant shall be paid within forty-eight hours of such completion. Any employer who in any way obstructs such Statute Immigrant in appearing before the Indian Immigration Agent or fails or neglects to pay such wages within the time hereinbefore mentioned shall be liable to a fine not exceeding one hundred dollars.

PART VI.

TREATMENT OF STATUTE IMMIGRANTS ON ESTATE.

52. The employer of a Statute Immigrant shall so long as the contract is in force provide for him subject to the provisions of this and the following sections:—

- Sufficient and proper house accommodation.
- A sufficient supply of wholesome water.
- Sufficient and proper sanitary arrangements.
- Uncooked rations at wholesale current market prices.
- Cooked rations when lawfully required.
- Hospital accommodation.
- Medical attendance.
- A sufficient quantity of medicines of good quality.

The provision to be made in accordance with clauses (a), (b) and (c) of this section shall be such as shall be considered sufficient and proper by the Indian Immigration Agent for the time being.

53. The Governor shall from time to time by notification in the Government Gazette prescribe:—

- The kinds of rations to be provided in accordance with sub-section (d) of the preceding section.

PART VII.

LOCALITIES UNFIT FOR RESIDENCE AND
EMPLOYMENT OF STATUTE
IMMIGRANTS.

59. If the Indian Immigration Agent shall at any time have reason to believe that any estate or portion of an estate on which Statute Immigrants are living or employed is from any cause unfit for their residence or employment, he shall report his opinion in writing to the Colonial Secretary or the Resident Councillor of the Settlement, as the case may be, who shall forthwith summon a Committee of Enquiry.

Such Committee shall consist of a Magistrate, a Medical Officer and one or more employers of Statute Immigrants when such persons are available.

If the Colonial Secretary or Resident Councillor is unable to procure the service on such Committee of any employer of Statute Immigrants he may appoint one or more persons whom he may deem qualified.

60. Such Committee shall proceed with as little delay as possible to enquire into the condition of the estate or portion of estate to which the order appointing the Committee has reference, and shall hear such evidence on the subject as the Indian Immigration Agent and the owner of the estate or portion of estate or the employer may desire to place before it; and if such Committee or the major part in number thereof is of opinion that such estate or portion of estate is unfit for the residence or employment of Statute Immigrants it shall report accordingly, and from and after the publication in the *Government Gazette* of a notification that such report has been confirmed by the Governor it shall be unlawful to employ or permit to reside any Statute Immigrant on such estate or portion of estate.

61. The Governor may by notification in the *Government Gazette* declare any estate or portion of estate unfit for the residence or employment of Statute Immigrants without the appointment of any such Committee, or notwithstanding any report of such Committee to the contrary, if the whole number of Immigrants who have died on such estate or portion of estate during the preceding twelve months bears a larger proportion to the whole number of Immigrants residing or employed thereon during such period than seven per centum; or if the average annual number of Immigrants who have died on such estate or portion of estate during the preceding three years bears a larger proportion to the whole number of Immigrants residing or employed thereon during such period than five per centum.

A notification under this section shall have the same effect as a notification under the preceding section.

62. On subsequent proof being made to the satisfaction of the Governor that an estate or portion of estate found or declared unfit under either of the two last preceding sections has been improved in its sanitary condition and has again become fit for the residence or employment of Statute Immigrants, the Governor may publish a declaration to that effect, whereupon the estate or portion of estate may be used again for the residence or employment of Statute Immigrants.

63. In cases of exceptional mortality arising from epidemic diseases, not attributable to circumstances peculiar to the locality, the ratio of deaths shall for the purposes of this Part be calculated as far as possible exclusively of such exceptional mortality.

PART VIII.

INDIAN IMMIGRATION AGENT'S INSPECTIONS AND REPORT.

Inspections.

64. Every employer shall in the months of January and July in each year make out in writing and deliver to the Indian report of

Powers of
Indian Im-
migration
Agent.

Cooked ra-
tions.

Immigrant in
hospital.

Medical
examination
of Immi-
grants.

Removed to
Hospital

Temporary
incapacity.

Absence from
sickness.

When result
of immorali-
ty.

- (b) The kind of hospital accommodation to be provided in accordance with sub-section (f) of the preceding section having regard to the number of Statute Immigrants employed on the estate and its distance from the nearest Government Hospital.
- (c) The description of medical attendance to be provided in accordance with sub-section (g) of the preceding section.
- (d) The kinds and quantities of medicines to be kept on the estate by the employer.
- The Indian Immigration Agent may with the sanction of the Governor from time to time prescribe:

- (e) The times and manner of the issue of rations to be provided under sub-section (d) of the preceding section.
- (f) The quantity of any kind of rations which a Statute Immigrant may purchase at one time.
- (g) The price to be accepted as the whole sale current market price.
- (h) The price of cooked rations to be provided under sub-section (e) of the preceding section.

54. A Medical Officer or the Indian Immigration Agent may at any time require the employer of a Statute Immigrant to provide for him, in lieu of uncooked rations, cooked rations which shall be in accordance as to quantity and quality with the scale for native patients for the time being in force in Government Hospitals.

55. If a Statute Immigrant be received for medical treatment in a Government Hospital the expenses attending the feeding and medical care of such Immigrant shall be paid for by his employer at such rate as the Governor may from time to time prescribe by notification in the *Government Gazette*. Such expenses whatever the amount shall be recoverable from the employer in a Court of Requests at the suit of the Indian Immigration Agent and the certificate of the Indian Immigration Agent shall be sufficient *prima facie* evidence that the amount therein specified is due from the employer.

56. If it shall at any time appear to a Medical Officer or the Indian Immigration Agent that a Statute Immigrant is suffering from a contagious or infectious disease, or that it is otherwise proper for his health that he should be attended to in hospital, such Statute Immigrant shall forthwith be placed in such hospital as such Medical Officer may direct, and shall be detained therein for treatment until discharged by order in writing under the hand of the Medical Officer.

57. Any Statute Immigrant who is declared by a Medical Officer to be incapacitated for work by sickness pregnancy or other sufficient cause, shall be entitled to be received into and kept in hospital, where he or she shall be fed and clothed at the expense of the employer during such incapacity, but shall not be entitled to any wages for such period.

58. If any Statute Immigrant is compelled to absent himself from work on account of sickness for a period or periods exceeding the total number of thirty days in any one year, and the employer, as soon as such number is exceeded, gives such Statute Immigrant a notice in writing to that effect, the Indian Immigration Agent shall from time to time endorse on the contract of such Statute Immigrant, after such enquiry as may be necessary, the number of days of absence in excess of thirty.

60. If the absence from work of a Statute Immigrant for any period is certified by a Medical Officer to be the direct result of the Statute Immigrant's intemperance, immorality, or wilful misconduct, the Indian Immigration Agent may endorse on the contract of such Statute Immigrant, after such enquiry as may be necessary, the period of such absence.

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1075-1110

bonnors,
their state of
health, and
mortality.

Penalty for
omission to
furnish re-
turn or for
incorrect re-
turn.

Periodical in-
spection of
labourers to
be made by
Indian Immi-
gration A-
gent.

Books, &c.
to be pro-
duced.

Books to be
kept by
Indian Immi-
gration
Agent.

Inspector of
Madras
Government
to have
powers of
inspection
&c.

Penalty for
obstructing
inspection or
enquiry.
Ord. IV of
1871, ch. 6.

Reports by
Indian Im-
migration
Agent.

Such report
open to in-
spection by
employer.

Neglect to la-
bour.

Immigration Agent in such forms as the Governor may from time to time prescribe a return of the number of Statute Immi- grants employed by such employer during the preceding six months (and a return of the sickness births deaths, unlawful ab- sences desertions and arrests among them during the same period.

65. If any employer shall omit duly to send in any such return, or shall send in an incorrect return, he shall in the ab- sence of proof that such omission or incorrectness was occasioned by accident or a *bona fide* mistake be liable to a fine not exceed- ing two hundred and fifty dollars; and a certificate under the hand of the Indian Immigration Agent stating that such return has not been sent, or is incorrect, shall be sufficient *prima facie* evidence of the truth of the facts stated in such certificate.

66. The Indian Immigration Agent accompanied by a Me- dical Officer, unless he be himself a Medical Officer, shall once within each of such periods as may be fixed for such purpose by the Governor visit all estates on which any Statute Immigrants shall reside or be employed and inspect every house hospital tent camp or building in any way used by any Statute Immigrants, and inquire into the condition of such Statute Immigrants, and investigate the books of account of their wages; and

for such purpose the Indian Immigration Agent may require the employer to produce before him all or any of the Statute Im- migrants then under contract with him together with all contracts and books of account of wages, written in English, and to answer such questions relating thereto as the Indian Immigration Agent may think proper to ask.

67. The Indian Immigration Agent shall keep books in which from time to time shall be entered the number and names of all the Statute Immigrants then under contract with each em- ployer, the number and names of all who shall be sick or missing, or incapacitated for labour, or who shall have complained of ill- treatment, with the particulars of such complaints.

68. The Officer from time to time deputed with the con- currence of the Governor by the Government of Madras to examine and report to such Government the condition of Immi- grants in the Colony, may exercise under this Ordinance all or any of the powers of entry inspection enquiry and investigation, which are hereby conferred on the Indian Immigration Agent.

69. If any employer or other person wilfully obstructs or impedes any entry inspection enquiry or investigation made under this Ordinance, or commits any offence described in Chapter X of the Penal Code relating to such entry inspection inquiry or investigation, he shall be punished as provided in Chapter X of the Penal Code.

70. The Indian Immigration Agent shall make such reports to the Governor relative to the conduct of his office in such form and with such particulars as the Governor may from time to time direct.

So much of every such report as relates to the Statute Immigrants under any particular employer shall at all reasonable times be open to the inspection of such employer or any person by him appointed in writing in that behalf, and the person so inspecting shall be entitled to take a copy of the report so far as it relates to such Statute Immigrants, and the Indian Immigration Agent shall send to any employer mentioned in any such report a copy of so much of the report as relates to such employer.

PART IX.

OFFENCES COMMITTED BY STATUTE IMMIGRANTS.

Neglect to Labour and Disobedience.

71. Any Statute Immigrant who shall without reasonable excuse neglect to labour as required by the employer, such

being reasonable and proper, shall be liable to a fine (to be paid to his employer) not exceeding fifty cents for each day during which such neglect shall continue; and in case such neglect shall have continued for seven consecutive days or in case such Immigrant shall have been already convicted of a like of- fence within a period of three months, such Immigrant may be furthermore sentenced at the request of the employer to impris- onment of either description for a period not exceeding fourteen days.

72. Any Statute Immigrant who without reasonable excuse Disobedience disobeys any lawful order given by his employer, or wilfully of orders and and knowingly omits to do any duty necessary to be done by refusal to work. him for the management discipline and good order of the estate, shall be liable to a fine not exceeding fifty cents for a first offence and for a second or subsequent offence shall be liable to imprisonment of either description for a period not exceeding one month.

Unlawful Absence.

73. A Statute Immigrant who is unlawfully absent from the Unlawful estate of his employer shall be liable to a fine not exceeding fifty absence. cents.

A Statute Immigrant is unlawfully absent from the estate of Defined. his employer who without reasonable excuse goes or is beyond the boundaries of the estate during working hours.

74. Provided that upon the commission by a Statute Immi- Deductions grant of any of the offences described in the three last preceding from wages. sections the employer may instead of proceeding against him be- fore a Magistrate make deductions from the wages next coming due to such Statute Immigrant in manner following, that is to say:—

In cases of neglect to labour or unlawful absence one day's wages may be deducted for every day or portion of a day on or during which such neglect or absence may occur or continue.

In case of disobedience to a lawful order half a day's wages may be deducted.

Every such deduction shall be subject to the confirmation of the Indian Immigration Agent upon his next visit; and unless then attested by his signature shall be deemed to be unlawful and of no effect.

Desertion.

75. Every Statute Immigrant who deserts or attempts to de- Desertion. sert from his employer's service shall be liable to imprisonment of either description for a period not exceeding one month; and every Statute Immigrant who after having been convicted of desertion shall again desert from his employer's service shall be liable to im- prisonment of either description for a period not exceeding two months; and every Statute Immigrant who after having been twice convicted of desertion shall again desert shall be liable to impris- onment of either description for a period not exceeding three months.

A Statute Immigrant deserts from his employer's service, Defined. when he is continuously absent from his employer's estate for more than twenty-four hours exclusive of any Sunday or authorised holiday without leave from his employer or without reasonable excuse, or when he is absent from the estate under such circumstances as shew that he does not intend to return to perform his contract.

A Statute Immigrant shall be deemed to attempt to desert from his employer's service if he is found either on or off the estate under circumstances from which it may be reasonably inferred that he intends to desert.

76. Ill-treatment of a Statute Immigrant by his employer, or the neglect of the employer to fulfil any condition of the con- Proviso in tract, may be deemed a reasonable excuse under this Part. case of ill- treatment or breach of con- tract.

Arrest and Charge of Deserters and Absentees.

Deserters and Absentees.

77. If any Statute Immigrant deserts or attempts to desert from his employer's service or is unlawfully absent from the estate or leaves a Hospital in which he has been ordered to remain for medical treatment under section fifty-six hereof without leave from the officer in charge of such hospital, his employer or any other person acting in his behalf or any officer of the Department of the Indian Immigration Agent may without warrant and without the assistance of any Police Officer (who nevertheless shall be bound to give such assistance if called upon to do so) apprehend such Statute Immigrant wherever he may be found and take him back to the estate or to the hospital or to a Police Station at once, provided that

When in other service.

If such Statute Immigrant be found in the service of another employer he shall not be arrested without a warrant.

Notice and charge.

78. Such employer or other person as aforesaid shall with the least practicable delay after apprehending any such deserter or absentee prefer a charge against him under this Part at the nearest Police Station and shall also enter the charge in a book to be kept for that purpose on the estate for the inspection of the Indian Immigration Agent to whom on his next visit to the estate the entry shall be shewn by the employer, and who shall initial the same.

To be taken to nearest Police Station.

Any Statute Immigrant so charged may be conveyed before a Magistrate who shall adjudicate upon such charge. But the employer instead of proceeding before a Magistrate may release the accused and withdraw the charge in which case it shall not be necessary for the accused to be taken before a Magistrate.

Mutilating.

Immigrant disabling himself.

79. Any Statute Immigrant who wilfully inflicts on himself any injury or wilfully does any act by which he may be made unable to work, and any person abetting within the meaning of the Penal Code the infliction of such injury or the doing of such act, the injury or act being of such a character as to prevent the Statute Immigrant from labouring according to the terms of his contract, shall be liable to imprisonment of either description for a period not exceeding one month.

Selling Rations.

Penalty for Immigrant selling food.

80. Any Statute Immigrant who without the consent of his employer sells barter or disposes of for profit any ration cooked or uncooked purchased by him from his employer under the provisions of Part six hereof shall be liable to imprisonment of either description for a period not exceeding seven days; and

Ditto for receivers.

any person who without such consent as aforesaid knowingly buys takes in exchange or otherwise receives any such ration shall be liable to a fine not exceeding twenty-five dollars, or to imprisonment of either description for a period not exceeding one month.

Disobedience to sanitary regulations.

81. Any Statute Immigrant guilty of wilfully disregarding any sanitary regulation which has been approved by the Indian Immigration Agent and publicly notified for observance on the estate on which such Statute Immigrant is employed shall be liable to a fine not exceeding five dollars or to imprisonment for a period not exceeding one week.

Estate deemed a public place. Ord. XIII of 1872.

82. For the purposes of section forty of "The Summary Criminal Jurisdiction Ordinance, 1872," an estate shall be deemed to be a public place.

Imprisonment.

83. On the application of the employer or of any person authorised to act for the employer of any Statute Immigrant imprisoned for any offence under this Ordinance a Magistrate may at any time previous to the expiration of such imprisonment, if he see good cause, order such Statute Immigrant to be released and given up to his employer, and in that case the Magistrate shall endorse on the contract a memorandum signed by him of such order and send a copy thereof to the Indian Immigration Officer.

Portion of sentence may be cancelled on application of employer.

84. Whenever a Statute Immigrant is convicted of any offence the Judge or Magistrate before whom such conviction is had shall endorse on the contract a memorandum of the conviction and shall send to the Indian Immigration Agent a copy thereof.

Conviction to be endorsed on contract.

85. 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.

Disposal of Statute Immigrant after release.

Cancellation and Transfer of Contract.

86. Whenever any Statute Immigrant shall have actually suffered imprisonment amounting in the whole to six months for desertion from his employer's service the Indian Immigration Agent shall at the written request of the employer cancel the contract of such Statute Immigrant.

Contract may be cancelled for repeated desertions on request of the employer.

Every such cancellation shall be certified by the Indian Immigration Agent on the back of the contract, and such Statute Immigrant shall be liable to work during the remainder of the term of the cancelled contract on such public works for the Government or the Municipal Commissioners of the Settlement as the Governor may direct at the same rate of wages as named in such contract.

Immigrant to labour on public works.

If the services of any such Immigrant shall not be required by the Government or the Municipal Commissioners the Indian Immigration Agent shall take such steps as may be proper, subject to the provisions of Part V hereof, for securing employment for him if applied to by him for that purpose.

87. Whenever any Statute Immigrant shall have been twice convicted for offences under this Part the Indian Immigration Agent on the application of the employer or of his own accord may with the approval of the Governor transfer the contract of any Statute Immigrant to some other employer willing to accept the same upon such terms and conditions as between the old and new employers as shall appear to him reasonable.

Agent may transfer contracts.

PART X.

OFFENCES COMMITTED AGAINST STATUTE IMMIGRANTS.

Separating Families.

88. Any person separating or abetting within the meaning of the Penal Code the separation of a Statute Immigrant from his wife or from his children under the age of sixteen years or from any person dependent on him without in any of the above cases (proof of which consent shall lie on the accused) shall be liable to a fine not exceeding one hundred dollars; and any contract involving such separation shall be void, and such wife children or dependent shall be forthwith restored to the Statute Immigrant by the Indian Immigration Agent.

Penalty for separating families. Ord. IV of 1871.

Penalty for permitting Immigrant to reside in unhealthy locality. 89. Any employer who shall cause or permit any Statute Immigrant to reside or labour upon any such estate or portion of an estate as under the provisions of Part seven hereof has been found or declared to be unfit for the residence or employment of Statute Immigrants with knowledge of such finding or declaration and whilst such finding or declaration remains in force, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment of either description for a period not exceeding six months.

Penalty for non-compliance with secs. 50 and 52. 90. Any employer who omits to comply with such request as is mentioned in section fifty hereof or with any of the provisions of section fifty-two hereof shall in the absence of proof that such omission was accidental be liable to a fine not exceeding two hundred dollars, and to an additional fine of fifty dollars for each day during which such omission is continued.

Penalty for molesting Immigrant. 91. Any person who whether alone or in combination with others hinders or molests by word gesture or act any Statute Immigrant in the performance of his contract shall be liable to a fine not exceeding two hundred dollars, or to imprisonment of either description for a period not exceeding six months.

Complaints by Statute Immigrants.

Employer to give notice to Indian Immigration Agent, if Immigrant wishes to complain. 92. If any Statute Immigrant states to his employer or to any person acting for such employer in the conduct of the business of the estate that he desires to make a complaint to the Indian Immigration Agent of personal ill-usage or breach of any provision of this Ordinance on the part of such employer or any other person, the employer or person to whom such statement is made shall within forty-eight hours send notice thereof in writing to the Indian Immigration Agent, and in default of so doing such employer or person shall be liable to a fine not exceeding one hundred dollars.

Procedure by Indian Immigration Agent.

Indian Immigration Agent how to proceed on receipt of notice. 93. Whenever the Indian Immigration Agent receives such notice in writing as last aforesaid, or whenever any complaint of personal ill-usage or breach of any provision of this Ordinance is made to him by any Statute Immigrant against his employer or any person acting for such employer, or when the Indian Immigration Agent has other reasonable grounds for believing that any personal ill-usage or breach of any provision of this Ordinance has been suffered by a Statute Immigrant, the Indian Immigration Agent shall so soon as conveniently may be proceed to the estate and make full enquiry into the matter.

Procedure. 94. For the purposes of such enquiry the Indian Immigration Agent may summon before him such Statute Immigrant and any witnesses.

Penalty for obstructing service of or disobedience of summons. Ord. IV of 1871. Any person who in any way wilfully obstructs the service of or obedience to such summons, and any person summoned who neglects to attend as required in such summons, and any person who commits any offence described in Chapter X of the Penal Code relating to any such complaint or inquiry, shall be punished as provided in Chapter X of the Penal Code.

If complaint is untrue or frivolous. 95. If upon any such inquiry made on the complaint of a Statute Immigrant the Indian Immigration Agent is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint and a short statement of the grounds of his opinion respecting it; and in such case he shall endorse on the contract of such complainant the number of days during which such complainant has been absent from work in conse-

quence of such enquiry, and may impose on the complainant a fine not exceeding fifty cents, which may be deducted from the Statute Immigrant's wages and retained by his employer.

96. If upon enquiry as aforesaid the Indian Immigration Agent is of opinion that the complaint is well founded, he shall institute such proceedings Civil or Criminal for and in the name of the Statute Immigrant as he shall deem necessary under the circumstances.

The Indian Immigration Agent shall have a right to appear in Right of hearing and be heard before all inferior Courts Civil or Criminal on behalf of any Statute Immigrant for whom he shall institute any proceeding under this Ordinance.

Cancellation of Contract.

97. If any employer or any person placed in authority over any Statute Immigrant by such employer is convicted before a Judge of the Supreme Court of any offence against the person or property of such Statute Immigrant; or

if any such employer or other person as aforesaid is a second time convicted before a Magistrate of any such offence; or if a Magistrate shall on the report of the Indian Immigration Agent and after due enquiry upon oath in the presence of the parties be satisfied that any Statute Immigrant has been compelled to perform any labour while he was unfit for it, or has been subjected to ill-usage by such employer or any other person placed by him in authority over such Statute Immigrant;

the Judge or Magistrate may on the application of such Immigrant cancel his contract and award to him compensation not exceeding fifteen dollars.

Such cancellation shall be certified by the Court to the Indian Immigration Agent, who shall make an entry thereof in the books of his department.

Court Fees.

98. No Court fees shall be chargeable in the first instance on any proceeding commenced by a Statute Immigrant or by the Indian Immigration Agent on his behalf against his employer under this Ordinance; but in case a conviction shall be had or judgment given against the employer the same shall be paid by the employer together with the general costs of the proceeding.

PART XI.

GENERAL.

99. The whole or any portion of any fine imposed upon a person convicted under section thirteen of "The Crimping Ordinance, 1877" of an offence committed in respect of a Statute Immigrant may be awarded to the employer of such Statute Immigrant.

Fine for cutting away Statute Immigrant may be paid to employer. Ord. III of 1877.

Description of Labourer.

Name.	Father's Name.	Age.	Sex.	Religion and Caste (if any).	Place of Abode in India.	General Description and Distinctive Marks.
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Endorsement to be made by Indian Immigration Agent:—

I hereby certify that I have personally explained this contract to the said
thereof, and ascertained that he is fully aware of the terms

Signed

Indian Immigration Agent,
Settlement of—

SCHEDULE C.

No. of Ordinance.	Short Title.	Extent of Repeal.
I of 1876,	"The Indian Immigrants' Protection Ordinance, 1876,"	The whole.
III of 1877,	"The Crimping Ordinance, 1877,"	Section 12.
I of 1882,	"The Labour Contracts Ordinance, 1882,"	So far as affects Statute Immigrants.

Public ~~DEPARTMENT~~ DEPARTMENT.

No.

From

Dated

18

FOR ORDERS.

The matter has been so fully & clearly gone into by Mr. Forbes that there is little to say.

So far as this part is concerned, we are not anxious to facilitate immigration, believing, as we do, that there is plenty of work to be done on this side of the Strait. We are not willing to work. On the other hand, if people think they can better themselves by going over the Strait, we do not wish to prevent them doing so. We are therefore prevented in the matter. The Straits Settlements, however, desire to provide for the proper payment & treatment of Indian labourers employed on its side of the Strait & to advise as to raising the minimum statutory wages & lowering the terms of service of Indian natives employed there under contract. We can only reply that we agree with them as to the desirability of the measures proposed & appropriate the benevolence of their action in favour of our people.

I do not see any reason

The first matter for consideration is the correspondence in current no 1346 in which the G. of I. forwards a letter from the Straits Administration suggesting a further inquiry into the working of the labour laws affecting Indian immigrants in the Settlements. The Colonial Agent thinks the time has come to raise the minimum wage & shorten the period of indenture for labourers engaged under those laws. It also desires to consider whether the Ordinance of 1892 (amending the Ord. of 1884) should now in whole or in part be brought into operation; and finally it suggests the deputation as in

1882

FOR ORDERS

1882 of officers representing the Govt of India & Madras to consider with local representatives the whole question

1. For the better understanding of the present state of the emigration question it seems desirable to recapitulate shortly its history during the last 10 or 12 years. Originally emigration from the Presidency to the Straits was regulated by Act V of 1877. But this was repealed by Act of 1884 with the result that the traffic was left absolutely free from all legal restriction on this side of the water. The circumstances which led to the adoption of this course were thus stated by Sir B. Peckham in introducing the Bill of 1884: "Act V of 1877 was intended to stop the system of emigration under advances by rendering the recovery of such advances illegal. The result has been that 4/5 of the emigration to the Straits have evaded the restrictions of the law & have gone on unregulated & unprotected as well as unhampered by the law. It is in consequence of this entire

all for the suggestion of a committee to inquire & report. It is to be a pleasant joint business, no doubt, but I cannot see that there is anything we need to inquire into

23/10/95

Two things are clear, first that the Govt of the Straits Settlements does not do a good deal of business from our Commission already and secondly that there has no emigration district where the want to be relieved by the emigration & though we are not to see that one of our people as do go to the Straits and are very much to be seen there. There are no doubt many others to prevent any one from going (p. 303) Act No. 11 of 1884

The evidence that is on record shows that the Madras emigration will be a great success & that the Straits & the Singapore & Malacca companies are not enough to justify the

So I don't see what object will be served if we spend money in sending emigrants to Singapore.

As for not preventing coolies from going to the Straits, no circumstance is graver for him. There are no regulations restricting it. It is not our intention to prevent it in any way & no alteration need be made in our laws or procedure.

We might see as many as 100,000 but our coolies should not be sent to places where emigration is forbidden. This is secured as far as possible, & even if immigration is made entirely free, coolies will go to the Straits unless the conditions have altered there. The Straits Settlements are not a place where

Act No. 13 of 1880

5/11/83 No. 2126-7

is an Indian. Emigration has been established for 100 years. There are many coolies (some of whom are "free") going & coming every

if any Indian might enter into a written engagement as aforesaid he was at once brought under the Order (a free Indian labourer was therefore under a verbal agreement)

failure of the Act in this respect that we have now before us the proposal to repeal the Act or to rely on protection in the colony rather than on restriction at the place of departure

3 But before finally deciding on this legislation the Govt. had in July 1884 deputed Sir E. Buck of Ol. Fisher to proceed to the Straits & there investigate the subject, and come to some settlement as to the character & scope of the protection which the Straits port should afford the Indian immigrants on the repeal of the Act of 1877 which had proved ineffective.

4. The result was the Straits Ord. V of 1884 which gave effect to the recommendations of Sir E. Buck's Commission. This Ord. gave protection to all Indian immigrants ~~who~~ ^{in writing} engaging to work as agricultural labourers on an estate, whether first arrivals or persons reengaging in the colony. All contracts were entered into in the colony itself under supervision: engagements made in India before arrival were not

Act No. 37 of 1884

any longer
recognized: the advances made
recoverable were strictly defined &
~~strictly~~ limited to 12 dollars,
recoverable by deductions of not more than 10. a month:
the min^m wage was declared to be ^{provided that}
12 cents a day in the first year & 14 cents
in the 2^d & 3^d years with lower
rates for women: ^{compulsory} work was not
needed 6 days a week: provision
was made for the redemption of the
contract, the period of which was limited
to three years. There were also ample
provisions for the ^{super} treatment of the
minigto. & the inspection by gov^t agents, sec. 64-69
also for declaring an estate unfit sec 59-63
for the residence & employment
of minigto., and many other
matters securing their welfare.

58
 69
 63
 year. Ignorance of
 the conditions with which
 we are to make
 the influence of
 Govt necessary however
 the Members will do all
 they can to continue
 immigration - restriction
 & they will increase,
 at all events for a
 long time to come, so
 we need not consider
 what will be the
 effect of making im-
 migration entirely
 free.

the immigrants is good
It might be well for
the author his of the
Society to have agents here
(at other places besides
he of a part are) to foster
emigration & explain
matters to
prospective emigrants
It is for the Members
to organize this,
as the Em refugees to whom
the revenue an. has
a account.

29

What we are asked to consider is how far we can help the Straits Settlements to get coolies in larger numbers and at a cheaper rate - than at present - i. e. we are to consider how we can "more actively favour immigration" than (I suppose) we do at present.

5 On the passing then of our Act of 1884 repealing the Act of 1877, the only legal interference remaining on this side was under the Passenger Ship Act, which secured that the voyage sh^d be made in a properly found ship, not overcrowded, & sanitarily ^{wholesome} ~~convenient~~. Further by executive orders Dist. Mag^s were authorized to license recruiters recommended by state agents or the Straits Dutch Agent, such recruiters alone being permitted to have their recruits entered in the Reg^r. A maintained by the Dutch Agt at Nagasaki where there was a depot under medical inspection; & provision was also made for giving "certificates" to free ^{emigrants} ~~labourers~~ embarking for the Straits. But there interference on this side came to an end. (Nullified) recruiting was not prohibited by Madras orders: but in the Straits the Im. Agent refused to recognise labourers brought by such recruiters.

6. In the two years before 1890 there was a marked falling off in the amount of imported labour from India. The ~~blunters~~ complained. At the same time appointed in that year a labour commission

to inquire into the causes of the decline & to make proposals for removing any difficulties that they might find to be in the way of ~~them~~ ^{their} ~~improvements~~ ^{improvements}.

7. The Commission reported that the complaints related to three things.

- (1) the bad physique of the immigrants;
- (2) the inefficient quantity of
- (3) the heavy cost of importation.

para 280 of Com^{rs} Report,
page 42 of the Pink Volume
And recalls p. 2 of Colonial
Debates of 14/11/92 in G.O.
14/1/93 to 13.

As to (1) & (3) the remedy they suggested

was the app^t of an Agent General for

Emigration to be stationed in India who

2d be responsible for everything connected

with the recruiting, examination & shipping

of the coolies, as by this means only could

the ring of recruiters with their heavy chains of

the broken up, and suitable physique selected

in ~~the~~ world. the ~~immigration~~^{emigration} was to be under-
written by the Government.

taken as a ^{whole} ^{business}. With regard to

the complaint of unconfident navelers, the Comd-

found that this was due mainly to (a) the

real competition with Ceylon & Burma; (6) the mis-

representations of Coolie Brokers, the discovery ^{report} of

which renders the recurrent ω singular at $\rho(\underline{c})$ the

long period of three years for which the contract

inured, & seldom did the Labreros become

free at the end of the period as they passed.

...ances & other debts to the employer to pay off;

for deputizing a special officer to the

Stracks - for as Mr. Forbes says we are

in full possession of all the facts up
to a point. He had to tell all the

to the very recent date. All that we
can hope for is that it is

agree that any measures which

\$20 insurance to the emigrant a higher

ed: rate of wages & a shorter period

frontal are most desirable.

On the other matters I
agree with him.

the same the various conclusions.
we have kept it.

pe into a long line.

has 290-294

of the Rock House.
7 Nov

Handwritten: *Handwritten*

but the chief cause, in the common opinion, was (ol) insufficient pay — the remuneration being 12 cents a day for the 1st year & 14 cents for the 2nd & 3rd years, & it was rare that at the end of the 1st year the labourer was free of advances & able to draw the enhanced rate. The report shows (\$305-312) that no free labourers ^{were} getting from \$20 cents & upwards per diem in Penang & Prov. wellsley, & 25 to 30 cents in the Native States. The contrast of his lower wage with these high rates coupled with the long term of bondage ^{was naturally a} potent factor in producing the discontent that prevailed.

8 For the present purpose the important points to bear in mind are ~~that~~ the Comen's findings as to the rates of pay, & the period of indenture.

9. The result of the Council's report was the passing of Ord^{re} ~~LVI~~ XLVI of 1892 amending the Ord^{re} of 1884 in general accordance with their recommendations.

10. The principal alterations were -

immigrant labourers arriving under a promise
to enter into an engagement under the Ord.ⁿ
were landed free; the only advances received
from them being sums advanced in actual
cash but up to a max^m of £5 only which

to be recovered by monthly deductions not exceeding 50 cents. Under the Ordⁿ of 1884 all advances (including passage money) up to 12 dollars were recoverable by deductions of one dollar a month.

The min^m wage was fixed generally for the whole period at 14 cents a day ^{of nine hours} Extra work was to be paid for at one cent for each 1/2 hours work at agricultural labour (see 47 as amended). The Sunday was excluded (but if work should be done it was to be paid for as extra). But the three years period was declared to be equivalent to 720 days work ^(either in 9 hours a day labour or in tasks declared to be equivalent) as soon as 720 days work had been performed the labourer was free of his contract.

This three years period was compulsory in the case only of immigrants who received a free passage under a promise to enter into a statute contract. All other immigrants & durians reengaging in the colony might enter into an engage^t for any definite term not exceeding three years, or for an indefinite term terminable on either side by one month's notice: it is to these classes, who did not receive a free passage, that the ^{new} form of contract ~~added~~ introduced by the Ordⁿ of 1892 as for "free labourers" is ~~applicable~~ intended [In this connection the term is distinguished from those receiving a free passage, & has not the same ^{signification} as the "free labourers" mentioned in the annual Immigrant Reports, where it refers to labourers not under an Ordinance contract]

Task work as an equivalent to a day's

see 46 as amended

see 25 of O. of 1884 as amended by S. 13 of O. of 1892

Labour ~~was~~ was also newly introduced (new ^{O. of 1884} sec. 45, as inserted by sec. 23 of the Ordⁿ of 1892); the equivalent tasks being subject to the approval of the Immigrant Agent.

"Smart money" payable by an immigrant receiving a free passage for release from his promise to labour is fixed at \$24; & the same sum is the limit of payable for the redemption of a contract (see 58 ^{O. of 1884} as amended by S. 26 of O. of 1892)

Another alteration in favor of the labourer is made by the amendment of sec. 58, whereby 60 days absence on account of sickness (not the direct result of his own misconduct) is allowed to count in the whole three years term, only days in excess of this number counting against the contract.

The form of contract was also modified so as to show all the conditions to which it was subject.

11. How this Ordⁿ of 1892 has never been put in operation & matters are still regulated by the Ordⁿ of 1884. The main reason is evidently the opposition of the planting interest, who contend that

their ascent was procured on the understanding that the mining business was to be taken over by Govt. & the Director to control operations appointed in India. (See Mr. Vermon's speech in the Straits Council p. 7 of the Debates of 14/11/92 in G.O. 14/1/93 no. 13 Pub.). Believing that by in this way they w^d. get a sufficient supply of suitable men at a minimum of cost, the planters accepted the more onerous terms introduced by the Ord^e of 1892. From time to time we have been told by the Govt. that the operation of the Ord^e was delayed & that Govt. has plainly not been able to get over the opposition on this point. At the same time it is clear ^{it} ~~the Govt.~~ mean to give in, for in a minute D. 19/6/94 appended to the annual Indian Ministry report for 1893, the Col. Sec^y remarks "The proposal to appoint in India an Agent 'Ganfa Euphrati' may be considered to be definitely abandoned, for the Govt. has no intention of undertaking the duty of recruiting Indian labourers for private employers. As it is, the expenditure of the Indian Ministry Dept^t far exceeds the fees

To G.O. India 18/2/94 in G.O. 21/2/94 no. 185
12/2/94 in G.O. 19/5/94 no. 344

G.O. 25/9/94
no. 718

"renewed, & it is likely before long to become a question how far any expenditure for the support of a particular industry is a fair charge on the revenue of the colony"

12. Nevertheless although the Straits Govt. has not apparently been able to as yet to bring the Ord^e of 1892 into operation it comes forward with the proposals in the correspondence now under consideration, which have in view ~~the purpose of~~ "legislation for the purpose of raising the minimum rate of wages & shortening the period of contract"

13. This evidently means new legislation going farther than the Ord^e of 1892. Reading together paras. 4 & 5 of the Col. Sec^y letter, I gather that the Straits Govt. is prepared to ~~cancel~~ ~~withdraw~~ give effect to the Ord^e of 1892, in whole or in part, & at the same time amending it so as to give the immigrant better wages & a shorter term.

In the last para. of the same letter the Straits Govt. recites, as a conclusion to which it wd much wish to arrive, the hope expressed by the Govt of India in a letter of 15 Sept^r 1893 add^d to the Madras Govt that "it may be found possible before many years are passed to free the immigration of coolies to the Straits Settlements from all legal restrictions."

vide in G.O. 27/9/93
no. 799.

14. Before discussing the particular questions of enhanced wage & reduced terms, it will be convenient to deal with this passage now & get it out of the way. Seeing ~~that~~ it was written in 1893, it should ~~not~~ ^{simply} refer to the abolition in the Straits, (~~not~~ ^{as the} side for where no restriction exists), of all legal regulation of Indian ~~labour~~ imported ~~from~~ labour. The Straits Govt. evidently take it in this sense. But whether it was really so meant, is not so clear as it might be, & to understand what the G. of I. really did intend the rest of the sentence sh^d be read (~~the~~ ^{letter} will be found in G.O. 27/9/93 no 799 sub). The words following those quoted in the Straits letter are - "but until the planters compete in the open market & offer to the immigrants not the minimum statutory

"rate, but the same rate of pay which can be obtained elsewhere" it will be found difficult to undertake the entire freedom of emigration to the Straits Settlements which is the ultimate aim of our policy."

15. The G. of I. ^{letter} appears to me to be very loosely expressed - in one place it speaks of ^{the freedom of} "immigrants to the Straits", & again of "freedom of emigration to the Straits Settlements"; And as the letter began by asking this Govt to watch the modes of recruitment as the recruiters might be driven to "various devices to secure labour", it almost looks as if the letter were written under the inadvertent impression that legal interference of some sort was still practised on this side.

16. Assuming however that what the G. of I. & the Col. Govt wd like to see is "freedom from all legal restrictions" on the Straits side, it is submitted that if the planters themselves are ready & willing to trust to the open market, competitive prices, & the civil courts their Govt.

might without any serious objection assent to the repeal of the laws which regulate ^{the} contract of labour. Emigration from this Presidency to the Settlements has been in vogue from the beginning of the century. For many years the annual effect has been from 20,000 to 30,000 emigrants, of whom from 85% to 90% are "free" emigrants, i.e. emigrants who leave not under contract and advances.

Ind. para 5 of 27/8.2. 29/1/83

from G. of India. in G.O. 19/3/83 No 583 Sub.

Year	Ind. para 5	Free	Total	Percent. of (27/8.2)
1890	3059	16093	19154	84
1891	3834	26532	30366	87.4
1892	1933	17530	19463	90
1893	2300	16043	18343	87.5
1894	1784	13232	15016	88

(this is the sense in which "free" is used in the annual emigration reports). Of those who leave under contract, all come under the Ord. when they arrive in the Settlements. Of those who leave as "free" emigrants, a certain number engage under the Ord., while the rest some disappear in the general community as artisans or as some engage as estate labourers, but as "free labourers" not under the Ord. The nos. therefore shown in the

Nos. of Indian ^{Table} ~~immigrants~~ labourers on estates in Prov. Wellesley & in subordinate Native States, distinguishing those with engagements under the Ord. from those without.

	1891	1892	1893	1894	
Wellesley	4288	3918	3709	3209	Under the Ord.
	1232	1302	1835	2001	Not under the Ord.
	5520	5220	5544	5210	
Native States	11445	1234	1528	1257	Under the Ord.
	1270	982	1223	1124	Not under the Ord.
	2715	2216	2751	2381	
Total	8235	7436	8295	7591	
Unprotected	2502	2284	3058	3125	
or	30%	31%	36%	40%	
	1/3th		2/5th		

annual returns as "estate immigrants" consist partly of emigrants who have left the P. under indenture & partly of those who have left as "free emigrants," & have engaged under the Ord. in the Shikhs. For the 4 years, 1891-94, I have taken out the figs. shown in the marginal Table. This shows that the total Indian labourers on the estates is about 8000; of which from 1/3 to 2/5 are

is not under the Ordinance at all. It will be noticed that in Province Wellesley the proportion is rising steadily; in the 4 years the percentage of "free labour" to total labour being 22%, 25%, 32% & 40% respectively. In the Native States the relative proportion is more constant.

While there is this large traffic to the Settlements, there is a corresponding large return of Indian labourers from the Shikhs, the nos. for the last 5 years being 1890, 14,100; 1891, 26,115; 1892, 19,000; 1893, 14,660; 1894, 14,000.

17. With these large numbers passing backwards & forwards, the conditions of life & of employment in the Shikhs must necessarily, now after a century of the traffic, be sufficiently well known to the class to from which the emigrants are drawn to enable them, generally, on fairly equal terms with their employers. Again all inquiries have shown that the Indian immigrants are very well treated. In May 1883 the G. of India ^{also} noted that the condition, so far as it was judged, was satisfactory: (G.O. 23/6/83 No. 1238 para 3 of 4th letter). This was confirmed by the inquiry

In Jan. 83 the G. of India remarked "There is strong evidence that the free immigrant is at least as well cared for as he is in his own country. The planters themselves say that the free labourer is a happier & more contented person than the contract labourer." (To M.S. 29/1/83 No 278. in G.O. 19/3/83 No 583)

on the spot, made later in the same year,
by Mr. Birch & Mr. Fischer; the latter ~~of~~
~~who~~ who went to Ceylon returned
to bless, vide para 21 of his letter of 23/11/86
no 1238 (GO 5/5/87 no. 635-7) where he writes
as to the ease & comfort enjoyed by the
natives that it was "a decidedly
pleasant surprise" - vide also para 3
of his letter of 10/1/88 no. 21 (in GO 15/5/88 no. 70).

The Straits Colonies of 1890 recorded similar
testimony, vide p. 7 of the ^(not Indian) Analysis of the Evidence

(in GO 19/11/91 no 1141). See also para 10 of Mr. Heathcote's

report of 18/1/91 (GO 24/1/91 no 619) "these people are invariably well treated."

Having then regard to all these circum-

stances & to the fact that the Straits

Sett. is like our own a British govt

I can see no very great objection to our

being prepared to assent to the abolition

on the Straits side of legislative inter-

ference with the contract provided so long as

some law is retained providing

(a) for the inspection of estates & the

insuring the proper treatment of the

labourer in the matter of health,

accommodation, sanitation & medical

attendance.

(b) for Govts. interfering & closing an

estate to labour, where the death

rate is abnormally high & the estate after

inquiry is declared to be unfit for the

the estates is about 8000; of which from 13 to 75

And on the 27/9/93 Mr. Heathcote in
his annual report for 1892 bears
similar testimony para 23 ibid in
GO 27/9/93 no 795.

& defn of "immigrant" in 1-2 of
the Ord^{ce} as amended by GO
XVI of 1892

residence of labourers (see Part VII, § 57-6
of the present Straits Ord^{ce}; & Cf, secos
128-133 of the Assam Labour &
Immigr. Act 1882); &

(c) for the maintenance of the "certificate
system" in so far as it empowers the
Govt to prevent any Asiatic native
of India belonging to the "class ordinarily
employed in agricultural labour work"
(see: 11 of the Ord^{ce}) from departing
from the Sett^{ls}. except (a) back to India or
(b) to a country or state to which Indian
emigrⁿ is authorized by the Govt of I.
(see sec: 31 of the Ord^{ce})

19. The first two provisos which I
suggest are not ^{strictly} emigration regulations
but appertain to the domain of "public
health": the last is recommended
as a security against the free
traffic to the Straits being used as
a cloak for the emigrⁿ of our coolies
to a country to which emigrⁿ is
forbidden. It would of course be
at once accepted by the colony since
it will, as the present section is
meant to do, help to retain labour
in the Sett^{ls}.

20. One cardinal point still remains
& that is whether the Straits Govt. in

referring to the removal of "all legal restrictions" includes the Straits Labour Ord^{ce} of 1882. The Immigr^{nt} Ord^{ce} repeals it so far as affects statute immigrants. Now if the removal of the Immigr^{nt} Ord^{ce} from the Statute book were to mean the revival of the Contract Ord^{ce} of 1882, ~~it is~~ we sh^d require to know a good deal more than we have here the means of knowing, about its provisions & working. Of general account of it is given in paras 15-17 of the Comen's Report of 1890 (Pink book). It is a penal contract law somewhat on the lines of our Act ~~XII~~^{XIII} of 1859 which it replaced as the latter was apparently not sufficiently far-reaching; & it ap-
parently ~~recognises~~^{recognises} penal contracts for 5 years if made abroad & for 3 years if made in the colony (para. 16 of the Pink report). We have no copy of the Ord^{ce} here, & so I cannot ascertain what particular defaults entail imprisonment or an order to work off advances under the enactment. But unless as the S. of State appears to have wished the penal period is reduced to one year or 18 months it w^d not be advisable to repeal the Immigr^{nt} Ord^{ce} merely to

* Note. In 1839 the Straits Settlements were under the G. of India.

have it replaced by the ~~more~~^{more} drastic penal provisions of the ordinary labour contract law of the colony. Of course if it is ~~not~~^{not} meant to apply it to ~~ind~~^{ind} immigrants then the objection disappears. In the Penang note of 26th July 1883 (in Gov 5/11/83 no. 2126) it was distinctly explained that one of ^{the objects of the special} ~~the~~ legislation ^{on behalf of the immigrants} ~~was to~~ was to obviate the application of the Labour contract Ord^{ce} of 1882 (vide paras 8 & 9, ~~ibid~~^{ibid}).

21. I have entered thus at length into the ^{general} question of freeing immigrants in the Straits from legal restrictions, so that we may see ~~in the first~~^{precisely} how the case stands & secondly so that we may be able to say to the Straits Govt. how far we are able to go in the direction of freedom; & if the views above stated are accepted, we shall be able to throw the whole onus upon them of retaining any restriction upon the liberty of contract.

22. But I believe that we may rest quite assured that ~~it is~~^{it is} the last thing

in the world, ^{which} the Straits planters desire
is free immigrant labour. The question
of the necessity of contract labour was
fully discussed by the Labour Com^{tee}
of 1890, & the conclusions reached are
set out in paras. 366-369 of the
Final report: the arguments on the
employers' side were thus explained

"366" In considering the subject of contract terms the
first question which suggests itself is whether such provisions
are necessary at all. Many interests are strongly in
favor of adopting a system of free ~~immigrant~~ similar
to that of Ceylon, where no contract is made so far as
the planter is concerned his coolies are only under a verbal
monthly agreement. An employer requiring labour sends a
Tupidal or Kangani to India, giving him an advance ~~xxx~~ by
what agreement the coolies are bound to the Kangani ~~xxx~~ is not
known ~~xxx~~

"367" Such a system has many advantages to the employer. It is
however at present inapplicable to the Malay Peninsula for
several reasons, notably the excessive scarcity of labour.
Without some stronger hold, such as can only be obtained by
a legal contract, it is probable that Kangani & coolies will frequently
transfer themselves to ~~xxx~~ the best market.
Then the distance from India is greater & the expenses of the
journey much heavier rendering large advances necessary ~~xxx~~.
~~xx~~

"368" Desirable as it may be to render ~~immigrant~~ absolutely free &
spontaneous we see no way at present of accomplishing this
end, it appears to us necessary to sanction a contract of
specified length so as to enable the employer to recover by
the labour of the coolie the sum advanced for the expenses of
his importation.

"369" Again many employers agree that some system of
contract is indispensable for unless they can be absolutely
certain of having a labour force bound down to them at
certain seasons there is risk of losing an

"entire crop. Where the supply of labour amply the carrying of
this argument ~~will~~ cease ~~xxx~~; but as things stand there
is a very strong reason for retaining some form of contract.
It is however no reason against reducing the term
to the shortest period which will give time to replace losses."

or even under the penal labour
law, provided no agreement
longer than one year or 18 months is
recognized,

23. It will thus be seen that
the real difficulty in the way of freeing
immigrant labour is raised by the
colonial planters. And I think we may
safely tell the Straits Govt. that when
they ^{on their side} are ready to allow free contracts
adjudicable in the civil courts in the
ordinary way, we on this side
are prepared to consider favourably
their proposals.

24. Turning now to the specific
proposals for the amendment
of the existing ~~immigrant~~ law, the
two main points are stated to
be the raising of the rate of wage
& the shortening the contract term.

25. In 1883 the Penang Com^{tee}
recommended (para 34 in G.O. 571/1834021/2)
the reduction of the term to two years
"the maximum sum of \$12 to be repaid
if the labourer in one year or a little more
it is difficult to see why in that case he should

in "he bound for a further term of two years"
 is the Col. Sec^d asked the opinion of the J. of India on this point (para 15 of his letter in G.O. 14/7/84 no 1492). This reply is not in the file; but in response to a reference, this J. of India did not raise any objection to the term of 3 years ^{which was accordingly} introduced into the Ord^r of 1884 (G.O. ibid). But later correspondence is more decidedly in favor of a reduction.
 In his letter of 19/6/1890 no. 3231

(in G.O. 20/8/90 no 595) the Col. Sec^d informed the J. of India that with regard to the Indian labourers employed in the Protected Native States the Government proposed to address the Admin^s of those States in view of having the term reduced to 2 years & if possible of fixing a higher rate of wage. The local authorities, he said, were "impressed with the unfavorable effect upon the mind & consequently on the physical health of coolie immigrants of the prospect of 3 yrs enforced servitude upon wages fixed very much below the market rate of free labour"

In the Debates in the Cal. Leg^{isl} in 1892 on the Ord^r amending the Ord^r of 1884, the Col. Sec^d (page 11 of Deb^s on 14/11/92) pressed strongly for a shorter term "When it is considered how small the advance is, how close India is to us, how short the passage is - only taking

In para. 7 ^{supra} I have set out the findings of the Labour Comm^{rs} of 1890 regarding the insufficient rates of pay & the excessive term of contract - vide also p. 9 of the Analysis in G.O. 19/4/91 no. 1441

^{days}
 (x i.e. 20 x 12 x 3 = 720)

(that while 20 x 12 x 2 = 480
 or 17 1/2 x 115 days)

in G.O. 25/9/94
 no 718

"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 3 years? Personally I say, no, & I am glad to find that by this Bill effect is given to this opinion that it is contemplated to reduce the term to 720 days. I should be better pleased if this term were even shorter & I think that 2 yrs or the no. of working days in 2 yrs would be amply sufficient"

In the same speech he also pressed for the raising of the wage which he pointed out was still ^(cents) \$12, the rate at which it had been for 20 years, although wages of all other classes of labour had risen greatly. (The Ord^r of 1892 raised the min^m to \$14 ^{cents}, but the law has not come into operation.)

In submitting the annual report on Indian Imm^{gr} for 1893 Mr. Macgregor makes the remark ^(para 28) ~~illustration~~ of the ~~question~~ that Indian coolies obtained in the Straits or reengaged there never contract for more than 18 mos. or one year. I quote this to show what term

is considered reasonable when the coolie is free to make terms.

26. There has always been a strong feeling that the term of 3 years is far too long. The unpopularity of the service, the illhealth of the coolies, & the excessive number of desertions among contract labourers are all attributed largely to this condition. Even the 720 days of the 1892 Ord^{ce} have not yet been amended, & the full 3 year term of the Ord^{ce} of 1884 is still in operation.

We sh^d. strongly recommend reduction to 18 months, or 2 years at the most, [vide ~~see~~ page 9 of the Analysis of the end of the 1890 Com^{tee} (G.O. 19/11/91 no 1141)]

If we had this reduction the max^m wage might be 14 cents. as in the 1892 Ord^{ce}. At present it is only 12 cents, ^{even} the 14 cents of the 2^d year are not allowed if there are outstanding advances not paid off.

*proviso to sec. 46

At Wellesham the Resident in Kerala says in his letter of 28th p 91 (G.O. 26/7/91 no 619) that "as a member of the Labour Com^{tee}. I have already recommended an increase in the wages to be paid to indentured Lab^{our}. and what I consider of far more importance "a reduction in the term of contract"

* There are on an average about 20% of the ~~from~~ estates in Wellesham & over that from estates in Native States - from the latter in 1894 the number was 50%!

* He recommended 14 & 16 cents as fair wages with an increase in the 3^d year. see page 23 of the Analysis (G.O. 19.11.91) [i.e. assuming there is a 3^d year.]

27. This increase of wages sh^d. be effected by bringing into operation the Ord^{ce} of 1892, amending it with respect to the term as suggested above. And the sh^d. may be answered accordingly (thus the G. of ?) on the two main points of their reference.

28. With regard to the "desirability" or otherwise of bringing into operation the whole or any part of the Ord^{ce} XVI of 1892 we can only say that it is most desirable. The amendments which it introduces into the Ord^{ce} of 1884 are generally greatly to the advantage of the immigrant. (they are detailed in para 10 supra) with the advantages as conferred & the shortened term as an essential amendment, emigration ~~is~~ ~~has~~ ~~been~~ or rather the engagement of immigrant labour under the Ord^{ce} is ^d. I firmly believe become much more popular than it seems to be.

29. The sh^d. G.O. suggests that the above matters sh^d. be discussed in the L.C.C. with

two officers deputed as representatives
of the G. of I. & of the P. of Madras, as
was done in 1883. I do not see
however that any particular
advantage is likely to arise from
such a consultation. We are satis-
fied with the treatment of the coolies,
& the Col. port. can be made aware
of our views as to the ~~rate~~ enhance-
ment of the wage, the shortening of
the term, and the bringing into effect
the enactment of 1892. I do not
therefore see what a local inquiry
is to disclose: the voluminous
evidence recorded in the Pink Book
~~Report~~ of 1890, & the report of that
Comst., with the annual Summary
reports, give us all the facts that
concern us. What ^{evidently} the Straits port.
is really driving at is to induce the
Govt. to favour more actively emigration
to the Straits where the want of labour
is much felt. We have however
no particular object in giving
adventitious help to the movement.
Our own districts are already
beginning to cry out for more & cheaper
labour, while Burma & Ceylon
in which the conditions are admittedly

healthier, & already absorb as
much as we can well spare.
The weather, it is submitted, rests
entirely with the Straits port. by
raising the wage, restricting the
term, & giving the other advantages
enacted in the Ord^e of 1892. If
it is necessary to conciliate
the planters it is open to the Col.
port. to appoint as proposed in
1891 an Agent General to
superintend operations in India or
~~make~~ ^{make} them more of a govt. business.
To such a course we need raise
no objection.

When the deputation of an
officer was ^{similarly} suggested in 1886, the
port. thought it unnecessary (G.O. 5758,
no 635-7 para 19 page 12). Since then
we have the results of the 1890
Comst.

If an officer is deputed
^{deputation} ~~the~~ should not occupy more
than one month, which was
the length of Messrs Buch & Fischer's
visit in 1883.

30. With reference to para. 7
as to freedom from legal restrictions
it wd be enough to indicate that

the difficulties are not on this side
but on their own side & refer to the
conclusions of the 1890 (ambⁿ vide
paras 22 & 23 supra) as to the absolute
necessity for contract labour.

31. As to the Annual Report
for 1894 we may forward the
remarks of the M^{rs} of Tanjore.
adding that the large numbers of
desertions point to the urgent
necessity of improving the conditions
& terms of labour.

J. R.
15/10/95

Note for Office
This sh^d be replied to separately
Yes & not mixed up with the
other general reference
J. R.

FOR ORDERS

14 2

Early

Public
DEPARTMENT.

No.

From

Dated

18

FOR ORDERS.

Hon W Bliss
Hon W Gore
H.B. the Governor

Revenue and Agricultural Department,

(Enig:)

Simla, The 4th July 1895.

No. 973
26

To

The Secretary to the
Government of Madras.

Pibem 2340 pgs

SIR,

I AM directed to invite attention
to the communication marginally noted,*
and to request the favour of an early reply
thereto.

Subject.

Indian immigration in
the Straits Settlements.

I have the honour to be,

SIR,

Your most obedient Servant,

520
* No. 26-2, dated 20/4/95.
subsequent reminder No. —
dated —

E. H. H. H.

Under-Secretary to the Govt. of India.

Office

Send urgent
reply to the
letter from
10348 12/11/95
End
13/11/95

R. & A. Regr. No. 7.

G. I. C. P. O.—No. 1150 R. & A. D.—17-4-93.—1,500.

Letter from the Government of the Straits Settlements, to the Government of India, Revenue and Agricultural Department, No.1590-95, dated 13th September 1895.

I am directed by the Governor of the Straits Settlements to invite attention to my letter of the above number, dated the 15th March last, proposing that representatives of the Governments of India and of Madras should again visit the Straits Settlements to inquire into matters connected with Indian Immigration into this Colony and the working of the labour laws.

2. His Excellency would be glad to be informed whether the Government of India is likely to be able to accept the proposal.

(True copy)

A. J. C. S. S.

Registrar,

Department of Revenue and Agriculture.

No. 1568
26-27

FROM

F. G. SLY, Esq., c.s.,

Under-Secretary to the Government of India,

TO

The Secretary to the

Government of Madras.

Simla, the 31st October 1895

Department of Revenue
and Agriculture.

SIR,

(Emigration)

In continuation of this Department's letter No.

520/23-2, dated the 20th April last, and subsequent

No. 973, dated 4th July 1895.

reminders, I am directed to

No. 1291, dated 27th August 1895.

forward a copy of a letter

from the Government of the Straits Settlements enquir-

No. 1590/95, dated the 13th September 1895. In whether the

proposal made by that Government that Indian Officials

might be deputed to enquire into the working of the

labour laws in the Straits, is likely to be accepted.

2. I am to request that the Government of India may

be favoured at a very early date with the views of

the Government of Madras, which were asked for in

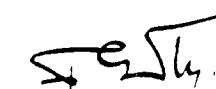
paragraph 2 of the letter of 26th April last referred

to above.

I have the honour to be,

Sir,

Your most obedient servant,



Under-Secretary.



3385

Public Dept

From

The Govt of India,
Rev. & Apr: 1905

1568
26-4

Dated 5
Recd 12 } 10/95
Regd -

encl: one

Seeljeck

Re the working of the labour
laws in the Straits

This is an excellent illustration
of the inadvisability, for with down
the working of the law being direct
from the office to a secretary to Govt.
The note which in the office is of
such a description that the whole
burden of the mass of details contain-
ed in correspondence extending over
many years has been thrown on Mr.
Forbes, who in this case stands in the
place which a secretary to Govt. would
ordinarily occupy. This is not a satis-
factory nor economical way
of working.

23/10/95

It was
in the
day
work
8/10

Public Dept

C. No. 1647. 1346. 2324,
1460 & 2304

C. No. 3385 & 5/10/95 from G. of India

1. The ...
2. The ...

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by this Government to accompany Mr.

Back to Singapore (G.O. No. 1388, dated
23rd June 1883.)

Colonel Fiechter's reports
will be found with G.O. 1829, dated
17th July 1880, and 2130, dated 11th
November 1880 (in original of G.O. 38,
dated 14th January 1884).

The gist of the reports was
that the condition of the Indian immi-
grant in the Straits had greatly im-
proved, and that the principal aim of
the future should be to institute a
system of efficient and systematic in-
spection.

Ordinance No. 10 of
1884 (G.O. 11, printed form) was passed,
and rules were framed under it (G.O. 776,
dated 27th March 1885.)

Things did not go without
smoothly, and in 1886 (G.O. 1816, dated
24th Jan. 1886) a deputation of
a deputation of officers to the Straits
to discuss the subject of the emigration
and rules with (least) and critical.

This was followed by a report of

19 of G.O. 10. 35, dated 10th 1887,

but for the purpose of revised, and was

presented and passed by G.O. 10. 1887.

May 1888, Jr 510.

5. 1888, to the Straits is

confirmed

conf. of the Negotiations, the Straits is
under the superintendence of Mr.
Bardner (G.O. 10. 13, dated 9th January
1886.)

A Commission was appointed by
the Straits Government in 1890 to enquire
into the state of labour, and Ordinance
XVI of 1892 was passed principally to
carry out their recommendations (G.O. 98,
dated 7th February 1893).

The circumstances under which
Ordinance XVI of 1892 has not been
brought into operation are detailed in
the enclosure to the current 1346. The two
principal requirements are the increase
of the minimum rate of wages and the
prolongation of the period of contract.

It is the views of this
Government on the proposal that repre-
sentatives of the Governments of India
and Madras should now visit the Straits
and in conjunction with the officers of
that Government enquire into the working
of the labour laws, with special refer-
ence to the subjects enumerated in para-
graph 5 of the enclosure to the current 1346.

The Ag. Collector of Tanjore has
been consulted and considers that vague
complaints which have been made (vide
papers recorded pro tem by G.O. 787, da-

1895) could be satisfactorily enquired into by an officer deputed to the Straits.

The question is what suitable officer available? The Collector makes no suggestion.

In its letter of the 1st May (C. 1460) India asks whether there are any points in the Straits Immigration Report for 1894 to which it is desired the attention of the Colonial Govt. may be directed.

The Collector in his reply (C. 2804) refers to one or two matters which might be brought to India's notice.

It is also suggested that the Report would be of more use if it contain^d comparisons with the figures of the two preceding years.

Deputy Secy

[Handwritten scribble]

[Handwritten scribble]

J.B. Hey
[Extensive handwritten notes and signatures]

Note for the Chief Secretary.

This file will have to go to His Excellency the Governor, but before it does, and with reference to the Hon. Mr. Bliss' remark, dated 23rd October 1895, on the type note, I request permission to offer a personal explanation.

The type note was prepared for you; it was not known that the file would go to Mr. Forbes. You have dealt with all questions relating to Emigration to the Straits Settlements during the past eight years and are conversant with the details of the existing and previous arrangements. You are averse to unnecessarily long notes being put up as they only add to your already heavy work. Had the whole history of the question being prepared without being specially called for I venture to think that you would have taken exception to it. When I first joined your office in 1889 Mr. Pringle frequently impressed upon me the necessity for curtailing notes as much as possible unless you desired any particular matter to be very fully entered into.

The information afforded in paragraphs 8 to 12 of Mr. Forbes' note is within your knowledge. A comprehensive note on the subject would have been put

** This is correct. I transferred it to Mr. Forbes when assembling in the Secretariat as I had then more work than I could get through.*

Seen — As regards the affair with which I remarked I am not aware how much of the history of the Straits' Emigration question is within the knowledge of the C.S., but I know that it was not within my knowledge & I suspect that my former colleagues were not more fully informed than I was.

As regards work on Sundays & holidays, it strikes me that it must be as much to the advantage of the 1st as to enjoy some leisure as it is to my advantage.

As regards the business of Mr. Hind's work, I admit I suspect it — we are in the

had Mr. Forbes so desired it.

Paras. 13 to 23 of Mr. Forbes' note deal with a question which, I would submit, is not before this Government. In para. 7 of the letter from the Colonial Secretary to the Govt. of India No. 1590/95, dated 15th March 1895 (With C.1346) reference is made to a remark made in a letter from India to this Govt. to the effect that "it may be found possible, before many years are passed, to free the emigration of coolies to the Straits Settlements from all legal restrictions" and it is added that the Governor of the Straits Settlements would much wish to arrive at that conclusion. But in India's letter to this Govt. which is now under consideration (C.1346), no reference is made to that subject; the views of this Govt. are asked on the proposals contained in para. 5 of the Colonial Secretary's letter. I would therefore respectfully submit that it would have been incorrect for me to have noted, either briefly or at length, on a point which was not shown to be for consideration.

~~The~~

The remarks in the remaining paras. of Mr. Forbes' note are based on the assumption that an officer will not be deputed to visit the Straits Settlements and discuss the various questions there. The Govt. of India requested the views of this Govt. on the proposals that :-

respect all in the same boat. But would we then not be afraid of falling into arrears, so long as his arrears are only of papers which have to go to the Govt. of India. When the Govt. of India finds that it never accepts anything not put up to him it may perhaps come to know that we have more to do than the existing staff can get through - Object lessons are given in the form of teaching

12/11/95

- (1) An officer should be deputed to the Straits Settlements.
- (2) He should enquire into the working of the labour laws.
- (3) He should discuss on the spot certain specified subjects.

Proceeding as I did on the likely assumption that an officer would be deputed, the reply to India would embrace only the three points noted above. The views of this Govt. on the "specified subjects" would be communicated for the guidance of the special officer before he proceeded to the Straits. I would therefore respectfully submit that it would have been premature for me to note fully on each of the "subjects" which do not form the "proposals" referred to this Govt. for opinion. The Colonial Secretary writes in para. 6 of his letter "should the Govt. of India be in a position to accept this proposal (i.e. the deputation of an officer for the purpose of local enquiry) "the details can be settled later".

In ~~conclusion~~ ^{connection} with this matter, I beg to submit that my work has increased to such an extent that throughout this year I have had to work between nine and ten hours every day to keep it current. During the whole of the past Ooty season I had invariably to start work at 7-30 a.m. and work on with necessary intervals until between 6 and 7 p.m. This

^{no} was by means confined to office days. The consequence was that I had no time

for

Papers to be read in proceedings:—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. of 189 , dated , from
" " " 189 , " , "
" " " 189 , " , "

ORDER.

LETTER No 936 d. 14 Nov 95
To
The Secretary to the Govt. of India,
Dept. of Rev. & Agri.

SIR,

I am to
~~In forwarding the following~~

reply to your letter No. 520/26-2, dated 20th April last, ~~I am to~~ ^{and} express the regret of this Govt. at the delay ^{which} ~~that~~ has occurred, ^{which} ~~is~~ ^{has} ~~however~~ ^{been} ~~attributable to the~~ desire to look thoroughly into the whole question of emigration from Southern India to the Straits Settlements ^{and in doing so.}

2. In para. 2 of your letter under reply the views of this Govt. are requested on the proposals of the Straits Govt. that representatives of the Govts. of India and of Madras should again visit ^{along} the Straits, as they did in 1883, with the view of enquiring, in conjunction with officers of the Straits Govt., into the working of the labour laws in connection with certain specified subjects.

*Approved, but
It is not the case that a more
urgent reason for the delay is that
some could find time to take up the
papers when up to were rec'd. Is the
reply urgent? Yes. why not say so?
12/11/95*

*JG
12/11/95*

for exercise or private writing of any kind. My duties in connection with the office and routine papers in my departments take up the greater part of the official day. Nearly all heavy drafting has perforce to be done out of office. In regard to the order that no work is to be done on Sundays and other close holidays I beg to submit that drafting officers have, in common with Hon. Members, to utilise close holidays for dealing with big subjects as those are the only days on which they are relieved from the many necessary interruptions which occur in office.

The long note that I wrote for the information of the Hon. Mr. Bliss on the subject of "diets" and which the Hon. Member pronounced to be "excellent" and of the greatest assistance to him was done entirely out of office hours, and so also are all my heavy drafts. I am shortly to be relieved of the charge of the Marine dept; and I shall do my utmost to keep the remainder of my work current but if any further work is to be placed in my charge and I am to be debarred from working on Sundays and close holidays I much fear my work will fall into arrears. This has never happened to me before but it is quite impossible to work for ten hours every day in Madras without any exercise.

75B.

*28.10.95.
filled with the note for orders at the
end of the Chief Secy. 28/11/95*

After very carefully reviewing the history and present circumstances of ^{of the case which} the ~~emigration and immigration between~~ the Straits and this Presidency, H. E. the Governor in Council ^{is unable} ~~fails~~ to see what advantages would accrue from the deputation of an officer of ^{from this Presidency} ~~this Govt.~~ as proposed ^{for the facts of the case} up to ~~a very recent date~~ are well known.

3. With reference to the desire of the Straits Govt. that this Govt. should assist it more than it does at present in obtaining a large and cheap supply of labour I am to remark that it ^{has to be the} ~~is not the~~ particular interest of this Govt. to foster emigration or ^{to} render it more attractive. ^{the chief object is to} ~~the chief object~~ to secure good openings for the surplus population in times of ~~scarcity~~ ^{of security and distress -} there being ^{at that time's employment} ample work for all ^{who are willing to work} ~~at other times~~ and ensure that when they ^{leave} the Presidency they are well treated in the ^{of their adoption} ~~adopted~~ homes. In the matter of emigration, ^{the position of} ~~from to explain~~ this Govt. is entirely neutral, for which while on the one hand it ^{does not feel called upon} ~~is not prepared~~ to ^{openly} encourage it on the other it ^{regularly} ~~would~~ place no restriction of restraint upon it.

4. The large numbers of people ^{who} ~~that~~ pass annually between the Straits and this ^{Southern India} ~~Presidency~~ tend to a general acquaintance ^{here} ~~on this~~ side with the excellent manner in which the Indian emigrant is looked

~~after~~ in the Straits, ^{steps} ~~action~~ should further ^{in this direction} be desired I am to suggest that the Straits Govt. should open other emigration depots in this Presidency, ^{a course} to which there would be no objection.

5. It is obvious ^{in the} that if the terms offered to emigrants are improved, the ~~probability is that~~ ^{then it is possible} a far greater number would accept them. The proposal to raise the minimum rate of wages and to shorten the period of contract is eminently calculated to ^{encourage} ~~foster~~ the emigration which the Straits Govt. is so anxious to secure, and this Govt. on its part most cordially recognises the advantages which the emigrants themselves would derive from these measures and would strongly press for ~~as little~~ ^{no} further delay ~~as possible~~ in carrying into effect this ^{portion} ~~provision~~ of the programme, which was approved more than three years ago.

6. It is understood that the emigrant who leaves this Presidency for the Straits on his own account and who is free to make his own terms with his employer never contracts for more than one year or eighteen months, and ^{he is} ~~also~~ with the registered emigrant who ^{he can} re-engages after completing his time. There is clearly a strong feeling in favour of shortening the existing term of three years and this Govt. ^{with} ~~desires~~ ^{large} ~~to impress~~ upon the Govt. of India the advisability of reducing ^{the period of the contract} ~~it~~ to eight months or two years at the most. T

^{in the opinion of}
minimum rate of wages should be raised
^{1/2 in C}
at the same time. The 14 cents allowed
by the Ordinance of 1892 would be suffi-
cient, and the increase could be
readily effected by bringing that
Ordinance into operation after amending
^{as suggested above with respect}
it in ~~regard~~ to the length of the con-
tract ~~as suggested above~~.

7. On the general question
of "bringing into operation the whole
or any part of the Ordinance XVI of
1892", this Govt. is of opinion that
it is ^{highly} ~~not~~ desirable and trusts that
the Straits Govt. will be in a posi-
tion to take action in this direction
at an early date.

^{In conclusion}
8. Before ~~concluding~~, I am
directed to refer to the possibility of
freeing immigration into the Straits
from all legal restrictions ^{as suggested} which H.E.
the Governor of the Straits Settlements
is ^{apparently so strongly} ~~apparently so strongly~~ in favour of,
^{in the Commission}
I am to remark that the difficulties
in the way ^{do not arise in India} ~~are not on this side~~, and
this Govt. would be prepared to assent
to the abolition on the other side of
all legislative interference with the
contract, subject to certain minor pro-
visions to which it is ^{needed} ~~necessary~~ to
^{refer} ~~refer~~ as the question is not under
consideration. The necessity, however,
for all labour in the Straits being under
^{kind} some ~~sort~~ of contract was sufficiently
demonstrated by the Labour Commission

DATED

No.

GOVERNMENT

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GOVERNMENT

GOVERNMENT

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