

Public (1896) Department.

ORDINARY MS.

G.O., No. 1118

DATED 10-10-96

RECORDED

[Despatch Abstract.]

Recording sub? of the 8 of 1
forwarding copy of the Jamaica
Indian Immigrants Marriage,
Divorce & Succession Law, 1896.

T 12/10

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
3178/97							

[Pub. 29]
1,000-29-7-86.

Public (1896) Department.

CURRENT No. 142

From the Govt of India
R & A Dept
(Emigration)

N
Order No 1118, 10th October 1896
Recorded

10/10/96

No. 1653
62-1

Cd.
There is no emigration from
S. India to Jamaica.

The Protector of Emigrants
SC

Ad of Revenue
SC

14/10/96

Dated 26th September }
Received 2nd } October } 1896
Registered 32
Enclosures 3
Spare copies. 15 of the enclosure no. 1

SUBJECT.

Forwarding copies of the
Indian Immigrants marriage
divorce and Succession Law
(Jamaica) and papers connected
with it the law.

4 A.C.s of me N. 1 are enclosed. Copies
of me 3 have not been received.

119
10/10/96

T 12/10

BACK PAPERS.

G.O.	No.	Department.	D.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 63 (Public Emigration), dated India Office, London, the 16th July 1896.
 From—Her Majesty's Secretary of State for India,
 To—The Government of India.

File No. 62 of
 1896.
 Serial No. 1.

I forward for the consideration of Your Excellency in Council a letter from the Colonial Office and a copy of the new "Indian Immigrants Marriage, Divorce and Succession Act" passed by the Legislative Council of Jamaica. I also enclose a copy of a letter on the subject which has been sent in reply.

2. In the event of the law being found free from objection other than that pointed out in this reply which I have caused to be made to the Colonial Office, I request that I may be informed to that effect by telegram.

3. I observe that section 6 is identical with a clause in the Guiana Ordinance to which no objection was taken by your Government.

I have, etc.,

GEORGE HAMILTON.

Dated Colonial Office, Downing Street, the 25th June 1896.
 From—The Under-Secretary of State,
 To—The Under-Secretary of State, India Office.

I am directed by Mr. Secretary Chamberlain to transmit to you for the consideration of the Secretary of State for India in Council the accompanying copy of a Law which has been passed by the Legislative Council of the Colony of Jamaica, entitled "The Indian Immigrants Marriage, Divorce and Succession Law, 1896," together with a copy of the Attorney-General's Report thereon, and I am to inform you that, unless His Lordship has any objection to offer, Mr. Chamberlain proposes to advise Her Majesty not to exercise her powers of disallowance with respect to this Law.

ATTORNEY-GENERAL'S OFFICE,

9th April 1896.

Report on Law 22 of 1896.

I have examined the accompanying law, entitled the "Indian Immigrants Marriage, Divorce and Succession Law, 1896," and I am of opinion that the law is one that is not contrary to the Governor's instructions.

During the last few years there have been several murders among the coolies, in nearly all cases arising out of their relations with women. This law is based principally upon the enactments in British Guiana, and it is hoped that it will have some effect in decreasing the number of murders among the coolies.

Section 1 defines "Immigrant" and restricts the law to Indian Immigrants and their descendants.

Sections 2-5 relate to the marriages of Immigrants. The Protector is to keep a marriage register, and enter in it those who are found to be married on their arrival in the Colony, and those who marry in the Colony. If an Immigrant professes Christianity (section 6), he becomes subject to the ordinary law of the Colony.

By section 7 polygamous and incestuous marriages are rendered void.

Sections 8 to 11 provide for the marriage of Immigrants before the Resident Magistrates, and for the hearing of objections (if any). The Resident Magistrate sends a copy of the certificate of marriage to the Protector to be entered in the register kept by him.

By section 12 Immigrants may be married after publication of banns by Ministers of Religion.

Sections 13-15 provide for the marriage of Immigrants according to their own law, and for the registration of such marriages by the Protector.

Section 16 provides for the protection of a wife's property in the event of her being deserted by her husband without cause, and by section 17 the husband's property is protected in the event of his wife leaving him for another man. The wife under these circumstances loses the gifts made her by her husband and her right to share in the community of property resulting from the marriage.

Section 18 enables a Resident Magistrate before whom a man is convicted of an aggravated assault on his wife, if he is satisfied that it is necessary for her protection to make an Order of Separation or to order the husband to support her. The children may be placed in the custody of the wife, but all these orders may be varied if the wife commits adultery.

Section 19 provides for the division of the joint property on parties ceasing to cohabit.

Section 20 enables a man who has made presents in consideration of marriage to recover the same if the marriage does not take place.

Section 21 enables the Resident Magistrate to deal with cases in which a man threatens to murder, beat, or ill-treat his wife or concubine.

By section 22 the Protector can, if he thinks necessary to prevent injury to a woman, remove an Immigrant from one estate to another.

By section 23 if the Resident Magistrate has reason to apprehend bodily injury to a woman, he may detain the man to be dealt with under the preceding section.

By section 24 a man renders himself liable to punishment who entices away or cohabits with an Immigrant's wife, except under the conditions there stated.

Sections 26-32 regulate the divorce of Immigrants. The parties may be divorced either by the Chief Justice on evidence taken before the Resident Magistrate, supplemented before him, if necessary, or in accordance with their own customs. In the latter case, provision is made for the Protector being satisfied that the parties are duly divorced. In both cases the divorces must be registered by the Protector.

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Section 36 enables the Governor to assign certain of the duties of the Protector to any Inspector to be named by him. This is rendered necessary by the smallness of this Department in Jamaica.

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By sections 39 and 40 the Supreme Court can cancel any entry in the register and compel an entry to be made. There is an appeal therefrom from the Protector to the Court if parties are dissatisfied with his decision.

Applications to the Supreme Court under this law are to be by motion, and there is an appeal from any decision of a Resident Magistrate.

By section 44 parties already married according to religion and personal may register within 12 months.

By section 45 the Protector administers the property of Immigrants under indenture who die intestate and without next-of-kin in this island, and the Administrator-General as to those so situated who are not indentured.

By section 46 common property is distributed as follows:—Four-sevenths to the man and three-sevenths to the woman. This is the proportion of their wages in this island.

Section 47 enables East Indians coming from other islands to register themselves under this Law within 12 months of their arrival.

Section 48 repeals existing enactments on some of the matters dealt with in this Law.

(Sd) J. BANCROFT OUGHTON,
Acting Attorney-General.

No. 1142 J. & P., dated India Office, the 15th July 1896.

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

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To Colonial Office, 26th October 1893.
From Colonial Office, 23rd July 1894.

Telegram from the Government of India, to Her
Majesty's Secretary of State for India, dated 15th August
1896.

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'Your Public Despatch No.68, 16th July last. We
have no objection to Jamaica law 22, 1896.

T 12/10

200
GOVERNMENT OF MADRAS

1653
No. 62-1

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

Sir, dated the 26th September 1896.

Forwarded to the Government of Madras, for information.

By order,

[Signature]

Under-Secretary to the Government of India.

List of Papers forwarded.

Despatch from Secretary of State, No. 68 dated 16th July 1896 and

Enclosures.

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T 12/10

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