

Public (1896) Department.

ORDINARY MS.

G.O., No. 1156-7

Dated 27. 10. 96

INDEXED.

[Despatch Abstract.]

Approving, with remarks, the provision of the draft Bill to repeal the Straits Indian Immigration Ordinance V of 1884, & to supersede the Straits Ordinance XVI of 1892 received from the Govt. of India

PRINTED IN G.O. dated

6 July 1897 887

BACK PAPERS.

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

FURTHER PAPER

G.O.	No.	Department.	Date.	G.O.	No.
C. No 4121 of 97	(6.11.1897)	12/12			
C No 1245 of 1897		12/12			
C No 1701 of 97		10/5/97			

Public (1896) Department.

CURRENT No. 2977

It is proposed to await
the commⁿ from India
which is sure to come.

30B

22.9.6.

Meanwhile the Bill
Order & Ordinance will
be examined.

From the Colonial Secretary,
Singapore.

No. India 6412-96

Dated 28th August 1896

Received 12th } September 1896
Registered 14th }

Enclosures Four

Spare copies. 6 of the enc. No 2, and
3 each of the enc. No 3 and 4.

Spare to be kept in the
SUBJECT.

Forwarding copy of a
letter addressed to the
Govt of India on the
Subject of immigration.

Yes.
Remind India
at end of Oct if
no letter arrives
before 23.9.96.

BACK PAPERS.

G.O.	No.	Department.	Date.
	890	Pub	29-5-96
	292	"	20-2-96
	996	"	14-12-95
	244	"	19-5-94
	56	"	27-1-93

FURTHER PAPERS.

G.O.	No.	Department.	Date.

A BILL

introduced

An Ordinance for the Protection of Indian Immigrants.

WHEREAS it is expedient to amend the law for the protection of natives of India 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 Immigration Ordinance 1896." Short title.

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:— Interpretation.

"Advances" means any sum or sums advanced in cash to the labourer before he enters into a contract under this Ordinance and entered in the contract. "Advances."

"Contract under this Ordinance" means a contract entered into by an Immigrant in accordance with the provisions of this Ordinance to labour for any period exceeding one month 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 under the power in that behalf given by section twenty-one hereof. "Contract under this Ordinance."

"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. "Employer."

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

"Immigrant" means an Asiatic native of British India and for the purposes of this Ordinance every Asiatic of Indian descent shall be deemed to be a native of British India until the contrary is proved. "Immigrant."

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

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

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

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

- "Statute Immigrant." "Statute Immigrant" means an Immigrant who is bound by the provisions of a written contract under this Ordinance.
- "Protector." "Protector" means the Protector of Immigrants.
- Repeal. 3. "The Indian Immigration Ordinance 1884" is hereby repealed. Ord. v of 1884.
- Ordinance divided into Parts. 4. This Ordinance is divided into Parts as follows:—
- Part I.—Preliminary.
 - Part II.—Protector.
 - Part III.—Arrival and Departure of Immigrants.
 - Part IV.—Contracts of Immigrants.
 - Part V.—Treatment of Immigrants on Estates.
 - Part VI.—Localities unfit for Residence and Employment of Immigrants.
 - Part VII.—Inspection and Report.
 - Part VIII.—Offences committed by Immigrants.
 - Part IX.—Offences committed against Immigrants.
 - Part X.—General.

PART II.

PROTECTOR.

- Appointment of Officers. 5. It shall be lawful for the Governor to appoint an Officer to be styled the Protector 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 "The Indian Immigration Ordinance 1884" shall continue to hold their offices as if appointed under this Ordinance. Ord. v of 1884.
- Present holders of office.
- Protector to have Magisterial power. Deputy or Assistant Protector. 6. The Protector 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 a Deputy Protector or an Assistant Protector who shall for that purpose have all the powers hereby conferred on the Protector.
- Immigration Officers to be "public servants." 7. The Protector and every Deputy or Assistant Protector 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. Ord. iv of 1871.
- Rules and Orders. 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.

ARRIVAL AND DEPARTURE OF IMMIGRANTS.

9. Nothing in this Part shall apply to— Exemption.
- (a) First class cabin passengers.
 - (b) Second class cabin passengers arriving or departing in a ship in respect of which the Governor has made such declaration as next hereinafter mentioned.
 - (c) Menial servants in actual service.
 - (d) Seamen firemen and other persons serving on board a ship.

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

10. 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 an Officer of the Protector's Department 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. Ord. viii of 1872. Ports at which Immigrants may be landed.

11. 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. Arrival of ships to be signalled.

12. It shall not be lawful for any person other than the Health Officer Master Attendant Harbour Master Protector 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 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 or by Rules made thereunder. No communication with ship till after Immigrants landed except by certain Officers.

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. Proviso.

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.

Protector to receive notice of arrival and go on board.

13. On the arrival of the ship the Harbour Master shall give immediate notice to the Protector who shall forthwith proceed on board.

Immigrants unfit for labour.

14. Any 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 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 by the Government to the place at which he was recruited in India and it shall be lawful for the Government to recover all expense so incurred from the employer for whom he was recruited.

Contract law to be explained to Immigrants.

15. The Protector shall explain as far as possible to every Immigrant arriving in the Colony that no contract in writing by an Immigrant for such labour as in section twenty-one hereof is mentioned or referred to is valid unless made in accordance with Part IV of this Ordinance.

Immigrant not to leave a Settlement.

16. No Immigrant shall depart from any Settlement in the Colony except to go—

- (a) to another Settlement in the Colony; or
- (b) to another part of the same Settlement; or
- (c) to a country or State to which Indian Emigration is authorised by the Governor with the consent of the Government of India; or
- (d) to British India or Ceylon;
- (e) to any place in the Malay Peninsula under British protection or to Johore

without a written permit under the hand of the Protector proof whereof shall be on the Immigrant.)

To what countries or States Indian Emigration lawful.

17. The Governor may from time to time with the consent of the Government of India declare by notification in the *Gazette* to what countries or States Indian emigration is authorised.

Penalty for assisting Immigrant to leave Settlement.

18. Any Immigrant unlawfully departing or attempting to depart from a Settlement in breach of the provisions of section sixteen hereof shall be liable to a fine not exceeding twenty dollars and may be arrested without warrant by any Police Officer or Officer of the Department of the Protector and any person abetting within the meaning of the Penal Code an offence under this section shall be liable to a fine not exceeding fifty dollars or

Ord. IV of 1891

to imprisonment of either description not exceeding seven days for each Immigrant whose offence he has abetted. The Master of a ship in which an Immigrant shall embark in order to depart unlawfully from a Settlement shall until the contrary be proved be deemed to have abetted such offence.

PART IV.

CONTRACTS OF IMMIGRANTS.

19. Any Immigrant of the age of sixteen years or upwards may enter into a contract under this Ordinance and may sue and be sued thereon as though he were of full age.

Immigrant of 16 years may contract.

20. (1)—No engagement by an Immigrant to work for a period exceeding one calendar month or for more than thirty days' work as the case may be shall be valid unless made under this Ordinance.

Contracts for periods exceeding one month to be in writing.

(2)—Parol agreements with or without advances entered into by an Immigrant for the performance of agricultural work shall in the absence of any special arrangement to the contrary be deemed to be agreement to do thirty days' work.

(3)—Every such Immigrant who shall have performed thirty days' work under such agreement shall be held to have completed the same notwithstanding any debt which may be due from him to any person.

(4)—In the event of any Immigrant who has completed such agreement continuing to work under the same employer it shall be deemed that a new agreement to work for thirty days has been entered into between the parties.

(5)—Every Immigrant under a parol agreement shall be discharged from such agreement whenever wages for more than thirty days shall be due to him notwithstanding any set-off claimed by his employer.

21. Every contract or engagement in writing made or entered into after the coming into operation of this Ordinance by an Immigrant to labour on an estate where agricultural operations are carried on or to labour elsewhere at such work or labour as next hereinafter mentioned shall be void and of no effect unless it shall have been made under this Ordinance.

Contract must conform with this Ordinance.

The Governor may from time to time by Order in Council declare with respect to any particular kind of work or labour that no contract shall be made with an Immigrant to labour thereat except in accordance with the provisions of this Ordinance.

22. Except as hereinafter mentioned in section twenty-three hereof every written contract made by an Immigrant under this Ordinance must be executed before the Protector. If the employer is unable to attend the contract must be executed on his behalf by a duly authorised agent. Before the Immigrant executes the contract the Protector shall personally explain it to him and shall

First contract to be executed before Protector.

after the same has been executed by all parties certify at the foot thereof that he has personally explained it to the Immigrant.

Subsequent contracts may be executed before a Magistrate.

23. Any contract under this Ordinance with an Immigrant other than one made on his first arrival in the Colony may be executed before a Magistrate provided that it be sent to and confirmed within three months of its execution by the Protector who before such confirmation shall personally ascertain that the Immigrant is fully aware of the terms to which he has agreed and shall certify at the foot thereof accordingly.

Form and contents.

24. Every contract under this Ordinance shall be in writing or in print or partly in writing and partly in print and shall be executed in duplicate in English and in the vernacular language of the Immigrant by whom it is executed and shall be in the form provided by the Schedule hereto or in such other form not inconsistent with the provisions of this Ordinance as may from time to time be sanctioned by the Governor in Council and shall be free from stamp duty.

Custody of contract.

25. One copy of the contract shall be given to the employer or to his agent and the other to the Immigrant. An entry of the terms of the contract shall at the same time be made in the register to be kept in the office of the Protector and shall be initialled as correct by him.

Period of Contract.

26. (1)—The contract to be entered into by an Immigrant may be for an indefinite period determinable by either the employer or the Immigrant on a month's notice either oral or in writing or may be for a definite term not exceeding two years and in the case of an Immigrant who has received a free passage from India under a promise to enter into a contract under this Ordinance shall be for the term of two years but any such (definite) term shall be exclusive of—

- (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 or returning from a Court in or about a case in which he is convicted of an offence;
- (c) every day during which the Statute Immigrant has been absent from the estate as a deserter and in respect of which absence he has been convicted by a Magistrate;
- (d) every day in respect of which the Statute Immigrant has been convicted by a Magistrate of neglect to labour under section fifty-five;
- (e) every day in respect of which an endorsement is made on the contract by the Protector or a Medical Officer under sections forty-one and seventy-nine.

(2)—For the purposes of clauses (a) and (b) any part of a day shall be counted as one day.

(3)—No day shall be excluded under clauses (b) (c) and (d) in calculating the term unless it be endorsed on the contract by the

Judge or Magistrate by whom the case is tried or under clause (a) unless it be endorsed on the contract by the Protector.

(4)—If the contract is for the term of two years it shall be determined whenever the Statute Immigrant has done six hundred days' work.

27. (1)—The Protector may approve for any estate a schedule of tasks equivalent to work for a day of nine hours. Such schedule shall be written in English and Tamil and signed by the Protector and copies thereof shall be fixed up in conspicuous places in or about the estate and in the coolie lines so that the same may be made known to the Immigrants labouring on the estate. Task work.

(2)—After performing his task for the day the Immigrant shall be at liberty if he pleases to commence and carry on a fresh task.

(3)—The employer may whenever he thinks fit direct the Immigrant to perform a task instead of working by the day and the performance of such task shall for the purposes of this Ordinance or of any contract thereunder be equivalent to working for a day but so that no Immigrant shall be compelled to work for more than nine hours in any one day.

(4)—The employer shall within the first seven days of each month post up in a conspicuous place on the estate a list of the number of days' work which have been performed by each Immigrant on the estate in the preceding month together with the total number of days' work which have been performed by such Immigrant under his contract up to date. An employer neglecting to comply with the provisions of this sub-section shall be liable to a fine of twenty-five dollars.

(5)—Nothing in this Ordinance contained shall prevent any employer from agreeing with any Immigrant in his employ that the wages of such Immigrant shall be paid at an agreed rate in accordance with the amount of work done and not by the day. Piece work.

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

- | | |
|------------------------------------|---|
| For an adult male | { 17 cents per day during the first 300 days. |
| | { 19 cents per day subsequently. |
| For a female or for a boy under 21 | { 13 cents per day for the first 300 days. |
| | { 15 cents per day subsequently. |

Provided that every Statute Immigrant who has worked for six hundred days under this Ordinance shall be deemed to have paid all sums due from him in respect of passage money and advances. Time of payment of wages.

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

29. No Immigrant shall be bound to work on more than six days in one week or more than six consecutive hours or (subject as Days and hours of labour.

hereinafter mentioned) more than nine hours a day of actual labour.

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 one cent for each half-hour's work.

Provided that it shall at all times be lawful for the employer to require from an Immigrant over and above the work which he is bound to perform as aforesaid any reasonable and customary labour for—

- (a) The care of animals.
- (b) The cleaning of machinery.
- (c) The maintenance of machinery in an efficient condition.
- (d) The observance of usual sanitary regulations.

Provided also that any 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 one cent per half hour.

Where contract to be performed.

30. The Immigrant shall not be bound to labour 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 Protector be transferred to any other employer in the Colony or Federated States.

Rules may be made for Emigration.

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

Redemption of contract.

32. 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 Protector 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 Protector 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 Protector 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.

Value of unexpired term.

The value of the unexpired portion of a contract under this Ordinance shall be calculated in the following manner:—

The number of days' work which the Statute Immigrant has done will be deducted from the number of days' work which are required by the contract as provided by section twenty-six and the remainder shall be deemed to be the unexpired portion of the contract and shall be valued at the rate of one dollar for every thirty of such days during the first year and at the rate of two dollars for every thirty of such days during the second year.

If the value of the unexpired portion of the contract calculated as above does not amount to twelve dollars the sum of twelve dollars shall be deemed to be such value for the purposes of this section. In no case shall such value exceed the sum actually advanced to and passage money paid for the Immigrant not exceeding in the whole thirty dollars.

33. Any contract made under this Ordinance with a Statute Immigrant may be determined by the mutual consent of such Immigrant and of his employer with the approval of the Protector but such determination shall not operate to relieve the employer from any liability under this Ordinance for the space of three calendar months from the date of the determination of the contract. Every such consent and approval shall be endorsed on the contract by the person giving such consent or approval.

Dissolution of contract

34. Every Statute Immigrant who has completed his contract shall be entitled to appear forthwith before the Protector 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 Protector or fails or neglects to pay such wages within the time hereinbefore mentioned shall be liable to a fine not exceeding one hundred dollars.

Completion of contract.

PART V.

TREATMENT OF IMMIGRANTS ON ESTATE.

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

Provision to be made by employer.

- (a) Sufficient and proper house accommodation.
- (b) A sufficient supply of wholesome water.
- (c) Sufficient and proper sanitary arrangements.
- (d) Uncooked rations at wholesale current market prices.
- (e) Cooked rations when lawfully required.
- (f) Hospital accommodation.
- (g) Medical attendance.
- (h) A sufficient quantity of medicines of good quality.

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

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

In accordance with Governor's direction.

- (a) The kinds of rations to be provided in accordance with sub-section (d) of the preceding section.
- (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 Immigrants employed on the estate and its distance from the nearest Government Hospital.

- (e) 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.
- Powers of Protector.** The Protector 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 an Immigrant may purchase at one time.
- (g) The price to be accepted as the wholesale current market price.
- (h) The price of cooked rations to be provided under sub-section (e) of the preceding section.
- Cooked rations.** 37. A Medical Officer or the Protector may at any time require the employer of an 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.
- Immigrant in hospital.** 38. If an 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 *Gazette*. Such expenses whatever the amount shall be recoverable from the employer in a Court of Requests at the suit of the Protector and the certificate of the Protector shall be sufficient *prima facie* evidence that the amount therein specified is due from the employer.
- Provided that where the Immigrant is serving under parol agreement no more than thirty days' expenses in Hospital shall be recoverable from his employer.
- Medical examination of Immigrants.** 39. If it shall at any time appear to a Medical Officer or the Protector that an 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 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.
- Temporary incapacity.** 40. Any 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.
- Absence from sickness.** 41. 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 Protector 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.

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 Protector may endorse on the contract of such Statute Immigrant after such enquiry as may be necessary the period of such absence.

PART VI.

LOCALITIES UNFIT FOR RESIDENCE AND EMPLOYMENT OF IMMIGRANTS.

42. If the Protector shall at any time have reason to believe that any estate or portion of an estate on which 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 Inquiry. Such Committee shall consist of a Magistrate a Medical Officer and one or more employers of 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 Immigrants he may appoint one or more persons whom he may deem qualified.

43. Such Committee shall proceed with as little delay as possible to inquire 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 Protector 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 Immigrants it shall report accordingly and from and after the publication in the *Gazette* of a notification that such report has been confirmed by the Governor it shall be unlawful to employ or permit to reside any Immigrant on such estate or portion of estate.

44. The Governor may by notification in the *Gazette* declare any estate or portion of estate unfit for the residence or employment of 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.

Governor
may cancel
Notification.

45. 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 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 Immigrants.

Epidemics not
to be taken
into account.

46. 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 VII.

PROTECTOR'S INSPECTIONS AND REPORT.

Inspections.

Half-yearly
report of
labourers
their state of
health and
mortality.

47. Every employer shall in the months of January and July in each year and at such other times as the Governor shall prescribe make out in writing and deliver to the Protector in such forms as the Governor may from time to time prescribe a return of the number of Immigrants employed by such employer distinguishing between Statute Immigrants and other Immigrants during the preceding six months or such other period as has elapsed since the last previous return and a return of the sickness births deaths unlawful absences desertions and arrests among them during the same period.

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

48. If any employer shall omit duly to send in any such return or shall send in an incorrect return he shall in the absence of proof that such omission or incorrectness was occasioned by accident or a *bond fide* mistake be liable to a fine not exceeding two hundred and fifty dollars and a certificate under the hand of the Protector 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.

Periodical in-
spection of
labourers to
be made by
Protector.

49. The Protector accompanied by a Medical 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 and may whenever he thinks fit visit all estates on which any Immigrants shall reside or be employed and inspect every house hospital tent camp or building in any way used by any Immigrants and inquire into the condition of such Immigrants and investigate the books of account of their wages; and

for such purpose the Protector may require the employer to produce before him all or any of the Immigrants then under contract or parol agreement with him together with all contracts and books of account of wages written in English and to answer such questions relating thereto as the Protector may think proper to ask.

Books &c.
to be pro-
duced.

50. The Officer from time to time deputed with the concurrence of the Governor by the Government of Madras to examine and report to that Government the condition of Immigrants in the Colony may exercise under this Ordinance all or any of the powers of entry inspection inquiry and investigation which are hereby conferred on the Protector.

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

51. If any employer or other person wilfully obstructs or impedes any entry inspection inquiry 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.

Penalty for
obstructing
inspection or
inquiry.

52. The Protector may whenever he thinks fit enter upon and inspect any plantation estate or other place on which Immigrants are employed or reside to the number of twenty or upwards for the purpose of inquiring into the condition of such Immigrants and may inspect any house hospital tent camp or building in any way used by Immigrants and investigate the books of account of their wages and for such purpose may require the employer of any Immigrants to produce before him all or any of them together with all contracts with such Immigrants and books of account of their wages and to answer such questions relating thereto as the Protector thinks proper to ask.

Other
inspections of
estates.

Reports.

53. The Protector shall make such reports to the Governor relative to the conduct of the duties of his office in such form and with such particulars as the Governor may from time to time direct.

Reports by
Protector.

So much of every such report as relates to the 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 Immigrants and the Protector shall send to any employer mentioned in any such report a copy of so much of the report as relates to such employer.

Such report
open to in-
spection by
employer.

PART VIII.

OFFENCES COMMITTED BY IMMIGRANTS.

Neglect to Labour and Disobedience.

Neglect to labour. 54. Any Immigrant who shall without reasonable excuse neglect or refuse to do as required by his employer twenty days' work in any one calendar month such work being reasonable and proper shall on conviction before a Magistrate be liable to imprisonment of either description not exceeding seven days and the Magistrate may endorse on the contract the number of days' work short of twenty that the Immigrant has so neglected or failed to do.

Disobedience of orders and refusal to work. 55. Any Immigrant who without reasonable excuse disobeys any lawful order given by his employer or wilfully and knowingly omits to do any duty necessary to be done by 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 of Statute Immigrants.

Unlawful absence. 56. A Statute Immigrant who is unlawfully absent from the estate of his employer shall be liable to a fine not exceeding fifty cents.

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

Deductions from wages. 57. Provided that upon the commission by a Statute Immigrant of any of the offences described in the three last preceding sections the employer may instead of proceeding against him before 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 Protector upon his next visit and unless then attested by his signature shall be deemed to be unlawful and of no effect.

Desertion.

Desertion. 58. Every Immigrant who deserts or attempts to desert 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 imprisonment 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 imprisonment of either description for a period not exceeding three months.

The Magistrate by whom any Statute Immigrant is convicted of desertion may in addition to any imprisonment which he may impose order the Statute Immigrant to pay to his employer such reasonable sum not exceeding two dollars as may be proved to the satisfaction of such Magistrate to have been expended by the employer in effecting the Statute Immigrant's arrest.

A Statute Immigrant deserts from his employer's service when Defined. 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.

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

Arrest and Charge of Deserters and Absentees.

60. If any 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 thirty-nine 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 Protector 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 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— Deserters and absentees.

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

61. 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 Protector to whom on his next visit to the estate the entry shall be shewn by the employer and who shall initial the same. Notice and charge.

Any 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 To be taken to nearest Police Station.

and withdraw the charge in which case it shall not be necessary for the accused to be taken before a Magistrate.

Malingering.

Immigrant
disabling
himself.

62. 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.

63. Any 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 V 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.

64. Any Immigrant guilty of wilfully disregarding any sanitary regulation which has been approved by the Protector and publicly notified for observance on the estate on which such 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.

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

Imprisonment of Statute Immigrants.

Portion of
sentence may
be cancelled
on applica-
tion of em-
ployer.

66. 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 Protector.

Conviction to
be endorsed
on contract.

67. 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 Protector a copy thereof.

68. 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.

69. Whenever any Statute Immigrant shall have actually suffered imprisonment amounting in the whole to six months for desertion from his employer's service the Protector 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 Protector 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 chief town 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 Protector shall take such steps as may be proper subject to the provisions of Part IV hereof for securing employment for him if applied to by him for that purpose.

70. Whenever any Statute Immigrant shall have been twice convicted for offences under this Part the Protector 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 con-
tracts.

PART IX.

OFFENCES COMMITTED AGAINST IMMIGRANTS.

Separating Families.

71. 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 his or their consent (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 Protector.

Penalty for
separating
families.

72. Any employer who shall cause or permit any Immigrant to reside or labour upon any such estate or portion of an estate as under the provisions of Part VI hereof has been found or declared to be unfit for the residence or employment of Immigrants with knowledge of such finding or declaration

Penalty for
permitting
Immigrant to
reside in un-
healthy loca-
lity.

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. 32 and 35.

73. Any employer who omits to comply with such request as is mentioned in section thirty-two hereof or with any of the provisions of section thirty-five 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.

74. Any person who whether alone or in combination with others hinders or molests by word gesture or act any 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 Immigrants.

Employer to give notice to Protector if Immigrant wishes to complain.

75. If any 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 Protector 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 Protector and in default of so doing such employer or person shall be liable to a fine equivalent to the wages not exceeding one hundred dollars.

Procedure by Protector.

Protector how to proceed on receipt of notice.

76. Whenever the Protector 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 Immigrant against his employer or any person acting for such employer or when the Protector has other reasonable grounds for believing that any personal ill-usage or breach of any provision of this Ordinance has been suffered by an Immigrant he shall so soon as conveniently may be proceed to the estate and make full inquiry into the matter.

Procedure.

Penalty for obstructing service of or disobedience to summons.

77. For the purposes of such inquiry the Protector may summon before him such Immigrant and any witnesses. 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.

78. If upon any such inquiry made on the complaint of an Immigrant the Protector 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 (if any) of such complainant the number of days during which such complainant has been absent from work in consequence of such inquiry and may impose on the complainant a fine not exceeding fifty cents which may be deducted from the Immigrant's wages and retained by his employer.

79. If upon inquiry as aforesaid the Protector is of opinion that the complaint is well founded he shall institute such proceedings civil or criminal for and in the name of the Immigrant as he shall deem necessary under the circumstances. If complaint is well founded.

The Protector shall have a right to appear in and be heard before all inferior Courts Civil or Criminal in any proceeding under this Ordinance. Right of hearing.

Cancellation of Contract.

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

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 Protector and after due inquiry upon oath in the presence of the parties be satisfied that any 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 Immigrant; Ill-usage or forced labour.

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

Such cancellation shall be certified by the Court to the Protector who shall make an entry thereof in the books of his department. How certified.

Court Fees.

81. No Court fees shall be chargeable in the first instance on any proceeding commenced by an Immigrant or by the Protector 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. Costs of proceedings.

PART X.

GENERAL.

Notices of Deaths, &c.

82. The notices required by "The Registration Ordinance 1868" or any other Ordinance passed on that behalf of deaths of Immigrants and births of children of Immigrants shall in the case of deaths be given by the person in whose service the Immigrant may have been at the time of his death or in whose premises he may Notices of births and deaths for registration.

have died or by the person in charge for the time being of such premises and in case of births by the person in whose employment the mother may have been at the time of the birth or by the person in charge for the time being of the house or place in which the birth occurred and copies of such notices shall be given to the Protector. Copies of such notices shall be sent by the employer to Protector.

Delegation of powers. 83. It shall be lawful for the Governor to delegate all or any of the powers vested in him by this Ordinance to the Colonial Secretary at Singapore and the Resident Councillors of Penang and Malacca in his absence from the several Settlements respectively.

Convictions. 84. All convictions and penalties for offences under this Ordinance may be had and recovered before a Magistrate or a Court of two Magistrates on complaint by any person aggrieved or by the Protector or any person authorised by him in that behalf.

Rules. 85. The Governor in Council may from time to time make Rules providing generally for the carrying into effect the provisions of this Ordinance.

All Rules made under this section shall be laid before the Legislative Council as soon as may be after they are made and shall be subject to disallowance by resolution of the said Council.

Penalty for breach of any Rule. 86. Every person who acts in contravention of any Rule made under the last preceding section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars.

Existing contracts to continue valid. 87. Nothing in this Ordinance contained shall affect the validity of any written contract subsisting at the commencement thereof.

SCHEDULE

FORM OF CONTRACT FOR IMMIGRANT.

A contract made the day of A.D. 18 under "The Indian Immigration Ordinance 1896" between hereunder described and hereinafter called "the Labourer" of the one part and of hereinafter called "the Employer" (which term shall include his executors administrators and assigns) of the other part.

[*Whereas the Labourer has received by way of advance the sum of rupees equivalent to the sum of dollars as the Labourer hereby acknowledges] Now these Presents witness that it is mutually agreed by the parties hereto as follows:—

1. The Labourer will labour for the Employer as † in the Settlement of from the date hereof for the term of two years or until he shall have done 600 days' work whichever period shall be shorter provided always that if at the

* This Clause in brackets to be omitted where no advances.

† "Agricultural labourer" or as the case may be.

expiration of the said term of two years the Labourer has not done 600 days' work the said term may be extended by—

- (a) every day spent in prison or in going to or returning from prison;
- (b) every day spent in going to and attending before or returning from a Court in or about a case in which he is convicted of an offence;
- (c) every day during which he is absent from the estate as a deserter and in respect of which absence he is convicted by a Magistrate;
- (d) every day in respect of which he is convicted by a Magistrate of neglect to labour under section fifty-five of the Ordinance;
- (e) every day over sixty days during the continuance of the contract in which he is absent from work on account of sickness and which is endorsed on the contract by the Protector under section forty-one of the Ordinance; and
- (f) every day during which he is absent from work on account of an inquiry into any untrue or frivolous complaint made by him to the Protector and which is endorsed on the contract by the Protector under section seventy-nine of the Ordinance.

2. The Employer will pay to the Labourer wages payable monthly at the rate of * seventeen cents for each day's work.

3. The Labourer shall not be bound to labour for more than six days in any week or for more than twenty days in any month nor for more than six consecutive hours or except as hereinafter mentioned for more than nine hours in all in any one day but if the Labourer at the request of the Employer works more than nine hours in any day the Employer will pay to the Labourer two cents for every hour over nine during which he shall labour in any one day. Provided that the Labourer when employed exclusively in factory work shall be bound when 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 above-mentioned and shall receive for such extra work the extra pay of one cent for each half-hour. And provided that the Employer may require from the Labourer without pay 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 and maintenance of machinery and the observance of usual sanitary regulations.

4. The Labourer may at any time redeem himself from this Contract by paying to the Employer the value of the unexpired portion thereof calculated at the rate of one dollar for every thirty days' work which the Labourer is at the time bound to do

* Where a higher rate is agreed on substitute such higher rate. Where the Labourer is a female substitute for the word "seventeen" the word "thirteen" or a higher rate if agreed on.

during the first year under the Contract and at the rate of two dollars for every thirty days' work which the Labourer is at the time bound to do during the second year under the Contract or the sum of twelve dollars whichever sum shall be the greater [* and in addition so much (if any) of the said sum of dollars as shall not have been repaid.] In no case shall the value of the unexpired portion of the Contract exceed thirty dollars.

5. The expression "a day's work" means either work for a day of nine hours or (at the option of the Employer) a task which is approved by the Protector for the estate on which the Labourer is for the time being working as being equivalent to such work.

In Witness &c.

DESCRIPTION OF LABOURER.

Name.	Father's Name.	Age.	Sex.	Religion and Caste (if any).	Place of Abode in India.	General Description and Distinctive Marks.

Endorsement to be made by the Protector:—

I hereby certify that I have with my own mouth explained this Contract to the said _____ and have ascertained that he is fully aware of the terms thereof.

Signed _____

Protector,
or Assistant Protector,
Settlement of _____

* Where no advances are due the words following in brackets are to be omitted.

GOVERNMENT OF THE STRAITS
SETTLEMENTS.

BILL
FOR
The Protection of Indian Immigrants.

(ATTORNEY-GENERAL.)

EVIDENCE

TAKEN BY

THE INDIAN LABOUR COMMISSION.

EVIDENCE TAKEN AT A MEETING HELD AT PENANG ON 4TH MAY, 1896.

The Hon'ble J. M. B. Vermont is examined and states:—

1. That his principal objection to the Ordinance of 1892 is the shortening of the contract to 720 days; the three years' contract should represent 3 times 313 days=939 days. By shortening the contract in this way you encourage malingering, and the planter loses his coolies just as they are becoming useful, and there is the additional expenditure upon the cost of importation of fresh labour.
2. Is of opinion that Government should assist in the importation of labour, and in that case would not object to the shortened term. He has objected in Council, and since, to this Bill of 1892 being introduced, as the Government will not undertake to import its own labourers, or assist in recruiting. By "assisting" he means the appointment of an Agent, residing in Madras, to control all recruiting as recommended by the Commission of 1890. Also by a return to the subsidy paid to the Negapatam steamers up to 1892.
3. At present, planters are entirely in the hands of the two firms of recruiters in India as to being supplied with labour. He does not mean any reflection on these firms. They have served him well hitherto.
4. Some years ago he paid to the recruiter Rs. 28 for a coolie's expenses, and now he has to pay Rs. 40.
5. Still thinks that the recommendation made by the 1890 Commission, as to a part of the Negapatam subsidy taking the form of a guaranteed payment for the right to certain number of passages, should be carried out.
6. As to wages, he is at present paying more than even the increased minimum in the 1892 Ordinance. Doubts if the fall in exchange between the Dollar and Rupee affects the Indian coolie much, owing to his sending home so much of his savings in silver jewellery.
7. Is of opinion that the matter of pay should be left entirely to the planters themselves, and the Government should not interfere even by fixing a minimum rate.
8. With a minimum rate fixed in the Ordinance, he will not be able to pay coolies less when labour is cheap, as he now pays more when labour is dear.
9. He pays his coolies at 15 cents each, or 3 cents over the legal minimum (Ordinance V of 1884). Mr. TURNER pays 16 to 18 cents, and other estates perhaps higher.
10. Is of opinion that the payment of Sunday pay to a coolie after he has worked 6 clear days, i.e., 7 days' pay for 6 days' work, which, under the recommendations of the 1890 Commission, is to be abolished in the Ordinance of 1892, should be kept, as it has been a long-standing custom in all estates in Province Wellesley. However, this is a matter of opinion in which many differ.
11. Agrees that it is fair to give coolies 16 cents a day in the 2nd and 3rd years of their engagements, as they are then acclimatised.
12. Thinks the Government should not interfere as to task-work, or as to fixing the rate to be paid extra to a coolie for working beyond nine hours a day. The matter is one that should be settled between master and servant.
13. Is of opinion that the "Kanggani" system must be condemned, as the coolies engaged on such a system do not look on the European planter as their master, thereby causing many irregularities and much discontent.
14. *By the President*:—Thinks that this system has had to be modified to some extent in Ceylon, and suggests that the opinion of Sir GRAEME ELPHINSTONE, who is now in Perak, be invited on this point.

15. Suggests amendment of section 26 of the Ordinance of 1892, by increasing the maximum value of "smart-money" for unexpired portion of contract from \$24 to \$30, on account of the increased first cost of the coolie.

16. At present, whereas he has to pay Rs. 42 for the cost of a coolie imported, the coolie on the other hand can obtain his discharge by paying only \$24 as stated in the Ordinance.

17. The "smart-money" should be increased to \$30.

18. *By Mr. Turner:*—We manufacture at Batu Kawan and Prye Estates an average of 70,000 to 75,000 pikuls of sugar—representing (at \$6 a pikul) a value of \$450,000. Of this, we only remit \$20,000 to England to cover cost of machinery, &c., and \$20,000 more for share of profits held in England. The rest of the gross profit circulates in the Settlement in the form of wages, &c. The sugar is sold to China, India and other silver-using countries.

19. Is of opinion that the present cost of the Negapatam Dépôt (\$3,148 in 1895), now maintained by Government, is not commensurate with the results obtained, owing to the few coolies arriving. This is due to the numerous rejections that have taken place there, which have incurred very serious losses on the recruiters.

Mr. J. Sargent, of Caledonia Estate, is examined and states as follows:—

20. That he has no objection to the minimum rate of 14 cents pay.

21. Prefers 3 years for the term of contract without mention of days.

22. Has no opinion as to whether 720 days represents three years' actual work of an average coolie.

23. Thinks it will be detrimental to sugar estates to shorten the time of contract as proposed from India. For the 1st year the coolie is of no use to the estate. The 2nd and 3rd years compensate for this.

24. The output of produce in the estates he is connected with is \$515,000; 25% of this is remitted to England for machinery and profit, &c., and 75% (= \$386,250) is spent on wages in the estates and circulated.

25. The recruiters in India at present supply coolies at 17 cents for the 1st year, and 19 cents for the 2nd year. This has been in force for two months without leading to an adequate supply even now.

26. Actually pays at present an average wage of over 20 cents to each coolie, owing to the practice in Caledonia of paying by piece-work.

27. Used to pay 14 and 15 cents, but found great difficulty in getting coolies at these rates. The present rates are the highest ever paid. Even with the 17 cents and 19 cents offered he still finds difficulty in getting enough coolies.

28. Attributes the want of supply of labour partly to indifference on the part of recruiting agents in India, and partly to their finding it to their interest to shorten the supply.

29. Is of opinion that Government should assist in importation of coolies on the same lines as in Demerara, *i.e.*, as recommended by the 1890 Commission (paragraph 379).

30. Does not think the result of the working of the Negapatam Dépôt is worth the cost.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON 5TH OF MAY, 1896.

Mr. A. Stewart, of Gula (Sugar) Estate, is examined and states:—

31. I have been planting nine years here, and seven years in Demerara.

32. I am not acquainted with Ordinance XVI of 1892. The Perak Order IV of 1895 is, I believe, almost identical. This is an improvement on the old order, and I recommend its being brought into force.

33. I advise one addition to it, *viz.*, the introduction of a certificate to be issued to a labourer on his discharge.

34. I approve of the new arrangement as to a 720 days' contract. I think 720 days' tasks is fairly equivalent to three years. I approve of adopting the plan of so many days' work or tasks, instead of merely so many days. It is fairer to the coolie, for good men can, and do, earn more under it.

35. I would go further and legalize the system of "piece-work," by which a man can take up a certain amount of work, to be completed in his own time. I have recently adopted it in Gula Estate, and find it an advantage both to the planter, and to the good coolie who gets through most work. I find also that this system has diminished my desertions to about one quarter the number in March and April that they were in January and February, and the coolies seem to prefer it.

36. I object to any reduction in the three years' term of agreement. For the work on a sugar estate the coolie is not expert at the work, and needs to be acclimatised.

37. The supply of labour is very insufficient. I can perhaps get men down at the rate of wages which I offer—18 cents and 20 cents—but I lose so greatly by desertion that I never have enough.

38. The legal minimum rate of wages, under the Indian Immigration Ordinance in Perak, is 16 cents for the first 480 days' work, and 18 cents for the balance.

39. The desertions are caused by the large number employed on Public Works, where 35 cents a day are paid. At present there are 11,000 coolies engaged by the Public Works Department, excluding the large number engaged by contractors. The Railway Department and the Public Works Department take these men; their tindals and sub-tindals come on the estate, and take the men away. I have myself pointed out, to the Perak Government Railway people, men of my own working on the Kinta Valley Railway.

40. The remedy lies in the Government getting its own men, and also in adopting a discharge-ticket system.

41. I do not wish to see the existing legal restrictions done away with. From what I have heard from men who know it, I do not like the "Kanggani" system. It puts the coolies entirely in the hands of the Kanggani, and the Kanggani squeezes them: it would encourage desertion. The system we have is best suited to sugar-planting.

42. I would maintain the Immigration Dépôt in India, and have sub-dépôts in other districts. The dépôt, as it is now, does not give full value to the Straits Government; the sub-dépôts would recruit only, and send the men for examination to the head dépôt at Negapatam.

43. I think that in the Straits the minimum should be raised to 16 cents. A minimum rate is required, so as to fix "piece-work" and tasks by it.

44. A coolie can live on \$2 a month for rice and curry stuff.

45. I advocate the appointment of an Agent-General, as it will not only increase the supply of coolies, but the quality might be improved.

46. I should be prepared to pay a portion of the expense; but Government should bear a share.

47. I am clearly of opinion that each Government should directly import its own labourers.

48. The discharge-ticket system would prevent Government from employing deserters. I have seen such a system at work for three years in Demerara. After the coolies are free, the Government takes them from us, as the wages offered are so much higher than we can afford. This is hardly fair on the planters, who have imported and acclimatised the coolies. If Government imported their own coolies, they would not need to pay such high wages as they have recently had to pay.

49. About 35% of my indentured coolies re-engage on expiry of contract.

50. I am opposed to paying for Sunday labour unless the work is done.

51. I was obliged to raise my rate of wages in consequence of competition in Perak, and not through pressure on the part of recruiters.

52. Other colonies have Agents for recruiting.

53. I think the appointment of an Agent-General should be tried as an experiment; the establishment of sub-dépôts might be left to him.

54. The Agent-General will certainly take an interest in promoting emigration, and increasing the number of immigrants here, which the firms of recruiters will not do.

55. The output of produce in Gula Estate, which has been opened since 1883, is \$270,000. Of this, some \$40,000 is remitted to England for owners' profits and to cover cost of machinery, &c., and the balance is spent on wages and circulated. Most of the sugar is sold in China.

56. There is an unlimited area of land in Perak available for sugar planting.

Mr. A. L. De Mornay, of Malakoff Estate, is examined and states:—

57. I am managing a tapioca estate with 230 coolies, and have personally seventeen years' experience as a tapioca-planter.

58. I am not in favour of bringing in Ordinance XVI of 1892. I formed the opinion at the time. I am not now sufficiently familiar with it to give any special reasons.

59. I do not approve of the 720 days' work as an equivalent to three years' contract, as it prevents planters getting sufficient work from the coolies.

60. I approve of task-work.

61. I do not favour a shorter term than three years. The proposed minimum of 14 cents is not too high. The shortening of the contract to 720 days' work is my great objection to the Ordinance of 1892.

62. I give seven days' pay for six days' work, Sunday being thrown in. I approve of this system, as it encourages the coolies.

63. The supply of coolies is very deficient. The reason in my case is that I lose so many by desertions to Kedah. This is due to the opening of 10 new tapioca estates over the boundary, from whence recovery is impossible. I think that a better system of Police Stations, or patrol near the boundary, might diminish desertions from my estate.

64. Another cause of deficient supply is the bad system in India.

65. I advocate a resident European as Recruiting Agent in Madras. If this appointment were made, and I continued obtaining coolies, I would bear my share of the expense.

66. The depôt in India should be maintained; without it the class of coolie sent down would deteriorate. The physique of the coolie sent down might easily be improved upon; his condition after arriving here is satisfactory enough.

67. At "piece-work" my coolies average 17 to 18 cents a day. I have now increased that to 20 cents.

68. I have still about 213 indentured coolies.

69. I have no opinion as to the direct or indirect importation of labourers by Government, but I am certainly in favour of Government importing men for their own work.

70. One of the present inducements to desertion is the high rate offered by Government. I don't suppose more than 5% of my men re-engage with me. The only deserters who return to me are those suffering from malarial fever, &c., and then I have to maintain them in hospital.

71. For planters generally, the discharge-ticket system would be very useful.

72. The output of produce at Malakoff Estate is from \$80,000 to \$90,000. Practically the whole of this is spent in the Settlement.

Mr. J. Bruce, of Byram Estate, is examined and states:—

73. I have been to Negapatam, and have seen the working of the depôt there. The Colony does not get out of it its money's worth. I would advocate moving the depôt to Madras as a more central place, where there would be more competition among the recruiters.

74. Sub-depôts, further inland, should be established to feed the main depôt, which must, however, be at the last port of call to prevent desertions.

75. The removal to Madras cannot, therefore, be made until there is a direct line of steamers from Madras to Penang.

76. The average physique of coolies sent down from the depôt is bad. We could get the same proportion of effective coolies without this examination. It is not worth the money paid.

77. Very fair coolies come from the North of Madras. I think Madura District, Coconada and Arcat should be good fields for recruiting.

78. I was engaged in recruiting in India once. It was not hard to get coolies; the difficulty was to get men down to the steamer, owing to the opposition from outside recruiters. I wanted 500. I only succeeded in getting 58 under

indenture and 83 free men. These 83 free immigrants (including 10 or 11 women) came over with me, the estate having advanced the passage-money, after being passed by the Medical Officer. The cost was about Rs. 18 a head.

79. Although now offering higher wages, we cannot get enough indentured coolies, owing to the opposition of recruiters. The free coolies might, of course, have left us on arriving in Penang; but so far none have done so. The system has worked well. Our men make 25 cents a day on piece-work.

80. The professional recruiters spread tales to our disadvantage, and frighten all that are not their own recruits into running away.

81. I offered 17 cents and 19 cents for indentured coolies, but could get very few. I know of about 28 so frightened away—12 in one batch.

Mr. Crawford, of Caledonia Estate, is examined and states:—

82. I was twice in the Madras Presidency, about four years ago, to get coolies. I offered, at that time, 12 cents to 14 cents each. I wanted 500 coolies each time, but could only get about 60. This was chiefly due to the indifference of the two recruiting firms in Negapatam, as it is to their interest to keep the supply down.

83. The present recruiting system is not good. I do not think the depôt is worth maintaining.

84. I think the appointment by Government of an Agent-General would improve the importation of coolies.

EVIDENCE TAKEN AT A MEEING HELD IN PENANG ON THE 6TH MAY, 1896.

Mr. J. Y. Kennedy, Agent for Gula Estate, is examined and states:—

85. I do not know the Ordinance XVI of 1892.

86. The supply of labour is insufficient. The cause is, I think, the stringency of the present Ordinance, the low pay, and the strict medical examination at Negapatam. The latter has become more strict since representations were made by the Indian Immigration Agent as to the unfitness of men sent down. In consequence, we get fewer coolies, and the price has gone up.

87. The firms ADAMSON, McTAGGART & Co., and GANAPATHY PILLAY do not keep down the supply; if it is done at all it is by the recruiters.

88. So far as I am able to judge, the "Kangani" system is absolutely bad; the Ceylon people say it is good. I disapprove of the interposition of a Native between the planter and his coolie. Recruiting should not be restricted, and I am inclined to advocate entire freedom.

89. I think a man who does 6 good days' work is entitled to a 7 days' pay.

90. If there is to be a minimum at all, let it be higher than that in Ordinance XVI of 1892.

90a. Speaking without much consideration of the subject—for it has never yet been raised—I am in favour of a fixed minimum, as I think the Indian coolie, on first arrival, requires a certain amount of protection. I would raise it to 14 cents or even 16 cents.

91. I am not an experienced planter, but I consider that a shortened term of contract would attract more coolies. The opinion of planters is against me on this point.

92. There have been heavy losses by crimping and desertions. More stringent laws should be passed against crimping, and heavier sentences on crimpers. Light sentences are a premium on crimping. I think, when Government contracts are given out, that the contractors should bind themselves not to employ crimped men; the prices at which contracts are let in Perak enable the contractors to pay more than the ordinary market price for labour, and this conduces to crimping.

93. I think that the discharge-ticket system would be a success, so long as it did not interfere with the liberty of the subject.

94. I am still in favour of an Agent-General in Madras.

95. I strongly advise that Government import some at least of their own labour so long as they do not offer more than the customary wages.

96. The increase in the price of coolies is due to competition, exchange, and, no doubt, the combined action of recruiters in keeping up the price.

Mr. D. Logan is examined and states:—

97. I have not considered Ordinance XVI of 1892, and cannot propose any amendments, &c.
98. I am not in a position to express an opinion on the proposed substitution of tasks for days' work.
99. I cannot express an opinion as to whether 720 tasks should be equivalent to a three years' contract.
100. I am in favour of a shorter term of contract—say one year.
101. My supply of labour is sufficient.
102. Immigration, in my opinion, should be free from all legal restrictions.
103. I have nothing to suggest as to improving the condition of the coolie, except that there should be no interference with immigration.
104. I consider 14 cents is a sufficient minimum wage. Were immigration free, no contract should exceed one year, and the rate of wages should be settled by agreement between coolie and employer.
105. I think the coolie would prefer the shorter term of contract as the alternative to increased wages.
106. My coolies re-engage, but I cannot say what percentage.
107. I have experienced very slight losses by crimping. I am adverse to the discharge-ticket system. It is degrading to the coolie.
108. I have not considered the question of establishing a Government Depot in Madras under an Agent-General.
109. I have no opinion to offer as to direct importation of labourers by Government.
110. I cannot say anything as to the cause of the increase in the rate charged by recruiters.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON 7TH MAY, 1896.

Mr. E. G. Broadrick, Acting Assistant Protector of Immigrants, is examined and states:—

111. I have been appointed to be in charge, or part charge, of the Indian Immigration Department for nearly a year, and am now attached as Acting Assistant Immigration Agent. The two Chinese and Indian Departments are now worked together, though under separate Ordinances.
112. As regards amendments to be made to the Ordinance V of 1884, I am of opinion:—
(a).—*Section 11*.—As practically enforced, every immigrant has, under this section, to take out a certificate before he can go anywhere outside the Colony and Native States, except back to India.
The total number of such certificates issued during 1895 was 2,738. Of this, from two-thirds to four-fifths go to Sumatra, and from one-third to one-fifth to Kedah and Tongkah.
The practice is for no passes to be issued when immigrants go by road to any part of Kedah. There is then no means of checking their movements.
I never have had an application for passes to Kulim, except from the Sikh Military Police. The coolies employed at the tapioca estates there never apply for passes.
I see no objection to confining this section 11 to places other than the Malay Peninsula, *i.e.*, such places as can be reached by sea.
(b).—*Section 24*.—As to empowering the Indian Immigration Agent to board a ship, to require all immigrants to land and go to a depot for the purpose of ascertaining as to whether they have received advances, &c.—I think this duty of the Indian Immigration Agent might, under existing circumstances, be confined to immigrants landing in Penang only, and not to those for Singapore, &c. This section of the Ordinance should be retained and amended by incorporating in it part of section 11 in the Chinese Immigrants Ordinance (IV of 1880), so as to provide for every immigrant, who is indebted to the ship-owner or to the person bringing him from India, being detained in a depot until he enters into a contract with his employer or pays his debt. Such detention not to be longer than one week.

(c).—*Section 27*.—As to contracts being explained to immigrants.—I think the application of this section to all coolies, *i.e.*, to other than indentured labourers, may interfere with free labour, and prove a restriction to those importing free labour on the "Kangani" system. It is of little use, and might be omitted in the new Ordinance.

(d).—*Section 47*, as to giving Sunday pay for working six clear days.—I am averse to making provision for this in the new Ordinance. A coolie should be paid for his working days. The calculation of twenty days as the average for a month's labour is so low that Sunday pay should not, I think, be given without labour. I would rather see increased pay granted than giving pay on Sunday without work.

113. I attribute the great increase of immigrants arriving during 1891 (3,443 indentured and 26,446 free, against 2,960 indentured and 15,341 free in 1890) to the cheap passages offered owing to a rival steamer—the *Tannadice*—having been started. This competition continued from December, 1890, to April, 1892, and, while it lasted, the rates varied from \$5 to \$1 for passages given at Penang, and Rs. 5 to Rs. 2 for passages given in India, or less than half the ordinary rates. No free passages were ever granted.

The figures of the arrivals given above include every Indian passenger not travelling first or second class.

114. In practice, I should like to shorten the term of contract to two years, as three years is, I think, too long and may discourage the coolies and make them disheartened, and prevent the employer getting sufficient men and good work out of them. But I would prefer leaving the contracting parties a free hand as to the term, subject, however, to a maximum of three years.

115. I am of opinion that, to carry out the recommendation of the Government of India as to "freeing immigration from all legal restrictions," it will be necessary to abolish Part 5 of Ordinance V of 1884. The drawback to this step is that there will be no remedy, such as sugar-planters and others in Province Wellesley now have, for breach of contracts, &c. It will prevent arrests without warrants; it will thus encourage desertions, and all jurisdiction in such matters will come under "The Labour Contracts Ordinance." There will be some advantages no doubt. But it will involve considerable changes of a far reaching character.

116. I consider that the 14 cents minimum wage is sufficient, as it does not now include repayment of the advances for passage-moneys, &c. to the coolie.

117. I do not think "the discharge ticket system" will work well, as it can only be applied to statute immigrants and not to free coolies, and by this system there is the danger of planters restricting the flow of labour. In any case I am strongly of opinion it should not be made law.

118. I am in favour of an appointment of an Agent-General and a Central Depot in India, with sub-depôts in populous districts (such as Trichinopoly, Tinnevely, Salem, Conjeevaram, Madura District, Coconada, Arcot, &c.) to feed the Central Depot, and to see that the coolies get to the coast. If the Ordinance of 1892 is to be introduced, this should certainly be provided for, and I think it will improve the supply of labour.

119. The best Central Depot must, in my opinion, be in Madras, where the depôts of other Colonies are, and from where there would be better opportunities of obtaining coolies from the Telugu country in addition to the districts already named. Madras should then, of course, be the last port of call, and there should be a direct line of steamers between that port and Penang.

120. If the Agent-General is not appointed, then there will be no need of establishing sub-depôts, and the Negapatam Depot should, in my opinion, be abolished, as being too expensive for any use now served by it.

121. The coolies imported could just as easily pass an examination by a local Medical Officer on behalf of the employer, and provision be made for their being sent back at the expense of the importer if not fit.

122. If the Negapatam Depot is abolished, employers would, even with Part V left in the Ordinance, be free to import their own labour on any system they choose, but all immigrants would have to pass through the local depot, and sign their contracts before the Indian Immigration Agent on arrival.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON
THE 8TH MAY, 1896.

Captain Menzell, of the S. S. *Thaifeng*, is examined and states:—

123. I would like to see immigration free from all official restrictions. Free coolies look down upon the indentured coolies, who must necessarily suffer by thus being looked down upon. This feeling must certainly be a strong one among all.

124. Recruiting in India should be free to all to whom a licence can be granted.

125. The first step that should be taken to encourage labourers to come is to find the right kind of leader, and to obtain the sanction of the Indian Government for such a leader, or leaders, to operate.

126. The leader I speak of must not be confounded with the recruiter of the present day—the latter pounces upon any victim who can be enticed to emigrate, and all relationship between the recruiter and the recruit ends as soon as the coolie is handed over to the depôt.

127. The leader I mean is a man who is known to travel with his coolies, who attends to their wants during the voyage, and will see that they are properly handed over to their employers when they reach their destination. I have seen such leaders amongst my passengers from Negapatam.

128. Government should license these "leaders" to engage and convey labourers to the Straits Settlements and Native States. Either the Indian Immigration Agent could issue the licences, or the Indian or Straits Magistrates.

129. If this general system of licensing is adopted, then those recruiters who are not licensed will not be allowed to act.

130. I think this system will work well. The persons so licensed will be solely responsible for the work of recruiting. They will always supply a good class of men. It will be to their own interest to do so, as by supplying good coolies they will get more work from employers.

131. These leaders can always be had in Negapatam or Karikal, and the planters and other employers of labour in the Straits Settlements or Protected States can have men of their own licensed.

132. The Negapatam Depôt should be maintained, so that coolies may have a proper place to go to before embarkation. Before the Negapatam Depôt was established, the coolies were often not housed at all till they could be embarked. Some were housed in a sort of lodging-houses, and they were then in a most wretched state. The establishment of the Negapatam Depôt has, in some measure, remedied this state of affairs.

133. I am, however, of opinion that the medical examination in the depôt does no good and is not worth maintaining. It only adds a few rupees to the Doctor's pocket, for which the coolies have afterwards to pay. There should not even be a medical examination on board the ship. Apart from this the Negapatam Depôt should be maintained just for the purpose mentioned above.

134. There should be a depôt in Negapatam and one in Karikal. I do not think there should be a depôt in Madras, as you cannot get a good number of coolies from there, besides the Telugus from the North of Madras are a more difficult class of people to manage than the Tamil race generally. You can always get a good number of free coolies from Karikal, and they are a superior class of men and especially good as colonists.

135. I strongly object to the appointment of an Agent-General in Madras, as it will do no good. The less Government interference there is, the more confidence the people will have. That their countrymen are, as a rule, prospering in the Straits Settlements and Protected States is mostly known to people in Southern India.

136. The increased rate charged by recruiters was due to official interference and stricter medical examination, by which coolies have been unnecessarily returned to their villages, which are often distant several days' journey. They were, in many instances, left half starved, which frightened others from emigrating.

137. I am of opinion that the action of present recruiters has been detrimental to importation of labour, as far as the Straits Settlements and Protected States are concerned.

138. The Government has done much towards immigration in paying the \$30,000 subsidy for Negapatam steamers. It has regularised the arrivals and departures of steamers, which has induced more people to come. The regular departures from Negapatam especially foster emigration, as the people coming from inland places can time their departure from their houses, &c.

139. These steamers did not pay their way before, but they do now since April last year.

140. I wish to say that I have been much struck by the improvement of the coolies when they go back to India after working in the Straits.

Mr. E. V. Carey, of Selangor, is examined and states:—

141. I do not care to express any opinion on questions 1, 2, 3, 4, 8, 9, 10 and 14, which deal entirely with indentured labour, in connection with which I have no practical knowledge.

142. My supply of labour is insufficient. I attribute this to:—

- (a) Want of sufficient advertisement in India.
- (b) Hindrances put in the way of my agents by other recruiters, who wish to keep the market in their own hands.
- (c) The long sea journey, which renders the Straits less attractive than more accessible countries.
- (d) The heavy debt to be repaid by the labourer, in comparison with that which he incurs if, for instance, he goes to Ceylon.

143. I am of opinion that free immigration should be fettered with no legal restrictions, if such exist, but am not prepared to give any opinion in connection with statute labour. A modified "Kangani" system I strongly advocate, but I consider it essential that the employer should deal with, and pay, his coolies direct, and that the onus of discharging his liability should rest with the individual coolie and not be shared in common. That is my system of working in Selangor. The long established Ceylon system of lump expenses—the Kangani only being responsible—I do not recommend for a new country like this, for the reason (1) that I am not satisfied that the coolie gets fair play, and (2) that the "Kangani," while becoming vested with undue power on the one hand, may be saddled with unfairly incurred debt on the other.

144. I certainly think that recruiting in India should be free to all, our main object being to induce a maximum influx of labour. I am not aware that the coolie's position can be in any way prejudiced on this side, by whatever method he may be recruited—whether with or without licence.

145. I am of opinion, from personal experience, that Dr. HARDAKER is a hard-working and painstaking official, and that the depôt at Negapatam is admirably adapted to its purpose and well run. On the other hand, I consider it doubtful (though I commit myself to no decided opinion) whether sufficient coolies pass through it to justify the expenditure which its upkeep entails. This appears to me to be a question which can only be adequately answered by a careful scrutiny of figures.

146. I am by no means decided that the necessity for passing through a depôt, which must (and I know does) savour to the Tamil mind of temporary incarceration, has not an extremely deterrent effect upon the intending emigrant, and I am inclined to think that a coolie halting-place or rest-house, for which the present depôt might serve, where the emigrant might, if necessary, be subjected to a medical examination, would be much more acceptable to the natives than the present depôt, where the freedom of the inmates is restricted, thus suggesting to the coolie mind the idea of forced service.

147. In principle I consider Sunday pay for 6 days' work wrong, and that the system must eventually be abolished, but in practice I look upon it as a strong inducement for the coolie to work regularly, and I consider that the employer can well afford to pay his men the extra few cents, which their regular outturn would enable them to earn, in view of his being thus enabled to perform a maximum amount of work with a minimum number of labourers.

148. Section 11 of Ordinance V of 1884.—I do not see the necessity for this section.

149. Section 27.—I certainly consider that this section should be confined to statute immigrants.

150. Section 24.—There can be no reason, as far as I can judge, for any immigrants, other than those disembarking, being sent to the depot at Penang, or at whatever port the steamer may be at the time. I object strongly to the Indian Immigration Agent being empowered to advise all coolies, other than statute immigrants, that their liability to work in return for money advanced and received is legally non-existent.

151. I have, from time to time, experienced considerable losses from crimping. I do not think that a discharge-ticket system is advisable, inasmuch as in practice I consider it might probably be abused by unscrupulous employers, and seriously curtail the liability of the subject. I am of opinion that it is in the highest degree essential that no measures should be adopted which, in any shape or form, tend to create the impression that the movements of coolies, who have complied with their legal obligations, are in the least degree restricted. Were the country flooded with labour, or the supply at least proportionate to the demand, the case might probably be different. There are the additional difficulties that all new-comers would have to be furnished with certificates of arrival, carrying the same meaning as discharge-tickets, and that the system, to work successfully as a means of controlling the irregular movements of coolies and the operations of crimps, would have to be universally adopted.

152. The remedy appears to me to rest with employers, amongst whom it should be the strongest point of etiquette and honour not to engage each other's coolies, and who, having unintentionally done this (as must occasionally be the case), should make speedy reparation, and, if necessary, systematically boycott coolies, individually or in gangs, against whom it can be shewn that they are in the habit of absconding from service; in other words, a system of friendly mutual protection should be adopted.

153. I also think that the law should be amended to bring the crimp more within its reach, especially in connection with the insuperable difficulty of establishing "guilty knowledge," and that convictions should carry extremely heavy sentences.

154. The appointment of an Agent-General depends entirely upon what the duties of such an Immigration Agent would be. In considering this subject, it must be borne in mind that the class of agricultural labourers we are so desirous of importing into the country consists of (1) statute immigrants, (2) free labourers. If, therefore, it is suggested that the Immigration Agent should be, in any sense of the word, a recruiter of labour, I am decidedly of opinion that the scheme would prove, from the first, unworkable: the interests of the advocates of free labour would unnecessarily [*sic*] clash with those of those of the statute immigrant party. But if the Agent confined his attention to extensive advertising, both at head-quarters and through agencies, &c., receiving remittances from employers at this end for all labourers recruited by the employers themselves, to supervising medical examinations if necessary, and to generally help intending emigrants on their way, I think that the establishment of such an office would be beneficial in the extreme. The more so if the enterprise is assisted with a subsidy affording to *bond fide* labourers the means of procuring cheap passages across.

155. I consider that the direct importation of their own labour on the part of the Government and all Government contractors, is of the greatest possible importance to the development of the country, and a duty to the community which takes the form of an absolute obligation. I take it that there are extremely few coolies who come to this country otherwise than at the instance of their already settled relations and connections, who, in their turn, have, for the most part, been imported by the unofficial public, and, in consequence, the Government depends almost entirely for the maintenance and carrying out of all public works, on which Tamils are used, for labour originally imported as indicated above; the result of this is extreme discontent all over the country, for competition is inevitable, the price of labour rises, and the public, whose interest it should be one of the first duties of the Government to protect, suffers to an extent which can scarcely be exaggerated.

156. I strongly recommend that Mr. H. A. THOMPSON'S Penang Circular of 8th November, 1887, contained in the Madras Government Order No. 510 of 15th May, 1889, which prohibits employers from paying recruiters of other than indentured labour in India, should be at once rescinded.

157. I advocate a Government subsidy with the objects (1) of providing the cheapest transport facilities for all *bond fide* labourers with their families (to be passed as such by an Agent or Agent-General) both coming to and leaving this country, and (2) for the purpose of inducing steamers to carry their coolie freight direct to and from the Ports of Penang, Port Weld, Klang, Port Dickson and Singapore. In this connection I put in a written statement by the Harbour Master at Klang, to the effect

that steamers of any tonnage will be able to call at Klang, and that those of a draught of 12 feet will be able to come alongside the wharves at low tide. Port Weld and Port Dickson could not, of course, be so closely approached, but if once the big steamers come to these ports and lay to in the offing, the difficulty of landing passengers would be very soon overcome. Trade at these ports would be considerably stimulated by such a service, and direct communication with India would be the greatest boon to the Native States.

158. In Ceylon the Government maintain a schooner service between Penumben and Mannar, with boats on both sides to land passengers. European Immigration Superintendents and Subordinate Officers are paid, and the charge per coolie is 25 rupee cents for the passage across. Hospitals and rest-houses for coolies are kept up all along, with rest-houses every 10 miles on the Ceylon side. One hundred and twenty miles of road from Mannar to Matale are patrolled daily. Direct expense to Ceylon Government is from 100,000 to 150,000 Rupees per annum. This system has existed for many years, and has proved one of the greatest factors in the development of the country. Planters pay only the 25 cents passage money on crossing. All coolies are provided with certificates of arrival, on presentation of which at Railway Station they are entitled to reduced rates by rail.

159. Reduced rates for coolie train fares in Ceylon are .20 of a pie per mile—a pie=1.92 cents, so that the charge amounts to one-tenth of a rupee cent, or say one-twentieth of a dollar cent per mile. The charge on Selangor Government Railway is 2 cents per mile, or 40 times as much as the reduced Ceylon rate. Government also maintains other coolie rest-houses or open sheds for the Colombo-Tuticorin route, Immigration Officers at Colombo, and quarantine establishments. Special coolie trucks without extra charge are run down to the wharf. The Tuticorin-Colombo steamers are not subsidized.

160. One of the chief arguments in favour of the proposed railway extension to Jaffna in Ceylon is the extreme assistance which it would afford to travelling immigrants on the North route. Besides Ceylon, the West Indies and Mauritius contribute considerable Government subsidies for the same purpose. The revenue of Ceylon is practically the same as that of the Straits Settlements with the Native States, and Ceylon contributes over Rs. 100,000 labour subsidy, as compared with the Straits Settlements subsidy of \$5,300.

161. Tea planting in Ceylon has been a phenomenal success, due largely to the facilities offered to coolie immigrants. Five years ago I heard it said that if tea fell below 9½d. Ceylon would be ruined, yet with tea at 8½d., as it is at present, company shares have changed hands @ 100 % premium.

162. I think it would tend to develop agriculture in the Straits if Government would assist in introducing labour, and it would ultimately pay Government to do so to the extent that is done in Ceylon; for increase of labour in the aggregate means eventual reduction of wages and general prosperity to the country.

EVIDENCE TAKEN AT A MEETING HELD AT KLANG ON
THE 11TH MAY, 1896.

Mr. T. Gibson examined and states:—

163. I have been engaged in planting for 27 years—15 years in Ceylon, 9 years in the Straits, and the last 3 years in Selangor.

164. I have no objection to piece-work if it will be suitable and advantageous to coffee estates.

165. As a coffee planter I do not wish to have written contracts with coolies at all. I would prefer a verbal contract not exceeding more than a calendar month, which I know is most suitable to coffee estates, and there will be no restrictions on the coolie, who will be allowed to go whenever he likes after the month's work. I do not take advantage of the Selangor Labour Code as to contracts on this account.

166. I think the less you have to do with contracts with your Tamil coolies the better it will be, as I think they work more heartily without a written contract.

167. I have never had a written contract with coolies in all my experience except for four months in Johore when dealing with indentured coolies, but I found it then an incessant worry and anxiety.

168. I have no objection to the "Kanggani" system as worked by myself and others in Ceylon, where I have always paid the coolies direct and not through the Kangganis, with the exception of weeding contractors, whose names are not in the check-roll and who would number about one-eighth of the estate force. I only know of one instance in Ceylon where the Kanggani paid the coolies, and of one case in which the Kanggani made an arrangement with the coolies, on behalf of the estate-owner, that the coolies drew no pay for a space of twelve months.

169. I do not believe in the Ceylon system of giving the Kanggani advances and holding him solely responsible for same, but believe in giving the Kanggani advances, and when he brings the labour to the estate, having each individual coolie debited in the check-roll with the actual amount he has had. By doing this the Kanggani has no undue hold on the coolie and is in a better position himself.

170. I have sufficient labourers in the Klang District, and have not heard of any complaints as to scarcity of coolies. I pay \$8 a month to a coolie, or 25 cents per working day.

171. I never get my coolies from India. I get them locally by paying the usual monthly pay of \$8 each. They are principally Javanese.

172. When the coffee estates get into bearing, I will have to depend on Tamil labourers, as I consider them to be much superior and more reliable than the Javanese.

173. I pay both to the Tamil and Javanese coolies Sunday pay after completing six clear days' work.

174. Coolies' wages have increased very slightly during my three years' experience here.

175. I think the appointment of an Agent in India for the Straits will do much good, as at present our recruiter is entirely in the hands of the two recruiting firms in India.

176. The expenses of such an Agent may well be borne by the planter jointly with the Government.

177. I am of opinion that the Ceylon system of paying subsidy to steamers for facilitating transit of labourers should be introduced into the Straits. I believe Ceylon spends a large amount of money on this subsidy. This assistance by Ceylon Government has certainly increased the importation of labour.

178. I have experienced no losses from crimping, but I have heard that planters' coolies are being crimped by servants and contractors of the Public Works Department.

179. I think that if Government and planters import their own labour, the rule (section 11 of Ordinance of 1884) as to issuing certificates to immigrants of the agricultural class, should be adopted. But it should be so arranged as not to be an injustice to coolies or a hindrance to immigration.

180. I have heard that the treatment of coolies in Deli is good.

181. I am undoubtedly of opinion that Government should import labour for their own requirements.

182. I think that the whole Penang Circular of 1887 had better be abolished, especially the latter part of it, which lays down that no agent or recruiter should receive a commission for coolies other than indentured labourers. This, in a great measure, hinders the recruiting of free labour.

EVIDENCE TAKEN AT A MEETING HELD AT THE BRITISH RESIDENCY,
KUALA LUMPUR, ON 12th MAY, 1896.

Mr. L. Dougal, of Kepong Estate, Kuala Lumpur is examined and states:—

183. I have had over seven years' experience as a coffee planter in Selangor. No previous experience in Ceylon. I work my estate entirely with Indian labourers—about 70 of them.

184. I have no written contract with my coolies. They are all free labourers, and I have always worked them under this system.

185. I have had cases of being inconvenienced by my coolies leaving, but not to any great percentage.

186. My supply of labour is sufficient. My estate is situated on the Railway, and on this account I find it easier to get labourers.

187. I pay my coolies 23 cents for working under 20 days, 25 cents over 20 days, and 27 cents over 25 days or for the month.

188. Coolies' wages have increased. Seven years ago I paid 23 cents, although the rate of wage was then much lower. I think the low exchange and growing demand for labour have effected this increase.

189. I prefer free to indentured labour, and I think this is the general feeling in Selangor. My experience is that coolies do not care to be bound down by a contract. I have no experience as to indentured coolies.

190. My coolies generally give notice to leave for various purposes, to go to India and even to work elsewhere; but I have suffered losses by their leaving without giving a month's notice. In such cases they have been chiefly taken away by Government Native contractors, and never by my fellow planters.

191. I have no complaint against the "Kanggani" system. I send my Kanggani with a letter to the Indian Immigration Agent, asking him to give the Kanggani a letter to Negapatam to recruit. He gets a licence there and procures the necessary coolies.

192. In the event of any of my coolies running away, I hold the Kanggani responsible, but he has no means of recouping himself by squeezing from the other coolies. I give my Kanggani high wages (\$15 a month) and am thus able to recover from him the expenses incurred in importing the runaway coolie. This system has worked well with me.

193. I give Sunday pay to a coolie after having worked six days.

194. Section 11 of Ordinance V of 1884, as to the agricultural class not leaving the Colony without a certificate, I think a good rule.

195. Section 24, requiring all immigrants to be landed and sent to a depôt, I don't think there will be any necessity to land in Penang if there are direct steamers from India to the Native States.

196. Section 27, Indian Immigration Agent to advise the coolie that his obligation to the estate is non-existent. I think this section should be abolished.

197. I think also that the Penang Circular of 1887, as to recruiters of other than indentured labour not receiving the usual commission, should be abolished.

198. I do not favour the discharge-ticket system. Free coolies will have to come under it, and it will be a restriction on the coolie.

199. I think it is desirable for Government to import labour for its own requirements, and pay a subsidy to reduce the cost of importing a coolie, by more frequent and more direct lines of steamers from Negapatam to Penang, and especially, if possible, from Negapatam to Klang.

200. I have heard that the Government of Ceylon, by paying nearly the whole of the subsidy, has greatly improved the importation of labour into that Colony.

201. Failing this, I should like to see Government appoint an Agent in India for the Straits. One advantage of having such an Agent will be in reducing risks of pecuniary loss to planters, who could send money direct to the Agent and not through the Kanggani. He would also be useful as an advertising recruiter. It would also be an advantage that this Agent should be a Medical man.

202. I am of opinion that there should be a better supply of labour for the future, especially Tamil labour, which will be essential when our new estates come into full bearing.

Mr. T. Heslop Hill examined and states:—

203. I have had 18 years' experience as a planter on the Malay Peninsula.

204. My supply of labour has been fairly sufficient of late, and on some estates ample. I have not been particularly pressed for want of men.

205. I think the rate of wages is so favourable to a free coolie that all restrictions and difficulties on immigration should be removed; they range at the present rates of exchange from 47 cents of a rupee to 67 cents of a rupee, *i. e.*, 25 cents of a dollar to 35 cents of a dollar at 1.90. The wages are always paid direct to the coolies, they would not entertain anything else.

206. I have worked the estates both by indentured coolies and free coolies, generally related men, the latter under Kangganis. Kangganis are only held responsible for coolies' debts if they have agreed to become so on payment of a rate for each day the free man works—an insurance for the Kanggani.

207. There are no more indentured men on the estates I work. My experience has been so disastrous with runaways, high death-rate and sickness, that I have a strong feeling against employing indentured immigrants. I prefer free labour and do not ask them to enter into any sort of agreement.

208. I see no hardship in a contract, but I am of opinion that by indentured men you get a scratch lot, whereas by free labour you get a class of coolie that brings relations and family men. I do not think, with present rate of wages known, there should be any limit as to bringing this related class of men. The expenditure on agents in India is saved. Medicine bills and hospital expenses with identical (*sic.*) treatment are far less, and therefore the planter can afford to pay higher wages.

209. I have paid for some time free coolies from 25 cents to 30 cents per working day. The wages have increased largely, owing to the rupee value of the dollar having decreased. I do not find there has been a proportionate increase in the cost of work, although there has been an increase.

210. I think the Penang Circular of 1887, sections 11 and 24 of Ordinance V of 1884, which throw restrictions and obstacles in the flow of immigration, should be abolished.

211. I have experienced no serious losses from crimping. I am not in favour of the discharge-ticket system, as it will be a restriction on the coolie.

212. I have no objection to the appointment of an Agent in India for the Straits, but as a means of inducing immigration, I do not expect adequate results. As a means of aiding people to obtain redress if wronged, and having some one in power, to whom they could appeal, I think it would be excellent.

213. I should prefer, as an alternative, that the planters and the Government should combine and subsidize a direct line of steamers in return for the free passage of a stated number of coolies per annum. These steamers could leave Negapatam and deliver coolies direct to each contributing State, or off an appointed Port; each estate having a claim for so many free passages, in proportion to the sum contributed, the Government [by] the same, thus enabling people already here to return and bring relations, without cost to the employer for recruiting, or to the labourer for passage-money.

214. The above is only an outline, but with the present rate of wages, I think would develop favourably, and that men, as soon as aware of it, would come in numbers, if they get free passages and are not hampered with restrictions.

215. The expenses of subsidy of steamers should be paid by planters in proportion to the acreages of their estates under cultivation. This would represent a certain number of labourers per acre or per estate. The Government should pay in proportion to the labourers employed by them.

216. As to the utility of the Agent in India, as a medium for advertisement, I think the best form of advertisement would be to have an attractive hand-bill colour-printed. On it state the cost of food, &c., the rates of wages, and the cost of living; this statement should be verified by the Government; each planter should have hundreds of these hand-bills, and induce the people on his estate to send them to the relations of those already working for him; the Government coolies the same. The bill should be so attractive that the coolie in India, even if he cannot read, would put it up in his hut as an ornament. This would not necessarily be expensive, divided amongst so many employers of labour. It would be attractive, and would cause the Malay Peninsula to be talked about amongst those who had already some private information as to the place, and attract the attention of others.

217. I am certainly of opinion that the Government should import its labour for its own requirements. Why offer \$1 per day, as I hear is being done now on the Pang Road, when, with ordinary foresight, if the dollar wages were advertised in India six months before the men were required, it would probably induce the influx of a large number of new men, without injury to those who had already taken contracts that did not provide for such rates of wages, or to planters whose permanent enterprise was jeopardised by such temporary fluctuations in the local labour market?

218. Coolies' wages have gone up from 23 cents of a dollar to 30 to 35 cents of a dollar. This increased rate of wages is due first to the fall of the rupee value of the dollar, and secondly to the large demand for Government Public Works in Perak, especially for the Railway Department, owing to the Kinta Valley Railway works.

219. I am of opinion that there is ample room for the extension of agriculture in the Native States, as in Ceylon. I have great confidence in the future development of these States. The only thing wanted here is that coolies should be able to get on board ship and land in the Straits with no restrictions whatever, and be able to return with equal freedom, on re-payment of a reasonable rate of passage money.

220. Although unduly and suddenly increasing, and, with foresight, unnecessarily increasing, the rate of wages has its advantages in many people returning to India and China with, to them, a fortune; in a few months I question whether it would not be more to the permanent advantage of the State, and the individual, if more people returned to their homes with a competency as a medium of advertisement and a means of attracting others.

Mr. H. N. Ridley, Director of Forests, is examined and states:—

221. As to the future of planting interest, I think the Native States will be a great agricultural country.

222. The mining industry must work out. It is only a matter of time, and we must fall back on agriculture.

223. I think the soil and other prospects are most favourable in the Peninsula for varied planting.

224. As Director of Forests, I have considerable correspondence with Europe, and the principal information required of me is about the agricultural facilities in the Straits.

225. My duty has led me to see a great deal of the country, and I think that planting has developed a great deal, but there is still an infinite area of land available for agriculture.

226. I think the existing population of the Colony is distinctly inadequate to develop agriculture.

227. The coffee estates are looking much more hopeful than I expected them to be.

EVIDENCE TAKEN AT A MEETING HELD AT THE BRITISH RESIDENCY,
KUALA LUMPUR, ON 13TH MAY, 1896.

Mr. C. E. Spooner, State Engineer, Selangor, is examined and states:—

228. I think Government should import Tamil coolies for Public Works direct from India.

229. I have imported some labour direct from there in June, 1893. I imported 35 men, for which the Government paid for passages, &c. \$6.85 per head, the cost, including advances recoverable, was \$20.57 per head. In September, 1893, the Government imported 28 men, who cost the Government \$10.38 per head and, with advances recoverable, \$19.97. In October, 1893, men were imported at a cost of \$14.28 to recoverable, \$28.57. In all, 145 men: the first and second lot do not include women and children or families, which numbers I am unable to give correctly. They probably amounted to 10 women and 12 children.

230. The experiment was very successful, especially in masons and coolies for metal breaking, who were first engaged on day pay to ascertain their value, then put on piece work. They were not more expensive than the local labour, or above market rates, though they tried it on, and I had difficulty in bringing them to their senses. I have had no complaints, and many of them have returned to India. They signed an agreement, on arrival at Klang, before the Magistrate to work for 18 months. The agreement, on arrival at Klang, before the Magistrate to work for 18 months. The coolies deal with me direct and not through a contractor, that is, stone-breakers get their name in the check-roll by means of the number of cubic feet they break, which has a fixed rate; and so an industrious coolie can earn more than an ordinary day's wage if he works hard; he also puts his children to assist him. In regard to artificers, I pay by the yard or cubic foot, and several go in *kongsi* and draw the pay in a lump, which they divide amongst them. I had no complaints of any individual getting poor pay. The Government Offices are all on piece-work. Indian coolies are the best metal breakers.

231. I went about recruiting in this manner. I obtained authority of Government, wrote to the Immigration Agent, Penang, to co-operate; he wrote to the Agent, Negapatam, who issued licences to recruit in the different provinces. I sent my old hands to do this, who knew the districts and some of the people. They experienced delays and difficulties and oppositions from minor Officials; the complaint was that in Negapatam there were only 2 or 3 European Officials, and they cannot be reached except by paying your way through the lower Native grades, and so steamers sail before you are ready and you are put to expense; so the obstructionists are subsidized by feeing them to avoid these exasperating delays. I suggested to the Government on 27th July, 1895, that the Government should import from four to five hundred coolies for the Public Work Department annually (see extract attached).

232. I produce a labour return for May (attached) showing that I employed departmentally 2,419 coolies, and that there is a deficiency of 503. Independent of this I employ 800 on the Pahang Road beyond Raub, departmentally. The contractors on the Pahang Road are employing about 3,200 men, contract coolies, chiefly Chinese. I cannot say what proportion of my Pahang Road Department coolies are Tamils, but believe them chiefly to be Chinese and Malays. I employ under contractors in Selangor about 2,500 to 3,000 coolies of all nationalities, and cannot define them. The majority of the men on the Pahang Road are Chinese. The importation of labour by Government should be confined to departmental work, that is the labour would not be lent to contractors. If I import my own labour, I should gradually do away with contractors as in Ceylon, and work departmentally. I believe the bulk of my labour comes from Penang. Kangganis always say they can get coolies in Penang, but I don't know from where they come. I don't think that my departmental coolies are those crimped deliberately from estates, in fact I know such not to be the case. I cannot say as to contractors where they get their labourers. When planters complain I immediately look into the matter and the coolies are returned and *vice versa*. I lose men by their absconding, to a very great extent, and officers are always complaining to me about it. The employment of Sub-overseers depends on their bringing labourers, about 30 coolies. I produce a statement of rates of wages paid by me in the State of Pahang. They compare favourably with rates paid by planters.

233. I reduced rates in 1893 and 1894 in Town limits of Kuala Lumpur from 30 cents with Sunday pay to 27 cents without Sunday pay, which gave me the equivalent of three months' more work for a coolie per year. On the Pahang Road rates rule high owing to difficulties and climate. I pay 50 cents a day beyond Raub, which I hope to reduce shortly to 45 cents.

234. The result of reduction is that I have difficulty in securing sufficient labour; instance Drain A in the Klang District, where since the introduction of planters I have to pay exactly double to get the same work done that I paid before this advent. This is why Drain A was not completed last year. I consider my rates cheap, and it is my endeavour to keep on reducing them, but I find it difficult, as the demand for labour increases. I have not raised the wages in Klang, but I have been compelled to raise the prices or rates for work given on contract, and am compelled to give it on contract as I cannot get day labour to work on drain works alongside the plantation. Insufficient supply is due to prosperity of the country and the opening of new estates causing a great demand for labour which renders the present supply insufficient.

235. The Department employs 9,419 men, and on contract and departmentally say 10,000. These figures, of course, fluctuate. I believe that 6,000 of these are Tamils.

Mr. A. G. Watkins, Selangor, is examined and states:—

236. I have been seven years in charge of the Railway Department. I employ rather more than 1,000 coolies departmentally, and 1,000 more probably through contractors—Tamils, Javanese and Chinese. They are about equally divided. They are not under contract—they are all free labourers. I have no experience of contract coolies. I prefer free coolies.

237. I experienced no losses from crimping. I have no reason to believe that I employ runaways from other planters. I always bring to notice such cases. I only use Tamils on the permanent way. They settle down and remain from year to year.

238. I pay from 27 cents in Kuala Lumpur and up to 35 cents in the more outlying districts. They are paid for day's work only. No Sunday pay.

239. I have no difficulty in getting labour, and, therefore, I have no opinion as to importing it.

240. We build permanent lines for, and give permanent work from year to year to, the Tamil coolies. They get no other perquisites.

241. I pay almost similar rates of wages as those paid by Mr. SPOONER, the State Engineer.

242. The wages have been the same as far as I can remember. We pay them by piece-work and they make sometimes in this as much as 40 to 45 cents, especially the Chinese.

243. The loss among my coolies is not very great.

244. I should like to see Government import labour for its own requirements, as it may decrease the present rate of wages.

245. I have had no experience in recruiting my coolies, probably will be able to do as Mr. SPOONER does in the way of getting labourers direct from India.

246. I certainly oppose to importing labourers if they are to be under indenture.

247. The reason why I think that my coolies remain is that they are all promptly paid on or about the 4th of the month or within a day or two of that. They are paid direct and not through Tindals or others.

248. In the contract works we employ very few Tamils—not 10%. I have no control over contract coolies' wages. The contractors are paid by the cubic yard, and they pay the coolies.

249. I know of one or two cases where Mandores have squeezed the coolies, but the practice is not very common.

Mr. J. P. Rodger, Acting British Resident, Selangor, is examined and states:—

250. I see no reason why the suspended Ordinance XVI of 1892 should not be brought into force, but it appears to me to deal only with the fringe of the labour question. In my opinion, too great a distinction is made between Indian and other Asiatic immigrants of the labouring class, and too great a distinction is also made between "statute" and "free" labourers—i.e., those working under written contracts and those under verbal agreements—among the Indian immigrants themselves. I and those under verbal agreements, whether Indian, Chinese, Siamese or Javanese, and think that all Asiatic labourers, whether Indian, Chinese, Siamese or Javanese, and whether working under written contracts or verbal agreements, require a certain measure of special Government protection, owing to their ignorance and improvidence, especially during the first year after their arrival in the State. Such protection is given to labourers of every nationality by Part V of the Selangor Labour Code (Regulation VI of 1895), but, by section 95 of that Code, it is provided that "nothing in this Regulation shall operate to invalidate or interfere with the provisions of the Indian Immigration Enactment 1884," so that Indian Immigrants are practically excluded—I think, unfortunately—from the provisions of the Code.

251. I see no objection to "piece-work" under proper supervision.

252. I prefer a shorter term of contract than three years, as, in my opinion, such a term is too long.

253. In the Selangor Labour Code, which was adopted from the Perak Code almost without alteration, a contract for one thousand days appears to be treated as equivalent to a contract for three years, under section 16.

254. Under the Indian Immigration Enactment of 1884, sections 41-44, contracts can be entered into for three years, under which adult male labourers bind themselves to receive only 14 cents a day during the first, and 16 cents a day during the second and third years, although the current market rate for Tamil "free" labourers in Selangor is, and has been for the last twelve years, about 30 cents a day, even in favoured localities. In my opinion, this term of three years is too long, and the minimum rate of wages is too low. As a matter of fact, I believe that planters in Selangor, employing "statute" Indian immigrants, usually pay them considerably more than the minimum wage allowed by the enactment of 1884, but, having regard to the ignorance and improvidence of such immigrants, I do not think that it should be possible for them to enter into valid contracts, binding them to work for three years at only about half the rate of wages current in the State. The result of such contracts in Selangor is, I believe, generally unsatisfactory, both to employer and employed, and there is a rapidly growing tendency among planters to employ only "free" labourers, whose work is naturally more efficient—and, in the long run, more economical—than that of men who feel that they have bound themselves by improvident contracts, and are discontented when they compare their position with that of their "free" compatriots. Among

255. I should say that the supply of labour in Selangor is at present insufficient, having regard to the high rates of wages paid in the outlying districts of the State.

257. I am strongly of opinion that there should be absolute free trade in labour, as in every other commodity, at all events within the empire, and that it is the duty of the British Government, as well as that of its Colonies and Dependencies, not merely to remove every restriction from, but in every way to facilitate the transport of, labour from one part of the empire to another.

259. Speaking generally, I think that the following are the three methods in which Indian immigration to the Malay Peninsula should be encouraged and assisted:—

260. I think that reasonable advances might be recovered under verbal agreements, and I see no valid reason why agricultural employers should not have the same powers as mining employers, under section 61 of the Selangor Labour Code, in respect of such advances, *i. e., those made within the State*, under verbal agreements binding the labourer to work for one month. If a labourer has received such an advance, and then, without any valid excuse, refuses either to repay his advance, or to work for his employer, I think that no undue hardship is entailed upon him by being committed to prison. Were such a case to occur in England, and the labourer be summoned by his employer before a County Court Judge, it is probable that the latter would order him either to repay his advance or return to work, and, should he refuse to obey either of such alternative orders, without any valid excuse, would then proceed to commit him to prison for contempt of court.

262. I am strongly of opinion that the importation of labour should be freed from all legal restrictions, and that employers and employed should have power to make written contracts or verbal agreements, as they think best, provided always that there exists such special protection as is given to all Asiatic labourers by the Labour Codes of the Protected States.

264. In addition to the causes mentioned in the question, such as increased demand for labour, &c., I think that the cost of living in Selangor is higher now than formerly, and that this has had some effect in raising rates of wages.

266. In my opinion this is a critical moment for increasing the labour supply in Selangor, as the area of land under cultivation by European coffee planters—who mainly employ Tamil labour—increased from 2,825 acres in 1894 to 5,396 acres in 1895, while the area of native holdings—chiefly through coffee cultivation—rose from 25,000 acres to 40,000 acres during the same period.

EVIDENCE TAKEN AT A MEETING HELD AT KAMUNING ESTATE,
PERAK, ON 15TH MAY, 1896.

EVIDENCE TAKEN AT A MEETING HELD AT KAMUNING ESTATE,
PERAK, ON 15TH MAY, 1896.

268. I have had experience of indentured labourers in Linsum and Kamuning Estates—at the former about one-fourth of the coolies, and at the Kamuning about the same number. Now we have no indentured coolies.

270. I greatly prefer the "free labour" system, the men are under no compulsion, and it does away with the constant pressure there is under the indenture system.

271. I pay my coolies from 25 cents to 30 cents. A man begins at 25 cents rising to 28 cents. Store coolies get 30 cents, but they are working under closer supervision.

273. I was at first planting under my brother who, I know, strongly favours "free labour" also.

275. I think the coolies are in favour of being free. I have known free coolies come up and pay off the advances of indentured coolies. Those who are under indenture seem to think they are badly treated by being under indenture. The coolies prefer not being under indenture at all, as they cannot then be compelled to work.

277. We give them five days free in a month and any other day on which they -
produce a certificate from the Doctor.

278. As far as I know, my labour supply has been sufficient. If more estates open in the neighbourhood there may be a difficulty.

279. I think an Agent in India for each Native State might be appointed. I suggest this so that the planting interests in the various States should work together. I think there should also be an Agent for the Straits.

280. I think section 61 of the Selangor Code as to recovering advances from mining coolies should be extended to agricultural coolies.

281. Very few of my coolies leave me, and then, as a rule, to return to India; there is little crimping, and I have had very few absconding. We are isolated and there is no estate within 20 miles, and that may be a reason for there being few absconders. At one time when Government were doing the Kinta Valley Railway, I lost a good number of coolies, owing to the offer of higher wages. It is the Sub-tindals who entice them away.

282. I give 25 cents to 30 cents. Railways offer them 30 cents to 35 cents and sometimes 40 cents. In some cases my coolies have returned to me.

283. I think the coolie objects to any bond. They prefer working by task and piece-work; then they work better and quicker.

284. I pay my coolies direct and not through the Kanggani.

285. I certainly think Government should import its own labour, especially for their upkeep works, &c.

286. The rate of wages have not changed since 1894.

287. The Native States only want capital and labour to become a great agricultural centre, and I think capital will come in if there is enough labour.

EVIDENCE TAKEN AT A MEETING HELD AT THE BRITISH RESIDENCY, TAIPING, ON 16TH MAY, 1896.

Mr. E. W. Birch, Acting British Resident, Perak, is examined and states:—

288. I am not in favour of verbal agreements, nor for short terms of contracts. I want to see immigration free as far as possible, and leave every planter to make his own terms with his coolie, and to free the contract from all legal restrictions. The coolies' liberty could be guaranteed by frequent inspections.

289. I object to indentured labour where a man is tied down to a rate lower than the market price for a certain number of years.

290. I prefer the free labour recruiting system. India is at present over-populated, and there should be no difficulty in getting labourers, but if it is necessary for planters to import labour, then I think Government should also import labour for its own requirements. The labourers imported by Government should be free and not under indenture.

291. I am in favour of an Agent in India for the Straits on the condition that he is a medical man of the Native States Service so that he may be under strict control and may be able to see that only coolies of good physique are sent down.

292. I foresee difficulties in the subsidizing of steamers to improve immigration.

293. I should like to see the privileges given to mining employers to recover advances from their coolies as provided in the Labour Code extended to agriculture, but only if it is found to be absolutely necessary to allow indentured immigration.

294. I am of opinion that the prospect of Perak developing into a great agricultural country like Ceylon is great, and I think the time has arrived that the Government of the Native States should reduce the output of tin which will mean a greater development of agriculture.

295. The present supply of labour in Perak is insufficient.

296. I think if Government fosters immigration it should be on a clear understanding that all Government as well as private employers of labourers should enter into a bond under heavy penalties not to employ labourers before making a searching enquiry as to their antecedents, &c.

297. I am opposed to the discharge ticket system, which has been proved to be useless and harassing.

Mr. F. St. G. Caulfeild, State Engineer, Perak, is examined and states:—

298. I have been 17 years in charge of the Public Works Department in Perak.

299. I have about a thousand coolies working departmentally and about the same number under contractors.

300. As to whether my supply of labour is sufficient, it all depends on the locality in which the work is going on. When I want coolies for outlying districts there is some difficulty, as special arrangements have to be made for pay, &c.

301. Tamil coolies get 25 cents to 30 cents a day and 35 cents in outlying districts. The general rate is 25 cents, and only a limited number could find employment at 35 cents.

302. I think Government should get its own labourers on a free labour contract, say 100 to 200 a year on a guarantee to give them work for 12 months.

303. I think that I should not have any difficulty in getting my coolies, could I recruit them by sending a headman to India with a sufficiency of funds.

304. I have experienced no losses from crimping.

305. I believe that the restrictions placed on assisted immigration cause Penang and Province Wellesley to be the field from which coolies for the Native States are generally recruited.

306. I think it will be an advantage to have an Agent in India for the Straits. He should work hand in hand with the headmen sent over to recruit coolies, and should facilitate their transit, &c.

307. I have seen both the free and indentured coolies at work, and I certainly prefer the free labour system.

308. I find it necessary that all my Public Works Department men in the outlying Krian District should be under agreements, and 20 cents is the lowest amount paid as wages.

309. The minimum rate of pay, I think, should be 20 cents and not 14 cents, with free lines and water supply. This, of course, will not include the expenses incurred in importing a coolie. I do not think you will get good coolies for less than 20 cents each.

310. I think it is the low rate at which the minimum wage is fixed which is chiefly responsible for the difficulty now experienced in getting coolies.

311. My coolies are composed of time-expired coolies from the Province.

312. With reference to desertions from Gula Estate and to the question of the deserters finding employment in the Public Works Department, Perak, and that my Tindals and Sub-tindals get them to desert, I say that nothing of the kind has been brought to my notice. If it was, I would put a stop to it and dismiss the Tindals.

313. My supply of labourers is sufficient, as there is a large resident population of Tamils in the place.

314. I have more than once recommended to the Government to import labour for its own requirements.

Mr. C. R. Hanson, Perak, is examined and states:—

315. I have been in the Railway Department since 1887—9 years. Out of about 60 miles of railway, I have constructed all, but six or seven miles.

316. In Larut, I pay 28 cents—lowest rate for skilled labour 28 cents, ordinary labour 25 cents, but very few of them. The greater number are on 30 cents in unhealthy districts and jungle places and I cannot get men for less a day.

In Larut, ...	127 @ 28 cents, Tamils.	} Plate layers.
Tanjong Rotan, ...	175 @ 30 "	
Ipoh, ...	446 @ 30 "	
Lower Perak, ...	132 @ 30 "	

My coolies are imported by contractors and some have come to me as "free labourers."

317. We have almost as many Bengalis and Chinese as Tamils—400 Malays, 200 Bengalis and some Singhalese.

318. I don't think it likely at all that my Tindals do go over to Gula Estate to crimp. The fact is the best men come over of themselves to find work here, as they can get more wages.

319. There is no difficulty as to getting labour, as I employ so many Chinese and Bengalis. I have no men under indenture. I prefer the free labour system. I prefer Tamils for all work. The supply of Tamil labourers is not at all sufficient. I would

advocate Government assisting by passages in getting coolies to come. There should be some arrangement by which coolies could get free passages. I think Government should import annually about 10% of the 1,200 employed in the Railway Department.

320. It seems a shame that Government should employ what must be the picked coolies and the best of an estate, consequently leaving the sickly ones behind. Especially when the planters have gone to the expense of paying for their import expenses.

321. The proposed raising of the minimum wages and the shortening of the term of contract will improve the importation of labour.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG
ON 19TH MAY, 1896.

Mr. A. D. Neubronner, Consul for Siam, is examined and states:—

322. I am Agent for the Perak Government. I get free labour more in connection with the Perak Government.

323. I have a sort of contractor who sees to the shipping, &c. of coolies. The coolies are paid according to work done. I generally get about 30 or 40 men for Perak, chiefly of skilled coolies, such as masons and their coolies, numbering perhaps 50 in the course of the year, for Public Works purposes. They are recruited in Penang. I never get coolies for Kulim.

324. I get Tamil coolies in connection with tin mines in Tongkah, they are employed in storing and weighing, &c. Messrs. BOUSTEAD & CO. and BEHN MEYER & CO. are the principal buyers of tin in Penang. I get about 500 coolies for this work. They are paid by the number of slabs removed. They get an average wage of 35 cents a day. I find the prices remain the same.

325. There is an insufficiency of boatmen, which I consider very serious.

326. On enquiry I find that this deficiency is due to there being not enough work for this class of men. The price of timber, particularly for boat-building, has gone up and, therefore, boatmen have gone back to India. The passage has also increased from 13 to 15 rupees, but I do not think this small increase makes much difference to carpenters who are well paid.

327. I put down the scarcity to want of competition.

328. The appointment of an Agent in India will, I think, improve matters, but I do not think that employers of Tamils on tin business will bear a share in the expenses. If they cannot get Tamils, they can always fall back on the Chinese.

329. Tapioca estates in Kulim are worked by Tamils. They are mostly time-expired coolies from estates in the Province.

330. I think agriculture has a great future in the Straits and Native States, and without abundant supply of labour this future will not be attained.

331. I know that Chinese estate owners will open land in Kedah if there are sufficient labourers.

332. The Natives of India are no longer without means of protection. Since 1889, in Kedah, there has been a British Consul, and all persons in Kedah are perfectly well aware that they can be protected by him and can appear before the Consular Court held in two ports of Kedah.

333. I should like to see Kedah placed in the same position as Johore with regard to labour.

334. The coolies at Tongkah will report at once to Government if they are in any way ill treated.

Mr. James Gibson, Chairman of Chamber of Commerce, is examined and states:—

335. I am not a large employer of labour in the Straits, being connected only with estates in Sumatra, which now get their Chinese labour direct. I find, however, great difficulty frequently in getting boat labour.

336. I think the insufficient landing accommodation has a great deal to do with this—boats having to remain sticking on the mud flats off Weld Quay instead of being able to discharge quickly and return to steamers.

337. With the above exception, I cannot say I find a scarcity of labour in the town.

338. For landing goods, Chinese are largely employed; in the boats only Tamils.

339. I think it important to open up the country for agricultural purposes, and I am strongly of opinion that the Malay Peninsula will be a great agricultural country if labour becomes plentiful.

340. New products would be cultivated—notably coffee—which has greatly increased during recent years.

341. In my view, I think something should be done to put recruiting on a better basis.

342. I consider it the duty of Government to foster agriculture as a more permanent source of prosperity than mining, and also as tending to introduce a more satisfactory class of settlers, who would be accompanied by their women.

343. I think if assistance from public funds were given, that, after a few years, a permanent stream of free labour would follow.

Mr. E. A. B. Brown, Manager, Prye Estate, is examined and states:—

344. I have had seventeen years' experience in planting, and have been for fourteen years in charge of the Prye Sugar Estate.

345. I employ about 1,200 Tamil labourers, about 435 of whom are indentured coolies.

346. To a certain extent, I think I should continue to employ indentured labour.

347. If Ordinance XVI of 1892 is to be brought into force, I should like to see section 15 of Ordinance I of 1882, as to breach of contracts, incorporated in it. I should also like to see section 26 of the 1892 Ordinance altered to increase the "smart-money" (§24) so as to cover the actual cost of importation of the coolie.

348. The "General Labour Ordinance" is a great convenience, but it has since been cancelled by Ordinance V of 1884 as regards statute immigrants.

349. I approve of the introduction of task-work, and would recommend its being extended to piece-work.

350. With regard to the 720 days to be equivalent to three years' contract, I think it is a very short equivalent. The coolies should work twenty-four days a month, and the three years contract should represent three times 288 days=864 days.

351. From paragraph 363 of the Report of the 1890 Commission it will be seen that twenty days was the minimum laid down for an ordinary coolie to work in a month without being liable to punishment; but I do not think this is a fair basis for fixing the maximum length of contract. It is reasonable to believe that a Native labourer is capable of working five and-a-half days a week which is the minimum amount of work expected from most Europeans in the Colony.

352. I do not agree to shortening the term of contract. I think the three years' contract is most reasonable, as my coolies are of very little use during the first year.

353. The cost of a coolie imported has increased from 32 rupees to 40 rupees last year.

354. The supply of labour is insufficient as shewn by the increased rate to be paid for wages. I think this is due to the bad system of recruiting, and to misrepresentations made to coolies by recruiters, who do their best to keep prices up. I do not think the present minimum wage as one of the causes.

355. I should like to see immigration freed from all restrictions and "free labour" introduced; but I am of opinion that indentured labour is absolutely necessary for sugar planting.

356. I am in favour of the appointment of a Government Agent-General in India, and am prepared to pay a share towards his expenses.

357. The sum of 40 rupees which we now pay to the recruiter for a coolie may as well be paid to this Agent, who will do better work; or the money can be paid into a fund for the purpose.

358. I think Government, the Municipality, and all contractors for Public Works should import labour for their own requirements.

359. The minimum wage of 14 cents is, I consider, sufficient. It has been calculated on the minimum cost of living. Rice has not gone up in price for the last five years.

360. I pay my coolies 15 cents for the first year, and 17 cents for the second and third years. Previously I used to pay 14 cents for the first year, and 16 cents for second and third years.

361. I give Sunday pay for six clear days' work, because I am required to do so under the Ordinance.

362. Section 27 of the Ordinance of 1884—Indian Immigration Agent to advise coolies that his obligation to the estate is non-existent—I think this should be abolished.

363. I am in favour of abolishing the Penang Circular of 1887, of which I have never hitherto heard.

364. I have formerly suffered frequently from crimping, but latterly it has not been practised so much as before, as far as I am aware, having been absent from the Colony for nearly a year.

365. I have recommended a free-recruiting system before—the recruiters to get a licence and go to India to recruit.

366. I think certain sections of the Selangor Code could, with advantage, be substituted for the whole of Part V, and also for Parts IX, X and XI of Ordinance V of 1884.

367. The Examination Depôt at Negapatam, as at present worked, is of no use. If it is thought desirable to raise the examination fee from \$1 to \$2, I shall not be prepared to pay it.

368. I confirm the statement of Mr. VERMONT as to out-put of produce at Batu Kawan and Prye Estates.

369. I think there is a great future for agriculture in the Straits and Native States, and it is only dependent on a more abundant supply of labour to develop it.

Dr. E. C. Foston, Second Colonial Surgeon, Province Wellesley, states:—

370. I was for eighteen months employed on the Negapatam line of steamers as Medical Officer, and for nearly five years I have been employed as Colonial Surgeon in charge of Southern District of the Province.

371. I have had no direct dealing with planting.

372. I do not consider the Negapatam Depôt, as at present constituted, works satisfactorily.

373. I do not think the present system of recruiting for the Straits good; it is left to private enterprise.

374. It is not to the interest of the present recruiters to encourage importation of free labour into this Colony. Every contract labourer passed at the Negapatam Depôt means a fee to the recruiter from the employer. There is no such inducement in the case of the free labourer. Recruiters must, therefore, look upon an influx of free labour as a decided disadvantage. The recruiters' field of operation in the interior of India is also limited, for the further inland he goes for his recruit, the greater are his expenses for bringing the coolie to Negapatam, where there is also the probability of his being rejected after medical examination.

375. I am in favour of the appointment of an Agent in India for the Straits. He must be a recognized Officer who would encourage both free and indentured labour. The recruiters must be under his control.

376. I think the Government should undertake to pay the expenses of the Agent, recouping itself by fees charged to the employers of labour.

377. In case of free labour, I think the Government might well encourage this class to some extent by the grant of free passages as well as by a subsidy to the Steamer Company.

378. I was employed in the Negapatam steamers when the Government was paying the subsidy of \$35,000.

379. I think increased wages will improve importation of labour.

380. I do not believe the planting community in the Province can do without indentured labour.

381. Tamil coolies, I know, prefer to go to Ceylon and Burma. The former is not far off and is much like their own country, and the latter is a good field during the paddy harvest. I do not think that this Colony is sufficiently advertized across in India.

382. I think the Central Depôt should be in Madras if it could be made the last port of call.

383. The Central Depôt should have feeders or sub-depôts in certain populous parts of the interior.

384. The class of coolies sent down from the depôt at Negapatam is generally fair. I have had to complain on some occasions in regard to the inferior physique of the coolie. On an average, I consider about 5 per cent. of those sent over were unfit for labour on sugar estates.

EVIDENCE TAKEN AT A MEETING HELD IN THE GOVERNOR'S
OFFICE, PENANG, ON 20TH MAY, 1896.

Mr. W. A. Greig, of Messrs. BOUSTEAD & Co., is examined and states:—

385. I have been for twelve years employed in the firm of Messrs. BOUSTEAD & Co. Half of this period I have been in Singapore and the other half in Penang.

386. I employ about 100 Tamils in our godown, in connection with the removal, &c. of tin slabs. I cannot get Chinese, as I find they would not work with Europeans. It seems to me that Chinese coolies generally attend to removal of rice, and the Klings that of tin.

387. I find there is sufficient supply of coolies for the tin work, and they are easily got.

388. I think the coolies are paid from 20 cents to 25 cents a day. It depends on the kind of work done. I do not pay coolies directly.

389. We pay the contractors at about 4 cents a pikul, and they pay the coolies about 35 cents each per diem.

390. I think the coolies employed in this business are a special class of men, as I have seen the same men working for the last ten years.

391. I think there is certainly a great want of men in the boat labour, which is causing serious inconvenience.

392. I think this deficiency is accounted for by the great demand in the adjacent countries and Native States.

393. The pressure among the boatmen is worse this year than last year.

394. There is not very active competition by any means, and I think the improved wharf scheme will in some way remedy matters, as it will be the first duty of those concerned in it to improve labour.

395. I think the appointment of an Agent in India is a good plan if it will so improve labour as to stop the present pressure as to want of boatmen.

396. In any case I am of opinion that it is essential that the supply of labour should be increased by whatever means it can best be done.

397. I think the future of the Straits as an agricultural centre is great, but it will depend on a more abundant supply of Indian labour.

398. I think the money value of our firm's business in tin and agricultural products is about the same, but I certainly think business in agricultural products is more remunerative.

399. I think it is the duty of Government to assist in bringing a large number of coolies by giving free passages or otherwise. I think it will pay the Government to do so, as it will increase trade, and as a consequence increase the prosperity of the country.

Mr. R. Pierce, Municipal Engineer, states:—

400. I have been over four years as Municipal Engineer. I employ about 400 Tamil labourers, rising to 600 or 700.

401. I engage Tindals and they pick coolies where they can, Tindals act as contractors in recruiting gangs, but not in paying them. We pay coolies direct, the coolies on the permanent works remain long.

402. I have about 250 road coolies at 20 cents a day and free quarters, and about 150 scavenging coolies at 18 cents a day and no quarters.

403. We had difficulty in getting, latterly, scavenging coolies. They are of very bad physique and are seldom found anywhere but in scavenging gangs. They are never paid less than 18 cents and when they are absent or in hospital for a couple of days they get their pay all the same.

404. I have not increased the wages since I have been in Penang.

405. I have not experienced deficiency of more than 4 or 5 per cent., but the pressure is now beginning. The best and energetic of my coolies go over for higher wages for works at Weld Quay. The deficiency has not inconvenienced me in any way. Annually I recruit about 50 men at the very outside, for ordinary gangs and 100 or 150 for special works, such as laying water pipes and making bridges.

406. The coolies we get do not come through the estates in any way.

407. I do not give Sunday pay. Coolies are paid by the day. Head coolies get about \$5 a month and scavengers under \$5 a month.

408. The tindals get monthly pay and he gets coolies, and he might get something from coolies for the trouble of finding them work.

EVIDENCE TAKEN AT A MEETING HELD AT CALEDONIA ESTATE,
PROVINCE WELLESLEY, ON 21ST MAY, 1896.

Mr. R. C. Grey, Acting District Magistrate, Krian, is examined and states:—

409. There is no coffee in the district, the sugar cultivation is 15,913 acres; almost all is owned by Chinese proprietors. I do not know how many Klings are employed. A great many Klings are employed especially on the larger estates. Only one Chinese employer, KOH BU ANN, has statute immigrants. The area has doubled within five years. In 1892, 7,913 acres were under cultivation. There is a large amount of land still available.

410. I have had no experience of Chinese working indentured immigrants.

411. The Public Works Department employs Indians on the roads, obtained in the open market.

412. The total sugar exported from Krian, in 1895, is 219,696 pikuls, valued last year at \$644,091. This was calculated at the average of \$2.60 per pikul for export purposes, the market value was considerably greater, the *ad valorem* duty was fixed for one year, it is 1 per cent., the limit is 2½ per cent., agriculture provides the revenue in Krian. That is all Krian has to look forward to.

Dr. Foston, re-called, states:—

413. In the Southern District of the Province, two Chinese-owned estates employ contract Indian coolies. One, KOH BU ANN'S, is a large estate, it is now falling off.

414. This estate got last year sixty Indian coolies; for nearly two years they got no Indians. I have always been of opinion that the indentured immigrants on this estate have not been fairly treated. The system is not satisfactory. There is no European to look after the interest of the coolies, and it is a question whether under such circumstances Indian coolies under indenture should be allowed on a Chinese estate. The Indians do not complain of ill-treatment, but of getting their pay cut. I have personal knowledge from the working of the convalescent gang, that their work was not fairly entered. "Task-work" was for this reason stopped by the Indian Immigration Department on KOH BU ANN'S estate.

415. Two batches of coolies came down—one for Byram (European management) and one for a Chinese estate. It was found by the Immigration Agent that the former earned as much in a week as the latter in a month. I have never met with these abuses on European-managed estates; this refers to BU ANN'S only. On "Val d'or" the other Chinese estate, they are more liberal. The complaint by the coolies that they did not get their full rate of wages was chronic.

416. The coolies do not save much, sometimes a coolie has redeemed himself from his savings, but he is often defrauded by the people with whom he deposits them.

EVIDENCE TAKEN AT A MEETING HELD IN THE GOVERNOR'S
OFFICE, PENANG, ON 22ND MAY, 1896.

Mr. J. H. Calloott, Acting Deputy Colonial Engineer, examined and states:—

417. I employ about 600 coolies in the Public Works Department in Penang, Province Wellesley and the Dindings, living in lines provided for them, and have probably about 350 under contract. If there is any special work going on, this number will be increased.

418. I pay half of my coolies at 20 cents a day and the other half a little more—21 cents to 23 cents for different kinds of work. The hill coolies get 25 cents, and those at the reclamation 27 cents as special work. I do not pay my coolies less than 20 cents.

419. I get the coolies, but I do not know from where. I do not recruit from India.

420. There is a difficulty in getting labourers at present, worse than it used to be, especially for work at the Dindings.

421. My coolies are paid by the day's work, and they can go and come whenever they like. I pay them monthly, but for every day's work. They are constantly changing. On enquiry some years ago, I found a good many men come from India of their own accord to find any employment they can get here. They paid their own passages out.

422. There will be no objection to Government assisting in improving the labour supply. I should like to see the supply of coolies more abundant.

423. I received no complaint from employers of labour that their coolies are employed by me.

424. I have been told that Penang is the recruiting ground for coolies for the Native States.

Mr. Lim Leng Cheak examined and states:—

425. I employ at my Rice Mills in Kedah only Chinese. For my tapioca estate and mills, the coolies are mostly Chinese, but there are some Klings. I pay the wages to contractors and they pay the coolies.

426. I employ Kling labour in Kulim (in Kedah) on my tapioca and coffee estates, about 500 or 600 men and women. I pay each \$6 a month.

427. I get my coolies from Penang or Province Wellesley. I do not care where I get them from. No one prevents their coming to Kulim. I find sufficient coolies.

428. I pay my coolies 20 cents a day, and I give them Sunday pay after working six clear days. If he works on Sundays, I pay 20 cents extra. I tried to recruit from India, but I cannot get coolies. Chinese are better coolies, but the Klings are cheaper. I keep three kinds of labourers—Javanese, Klings and Chinese—to prevent serious results in case of a strike.

429. My coolies can leave on a day's notice.

430. Sometimes I find sufficient coolies and sometimes there is a slight deficiency, but it was just like that before.

431. I have opened a shop at Kulim and the coolies can get provisions from it, if they like.

432. There are other estates in Kulim, but the same wages are paid to coolies.

433. I find it necessary to get Klings for tapioca work; Chinese and Javanese cannot stand the work and heat.

434. I supply coolie lines for my coolies.

435. With the new mill opened, I find coolies are insufficient.

436. About half of my coolies have remained with me long, and the others come and go. I would be glad if I can be allowed to get indentured coolies, as being more fitted for factory work.

437. I wish to open another mill (5,000 acres), but have had to stop for want of Indian labour.

438. In regard to commercial arrangement, Kulim is as part of Penang. There is no other road except the one that leads to Province Wellesley; the same holds good as to Alor Star.

439. My gross output of tapioca, sago and flour is \$272,000 a year; coffee about \$35,000, and rice \$500,000 a year.

440. Only a little Indian labour is employed on the rice mill.

441. I have about 3,000 or 4,000 acres of land in Alor Star, but cannot plant them without labour, and I think the Sultan of Kedah is anxious to see Indian labourers coming in.

442. I hope the result of this enquiry will be to open Kedah to importation of coolies, as there is not at present an abundant supply of labour.

Messrs. Neo Chye and Boon Tat are examined and state:—

443. General merchants. We employ Klings and Chinese. The Chinese clean pepper and Klings carry and remove pepper. A Kling coolie is paid sometimes as much as 40 cents. We pay direct to coolies. If there is plenty of work, we sometimes employ 30 to 40 men. We do not find the supply of labour insufficient. As to tong-kang men, there is a slight deficiency. We get coolies through Tindals. If a Tindal gets ten men we pay him wages for eleven men, but we pay direct. No contract.

444. They are paid by the week or fortnight or a month according to convenience.

445. We find Indian coolies are better workmen in this work, as they stand the heat better than Chinese.

Mr. A. Huttenbach is examined and states:—

446. I am not a direct employer of Indian labour.

447. I had to think about this question on account of the steamer line to Negapatam. I was the first to start regular steam communication with the Coromandel Coast. I have been connected with that line since its commencement.

448. I still consider Negapatam to be the best port of embarkation for coolies to the Straits.

449. I condemn the present system by indenture *in toto*. I believe it is the source of all our troubles. It is a standing abuse of law. It makes it possible for a few to induce ignorant coolies to pledge themselves to work much below the market value of labour. That abuse, I think, is the main cause of the insufficiency in quantity and quality of our labour supply.

450. I think if things had always been allowed to take their natural course, we would have had since a long time, and would have now, plenty of Indian labour and at moderate wages.

But for the meddling and the artificial self-created obstacles, no other place would so attract the Indians desirous of emigrating than the Malay Peninsula. These attractions, left to their merits, would have been bound to lead to a large supply of labour, and the large supply would have regulated wages on a healthy basis.

451. The indenture system has given the Straits and the States a bad name. The statute coolie sooner or later always discovers that he has been deceived. His bitter complaints—and I for one believe that as regards pay, they are in most cases justified—reach India in all sorts of lights and channels. There, they are often still exaggerated. They have given the place a bad name and odour all round.

452. It is to this that I mainly attribute the difficulties about Indian labour. It is true most immigrants ultimately do well. So they do in other countries. But the bad reputation attached to the statute system is peculiar to, and sticks to, the Straits only, and more than counteracts the good we offer in common with other countries. I cannot help thinking that this is the main cause of the evil.

453. I think the remedy is very simple. It seems to me to consist in leaving things severely alone. To do away with everything artificial. To allow things to take care of themselves and find their own level. To put things at last on a thoroughly natural basis. To do away with all recruiting and contracts made in India. To do away with the whole indenture system. To make it impossible that poor natives can be deceived any further under the protection of the law into accepting work at too low wages. These low wages I do not think are necessary to the existence of our sugar industry. Even our highest wages in the open market compare favourably with the cost of labour paid by the sugar industry in the West Indies, while we have in addition cheaper freights and other advantage.

454. If things were left to themselves, if immigration was made entirely free, and only free immigration allowed, we would, I think, soon have a sufficient supply of labour to meet any likely demand. I admit that, at first, wages would probably rise. But that, I think, would only be temporarily. We should be willing to face the temporary trouble and extra expense to get hereafter a permanent healthy labour market.

455. I think wages would rise temporarily, because scarcity of labour in a country always means that there is capital seeking employment.

Capital wanting employment always manifests itself in scarcity or dearth of labour. That capital, evidently so waiting here, would then come out. It would create for the time being an extra demand for labour. But just that demand—if honest wages are offered—I count upon to attract the still larger supply, sure to lead in time to the levelling of wages.

456. The Government, as a Government, I think should have nothing to do whatsoever or in any shape or way with procuring labour. It is no part of their business.

But I think the Governments of the Straits and Native States, who have such great interests at stake in the question, should support anything likely to promote free immigration. Such Governments, as are employers of labour, would, I think, not only be justified but under obligations to join and become partners in any legitimate organisation which has as its object to stimulate free immigration.

457. I think the flow of free immigration could, in many kinds and ways, be promoted and stimulated by an Association formed solely and exclusively for that purpose by those interested to see an adequate supply of labour. I mean by the planters and the various Governments. The Association would find plenty of useful work both here and in India. It would be difficult to lay down hard and fast rules as to procedure and organisation, but time and experience would settle that.

458. Agents could, for instance, be appointed all over India. They would spread correct notions about the Straits. They would in time restore the good name of the Straits. They would advise, assist and help emigrants. They should be in a position to offer every one in want of work a passage to the Straits, and a free passage back if he cannot find employment. That would be an attraction and inducement to go and see the place and once on the spot, there are very few, I think, who would not stay.

459. On arrival these men could look around and make their own bargain as to wages. Those engaging them should repay their passage and other expenses to the Association. If they are not engaged they would have to go back to India, but they would be sent back free. I believe the British India would agree, in order to encourage this, but I cannot guarantee it to give these return passages free.

460. There would be no odium attached to working as Agent for such work in India. The Agents would get so and so much for each man who was induced by them to go, provided he does accept work in the Straits. I should think the Indian Government would be glad to assist an Association with such aims.

461. Of course, the Association would require some capital to start with, and perhaps a guarantee fund. But it could be so organised as to be self-supporting.

462. No legislation would be required for such an Association. It would be a private measure. Legislation might, in other respects, hereafter be required, because the circumstances would have changed, to protect differently the giver and taker of labour on the altered basis. That would depend on the alterations.

463. I have not heard of passengers having had to be shut out from the Negapatam steamers for want of space. On the contrary, on the whole we cannot fill the passenger space. It can happen that there is a sudden rush which cannot be foreseen and can then not be provided against. But our Company will only be too glad to have always ample accommodation for all requirements. The more steamers they can employ the better.

464. The increased demands of the recruiters in India, I would likewise attribute to the present system. The recruiter knows that he is a medium to get for the employer labourers below their value. He wants to get his share of the spoil, made out of the coolie, knowing that the planter is still apparently a gainer.

465. I think agriculture will be the only permanent future of the Peninsula. Mining cannot last for ever. What is once taken out of the ground will never come back again; that is the justification for the high royalty on minerals. Agriculture alone can be lasting.

Already at present about six parts out of every ten of the trade of the Straits rests on agriculture.

466. I think badly of any further patching of the Ordinance. It has been for some time—is at present, and I believe will always be—not only a dead letter, but evaded all round.

At present, nobody acts up to the Ordinance, except a few. And these few care for it only because it is the means of their getting labour below its value.

Appendix A.

QUESTIONS TO WITNESSES.

1. Do you advocate bringing into force the whole or any part of Ordinance XVI of 1892, and if so, what parts? Have you any additions or amendments to propose?
2. Do you approve of the proposed substitution of *tasks* for *days' work*; and would you extend the system to *piece-work* covering more than a day's work?
3. Are you in favour of 726 tasks being held equivalent to a three-years contract?
4. Are you opposed to any shorter maximum term of contract than three years? If so, why?
5. Is your supply of labour sufficient? And if insufficient, what, in your opinion, are the causes of, and remedies for, the deficiency?
6. Would you wish to see the immigration freed from all legal restrictions, and the "free labour" system adopted? As connected with this:—
 - (a) Should recruiting in India be free to all?
 - (b) Is the Negapatam Depôt worth maintaining and extending?
 - (c) What fresh depôts would you suggest?
7. Are there any points you can suggest for improving the present condition of the immigrant labourer? *i. e.* :—
 - (a) Section 11 Ordinance 1884—Should this be abolished or modified?
 - (b) " 24 Do. Do.
 - (c) " 27 Do. Do.
 - (d) " 47 Do. Do.
 - (e) Penang Circular of 1887, Do.
8. Is a 14 cents minimum rate of wages sufficient? Do you advocate the fixing of any rate, or would you prefer the rate being left to be settled by agreement between coolie and employer?
9. Would an offer of increased wages, or a shortened term of contract, be more likely to attract labourers?
10. Do any of your coolies re-engage? What percentage?
11. What losses have you experienced from crimping? Do you advocate the "discharge ticket" system?
12. Are you in favour of establishing in the Madras Presidency an Immigration Agent for the Straits, recognised by the authorities, to assist recruiters and the recruiting of labour? How should the expenses of this Agent be met?
13. Do you advise the direct importation of labour by Government, and by the Municipalities, to meet their own requirements?
14. Is the increase in the rate recently charged by recruiters due to increased demand for labour, to coolies having now to remit their savings at a worse exchange, to the action of the recruiters at Negapatam and their agents, or to some other cause?
15. What prospects are there, in your opinion, of the future of the Straits and Native States being largely agricultural, and how far is a more abundant supply of Indian labour essential to carry out this future?

Appendix B.

EVIDENCE OF WITNESSES. LIST.

PENANG.			
	Page.		Page.
1. The Hon'ble J. M. Vermont,...	i	14. Mr. J. Gibson, ...	xxii
2. Mr. J. Sargent, ...	ii	15. " E. A. B. Brown, ...	xxiii
3. " A. Stewart, ...	ii	16. Dr. E. C. Foston, 2nd Colonial Surgeon, Province Wellesley, ...	xxiv
4. " A. L. de Mornay, ...	iv	17. Mr. W. A. Greig, ...	xxv
5. " J. Bruce, ...	iv	18. " R. Pierce, ...	xxv
6. " A. Crawford, ...	v	19. " R. C. Grey, District Magistrate, Kinta, ...	xxvi
7. " J. Y. Kennedy, ...	v	20. Dr. Foston (re-called), ...	xxvi
8. " D. Logan, ...	vi	21. Mr. J. H. Calcott, Acting Deputy Colonial Engineer, ...	xxvi
9. " E. G. Broadrick, Acting Assistant Protector of Immigrants, ...	vi	22. Mr. Lim Leng Cheak, ...	xxvii
10. Captain Menzell, ...	viii	23. Messrs. Neo Chye and Boon Tat, ...	xxviii
11. Mr. E. V. Carey, ...	ix		
12. " A. Huttenbach, ...	xxviii		
13. " A. D. Neubronner, ...	xxii		

EVIDENCE OF WITNESSES,—Continued.

SELANGOR.

	Page.		Page.
24. Mr. T. Gibson, ...	xi	28. Mr. C. E. Spooner, State Engineer, Selangor, ...	xv
25. " L. Dougal, ...	xii	29. " A. G. Watkins, Resident Engineer, Railways, ...	xvi
26. " T. Heslop Hill, ...	xiii	30. " J. P. Rodger, Acting British Resident, Selangor, ...	xvii
27. " H. N. Ridley, Director of Forests, ...	xv		

PERAK.

	Page.		Page.
31. Mr. H. M. Darby, ...	xix	33. Mr. F. St. G. Caulfield, State Engineer, Perak, ...	xx
32. " E. W. Birch, Acting British Resident, Perak, ...	xx	34. C. R. Hanson, Resident Engineer, Railways, ...	xxi

INDEX TO PRINCIPAL EVIDENCE TAKEN.

Subjects.	See Evidence by the Witnesses as numbered (on List).
Ceylon methods, ...	11, 24 and 25.
Depôt at Negapatam, ...	1, 2, 15 and 16.
Free labour, ...	10, 11, 12, 24, 25, 26, 28, 31 and 33.
Indentured labour, ...	1, 2, 3, 9, 15, 26 and 31.
Government as employer of labour, ...	3, 7, 15, 21, 28, 29, 30, 32 and 33.
Ordinances of 1884 and 1892 (as to amendments required), ...	1, 2, 9, 11 and 30.
Recruiting in India (personal experience), ...	5, 6, 10 and 11.
Restrictions on immigrants, ...	5, 6, 9, 11 and 26.
Supply of labour in Straits &c., ...	1, 2, 3, 7, 13, 17 and 26.
Do., for future requirements, ...	10, 11, 27, 30 and 32.
Wages in Penang, ...	1, 2, 15, 17, 18, 21, 22 and 23.
Do. Kedah, ...	88 and 187.
Do. in Native States, ...	3, 24, 26, 28, 29 and 33.

	Paragraphs in Report.
Recommendations of Commission, {	1. Term of contract, ... 13
As to making Straits attractive, {	2. Amount of wages, ... 14
	3. Free labour, ... 15
	1. Agent in India, ... 42
As to improvements in recruiting, {	2. Depôt at Negapatam, 17
	3. Subsidy to coasting steamers, ... 52
	4. Bounty for free passages from India, 46

Appendix C.

MINUTE BY SOLICITOR-GENERAL ON THE PROPOSAL TO FREE THE CONTRACT
FROM LEGAL RESTRICTIONS.

In order to free the contract of the Indian immigrant from all legal restrictions under "The Immigration Ordinance 1884," it would be necessary to amend "The Indian Immigration Ordinance 1884, as amended by Ordinance XVI of 1892, as follows:—

- (a) To repeal section 27, by which all immigrants are to be informed that no contract is valid unless made in accordance with the Ordinance.
- (b) To amend section 28, so as to read "detained under section 25 (1) hereof", instead of "detained under section 25 hereof". This is in order to enable the detention of immigrants, who have received free passages under promises to enter into contracts under the Ordinance, to be enforced if required.
- (c) To amend section 30, by substituting the words "detained under section 25 hereof" for the words "who has received a free passage from India." This will make the penalty for crimping applicable where coolies have received a free passage from India.
- (d) To repeal section 36, whereby no contract for agricultural labour is valid unless made under the Ordinance. The effect of this repeal would be that contracts with immigrants would become subject to the provisions of "The Labour Contracts Ordinance 1882." Immigrants' contracts would, therefore, not be entirely free from all legislative interference, but the labour of immigrants would be subject only to the same legal restrictions as all other labour in the Colony.

In considering this question, I have considered it as if the amending Ordinance XVI of 1892 had been brought into force, although that has not yet been done.

J. A. HARWOOD,
Solicitor-General.

Penang, 22nd May, 1896.

REPORT OF THE COMMISSIONERS APPOINTED TO ENQUIRE INTO THE
QUESTION OF INDIAN IMMIGRATION.

1. We have held eighteen sittings, and taken evidence from a variety of persons respecting different aspects of Indian Labour interests, and we have also visited several coffee estates in Selangor and Perak, and sugar estates in Province Wellesley. We thus had the opportunity of hearing on the spot from the European and Native owners, Managers and Assistants of the estates, the difficulties met and the remedies suggested by the practical experience of each.

2. In examining the witnesses who came before us, they were requested to reply to such points as they were familiar with, in the series of questions attached. (Appendix A.)

3. The evidence given by these gentlemen will be found in full, as corrected by themselves. (Appendix B.)

4. We had the advantage of the very full and careful enquiry into our Labour Supply by Major CAMERON'S Commission of 1890 and the exhaustive Report then published.

5. This makes it unnecessary for us to enter into the past history of Indian Immigration, or the relations, numbers, &c. of our various kinds of labour—all of which was then fully dealt with.

6. The only result of that enquiry was the passing of "The Chinese Immigrants Ordinance" of 1891, and the (suspended) "Indian Immigration Ordinance," XVI of 1892. Confining ourselves to the latter, we are clear that that Ordinance does not adequately give effect to the whole body of the 1890 Commissioners' recommendations—the principal part, touching executive action, having been entirely ignored.

7. The two main remedies then recommended (paragraph 378) were "first to set the machinery of recruiting in India on a footing satisfactory in every respect; and then to render the conditions of service in the Straits so attractive as to compete successfully with other countries."

8. Neither remedy can be held to have been carried out by Ordinance XVI of 1892.

9. We entirely agree with the two main recommendations in themselves, as set out in paragraph 378 quoted above; but we are not able to recommend the introduction of the Ordinance as it stands.

10. So far from embodying any of the proposals which were to set the machinery of recruiting on a more satisfactory footing, none of the amendments made upon the Ordinance of 1884 touch that question at all; and with regard to making Straits service attractive, the changes made, on the recommendation of the Commissioners, by Ordinance XVI of 1892 in the conditions of our indentured coolie system were evidently the *minimum* that could be recommended at that time, and in our opinion followed too closely the lines of the Ordinance of 1884, which the tenour of their Report had condemned as too unfavourable to the coolies.

11. The causes of the poor supply of indentured labour were fairly stated in paragraphs 290-294 dealing with the question "Whether there is anything in the conditions of service in the Straits Settlements that is repellent to the intending emigrant." The answer given was:—

- (a) That the three years' contract is distasteful to the emigrant.
- (b) That it has rarely in practice terminated in the three years.
- (c) That there was the passive cause of insufficient attractions, *e.g.*, as compared with Ceylon.

- (d) That there were "various minor grievances spread about by returned malcontents originally deceived by recruiters."
 (e) That there was "insufficient information regarding the terms of contract."
 (f) That there was "searching and unnecessarily strict medical examination in Negapatam."

12. Our enquiries have in general confirmed these conclusions on every point; though as regards (b) the practice is now more favourable to the coolies than is there expressed. Before Ordinance XVI of 1892 can be brought into force, the following amendments must in any case be made:—

13. (I).—"Two years or 600 days" should be the limit of contract. Two years is sufficient. But the same calculations upon which an average of 720 days (=20 days a month) was in 1890 found to be the equivalent of three years' labour now give an average of about 25 days a month or 600 days for two years. (See evidence of Mr. E. A. BROWN, Honorary Secretary to the 1890 Commission.)

14. (II).—The minimum rate of wages has since 1890 risen as a matter of fact from 12 cents to 15 cents. Our enquiries shew us that the average rate on sugar estates for first-year men is now 16 cents, and in some estates as much as 17 cents. The 14 cents of dollar recommended in 1890 is now clearly inadequate. Since the disruption of Indian exchange in 1893, 14 cents must stand at 16½ cents to represent the same Rupee value. We think that section 24 of Ordinance XVI of 1892 should, therefore, read:—

For a male,	...	17 cents a day for the first 300 days.
	...	19 " subsequently.
For a female,	...	13 " for the first 300 days.
	...	15 " subsequently.

We have taken abundant evidence to support this recommendation. The actual earnings of indentured immigrants, especially on task work and piece-work, are even now as high or higher than the proposed rates.

15. As to "free labourers," the result of our investigation shews that, with the one exception of the George Town scavengers (a special class on 18 cents), the lowest rate of pay for free labour even in Penang is 20 cents with "Free Quarters;" while the usual rate, whether in the Colony or Native States, lies between 23 and 35 cents, a special rate of 50 cents being actually paid at the present time for the labourers on the Pahang Road employed by the Public Works Department of Selangor. There is, also, evidence from all quarters that wages have had a steady upward tendency for some years past.

16. (III).—The change by which certain "task" work was allowed to be an equivalent for "the work for a day of 9 hours," as provided in section 3 (b) of the Ordinance of 1892, should be carried further so as to include "piece-work," i. e., the equivalent of several days' tasks. A system of piece-work, beneficial to both planters and labourers, has already been freely adopted, and in our view deserves encouragement and the sanction of law. It enables the indentured coolie to earn the same rate of wage as is paid to "free" labourers.

17. These three recommendations sufficiently deal with the points (a), (b) and (d) mentioned in paragraph 11. There remain (e) and (f), which lie outside the terms of the Ordinance. The point (f) concerns the examination depôt at Negapatam, the working of which no longer commends itself to those for whose benefit it was started. If it is to pay its way, the fee for each indentured coolie must be doubled, and all witnesses we have examined are against continuing the depôt on the present lines. We recommend, therefore, that the appointment of "Superintendent of Emigration Depôt" be abolished so soon as the improved arrangements proposed below (see paragraph 42) are at work. These improved arrangements should also remove the remaining causes (d) and (e) of the deficient labour supply, as set forth in paragraph 11.

18. But before coming to that question, we would recommend generally that in amending the Ordinance of 1892 all petty restrictions of a "nursing" character be removed. Originally the coolie may have required such help; but we are convinced, from the very precise evidence given to us, that such restrictions are in fact distasteful to the Tamil, and deterrent to emigration, and should, as far as possible, be removed. To go through such points *seriatim*:—

19. Sections 11 and 31 of the Ordinance of 1884 as practically enforced require all native immigrants not of the agricultural class to obtain a certificate before leaving the Colony to go elsewhere than to India, or certain "authorised" States. Such a restriction should at least be confined to places other than the Malay Peninsula, the

whole of which is now either under "Protection" or Consular supervision. The Acting Assistant Protector of Immigrants (Mr. BROADRICK) has informed us that last year as many as 2,738 immigrants had to attend at his office for certificates. He added, as shewing the little advantage gained by all these interferences, that "the practice is for no passes to be issued when immigrants go by road to any part of Kedah. There is then no means of checking their movements. I have never had an application for passes to Kulim (in Kedah) except from the Sikh military Police. The coolies employed at the tapioca estates there never apply for passes. I see no objection to confining section 11 to places other than the Malay Peninsula, i. e., "such places as can be reached by sea." Safeguarded as the law now is by section 2 of the amended Crimping Ordinance, XIV of 1892, we think sections 11 and 31 of the Ordinance of 1884 can advantageously be limited in their application, as proposed above.

20. Section 24, which empowers the Indian Immigration Agent to board a ship, and requires all immigrants to land at the Penang Depôt.—This should in any case be confined to those indentured immigrants who have to land at Penang; and it may with advantage be omitted altogether.

21. Section 27, as to the invalidity of verbal contracts being explained to immigrants.—This section should be abolished, as interfering unfairly with the "free labour" system of recruiting.

22. The Indian immigrant on his part should be under fuller security to carry out his contract; and as both "Advances" and "Smart-money" have since 1892, sections 13, 15 and 16 of the Ordinance of 1892 should be further amended by substituting for the words "the sum of \$24" the words "the sum actually advanced not exceeding \$30."

23. With these changes, we recommend Ordinance XVI of 1892 be brought into operation, as an improvement on the existing law.

24. But before this is done, there is a further point to consider. The proposal of the Madras Government in the last paragraph of their letter dated 14th November, 1895, strongly commends itself to us. They have there referred to the "possibility of freeing emigration into the Straits from all legal restrictions," and to their readiness "to assent to the abolition on the other side of all legislative interference with the contract."

25. We advise that steps be taken to carry out this policy as follows:—
 (a) Abolish the "Rules for governing Emigration from India," such as those to be found in Appendix H of the 1890 Report, including the rule disallowing any commission on free labour, commonly called "the Penang Circular" of November, 1887.
 (b) Omit the whole, or most, of Part V (sections 34 to 51) of Ordinance V of 1884.

If this is done, contracts with Indian immigrants will become subject to the provisions of "The Labour Contracts Ordinance 1882," or there might be substituted a new section embodying the provisions that deal with contracts in the recent Labour Code of the Native States (sections 16 to 21). This would be the best course; only in that case the "twelve calendar months" of section 16 must read "two years or 600 days" as recommended in paragraph 13 above; and we also approve of Mr. RODGER's suggestion (Appendix B) for applying section 61 of the Code (Miners' Advances) to agricultural contracts.

Should this change be thought too drastic, the Memorandum we have received from the Solicitor-General (Appendix C) will serve to shew the minimum of alterations the Madras proposal necessitates in re-drafting this part of the amending Ordinance.

26. These recommendations will have the effect of encouraging "free labour," concurrently with "indentured labour," and as a matter of fact all classes of employers do even now either employ both kinds of labour or prefer "free labour" to "indentured labour," as working to the mutual satisfaction of both parties.

27. Nothing could be more contented than the relations we found to exist under the "Kangani" system as now worked. It is not open to the abuses of what has been called "the Ceylon system," as each immigrant receives his wages from, repays his individual advance to, and is in every respect in direct touch with, his European employer. It is, generally speaking, a free system of verbal contracts. We heard no complaints of crimping and few of desertion, or of difficulty in recovering the amounts advanced for passage-money. After inspecting the books on more than one estate—in Province Wellesley as well as in Selangor and Perak—we are also satisfied that employers and employed are in full touch with each other under this system; and that the

Kangani or Tindal does not in general recover from the rest any losses incurred through occasional absconders. In all these respects, but particularly in the loss of deserters to the Public Works and Railway Departments, it compares favourably with the "indentured labour" system.

28. At the same time we are satisfied that, for the present, the valuable interests of sugar estates must be safeguarded by having a considerable part of their Indian labour secured by long-term contracts. These estates have, for a number of years past, been in a very great measure dependent on "indentured labour," and we think it would be unwise to introduce any sudden change discontinuing this supply until such time as fresh arrangements have secured a large and continuous stream of "free labour."

29. The system of "indentured labour," it must be added, is now working better and more liberally than a few years back.

30. Generally speaking, it is to the non-contract system we must look to improve and extend the flow of immigration into the Straits. Most of the witnesses have pressed strongly on us the deterrent effect on the Tamil coolie of long-term contracts. Indeed several have pointed out that the Tamil particularly dislikes written contracts of every kind.

31. To promote this "free labour" the present opportunity should be taken to do away with such unfair restrictions as those we have called attention to, and to throw the Straits open in the fullest manner to a continuous and unchecked supply of willing labour.

32. For this purpose, and also for the sake of uniformity, we see great advantage in adopting the "contract" clauses in Part III of the Native States Labour Code; and also in leaving many of the details hitherto made statutory to be settled between employer and labourer.

33. As the "discharge-ticket" system was dealt with in the last enquiry, and as considerable importance has been attached in certain quarters to the issue of such tickets, we have gone into this question also, but are satisfied that, while such a system may in theory be desirable, it would be found unworkable and liable to abuse in practice. We cannot, therefore, recommend its adoption.

34. We have found no difficulty, and there is scarcely any difference of opinion, in thus replying to the first of the two questions propounded to our Commission.

35. The second—"Whether further action on the part of the Government of the Straits Settlements (as distinguished from individual action by employer of labour) is desirable to promote immigration or to benefit immigrants"—is less easy to deal with; but a right solution of this question is of even greater importance to the future of agriculture in these parts.

36. As already stated (paragraphs 7 to 9), we agree generally with the view of the former Commission that "it is essential to set the machinery of recruiting in India on a better footing." But we are not satisfied that this will be effected by the appointment that Commission proposed, of a high Government Officer styled "Agent-General" to be "responsible for everything connected with recruiting and the examination and shipping of coolies for the Straits." The matter must unquestionably be faced and cannot be left untouched in view of all the evidence given, now as in 1890, against the mischief done by the existing system. It almost seems that matters have gone from bad to worse. We have had one advantage over the former Commissioners in hearing the evidence of three or four planters who have personally tried to recruit free labour, and all met with direct opposition, and with serious difficulties. It is obvious that the "Statutory Labour" system of recruiting, as at present worked, stands in the way of the employers of "free" labour.

37. It would seem that nothing can be done to improve the labour supply until recruiting is first taken out of the rut into which it has fallen in Madras (Negapatam), where alone the root of the evil is to be found and remedied.

38. The machinery of every kind of recruiting in Southern India is held by all witnesses, who have had any experience of it, to be inadequate, and to the last degree unsatisfactory. Two firms at Negapatam engaged in general commerce accept commissions for recruiting indentured labour. Any commission on "free labour" is expressly forbidden. (See Penang Circular of November, 1887, and Appendix H of 1890 Report). These merchant firms and their agents appear to have the monopoly of recruiting, and like most monopolies this one has repressed all energy and enterprise.

39. Notwithstanding the unfair treatment accorded to "free labour," the supply of statutory labour, and indeed the whole labour supply, has for some time been dwindling away year by year. The figures are as follows:—

Year.	Indentured.	Free.	Total.
1887, ...	4,736	12,156	16,892
1888, ...	4,634	15,812	20,446
1889, ...	2,747	15,285	18,032
1890, ...	2,960	15,341	18,301
* 1891, ...	3,443	26,446	29,889
1892, ...	1,628	16,370	17,998
1893, ...	2,106	15,877	17,983
1894, ...	1,688	13,155	14,843
1895, ...	1,549	14,413	15,962

40. The high cost of indentured labour was specially dwelt on by the Commissioners of 1890 in the following words (paragraph 301):—"The reason of the high initial expense of introducing coolies is that recruiting has got into the hands of sub-recruiters who form a close 'ring,' with a practical monopoly of the business, and are thus able to command unreasonable prices. At present the cost of a coolie landed in Province Wellesley is about \$20. Of this the recoverable items—viz., maintenance in India, conveyance to port of embarkation, clothes, cash advanced in India, passage-money, maintenance on board ship and in the depot in Penang—amount usually to about \$8, the balance, or \$12, represents Agents' expenses and commission. There is, we believe, no reason why this sum should not be reduced by proper arrangements to \$4 or less, bringing the whole cost down to \$12 at the most." The figures are somewhat higher at present, and "advances" and "passage-money" are not now recovered in the majority of cases. But the reduction then contemplated is still practicable, and everything should be done to bring it about.

41. But this is not all. Notwithstanding the high wages which employers in the Colony, and still more in the Native States, can just now afford to give, the general supply of labour is stated on all hands to be insufficient for the present, and even more for the immediate future.

42. The favourite remedy proposed to us by all the witnesses is the appointment of a recognised "Agent," preferably a Tamil-speaking medical man of Straits and Indian experience, who would adequately represent the interests of the Straits and Native States in India, and assist recruiters, receive advances, and advertise their wants with more knowledge, discretion and energy than has been possible hitherto. But he would not directly undertake recruiting. If desired by a planter, he could see to medical examination of emigrants; and for this purpose he would reside at the last port of call of the Madras and Straits steamers, which it is hoped may soon be Madras, instead of Negapatam.

43. The expenses of such an Agent need not be large, and should be met either by the Government or from a Fund to be provided by all employers of labour contributing in proportion to their requirements on a basis of acreage, so far as concerns planters. But the essential points are that such Agent, however paid for, be vested with the authority that comes from Government recognition; so as to be strong enough to cope with the difficulties.

44. As regards the moral obligation of Government to provide its own labour, opinion now seems to be unanimous. The only approach to any other view in 1890, was that expressed by Mr. MAXWELL, then British Resident of Selangor, who said "he did not admit any obligation on the part of Government to give further aid than is now given in importing labour" (Answer 4,030).

45. The aid then given was \$30,000 for the Negapatam Steam-ship subsidy. This ceased in 1892, and no such aid is now given. The present Resident of Selangor (Mr. RODGER) holds, like every witness we had before us, that the Government is under an obligation, at least to import labour to meet its own requirements. It is striking to read the evidence of Mr. J. Y. KENNEDY, the Agent of Gula Estate, where so many desertions are reported, on the one hand, and of Mr. C. R. HANSON, the Railway Engineer of Perak, on the other hand. To quote the latter:—"It seems a shame that Government should employ what must be the picked coolies and the best 'from an estate, consequently leaving the sickly ones behind—especially when the planters have gone to the expense of paying all the import expenses."

* The year of the Steamship competition between the *Tannadice* and British India steamers.

46. We are unanimously of that opinion, and the figures given us by Messrs. SPOONER, WATKINS, CAULFIELD and HANSON are sufficiently definite to show what is required (*See Appendix B*). We further consider that provision should be made for the next few years in the Annual Budget of the Colony and Native States respectively to provide free steamship passages for all *bona fide* agricultural labourers including their families—claims to such assistance being decided by the proposed Agent. We believe that such an experiment is not going far beyond what has long been done in Ceylon. It is also most hopeful to see the marked effect of very cheap passages during the steamship competition in 1891. To quote the Acting Assistant Protector of Immigrants (Mr. BROADRICK):—"I attribute the great increase of immigrants arriving during 1891 (3,443 Indentured and 26,446 Free, against 2,960 Indentured and 15,341 Free in 1890), and even less now, to the cheap passages offered owing to a rival steamer—the *Tannadice*—having been started. This competition continued from December, 1890, to April, 1892, and while it lasted the rates varied from \$5 to \$1 for passages given in Penang, \$15 to \$12 for passages given in India, or less than half the ordinary rates. The figures of arrivals given above include every Indian passenger not travelling first or second class."

47. The cost of such a scheme as we propose is not likely to exceed the former subsidy, and will be proportionately far less than the public assistance allowed in other less promising Colonies.

48. In the neighbouring Colony of Ceylon, we understand, the Government gives direct assistance in schooner service, in reduced railway rates, in coolies' rest-houses, &c. (*see Mr. CAREY'S* evidence, paragraphs 158 to 160).

49. Our scheme is simpler. A vote for the purpose of carrying it out should be taken in the next Budget; and within the limits of such vote we urge that Government should be ready to give full effect to our proposal as early as possible next year. As to the appointment of an Agent to improve the machinery of recruiting, not even this delay should be allowed in taking the first steps. The opportunities must not be missed, and prompt action presses in the matter of recruiting. The circumstances of the past, and the close and peculiar Government interference hitherto, throw a responsibility on Government in the matter. It is easy to condemn the present system, but what is now wanted is to start a better one. Much as we prefer free labour and spontaneous immigration, we cannot see how this is to be established unless Government take the initiative in the matter and get things out of the present *impasse*. This is no case in which to apply general doctrines of political economy, or to count on private enterprise making the first move. (*See Witnesses 3, 5 and 11 on this point.*)

50. We cannot help recognising the fact that hitherto planters have been almost the only importers of labour; and that their labourers, acclimatised at their expense, have ultimately drifted into the gangs of the Public Works Departments and Government contractors both in the Straits and Native States; who, not having had to pay for importing, and acclimatising them, can afford to offer, and usually do offer, higher wages.

51. A somewhat similar point has been forced upon our notice in regard to the use of Penang as a recruiting ground. It is to Penang, we were informed by several witnesses, that the contractors and tindals usually resort to obtain their Tamil labour. No wonder, therefore, that witness after witness in Penang and Province Wellesley—planters, agents and merchants—testified to recent scarcity of Kling labour, and the inconvenience that has been caused to shipping and commerce, no less than to agriculture in that Settlement. Once establish a good and adequate system of recruiting with a steady flow of immigration, and this state of things must cease.

52. To still further assist Penang in keeping a steady labour market; and to foster direct immigration into the Native States, we recommend steamship subsidies by the Native States that will secure the immediate transshipment and through despatch to the Native States of the Tamil immigrants. Such a system will do away with much that is particularly objectionable to the Tamil in now being compelled to land at Penang.

53. We cannot close this Report without specially calling attention to the critical point at which the Colony has arrived in the matter of its agricultural development. Its future as a whole, and that of the Native States in particular, must be chiefly agricultural. It is reasonable to look forward to a very great development in that direction, with the corresponding benefits to the commercial, and all other classes of the community; but for such a future, a much larger labour supply is essential, and no artificial means of recruiting it can in the long run possibly suffice. We need a spontaneous and self-recruiting supply of Indian labour on the largest scale. For that

the removal of all restrictions, and the same freedom of coming and going which has been the making of our trade, must be looked to for the building up of our agricultural interests.

54. It is gratifying to see that there are no longer any misgivings in India as to the welfare of Tamil immigrants in the Straits. In the correspondence forwarded to us (dated 14th November, 1895) the Madras Government fully recognises that "the large number 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." And in the Indian Statistical Abstract for 1895 it is stated:—"Indian labourers emigrate to the Straits Settlements, where their welfare is provided for by local legislation, and also to certain of the neighbouring Native States which have given similar guarantees for their well-being;"

"the Colonial emigration is so far beneficial that it affects some of the most densely populated tracts of India. The total number of emigrants is, however, insignificant, the average for the last three years being 16,500 only. Of these, many return to their homes; and as a rule the returning emigrants bring considerable savings with them, and the wealth thus introduced into the country exceeds Rs. 800,000 per annum. It is obvious this form of emigration—whether it be regarded as a means of reducing the population of congested areas, or as a means of adding to the capital of the country—is one which deserves encouragement; and it is also clear that it has much scope for further development."

55. No one who has to enquire as we have done into the status of the Tamil coolies here can fail to see that this acknowledgment is well deserved.

56. It is in recognition of these facts that the Indian Government has offered to relieve emigration to the Straits from all restrictions.

57. It would indeed be a mistake for the Straits Government to be less ready to accept the proposal to abolish on this side all legislative interference with the contract in the manner we have proposed; or slow to meet the critical juncture at which matters have arrived by giving the assistance absolutely necessary, owing to our want of population, to build up in the Malay Peninsula a great agricultural colony.

58. For such a future, the evidence is convincing that nothing but labour is needed; in Southern India labour is abundant and accessible; and while for coffee the prospects are exceptionally promising, we call attention to the recent figures furnished to us by all the sugar-planters, as perhaps even more striking. It is not too much to say that with an assured labour supply, such as we have it in our power to command, cane-sugar can here be produced in such quantities and at such a cost as will compete successfully with bounty-fed beet-root in any market in the world.

A. M. SKINNER.
H. TROTTER.
R. G. WATSON.
JOHN TURNER.
E. V. CAREY.

(Copy.)

Colonial Secretary's Office,
Singapore, 28th August, 1896.

India 6412-96.

Sir,

I am directed by Governor Sir C.B.H. Mitchell, G.C.M.G.
to acknowledge your letter No. 26-9 of 27th December, 1895.

On receipt of that letter a Commission was appointed to
consider the matter, copies of whose report and of the evidence
on which it is based I now enclose.

2. Pursuant to the advice of the Commission a draft Ordinance was prepared in supersession of Ordinance XIV of 1892, and on receipt of your letter of 20th July last, this draft was again modified - I enclose six copies of the modified draft and of the Ordinance it is designed to supersede.

It will be noticed that it provides for the two points strongly pressed by the Government of India, viz., the raising of the minimum rate of wages and the shortening of the maximum term of contract - The minimum rate of wages has been raised to, for an adult male, 16 cents a day for the first 300 days and 18 cents subsequently; for an adult female, 12 cents a day for the first 300 days and 15 cents subsequently, which is two cents higher than was recommended by the Government of Madras, and the extreme term of contract

The Secretary to the

Government of India,

Revenue and Agricultural Department,

S I M L A .

738
contract has been reduced to 600 working days instead of the eighteen months or two years recommended in Madras.

3. The requirements of the Government of Madras, intimated in their letter No.292 of the 26th February last, have been met in this draft Ordinance as follows:-

(a) official inspection of estates &c., by sections 49 and 51;

(b) reservation to Colonial Government of right to intervene and close an estate by sections 42 to 45;

(c) for precautions against Indian immigrants departing to other Countries by sections 16 to 18.

4. I am to add, with reference to paragraph 5 of that letter, that it is not proposed to repeal the Straits Labour Ordinance of 1882 (the date 1892 is evidently a misprint) which is required for regulating labour of non-Indian origin.

Section 21 of the draft Ordinance precludes the application of Ordinance 1 of 1882 to Indian Immigrants.

5. As regards the further conditions mentioned in your letter No.1248 of 20th July last viz., a short maximum term of engagement at the minimum wage, this is provided for by section 20 (2) and (3) and section 26, and the regulation of contracts other than monthly contracts is provided by sections 23 to 26.

6. I am to convey to the Governments of India and Madras the thanks of the Government of this Colony for the very liberal treatment accorded to this Colony and the Protected States of the Malay Peninsula in your letter of the 20th July last, and to express a hope that the accompanying draft Ordinance may receive

your

24 7/20
your approval.

7. If it would be quite convenient to you, it would be a great advantage if you would telegraph any points on which amendment is desired in this draft, so that no time may be lost in passing the necessary Ordinance.

I have, &c.,

(Sd.) J.A. Swettenham,
Colonial Secretary, S.S.

CURRENT No. 777



21/8

It is requested that the following number be quoted in the reply to this letter.

Colonial Secretary's Office,

SINGAPORE, 28th August, 1896.

India 6412-96.

Sir,

I am directed to forward, for the early information

of the Government of Madras, copy of a letter sent this day to
the Government of India on the subject of immigration.

I have the honour to be,

Sir,

Your obedient servant,

Sakunthala

Colonial Secretary, S.S.

The Chief Secretary

to the Government of

MADRAS.

Public (1896) Department.

CURRENT No.

Order

From the Govt. of India
R. & A. Dept.
Immigration

No. 1665
25-5.

Dated 29th Sept. 96

Received 5 }
Registered 5 } Colours 1/2

Enclosures - 3

Spare copies. - nil

SUBJECT.

Forwarding copy of letter
from the colonial Govt on
the subject of Immigration to
Straits Settlements with a
draft Bill to repeal the
Straits Indian Immigration
Ordinance of 1884 &c

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

A BILL

intituled

An Ordinance for the Protection of Indian Immigrants.

WHEREAS it is expedient to amend the law for the protection of natives of India 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 Immigration Ordinance 1896." Short title.

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:— Interpretation.

"Advances" means any sum or sums advanced in cash to the labourer before he enters into a contract under this Ordinance and entered in the contract. "Advances."

"Contract under this Ordinance" means a contract entered into by an Immigrant in accordance with the provisions of this Ordinance to labour for any period exceeding one month 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 under the power in that behalf given by section twenty-one hereof. "Contract under this Ordinance."

"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. "Employer."

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

"Immigrant" means an Asiatic native of British India and for the purposes of this Ordinance every Asiatic of Indian descent shall be deemed to be a native of British India until the contrary is proved. "Immigrant."

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

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

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

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

- "Statute Immigrant" means an Immigrant who is bound by the provisions of a written contract under this Ordinance.
- "Protector" means the Protector of Immigrants.
3. "The Indian Immigration Ordinance 1884" is hereby repealed.
4. This Ordinance is divided into Parts as follows:—
- Part I.—Preliminary.
 - Part II.—Protector.
 - Part III.—Arrival and Departure of Immigrants.
 - Part IV.—Contracts of Immigrants.
 - Part V.—Treatment of Immigrants on Estates.
 - Part VI.—Localities unfit for Residence and Employment of Immigrants.
 - Part VII.—Inspection and Report.
 - Part VIII.—Offences committed by Immigrants.
 - Part IX.—Offences committed against Immigrants.
 - Part X.—General.

PART II.

PROTECTOR.

5. It shall be lawful for the Governor to appoint an Officer to be styled the Protector 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 "The Indian Immigration Ordinance 1884" shall continue to hold their offices as if appointed under this Ordinance.
6. The Protector 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 a Deputy Protector or an Assistant Protector who shall for that purpose have all the powers hereby conferred on the Protector.
7. The Protector and every Deputy or Assistant Protector 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

PART III.

ARRIVAL AND DEPARTURE OF IMMIGRANTS.

9. Nothing in this Part shall apply to—
- (a) First class cabin passengers.
 - (b) Second class cabin passengers arriving or departing in a ship in respect of which the Governor has made such declaration as next hereinafter mentioned.
 - (c) Menial servants in actual service.
 - (d) Seamen firemen and other persons serving on board a ship.

Exemption.

"certificated immigrants" omitted.

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

10. 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 an Officer of the Protector's Department 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.

Ports at which Immigrants may be landed.

11. 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 flag 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.

Arrival of ships to be signalled.

12. It shall not be lawful for any person other than the Health Officer Master Attendant Harbour Master Protector 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 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 or by Rules made thereunder.

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

"Cargo or omitted" omitted.

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.

Proviso.

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.

Protector to receive notice of arrival and go on board.

13. On the arrival of the ship the Harbour Master shall give immediate notice to the Protector who shall forthwith proceed on board.

Immigrants unfit for labour.

14. Any 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 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 by the Government to the place at which he was recruited in India and it shall be lawful for the Government to recover all expense so incurred from the employer for whom he was recruited.

Contract law to be explained to Immigrants.

15. The Protector shall explain as far as possible to every Immigrant arriving in the Colony that no contract in writing by an Immigrant for such labour as in section twenty-one hereof is mentioned or referred to is valid unless made in accordance with Part IV of this Ordinance.

Immigrant not to leave Settlement.

16. No Immigrant shall depart from any Settlement in the Colony except to go—

- (a) to another Settlement in the Colony; or
- (b) to another part of the same Settlement; or
- (c) to a country or State to which Indian Emigration is authorised by the Governor with the consent of the Government of India; or
- (d) to British India or Ceylon;
- (e) to any place in the Malay Peninsula under British protection or to Johore

without a written permit under the hand of the Protector proof whereof shall be on the Immigrant.

To what countries or States Indian Emigration lawful.

17. The Governor may from time to time with the consent of the Government of India declare by notification in the *Gazette* to what countries or States Indian emigration is authorised.

Penalty for assisting Immigrant to leave Settlement.

18. Any Immigrant unlawfully departing or attempting to depart from a Settlement in breach of the provisions of section sixteen hereof shall be liable to a fine not exceeding twenty dollars and may be arrested without warrant by any Police Officer or Officer of the Department of the Protector and any person abetting within the meaning of the Penal Code an offence under this section shall be liable to a fine not exceeding fifty dollars or

Ord. 11 of 1891

to imprisonment of either description not exceeding seven days for each Immigrant whose offence he has abetted. The Master of a ship in which an Immigrant shall embark in order to depart unlawfully from a Settlement shall until the contrary be proved be deemed to have abetted such offence.

PART IV.

CONTRACTS OF IMMIGRANTS.

19. Any Immigrant of the age of sixteen years or upwards may enter into a contract under this Ordinance and may sue and be sued thereon as though he were of full age. Immigrant of 16 years may contract.

20. (1)—No engagement by an Immigrant to work for a period exceeding one calendar month or for more than thirty days' work as the case may be shall be valid unless made under this Ordinance. Contracts for periods exceeding one month to be in writing.

(2)—Parol agreements with or without advances entered into by an Immigrant for the performance of agricultural work shall in the absence of any special arrangement to the contrary be deemed to be agreement to do thirty days' work.

(3)—Every such Immigrant who shall have performed thirty days' work under such agreement shall be held to have completed the same notwithstanding any debt which may be due from him to any person.

(4)—In the event of any Immigrant who has completed such agreement continuing to work under the same employer it shall be deemed that a new agreement to work for thirty days has been entered into between the parties.

(5)—Every Immigrant under a parol agreement shall be discharged from such agreement whenever wages for more than thirty days shall be due to him notwithstanding any set-off claimed by his employer.

21. Every contract or engagement in writing made or entered into after the coming into operation of this Ordinance by an Immigrant to labour on an estate where agricultural operations are carried on or to labour elsewhere at such work or labour as next hereinafter mentioned shall be void and of no effect unless it shall have been made under this Ordinance. Contract must conform with this Ordinance.

The Governor may from time to time by Order in Council declare with respect to any particular kind of work or labour that no contract shall be made with an Immigrant to labour thereat except in accordance with the provisions of this Ordinance.

22. Except as hereinafter mentioned in section twenty-three hereof every written contract made by an Immigrant under this Ordinance must be executed before the Protector. If the employer is unable to attend the contract must be executed on his behalf by a duly authorised agent. Before the Immigrant executes the contract the Protector shall personally explain it to him and shall

First contract to be executed before Protector.

Confirms receipt to Protector. X
Exceeds at
to by agent.

after the same has been executed by all parties certify at the foot thereof that he has personally explained it to the Immigrant.

Subsequent contracts may be executed before a Magistrate.

23. Any contract under this Ordinance with an Immigrant other than one made on his first arrival in the Colony may be executed before a Magistrate provided that it be sent to and confirmed within three months of its execution by the Protector who before such confirmation shall personally ascertain that the Immigrant is fully aware of the terms to which he has agreed and shall certify at the foot thereof accordingly.

Form and contents.

24. Every contract under this Ordinance shall be in writing or in print or partly in writing and partly in print and shall be executed in duplicate in English and in the vernacular language of the Immigrant by whom it is executed and shall be in the form provided by the Schedule hereto or in such other form not inconsistent with the provisions of this Ordinance as may from time to time be sanctioned by the Governor in Council and shall be free from stamp duty.

Custody of contract.

25. One copy of the contract shall be given to the employer or to his agent and the other to the Immigrant. An entry of the terms of the contract shall at the same time be made in the register to be kept in the office of the Protector and shall be initialled as correct by him.

Period of Contract.

26. (1)—The contract to be entered into by an Immigrant may be for an indefinite period determinable by either the employer or the Immigrant on a month's notice either oral or in writing or may be for a definite term not exceeding two years and in the case of an Immigrant who has received a free passage from India under a promise to enter into a contract under this Ordinance shall be for the term of two years but any such definite term shall be exclusive of—

- ✓ (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 or returning from a Court in or about a case in which he is convicted of an offence;
- ✓ (c) every day during which the Statute Immigrant has been absent from the estate as a deserter and in respect of which absence he has been convicted by a Magistrate;
- ✓ (d) every day in respect of which the Statute Immigrant has been convicted by a Magistrate of neglect to labour under section fifty-five;
- ✓ (e) every day in respect of which an endorsement is made on the contract by the Protector or a Medical Officer under sections forty-one and seventy-nine.

✓ (2)—For the purposes of clauses (a) and (b) any part of a day shall be counted as one day.

✓ (3)—No day shall be excluded under clauses (b) (c) and (d) in calculating the term unless it be endorsed on the contract by the

This under 21 & 22

Agrees with 21 & 22
except that the
has been substituted
for the word "or"

79

Judge or Magistrate by whom the case is tried or under clause (a) unless it be endorsed on the contract by the Protector.

(4)—If the contract is for the term of two years it shall be determined whenever the Statute Immigrant has done six hundred days' work.

27. (1)—The Protector may approve for any estate a schedule of tasks equivalent to work for a day of nine hours. Such schedule shall be written in English and Tamil and signed by the Protector and copies thereof shall be fixed up in conspicuous places in or about the estate and in the coolie lines so that the same may be made known to the Immigrants labouring on the estate.

(2)—After performing his task for the day the Immigrant shall be at liberty if he pleases to commence and carry on a fresh task.

(3)—The employer may whenever he thinks fit direct the Immigrant to perform a task instead of working by the day and the performance of such task shall for the purposes of this Ordinance or of any contract thereunder be equivalent to working for a day but so that no Immigrant shall be compelled to work for more than nine hours in any one day.

(4)—The employer shall within the first seven days of each month post up in a conspicuous place on the estate a list of the number of days' work which have been performed by each Immigrant on the estate in the preceding month together with the total number of days' work which have been performed by such Immigrant under his contract up to date. An employer neglecting to comply with the provisions of this sub-section shall be liable to a fine of twenty-five dollars.

(5)—Nothing in this Ordinance contained shall prevent any employer from agreeing with any Immigrant in his employ that the wages of such Immigrant shall be paid at an agreed rate in accordance with the amount of work done and not by the day.

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

- For an adult male { 17 cents per day during the first 300 days.
- For a female or for a boy under 21 { 19 cents per day subsequently.
- { 13 cents per day for the first 300 days.
- { 15 cents per day subsequently.

Provided that every Statute Immigrant who has worked for six hundred days under this Ordinance shall be deemed to have paid all sums due from him in respect of passage money and advances.

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

29. No Immigrant shall be bound to work on more than six days in one week or more than six consecutive hours or (subject as

Three years
720 days

Task work.

21 & 22

21 & 22

Piece work.

Rate of wages.

12 cents per day
14 — — — — —
8 + 10 cents

Time of payment of wages.

Next

Days and hours of labour.

hereinafter mentioned) more than nine hours a day of actual labour.

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 one cent for each half-hour's work.

Provided that it shall at all times be lawful for the employer to require from an Immigrant over and above the work which he is bound to perform as aforesaid any reasonable and customary labour for—

- (a) The care of animals.
- (b) The cleaning of machinery.
- (c) The maintenance of machinery in an efficient condition.
- (d) The observance of usual sanitary regulations.

Provided also that any 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 one cent per half hour.

Where contract to be performed.

30. The Immigrant shall not be bound to labour 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 Protector be transferred to any other employer in the Colony or Federated States.]

Rules may be made for Emigration.

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

Redemption of contract.

32. 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 Protector 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 Protector 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 Protector 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.

Value of unexpired term.

The value of the unexpired portion of a contract under this Ordinance shall be calculated in the following manner:—

The number of days' work which the Statute Immigrant has done will be deducted from the number of days' work which are required by the contract as provided by section twenty-six and the remainder shall be deemed to be the unexpired portion of the contract and shall be valued at the rate of one dollar for every thirty of such days during the first year and at the rate of two dollars for every thirty of such days during the second year.

If the value of the unexpired portion of the contract calculated as above does not amount to twelve dollars the sum of twelve dollars shall be deemed to be such value for the purposes of this section. In no case shall such value exceed the sum actually advanced to and passage money paid for the Immigrant not exceeding in the whole thirty dollars.

33. Any contract made under this Ordinance with a Statute Immigrant may be determined by the mutual consent of such Immigrant and of his employer with the approval of the Protector but such determination shall not operate to relieve the employer from any liability under this Ordinance for the space of three calendar months from the date of the determination of the contract. Every such consent and approval shall be endorsed on the contract by the person giving such consent or approval.

34. Every Statute Immigrant who has completed his contract shall be entitled to appear forthwith before the Protector 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 Protector 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 V.

TREATMENT OF IMMIGRANTS ON ESTATE.

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

- (a) Sufficient and proper house accommodation.
- (b) A sufficient supply of wholesome water.
- (c) Sufficient and proper sanitary arrangements.
- (d) Uncooked rations at wholesale current market prices.
- (e) Cooked rations when lawfully required.
- (f) Hospital accommodation.
- (g) Medical attendance.
- (h) A sufficient quantity of medicines of good quality.

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

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

- (a) The kinds of rations to be provided in accordance with sub-section (d) of the preceding section.
- (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 Immigrants employed on the estate and its distance from the nearest Government Hospital.

Dissolution of contract

Completion of contract.

Provision to be made by employer.

In accordance with Governor's direction.

(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.

Powers of Protector.

The Protector 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 an Immigrant may purchase at one time.

(g) The price to be accepted as the wholesale current market price.

(h) The price of cooked rations to be provided under sub-section (e) of the preceding section.

Cooked rations.

37. A Medical Officer or the Protector may at any time require the employer of an 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.

Immigrant in hospital.

38. If an 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 *Gazette*. Such expenses whatever the amount shall be recoverable from the employer in a Court of Requests at the suit of the Protector and the certificate of the Protector shall be sufficient *prima facie* evidence that the amount therein specified is due from the employer.

Provided that where the Immigrant is serving under parol agreement no more than thirty days' expenses in Hospital shall be recoverable from his employer.

Medical examination of Immigrants.

39. If it shall at any time appear to a Medical Officer or the Protector that an 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 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.

Temporary incapacity.

40. Any 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.

Absence from sickness.

41. 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 Protector 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.

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 Protector may endorse on the contract of such Statute Immigrant after such enquiry as may be necessary the period of such absence.

When result of immorality.

PART VI.

LOCALITIES UNFIT FOR RESIDENCE AND EMPLOYMENT OF IMMIGRANTS.

42. If the Protector shall at any time have reason to believe that any estate or portion of an estate on which 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 Inquiry.

Committee of Inquiry.

Such Committee shall consist of a Magistrate a Medical Officer and one or more employers of 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 Immigrants he may appoint one or more persons whom he may deem qualified.

43. Such Committee shall proceed with as little delay as possible to inquire 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 Protector 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 Immigrants it shall report accordingly and from and after the publication in the *Gazette* of a notification that such report has been confirmed by the Governor it shall be unlawful to employ or permit to reside any Immigrant on such estate or portion of estate.

Committee to hold inquiry.

44. The Governor may by notification in the *Gazette* declare any estate or portion of estate unfit for the residence or employment of 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

Governor may declare an estate unfit for residence or employment of Immigrants.

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.

Governor
may cancel
Notification.

45. 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 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 Immigrants.

Epidemics not
to be taken
into account.

46. 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 VII.

PROTECTOR'S INSPECTIONS AND REPORT.

Inspections.

Half-yearly
report of
labourers
their state of
health and
mortality.

47. Every employer shall in the months of January and July in each year and at such other times as the Governor shall prescribe make out in writing and deliver to the Protector in such forms as the Governor may from time to time prescribe a return of the number of Immigrants employed by such employer distinguishing between Statute Immigrants and other Immigrants during the preceding six months or such other period as has elapsed since the last previous return and a return of the sickness births deaths unlawful absences desertions and arrests among them during the same period.

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

48. If any employer shall omit duly to send in any such return or shall send in an incorrect return he shall in the absence of proof that such omission or incorrectness was occasioned by accident or a bona fide mistake be liable to a fine not exceeding two hundred and fifty dollars and a certificate under the hand of the Protector 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.

Periodical in-
spection of
labourers to
be made by
Protector.

49. The Protector accompanied by a Medical 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 and may whenever he thinks fit visit all estates on which any Immigrants shall reside or be employed and inspect every house hospital tent camp or building in any way used by any Immigrants and inquire into the condition of such Immigrants and investigate the books of account of their wages; and

for such purpose the Protector may require the employer to produce before him all or any of the Immigrants then under contract or parol agreement with him together with all contracts and books of account of wages written in English and to answer such questions relating thereto as the Protector may think proper to ask.

Books &c.
to be pro-
duced.

50. The Officer from time to time deputed with the concurrence of the Governor by the Government of Madras to examine and report to that Government the condition of Immigrants in the Colony may exercise under this Ordinance all or any of the powers of entry inspection inquiry and investigation which are hereby conferred on the Protector.

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

51. If any employer or other person wilfully obstructs or impedes any entry inspection inquiry 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.

Penalty for
obstructing
inspection or
inquiry.

52. The Protector may whenever he thinks fit enter upon and inspect any plantation estate or other place on which Immigrants are employed or reside to the number of twenty or upwards for the purpose of inquiring into the condition of such Immigrants and may inspect any house hospital tent camp or building in any way used by Immigrants and investigate the books of account of their wages and for such purpose may require the employer of any Immigrants to produce before him all or any of them together with all contracts with such Immigrants and books of account of their wages and to answer such questions relating thereto as the Protector thinks proper to ask.

Other
inspections of
estates.

Reports.

53. The Protector shall make such reports to the Governor relative to the conduct of the duties of his office in such form and with such particulars as the Governor may from time to time direct.

Reports by
Protector.

So much of every such report as relates to the 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 Immigrants and the Protector shall send to any employer mentioned in any such report a copy of so much of the report as relates to such employer.

Such report
open to in-
spection by
employer.

PART VIII.

OFFENCES COMMITTED BY IMMIGRANTS.

*Neglect to Labour and Disobedience.*Neglect to
labour.

54. Any Immigrant who shall without reasonable excuse neglect or refuse to do as required by his employer twenty days' work in any one calendar month such work being reasonable and proper shall on conviction before a Magistrate be liable to imprisonment of either description not exceeding seven days and the Magistrate may endorse on the contract the number of days' work short of twenty that the Immigrant has so neglected or failed to do.

Disobedience
of orders and
refusal to
work.

55. Any Immigrant who without reasonable excuse disobeys any lawful order given by his employer or wilfully and knowingly omits to do any duty necessary to be done by 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 of Statute Immigrants.*Unlawful
absence.

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

Defined.

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

Deductions
from wages.

57. Provided that upon the commission by a Statute Immigrant of any of the offences described in the three last preceding sections the employer may instead of proceeding against him before 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 Protector upon his next visit and unless then attested by his signature shall be deemed to be unlawful and of no effect.

Desertion.

Desertion.

58. Every Immigrant who deserts or attempts to desert 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 imprisonment 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 imprisonment of either description for a period not exceeding three months.

The Magistrate by whom any Statute Immigrant is convicted of desertion may in addition to any imprisonment which he may impose order the Statute Immigrant to pay to his employer such reasonable sum not exceeding two dollars as may be proved to the satisfaction of such Magistrate to have been expended by the employer in effecting the Statute Immigrant's arrest.

A Statute Immigrant deserts from his employer's service 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.

59. Ill-treatment of a Statute Immigrant by his employer or the neglect of the employer to fulfil any condition of the contract may be deemed a reasonable excuse under this Part.

Proviso in
case of ill-
treatment or
breach of
contract.

Arrest and Charge of Deserters and Absentees.

60. If any 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 thirty-nine 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 Protector 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 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—

Deserters and
absentees.

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

When in
other service.

61. 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 Protector to whom on his next visit to the estate the entry shall be shewn by the employer and who shall initial the same.

Notice and
charge.

Any 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

To be taken
to nearest
Police Sta-
tion.

and withdraw the charge in which case it shall not be necessary for the accused to be taken before a Magistrate.

Malingering.

Immigrant disabling himself.

62. 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.

63. Any Immigrant who without the consent of his employer sells barters or disposes of for profit any ration cooked or uncooked purchased by him from his employer under the provisions of Part V 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.

64. Any Immigrant guilty of wilfully disregarding any sanitary regulation which has been approved by the Protector and publicly notified for observance on the estate on which such 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.

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

Imprisonment of Statute Immigrants.

Portion of sentence may be cancelled on application of employer.

66. 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 Protector.

Conviction to be endorsed on contract.

67. 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 Protector a copy thereof.

68. 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.

69. Whenever any Statute Immigrant shall have actually suffered imprisonment amounting in the whole to six months for desertion from his employer's service the Protector 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 Protector 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 chief town 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 Protector shall take such steps as may be proper subject to the provisions of Part IV hereof for securing employment for him if applied to by him for that purpose.

70. Whenever any Statute Immigrant shall have been twice convicted for offences under this Part the Protector 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 IX.

OFFENCES COMMITTED AGAINST IMMIGRANTS.

Separating Families.

71. 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 his or their consent (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 Protector.

Penalty for separating families.

72. Any employer who shall cause or permit any Immigrant to reside or labour upon any such estate or portion of an estate as under the provisions of Part VI hereof has been found or declared to be unfit for the residence or employment of Immigrants with knowledge of such finding or declaration

Penalty for permitting Immigrant to reside in unhealthy locality.

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. 32 and 35.

73. Any employer who omits to comply with such request as is mentioned in section thirty-two hereof or with any of the provisions of section thirty-five 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.

74. Any person who whether alone or in combination with others hinders or molests by word gesture or act any 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 Immigrants.

Employer to give notice to Protector if Immigrant wishes to complain.

75. If any 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 Protector 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 Protector and in default of so doing such employer or person shall be liable to a fine equivalent to the wages not exceeding one hundred dollars.

Procedure by Protector.

Protector how to proceed on receipt of notice.

76. Whenever the Protector 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 Immigrant against his employer or any person acting for such employer or when the Protector has other reasonable grounds for believing that any personal ill-usage or breach of any provision of this Ordinance has been suffered by an Immigrant he shall so soon as conveniently may be proceed to the estate and make full inquiry into the matter.

Procedure.

77. For the purposes of such inquiry the Protector may summon before him such Immigrant and any witnesses.

Penalty for obstructing service of or disobedience to summons.

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.

78. If upon any such inquiry made on the complaint of an Immigrant the Protector 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 (if any) of such complainant the number of days during which such complainant has been absent from work in consequence of such inquiry and may impose on the complainant a fine not exceeding fifty cents which may be deducted from the Immigrant's wages and retained by his employer.

79. If upon inquiry as aforesaid the Protector is of opinion that the complaint is well founded he shall institute such proceedings civil or criminal for and in the name of the Immigrant as he shall deem necessary under the circumstances.

The Protector shall have a right to appear in and be heard before all inferior Courts Civil or Criminal in any proceeding under this Ordinance.

Cancellation of Contract.

80. If any employer or any person placed in authority over any Immigrant by such employer is convicted before a Judge of the Supreme Court of any offence against the person or property of such 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 Protector and after due inquiry upon oath in the presence of the parties be satisfied that any 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 Immigrant;

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

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

Court Fees.

81. No Court fees shall be chargeable in the first instance on any proceeding commenced by an Immigrant or by the Protector 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 X.

GENERAL.

Notices of Deaths, &c.

82. The notices required by "The Registration Ordinance 1868" for any other Ordinance passed on that behalf of deaths of Immigrants and births of children of Immigrants shall in the case of deaths be given by the person in whose service the Immigrant may have been at the time of his death or in whose premises he may

"Equivalent to the wages of the S. S. for each day but in the aggregate" vide 39 XVI 92

Right of hearing.

Contract cancelled if employer is convicted.

Ill-usage or forced labour.

Cancellation of contract.

How certified.

Costs of proceedings.

Notices of births and deaths for registration.

"on behalf of any S. S. for whom he shall not be liable" omitted

have died or by the person in charge for the time being of such premises and in case of births by the person in whose employment the mother may have been at the time of the birth or by the person in charge for the time being of the house or place in which the birth occurred and copies of such notices shall be given to the Protector. Copies of such notices shall be sent by the employer to Protector.

Delegation of powers. 83. It shall be lawful for the Governor to delegate all or any of the powers vested in him by this Ordinance to the Colonial Secretary at Singapore and the Resident Councillors of Penang and Malacca in his absence from the several Settlements respectively.

Convictions. 84. All convictions and penalties for offences under this Ordinance may be had and recovered before a Magistrate or a Court of two Magistrates on complaint by any person aggrieved or by the Protector or any person authorised by him in that behalf.

Rules. 85. The Governor in Council may from time to time make Rules providing generally for the carrying into effect the provisions of this Ordinance.

All Rules made under this section shall be laid before the Legislative Council as soon as may be after they are made and shall be subject to disallowance by resolution of the said Council.

Penalty for breach of any Rule. 86. Every person who acts in contravention of any Rule made under the last preceding section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars.

Existing contracts to continue valid. 87. Nothing in this Ordinance contained shall affect the validity of any written contract subsisting at the commencement thereof.

SCHEDULE

FORM OF CONTRACT FOR IMMIGRANT.

A contract made the day of A.D. 18 under "The Indian Immigration Ordinance 1896" between hereunder described and hereinafter called "the Labourer" of the one part and of hereinafter called "the Employer" (which term shall include his executors administrators and assigns) of the other part.

[* Whereas the Labourer has received by way of advance the sum of rupees equivalent to the sum of dollars as the Labourer hereby acknowledges] Now these Presents witness that it is mutually agreed by the parties hereto as follows:—

1. The Labourer will labour for the Employer as † in the Settlement of from the date hereof for the term of two years or until he shall have done 600 days' work whichever period shall be shorter provided always that if at the

* This Clause in brackets to be omitted where no advances.
† "Agricultural labourer" or as the case may be.

expiration of the said term of two years the Labourer has not done 600 days' work the said term may be extended by—

- (a) every day spent in prison or in going to or returning from prison;
- (b) every day spent in going to and attending before or returning from a Court in or about a case in which he is convicted of an offence;
- (c) every day during which he is absent from the estate as a deserter and in respect of which absence he is convicted by a Magistrate;
- (d) every day in respect of which he is convicted by a Magistrate of neglect to labour under section fifty-five of the Ordinance;
- (e) every day over sixty days during the continuance of the contract in which he is absent from work on account of sickness and which is endorsed on the contract by the Protector under section forty-one of the Ordinance; and
- (f) every day during which he is absent from work on account of an inquiry into any untrue or frivolous complaint made by him to the Protector and which is endorsed on the contract by the Protector under section seventy-nine of the Ordinance.

2. The Employer will pay to the Labourer wages payable monthly at the rate of * seventeen cents for each day's work.

3. The Labourer shall not be bound to labour for more than six days in any week or for more than twenty days in any month nor for more than six consecutive hours or except as hereinafter mentioned for more than nine hours in all in any one day but if the Labourer at the request of the Employer works more than nine hours in any day the Employer will pay to the Labourer two cents for every hour over nine during which he shall labour in any one day. Provided that the Labourer when employed exclusively in factory work shall be bound when 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 above-mentioned and shall receive for such extra work the extra pay of one cent for each half-hour. And provided that the Employer may require from the Labourer without pay 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 and maintenance of machinery and the observance of usual sanitary regulations.

4. The Labourer may at any time redeem himself from this Contract by paying to the Employer the value of the unexpired portion thereof calculated at the rate of one dollar for every thirty days' work which the Labourer is at the time bound to do

* Where a higher rate is agreed on substitute such higher rate. Where the Labourer is a female substitute for the word "seventeen" the word "thirteen" or a higher rate if agreed on.

24 before
side 27 (1)

during the first year under the Contract and at the rate of two dollars for every thirty days' work which the Labourer is at the time bound to do during the second year under the Contract or the sum of twelve dollars whichever sum shall be the greater [* and in addition so much (if any) of the said sum of dollars as shall not have been repaid.] In no case shall the value of the unexpired portion of the Contract exceed thirty dollars.

5. The expression "a day's work" means either work for a day of nine hours or (at the option of the Employer) a task which is approved by the Protector for the estate on which the Labourer is for the time being working as being equivalent to such work.

In Witness &c.

DESCRIPTION OF LABOURER.

Name.	Father's Name.	Age.	Sex.	Religion and Caste (if any).	Place of Abode in India.	General Description and Distinctive Marks.

Endorsement to be made by the Protector:—

I hereby certify that I have with my own mouth explained this Contract to the said _____ and have ascertained that he is fully aware of the terms thereof.

Signed _____

Protector,
or Assistant Protector,
Settlement of _____

• Where no advances are due the words following in brackets are to be omitted.

GOVERNMENT OF THE STRAITS
SETTLEMENTS.

BILL

FOR

The Protection of Indian Immigrants.

(ATTORNEY-GENERAL.)

STRAITS SETTLEMENTS.

Paper to be laid before the Legislative Council by Command of
His Excellency the Governor.

REPORT OF THE COMMISSIONERS APPOINTED TO ENQUIRE INTO THE
QUESTION OF INDIAN IMMIGRATION.

1. We have held eighteen sittings, and taken evidence from a variety of persons respecting different aspects of Indian Labour interests, and we have also visited several coffee estates in Selangor and Perak, and sugar estates in Province Wellesley. We thus had the opportunity of hearing on the spot from the European and Native owners, Managers and Assistants of the estates, the difficulties met and the remedies suggested by the practical experience of each.

2. In examining the witnesses who came before us, they were requested to reply to such points as they were familiar with, in the series of questions attached. (Appendix A.)

3. The evidence given by these gentlemen will be found in full, as corrected by themselves. (Appendix B.)

4. We had the advantage of the very full and careful enquiry into our Labour Supply by Major CAMERON'S Commission of 1890 and the exhaustive Report then published.

5. This makes it unnecessary for us to enter into the past history of Indian Immigration, or the relations, numbers, &c. of our various kinds of labour—all of which was then fully dealt with.

6. The only result of that enquiry was the passing of "The Chinese Immigrants Ordinance" of 1891, and the (suspended) "Indian Immigration Ordinance," XVI of 1892. Confining ourselves to the latter, we are clear that that Ordinance does not adequately give effect to the whole body of the 1890 Commissioners' recommendations—the principal part, touching executive action, having been entirely ignored.

7. The two main remedies then recommended (paragraph 378) were "first to set the machinery of recruiting in India on a footing satisfactory in every respect; and then to render the conditions of service in the Straits so attractive as to compete successfully with other countries."

8. Neither remedy can be held to have been carried out by Ordinance XVI of 1892.

9. We entirely agree with the two main recommendations in themselves, as set out in paragraph 378 quoted above; but we are not able to recommend the introduction of the Ordinance as it stands.

10. So far from embodying any of the proposals which were to set the machinery of recruiting on a more satisfactory footing, none of the amendments made upon the Ordinance of 1884 touch that question at all; and with regard to making Straits service attractive, the changes made, on the recommendation of the Commissioners, by Ordinance XVI of 1892 in the conditions of our indentured coolie system were evidently the *minimum* that could be recommended at that time, and in our opinion followed too closely the lines of the Ordinance of 1884, which the tenour of their Report had condemned as too unfavourable to the coolies.

11. The causes of the poor supply of indentured labour were fairly stated in paragraphs 290-294 dealing with the question "Whether there is anything in the conditions of service in the Straits Settlements that is repellent to the intending emigrant." The answer given was:—

- (a) That the three years' contract is distasteful to the emigrant.
- (b) That it has rarely in practice terminated in the three years.
- (c) That there was the passive cause of insufficient attractions, *e. g.*, as compared with Ceylon.

- (d) That there were "various minor grievances spread about by returned 'malcontents originally deceived by recruiters.'"
 (e) That there was "insufficient information regarding the terms of contract."
 (f) That there was "searching and unnecessarily strict medical examination in Negapatam."

12. Our enquiries have in general confirmed these conclusions on every point; though as regards (b) the practice is now more favourable to the coolies than is there expressed. Before Ordinance XVI of 1892 can be brought into force, the following amendments must in any case be made:—

13. (I).—"Two years or 600 days" should be the limit of contract. Two years is sufficient. But the same calculations upon which an average of 720 days (=20 days a month) was in 1890 found to be the equivalent of three years' labour now give an average of about 25 days a month or 600 days for two years. (See evidence of Mr. E. A. BROWN, Honorary Secretary to the 1890 Commission.)

14. (II).—The minimum rate of wages has since 1890 risen as a matter of fact from 12 cents to 15 cents. Our enquiries shew us that the average rate on sugar estates for first-year men is now 16 cents, and in some estates as much as 17 cents. The 14 cents of dollar recommended in 1890 is now clearly inadequate. Since the disruption of Indian exchange in 1893, 14 cents must stand at 16 cents to represent the same Rupee value. We think that section 24 of Ordinance XVI of 1892 should, therefore, read:—

For a male,	17 cents a day for the first 300 days.
	19 " subsequently.
For a female,	13 " for the first 300 days.
	15 " subsequently.

We have taken abundant evidence to support this recommendation. The actual earnings of indentured immigrants, especially on task work and piece-work, are even now as high or higher than the proposed rates.

15. As to "free labourers," the result of our investigation shews that, with the one exception of the George Town scavengers (a special class on 18 cents), the lowest rate of pay for free labour even in Penang is 20 cents with "Free Quarters," while the usual rate, whether in the Colony or Native States, lies between 23 and 35 cents, a special rate of 50 cents being actually paid at the present time for the labourers on the Pahang Road employed by the Public Works Department of Selangor. There is, also, evidence from all quarters that wages have had a steady upward tendency for some years past.

16. (III).—The change by which certain "task" work was allowed to be an equivalent for "the work for a day of 9 hours," as provided in section 3 (d) of the Ordinance of 1892, should be carried further so as to include "piece-work," i. e., the equivalent of several days' tasks. A system of piece-work, beneficial to both planters and labourers, has already been freely adopted, and in our view deserves encouragement and the sanction of law. It enables the indentured coolie to earn the same rate of wage as is paid to "free" labourers.

17. These three recommendations sufficiently deal with the points (a), (b) and (c) mentioned in paragraph 11. There remain (d), (e) and (f), which lie outside the terms of the Ordinance. The point (f) concerns the examination depôt at Negapatam, the working of which no longer commends itself to those for whose benefit it was started. If it is to pay its way, the fee for each indentured coolie must be doubled, and all witnesses we have examined are against continuing the depôt on the present lines. We recommend, therefore, that the appointment of "Superintendent of Emigration Depôt" be abolished so soon as the improved arrangements proposed below (see paragraph 42) are at work. These improved arrangements should also remove the remaining causes (d) and (e) of the deficient labour supply, as set forth in paragraph 11.

18. But before coming to that question, we would recommend generally that in amending the Ordinance of 1892 all petty restrictions of a "nursing" character be removed. Originally the coolie may have required such help; but we are convinced, from the very precise evidence given to us, that such restrictions are in fact distasteful to the Tamil, and deterrent to emigration, and should, as far as possible, be removed. To go through such points *seriatim*:—

19. Sections 11 and 31 of the Ordinance of 1884 as practically enforced require all native immigrants not of the agricultural class to obtain a certificate before leaving the Colony to go elsewhere than to India, or certain "authorised" States. Such a restriction should at least be confined to places other than the Malay Peninsula, the

whole of which is now either under "Protection" or Consular supervision. The Acting Assistant Protector of Immigrants (Mr. BROADRICK) has informed us that last year as many as 2,738 immigrants had to attend at his office for certificates. He added, as shewing the little advantage gained by all these interferences, that "the practice is for no passes to be issued when immigrants go by road to any part of Kedah. There is then no means of checking their movements. I have never had an application for passes to Kulim (in Kedah) except from the Sikh military Police. The coolies employed at the tapioca estates there never apply for passes. I see no objection to confining section 11 to places other than the Malay Peninsula, i. e., such places as can be reached by sea." Safeguarded as the law now is by section 2 of the amended Crimping Ordinance, XIV of 1892, we think sections 11 and 31 of the Ordinance of 1884 can advantageously be limited in their application, as proposed above.

20. Section 24, which empowers the Indian Immigration Agent to board a ship, and requires all immigrants to land at the Penang Depôt.—This should in any case be confined to those indentured immigrants who have to land at Penang; and it may with advantage be omitted altogether.

21. Section 27, as to the invalidity of verbal contracts being explained to immigrants.—This section should be abolished, as interfering unfairly with the "free labour" system of recruiting.

22. The Indian immigrant on his part should be under fuller security to carry out his contract; and as both "Advances" and "Smart-money" have since 1892, sections 13, 15 and 16 of the Ordinance of 1892 should be further amended by substituting for the words "the sum of \$24" the words "the sum actually advanced" "not exceeding \$30."

23. With these changes, we recommend Ordinance XVI of 1892 be brought into operation, as an improvement on the existing law.

24. But before this is done, there is a further point to consider. The proposal of the Madras Government in the last paragraph of their letter dated 14th November, 1895, strongly commends itself to us. They have there referred to the "possibility of freeing emigration into the Straits from all legal restrictions," and to their readiness "to assent to the abolition on the other side of all legislative interference with the contract."

25. We advise that steps be taken to carry out this policy as follows:—
 (a) Abolish the "Rules for governing Emigration from India," such as those to be found in Appendix H of the 1890 Report, including the rule disallowing any commission on free labour, commonly called "the Penang Circular" of November, 1887.
 (b) Omit the whole, or most, of Part V (sections 34 to 51) of Ordinance V of 1884.

If this is done, contracts with Indian immigrants will become subject to the provisions of "The Labour Contracts Ordinance 1882," or there might be substituted a new section embodying the provisions that deal with contracts in the recent Labour Code of the Native States (sections 16 to 21). This would be the best course; only in that case the "twelve calendar months" of section 16 must read "two years or 600 days" as recommended in paragraph 13 above; and we also approve of Mr. RODGER's suggestion (Appendix B) for applying section 61 of the Code (Miners' Advances) to agricultural contracts.

Should this change be thought too drastic, the Memorandum we have received from the Solicitor-General (Appendix C) will serve to shew the minimum of alterations the Madras proposal necessitates in re-drafting this part of the amending Ordinance.

26. These recommendations will have the effect of encouraging "free labour," concurrently with "indentured labour," and as a matter of fact all classes of employers do even now either employ both kinds of labour or prefer "free labour" to "indentured labour," as working to the mutual satisfaction of both parties.

27. Nothing could be more contented than the relations we found to exist under the "Kangani" system as now worked. It is not open to the abuses of what has been called "the Ceylon system," as each immigrant receives his wages from, repays his individual advance to, and is in every respect in direct touch with, his European employer. It is, generally speaking, a free system of verbal contracts. We heard no complaints of crimping and few of desertion, or of difficulty in recovering the amounts advanced for passage-money. After inspecting the books on more than one estate—in Province Wellesley as well as in Selangor and Perak—we are also satisfied that employers and employed are in full touch with each other under this system; and that the

*this has not been
applied by
the Govt.*

Kangani or Tindal does not in general recover from the rest any losses incurred through occasional absconders. In all these respects, but particularly in the loss of deserters to the Public Works and Railway Departments, it compares favourably with the "indentured labour" system.

28. At the same time we are satisfied that, for the present, the valuable interests of sugar estates must be safeguarded by having a considerable part of their Indian labour secured by long-term contracts. These estates have, for a number of years past, been in a very great measure dependent on "indentured labour," and we think it would be unwise to introduce any sudden change discontinuing this supply until such time as fresh arrangements have secured a large and continuous stream of "free labour."

29. The system of "indentured labour," it must be added, is now working better and more liberally than a few years back.

30. Generally speaking, it is to the non-contract system we must look to improve and extend the flow of immigration into the Straits. Most of the witnesses have pressed strongly on us the deterrent effect on the Tamil coolie of long-term contracts. Indeed several have pointed out that the Tamil particularly dislikes written contracts of every kind.

31. To promote this "free labour" the present opportunity should be taken to do away with such unfair restrictions as those we have called attention to, and to throw the Straits open in the fullest manner to a continuous and unchecked supply of willing labour.

32. For this purpose, and also for the sake of uniformity, we see great advantage in adopting the "contract" clauses in Part III of the Native States Labour Code; and also in leaving many of the details hitherto made statutory to be settled between employer and labourer.

33. As the "discharge-ticket" system was dealt with in the last enquiry, and as considerable importance has been attached in certain quarters to the issue of such tickets, we have gone into this question also, but are satisfied that, while such a system may in theory be desirable, it would be found unworkable and liable to abuse in practice. We cannot, therefore, recommend its adoption.

34. We have found no difficulty, and there is scarcely any difference of opinion, in thus replying to the first of the two questions propounded to our Commission.

35. The second—"Whether further action on the part of the Government of the Straits Settlements (as distinguished from individual action by employer of labour) is desirable to promote immigration or to benefit immigrants"—is less easy to deal with; but a right solution of this question is of even greater importance to the future of agriculture in these parts.

36. As already stated (paragraphs 7 to 9), we agree generally with the view of the former Commission that "it is essential to set the machinery of recruiting in India on a better footing." But we are not satisfied that this will be effected by the appointment that Commission proposed, of a high Government Officer styled "Agent-General" to be "responsible for everything connected with recruiting and the examination and shipping of coolies for the Straits." The matter must unquestionably be faced and cannot be left untouched in view of all the evidence given, now as in 1890, against the mischief done by the existing system. It almost seems that matters have gone from bad to worse. We have had one advantage over the former Commissioners in hearing the evidence of three or four planters who have personally tried to recruit free labour, and all met with direct opposition, and with serious difficulties. It is obvious that the "Statutory Labour" system of recruiting, as at present worked, stands in the way of the employers of "free" labour.

37. It would seem that nothing can be done to improve the labour supply until recruiting is first taken out of the rut into which it has fallen in Madras (Negapatam), where alone the root of the evil is to be found and remedied.

38. The machinery of every kind of recruiting in Southern India is held by all witnesses, who have had any experience of it, to be inadequate, and to the last degree unsatisfactory. Two firms at Negapatam engaged in general commerce accept commissions for recruiting indentured labour. Any commission on "free labour" is expressly forbidden. (See Penang Circular of November, 1887, and Appendix H of 1890 Report). These merchant firms and their agents appear to have the monopoly of recruiting, and like most monopolies this one has repressed all energy and enterprise.

39. Notwithstanding the unfair treatment accorded to "free labour," the supply of statutory labour, and indeed the whole labour supply, has for some time been dwindling away year by year. The figures are as follows:—

Year.	Indentured.	Free.	Total.
1887, ...	4,736	12,156	16,892
1888, ...	4,634	15,812	20,446
1889, ...	2,747	15,285	18,032
1890, ...	2,960	15,341	18,301
* 1891, ...	3,443	26,446	29,889
1892, ...	1,628	16,370	17,998
1893, ...	2,106	15,877	17,983
1894, ...	1,688	13,155	14,843
1895, ...	1,549	14,413	15,962

40. The high cost of indentured labour was specially dwelt on by the Commissioners of 1890 in the following words (paragraph 301):—"The reason of the high initial expense of introducing coolies is that recruiting has got into the hands of sub-recruiters who form a close 'ring,' with a practical monopoly of the business, and are thus able to command unreasonable prices. At present the cost of a coolie landed in Province Wellesley is about \$20. Of this the recoverable items—viz., maintenance in India, conveyance to port of embarkation, clothes, cash advanced in India, passage-money, maintenance on board ship and in the dépôt in Penang—amount usually to about \$8, the balance, or \$12, represents Agents' expenses and commission. There is, we believe, no reason why this sum should not be reduced by proper arrangements to \$4 or less, bringing the whole cost down to \$12 at the most." The figures are somewhat higher at present, and "advances" and "passage-money" are not now recovered in the majority of cases. But the reduction then contemplated is still practicable, and everything should be done to bring it about.

41. But this is not all. Notwithstanding the high wages which employers in the Colony, and still more in the Native States, can just now afford to give, the general supply of labour is stated on all hands to be insufficient for the present, and even more for the immediate future.

42. The favourite remedy proposed to us by all the witnesses is the appointment of a recognised "Agent," preferably a Tamil-speaking medical man of Straits and Indian experience, who would adequately represent the interests of the Straits and Native States in India, and assist recruiters, receive advances, and advertise their wants with more knowledge, discretion and energy than has been possible hitherto. But he would not directly undertake recruiting. If desired by a planter, he could see to medical examination of emigrants; and for this purpose he would reside at the last port of call of the Madras and Straits steamers, which it is hoped may soon be Madras, instead of Negapatam.

43. The expenses of such an Agent need not be large, and should be met either by the Government or from a Fund to be provided by all employers of labour contributing in proportion to their requirements on a basis of acreage, so far as concerns planters. But the essential points are that such Agent, however paid for, be vested with the authority that comes from Government recognition; so as to be strong enough to cope with the difficulties.

44. As regards the moral obligation of Government to provide its own labour, opinion now seems to be unanimous. The only approach to any other view in 1890, was that expressed by Mr. MAXWELL, then British Resident of Selangor, who said "he did not admit any obligation on the part of Government to give further aid than is now given in importing labour" (Answer 4,030).

45. The aid then given was \$30,000 for the Negapatam Steam-ship subsidy. This ceased in 1892, and no such aid is now given. The present Resident of Selangor (Mr. RODGER) holds, like every witness we had before us, that the Government is under an obligation, at least to import labour to meet its own requirements. It is striking to read the evidence of Mr. J. Y. KENNEDY, the Agent of Gula Estate, where so many desertions are reported, on the one hand, and of Mr. C. R. HANSON, the Railway Engineer of Perak, on the other hand. To quote the latter:—"It seems a shame that Government should employ what must be the picked coolies and the best from an estate, consequently leaving the sickly ones behind—especially when the planters have gone to the expense of paying all the import expenses."

* The year of the Steamship competition between the *Tapnadice* and British India steamers.

46. We are unanimously of that opinion, and the figures given us by Messrs. SPOONER, WATKINS, CAULFIELD and HANSON are sufficiently definite to show what is required (See Appendix B). We further consider that provision should be made for the next few years in the Annual Budget of the Colony and Native States respectively to provide free steamship passages for all *bona fide* agricultural labourers including their families—claims to such assistance being decided by the proposed Agent. We believe that such an experiment is not going far beyond what has long been done in Ceylon. It is also most hopeful to see the marked effect of very cheap passages during the steamship competition in 1891. To quote the Acting Assistant Protector of Immigrants (Mr. BROADRICK):—"I attribute the great increase of immigrants arriving during 1891 (3,443 Indentured and 26,446 Free, against 2,960 Indentured and 15,341 Free in 1890), and even less now, to the cheap passages offered owing to a rival steamer—the *Tannadice*—having been started. This competition continued from December, 1890, to April, 1892, and while it lasted the rates varied from \$5 to \$1 for passages given in Penang, \$5 to \$2 for passages given in India, or less than half the ordinary rates. The figures of arrivals given above include every Indian passenger not travelling first or second class."

47. The cost of such a scheme as we propose is not likely to exceed the former subsidy, and will be proportionately far less than the public assistance allowed in other less promising Colonies.

48. In the neighbouring Colony of Ceylon, we understand, the Government gives direct assistance in schooner service, in reduced railway rates, in coolies' rest-houses, &c. (see Mr. CAREY'S evidence, paragraphs 158 to 160).

49. Our scheme is simpler. A vote for the purpose of carrying it out should be taken in the next Budget; and within the limits of such vote we urge that Government should be ready to give full effect to our proposal as early as possible next year. As to the appointment of an Agent to improve the machinery of recruiting, not even this delay should be allowed in taking the first steps. The opportunities must not be missed, and prompt action presses in the matter of recruiting. The circumstances of the past, and the close and peculiar Government interference hitherto, throw a responsibility on Government in the matter. It is easy to condemn the present system, but what is now wanted is to start a better one. Much as we prefer free labour and spontaneous immigration, we cannot see how this is to be established unless Government take the initiative in the matter and get things out of the present *impasse*. This is no case in which to apply general doctrines of political economy, or to count on private enterprise making the first move. (See Witnesses 3, 5 and 11 on this point.)

50. We cannot help recognising the fact that hitherto planters have been almost the only importers of labour; and that their labourers, acclimatised at their expense, have ultimately drifted into the gangs of the Public Works Departments and Government contractors both in the Straits and Native States; who, not having had to pay for importing, and acclimatising them, can afford to offer, and usually do offer, higher wages.

51. A somewhat similar point has been forced upon our notice in regard to the use of Penang as a recruiting ground. It is to Penang, we were informed by several witnesses, that the contractors and tindals usually resort to obtain their Tamil labour. No wonder, therefore, that witness after witness in Penang and Province Wellesley—planters, agents and merchants—testified to recent scarcity of Kling labour, and the inconvenience that has been caused to shipping and commerce, no less than to agriculture in that Settlement. Once establish a good and adequate system of recruiting with a steady flow of immigration, and this state of things must cease.

52. To still further assist Penang in keeping a steady labour market, and to foster direct immigration into the Native States, we recommend steamship subsidies by the Native States that will secure the immediate transshipment and through despatch to the Native States of the Tamil immigrants. Such a system will do away with much that is particularly objectionable to the Tamil in now being compelled to land at Penang.

53. We cannot close this Report without specially calling attention to the critical point at which the Colony has arrived in the matter of its agricultural development. Its future as a whole, and that of the Native States in particular, must be chiefly agricultural. It is reasonable to look forward to a very great development in that direction, with the corresponding benefits to the commercial, and all other classes of the community; but for such a future, a much larger labour supply is essential, and no artificial means of recruiting it can in the long run possibly suffice. We need a spontaneous and self-recruiting supply of Indian labour on the largest scale. For that

the removal of all restrictions, and the same freedom of coming and going which has been the making of our trade, must be looked to for the building up of our agricultural interests.

54. It is gratifying to see that there are no longer any misgivings in India as to the welfare of Tamil immigrants in the Straits. In the correspondence forwarded to us (dated 14th November, 1895) the Madras Government fully recognises that "the large number 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." And in the Indian Statistical Abstract for 1895 it is stated:—"Indian labourers emigrate to the Straits Settlements, where their welfare is provided for by local legislation, and also to certain of the neighbouring Native States which have given similar guarantees for their well-being;"

"the Colonial emigration is so far beneficial that it affects some of the most densely populated tracts of India. The total number of emigrants is, however, insignificant, the average for the last three years being 16,500 only. Of these, many return to their homes; and as a rule the returning emigrants bring considerable savings with them, and the wealth thus introduced into the country exceeds Rs. 800,000 per annum. It is obvious this form of emigration—whether it be regarded as a means of reducing the population of congested areas, or as a means of adding to the capital of the country—is one which deserves encouragement; and it is also clear that it has much scope for further development."

55. No one who has to enquire as we have done into the status of the Tamil coolies here can fail to see that this acknowledgment is well deserved.

56. It is in recognition of these facts that the Indian Government has offered to relieve emigration to the Straits from all restrictions.

57. It would indeed be a mistake for the Straits Government to be less ready to accept the proposal to abolish on this side all legislative interference with the contract in the manner we have proposed; or slow to meet the critical juncture at which matters have arrived by giving the assistance absolutely necessary, owing to our want of population, to build up in the Malay Peninsula a great agricultural colony.

58. For such a future, the evidence is convincing that nothing but labour is needed; in Southern India labour is abundant and accessible; and while for coffee the prospects are exceptionally promising, we call attention to the recent figures furnished to us by all the sugar-planters, as perhaps even more striking. It is not too much to say that with an assured labour supply, such as we have it in our power to command, cane-sugar can here be produced in such quantities and at such a cost as will compete successfully with bounty-fed beet-root in any market in the world.

A. M. SKINNER.
H. TROTTER.
R. G. WATSON.
JOHN TURNER.
E. V. CAREY.

EVIDENCE

TAKEN BY

THE INDIAN LABOUR COMMISSION.

EVIDENCE TAKEN AT A MEETING HELD AT PENANG ON 4TH MAY, 1896.

The Hon'ble J. M. B. Vermont is examined and states:—

1. That his principal objection to the Ordinance of 1892 is the shortening of the contract to 720 days; the three years' contract should represent 3 times 313 days=939 days. By shortening the contract in this way you encourage malingering, and the planter loses his coolies just as they are becoming useful, and there is the additional expenditure upon the cost of importation of fresh labour.
2. Is of opinion that Government should assist in the importation of labour, and in that case would not object to the shortened term. He has objected in Council, and since, to this Bill of 1892 being introduced, as the Government will not undertake to import its own labourers, or assist in recruiting. By "assisting" he means the appointment of an Agent, residing in Madras, to control all recruiting as recommended by the Commission of 1890. Also by a return to the subsidy paid to the Negapatam steamers up to 1892.
3. At present, planters are entirely in the hands of the two firms of recruiters in India as to being supplied with labour. He does not mean any reflection on these firms. They have served him well hitherto.
4. Some years ago he paid to the recruiter Rs. 28 for a coolie's expenses, and now he has to pay Rs. 40.
5. Still thinks that the recommendation made by the 1890 Commission, as to a part of the Negapatam subsidy taking the form of a guaranteed payment for the right to certain number of passages, should be carried out.
6. As to wages, he is at present paying more than even the increased minimum in the 1892 Ordinance. Doubts if the fall in exchange between the Dollar and Rupee affects the Indian coolie much, owing to his sending home so much of his savings in silver jewellery.
7. Is of opinion that the matter of pay should be left entirely to the planters themselves, and the Government should not interfere even by fixing a minimum rate.
8. With a minimum rate fixed in the Ordinance, he will not be able to pay coolies less when labour is cheap, as he now pays more when labour is dear.
9. He pays his coolies at 15 cents each, or 3 cents over the legal minimum (Ordinance V of 1884). Mr. TURNER pays 16 to 18 cents, and other estates perhaps higher.
10. Is of opinion that the payment of Sunday pay to a coolie after he has worked 6 clear days, i.e., 7 days' pay for 6 days' work, which, under the recommendations of the 1890 Commission, is to be abolished in the Ordinance of 1892, should be kept, as it has been a long-standing custom in all estates in Province Wellesley. However, this is a matter of opinion in which many differ.
11. Agrees that it is fair to give coolies 16 cents a day in the 2nd and 3rd years of their engagements, as they are then acclimatised.
12. Thinks the Government should not interfere as to task-work, or as to fixing the rate to be paid extra to a coolie for working beyond nine hours a day. The matter is one that should be settled between master and servant.
13. Is of opinion that the "Kangani" system must be condemned, as the coolies engaged on such a system do not look on the European planter as their master, thereby causing many irregularities and much discontent.
14. *By the President*:—Thinks that this system has had to be modified to some extent in Ceylon, and suggests that the opinion of Sir GRAEME ELPHINSTONE, who is now in Perak, be invited on this point.

15. Suggests amendment of section 26 of the Ordinance of 1892, by increasing the maximum value of "smart-money" for unexpired portion of contract from \$24 to \$30, on account of the increased first cost of the coolie.

16. At present, whereas he has to pay Rs. 42 for the cost of a coolie imported, the coolie on the other hand can obtain his discharge by paying only \$24 as stated in the Ordinance.

17. The "smart-money" should be increased to \$30.

18. *By Mr. Turner:*—We manufacture at Batu Kawan and Prye Estates an average of 70,000 to 75,000 pikuls of sugar—representing (at \$6 a pikul) a value of \$450,000. Of this, we only remit \$20,000 to England to cover cost of machinery, &c., and \$20,000 more for share of profits held in England. The rest of the gross profit circulates in the Settlement in the form of wages, &c. The sugar is sold to China, India and other silver-using countries.

19. Is of opinion that the present cost of the Negapatam Depot (\$3,148 in 1895), now maintained by Government, is not commensurate with the results obtained, owing to the few coolies arriving. This is due to the numerous rejections that have taken place there, which have incurred very serious losses on the recruiters.

Mr. J. Sargent, of Caledonia Estate, is examined and states as follows:—

20. That he has no objection to the minimum rate of 14 cents pay.

21. Prefers 3 years for the term of contract without mention of days.

22. Has no opinion as to whether 720 days represents three years' actual work of an average coolie.

23. Thinks it will be detrimental to sugar estates to shorten the time of contract as proposed from India. For the 1st year the coolie is of no use to the estate. The 2nd and 3rd years compensate for this.

24. The output of produce in the estates he is connected with is \$515,000; 25% of this is remitted to England for machinery and profit, &c., and 75% (= \$386,250) is spent on wages in the estates and circulated.

25. The recruiters in India at present supply coolies at 17 cents for the 1st year, and 19 cents for the 2nd year. This has been in force for two months without leading to an adequate supply even now.

26. Actually pays at present an average wage of over 20 cents to each coolie, owing to the practice in Caledonia of paying by piece-work.

27. Used to pay 14 and 15 cents, but found great difficulty in getting coolies at these rates. The present rates are the highest ever paid. Even with the 17 cents and 19 cents offered he still finds difficulty in getting enough coolies.

28. Attributes the want of supply of labour partly to indifference on the part of recruiting agents in India, and partly to their finding it to their interest to shorten the supply.

29. Is of opinion that Government should assist in importation of coolies on the same lines as in Demerara, i.e., as recommended by the 1890 Commission (paragraph 379).

30. Does not think the result of the working of the Negapatam Depot is worth the cost.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON 5TH OF MAY, 1896.

Mr. A. Stewart, of Gula (Sugar) Estate, is examined and states:—

31. I have been planting nine years here, and seven years in Demerara.

32. I am not acquainted with Ordinance XVI of 1892. The Perak Order IV of 1895 is, I believe, almost identical. This is an improvement on the old order, and I recommend its being brought into force.

33. I advise one addition to it, viz., the introduction of a certificate to be issued to a labourer on his discharge.

34. I approve of the new arrangement as to a 720 days' contract. I think 720 days' tasks is fairly equivalent to three years. I approve of adopting the plan of so many days' work or tasks, instead of merely so many days. It is fairer to the coolie, for good men can, and do, earn more under it.

35. I would go further and legalize the system of "piece-work," by which a man can take up a certain amount of work, to be completed in his own time. I have recently adopted it in Gula Estate, and find it an advantage both to the planter, and to the good coolie who gets through most work. I find also that this system has diminished my desertions to about one quarter the number in March and April that they were in January and February, and the coolies seem to prefer it.

36. I object to any reduction in the three years' term of agreement. For the work on a sugar estate the coolie is not expert at the work, and needs to be acclimatised.

37. The supply of labour is very insufficient. I can perhaps get men down at the rate of wages which I offer—18 cents and 20 cents—but I lose so greatly by desertion that I never have enough.

38. The legal minimum rate of wages, under the Indian Immigration Ordinance in Perak, is 16 cents for the first 480 days' work, and 18 cents for the balance.

39. The desertions are caused by the large number employed on Public Works, where 35 cents a day are paid. At present there are 11,000 coolies engaged by the Public Works Department, excluding the large number engaged by contractors. The Railway Department and the Public Works Department take these men; their tindals and sub-tindals come on the estate, and take the men away. I have myself pointed out, to the Perak Government Railway people, men of my own working on the Kinta Valley Railway.

40. The remedy lies in the Government getting its own men, and also in adopting a discharge-ticket system.

41. I do not wish to see the existing legal restrictions done away with. From what I have heard from men who know it, I do not like the "Kanggani" system. It puts the coolies entirely in the hands of the Kanggani, and the Kanggani squeezes them: it would encourage desertion. The system we have is best suited to sugar-planting.

42. I would maintain the Immigration Depot in India, and have sub-depôts in other districts. The depot, as it is now, does not give full value to the Straits Government; the sub-depôts would recruit only, and send the men for examination to the head depot at Negapatam.

43. I think that in the Straits the minimum should be raised to 16 cents. A minimum rate is required, so as to fix "piece-work" and tasks by it.

44. A coolie can live on \$2 a month for rice and curry stuff.

45. I advocate the appointment of an Agent-General, as it will not only increase the supply of coolies, but the quality might be improved.

46. I should be prepared to pay a portion of the expense; but Government should also bear a share.

47. I am clearly of opinion that each Government should directly import its own labourers.

48. The discharge-ticket system would prevent Government from employing deserters. I have seen such a system at work for three years in Demerara. After the coolies are free, the Government takes them from us, as the wages offered are so much higher than we can afford. This is hardly fair on the planters, who have imported and acclimatised the coolies. If Government imported their own coolies, they would not need to pay such high wages as they have recently had to pay.

49. About 35% of my indentured coolies re-engage on expiry of contract.

50. I am opposed to paying for Sunday labour unless the work is done.

51. I was obliged to raise my rate of wages in consequence of competition in Perak, and not through pressure on the part of recruiters.

52. Other colonies have Agents for recruiting.

53. I think the appointment of an Agent-General should be tried as an experiment; the establishment of sub-depôts might be left to him.

54. The Agent-General will certainly take an interest in promoting emigration, and increasing the number of immigrants here, which the firms of recruiters will not do.

55. The output of produce in Gula Estate, which has been opened since 1883, is \$270,000. Of this, some \$40,000 is remitted to England for owners' profits and to cover cost of machinery, &c., and the balance is spent on wages and circulated. Most of the sugar is sold in China.

56. There is an unlimited area of land in Perak available for sugar planting.

Mr. A. L. De Mornay, of Malakoff Estate, is examined and states:—

57. I am managing a tapioca estate with 230 coolies, and have personally seventeen years' experience as a tapioca-planter.

58. I am not in favour of bringing in Ordinance XVI of 1892. I formed the opinion at the time. I am not now sufficiently familiar with it to give any special reasons.

59. I do not approve of the 720 days' work as an equivalent to three years' contract, as it prevents planters getting sufficient work from the coolies.

60. I approve of task-work.

61. I do not favour a shorter term than three years. The proposed minimum of 14 cents is not too high. The shortening of the contract to 720 days' work is my great objection to the Ordinance of 1892.

62. I give seven days' pay for six days' work, Sunday being thrown in. I approve of this system, as it encourages the coolies.

63. The supply of coolies is very deficient. The reason in my case is that I lose so many by desertions to Kedah. This is due to the opening of 10 new tapioca estates over the boundary, from whence recovery is impossible. I think that a better system of Police Stations, or patrol near the boundary, might diminish desertions from my estate.

64. Another cause of deficient supply is the bad system in India.

65. I advocate a resident European as Recruiting Agent in Madras. If this appointment were made, and I continued obtaining coolies, I would bear my share of the expense.

66. The depôt in India should be maintained; without it the class of coolie sent down would deteriorate. The physique of the coolie sent down might easily be improved upon; his condition after arriving here is satisfactory enough.

67. At "piece-work" my coolies average 17 to 18 cents a day. I have now increased that to 20 cents.

68. I have still about 213 indentured coolies.

69. I have no opinion as to the direct or indirect importation of labourers by Government, but I am certainly in favour of Government importing men for their own work.

70. One of the present inducements to desertion is the high rate offered by Government. I don't suppose more than 5% of my men re-engage with me. The only deserters who return to me are those suffering from malarial fever, &c., and then I have to maintain them in hospital.

71. For planters generally, the discharge-ticket system would be very useful.

72. The output of produce at Malakoff Estate is from \$80,000 to \$90,000. Practically the whole of this is spent in the Settlement.

Mr. J. Bruce, of Byram Estate, is examined and states:—

73. I have been to Negapatam, and have seen the working of the depôt there. The Colony does not get out of it its money's worth. I would advocate moving the depôt to Madras as a more central place, where there would be more competition among the recruiters.

74. Sub-depôts, further inland, should be established to feed the main depôt, which must, however, be at the last port of call to prevent desertions.

75. The removal to Madras cannot, therefore, be made until there is a direct line of steamers from Madras to Penang.

76. The average physique of coolies sent down from the depôt is bad. We could get the same proportion of effective coolies without this examination. It is not worth the money paid.

77. Very fair coolies come from the North of Madras. I think Madura District, Coconada and Arcat should be good fields for recruiting.

78. I was engaged in recruiting in India once. It was not hard to get coolies; the difficulty was to get men down to the steamer, owing to the opposition from outside recruiters. I wanted 500. I only succeeded in getting 58 under

indenture and 83 free men. These 83 free immigrants (including 10 or 11 women) came over with me, the estate having advanced the passage-money, after being passed by the Medical Officer. The cost was about Rs. 18 a head.

79. Although now offering higher wages, we cannot get enough indentured coolies, owing to the opposition of recruiters. The free coolies might, of course, have left us on arriving in Penang; but so far none have done so. The system has worked well. Our men make 25 cents a day on piece-work.

80. The professional recruiters spread tales to our disadvantage, and frighten all that are not their own recruits into running away.

81. I offered 17 cents and 19 cents for indentured coolies, but could get very few. I know of about 28 so frightened away—12 in one batch.

Mr. Crawford, of Caledonia Estate, is examined and states:—

82. I was twice in the Madras Presidency, about four years ago, to get coolies. I offered, at that time, 12 cents to 14 cents each. I wanted 500 coolies each time, but could only get about 60. This was chiefly due to the indifference of the two recruiting firms in Negapatam, as it is to their interest to keep the supply down.

83. The present recruiting system is not good. I do not think the depôt is worth maintaining.

84. I think the appointment by Government of an Agent-General would improve the importation of coolies.

EVIDENCE TAKEN AT A MEEING HELD IN PENANG ON THE 6TH MAY, 1896.

Mr. J. Y. Kennedy, Agent for Gula Estate, is examined and states:—

85. I do not know the Ordinance XVI of 1892.

86. The supply of labour is insufficient. The cause is, I think, the stringency of the present Ordinance, the low pay, and the strict medical examination at Negapatam. The latter has become more strict since representations were made by the Indian Immigration Agent as to the unfitness of men sent down. In consequence, we get fewer coolies, and the price has gone up.

87. The firms ADAMSON, MCTAGGART & Co., and GANAPATHY PILLAY do not keep down the supply; if it is done at all it is by the recruiters.

88. So far as I am able to judge, the "Kangani" system is absolutely bad; the Ceylon people say it is good. I disapprove of the interposition of a Native between the planter and his coolie. Recruiting should not be restricted, and I am inclined to advocate entire freedom.

89. I think a man who does 6 good days' work is entitled to a 7 days' pay.

90. If there is to be a minimum at all, let it be higher than that in Ordinance XVI of 1892.

90a. Speaking without much consideration of the subject—for it has never yet been raised—I am in favour of a fixed minimum, as I think the Indian coolie, on first arrival, requires a certain amount of protection. I would raise it to 14 cents or even 16 cents.

91. I am not an experienced planter, but I consider that a shortened term of contract would attract more coolies. The opinion of planters is against me on this point.

92. There have been heavy losses by crimping and desertions. More stringent laws should be passed against crimping, and heavier sentences on crimpers. Light sentences are a premium on crimping. I think, when Government contracts are given out, that the contractors should bind themselves not to employ crimped men; the prices at which contracts are let in Perak enable the contractors to pay more than the ordinary market price for labour, and this conduces to crimping.

93. I think that the discharge-ticket system would be a success, so long as it did not interfere with the liberty of the subject.

94. I am still in favour of an Agent-General in Madras.

95. I strongly advise that Government import some at least of their own labour so long as they do not offer more than the customary wages.

96. The increase in the price of coolies is due to competition, exchange, and, no doubt, the combined action of recruiters in keeping up the price.

Mr. D. Logan is examined and states:—

97. I have not considered Ordinance XVI of 1892, and cannot propose any amendments, &c.
98. I am not in a position to express an opinion on the proposed substitution of tasks for days' work.
99. I cannot express an opinion as to whether 720 tasks should be equivalent to a three years' contract.
100. I am in favour of a shorter term of contract—say one year.
101. My supply of labour is sufficient.
102. Immigration, in my opinion, should be free from all legal restrictions.
103. I have nothing to suggest as to improving the condition of the coolie, except that there should be no interference with immigration.
104. I consider 14 cents is a sufficient minimum wage. Were immigration free, no contract should exceed one year, and the rate of wages should be settled by agreement between coolie and employer.
105. I think the coolie would prefer the shorter term of contract as the alternative to increased wages.
106. My coolies re-engage, but I cannot say what percentage.
107. I have experienced very slight losses by crimping. I am adverse to the discharge-ticket system. It is degrading to the coolie.
108. I have not considered the question of establishing a Government Depot in Madras under an Agent-General.
109. I have no opinion to offer as to direct importation of labourers by Government.
110. I cannot say anything as to the cause of the increase in the rate charged by recruiters.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON 7TH MAY, 1896.

Mr. E. G. Broadrick, Acting Assistant Protector of Immigrants, is examined and states:—

111. I have been appointed to be in charge, or part charge, of the Indian Immigration Department for nearly a year, and am now attached as Acting Assistant together, though under separate Ordinances.
112. As regards amendments to be made to the Ordinance V of 1884, I am of opinion:—
 - (a).—Section 11.—As practically enforced, every immigrant has, under this section, to take out a certificate before he can go anywhere outside the Colony and Native States, except back to India. The total number of such certificates issued during 1895 was 2,738. Of this, from two-thirds to four-fifths go to Sumatra, and from one-third to one-fifth to Kedah and Tongkah. The practice is for no passes to be issued when immigrants go by road to any part of Kedah. There is then no means of checking their movements. I never have had an application for passes to Kulim, except from the Sikh Military Police. The coolies employed at the tapioca estates there never apply for passes. I see no objection to confining this section 11 to places other than the Malay Peninsula, i.e., such places as can be reached by sea.
 - (b).—Section 24.—As to empowering the Indian Immigration Agent to board a ship, to require all immigrants to land and go to a depot for the purpose of ascertaining as to whether they have received advances, &c.—I think this duty of the Indian Immigration Agent might, under existing circumstances, be confined to immigrants landing in Penang only, and not to those for Singapore, &c. This section of the Ordinance should be retained and amended by incorporating in it part of section 11 in the Chinese Immigrants Ordinance (IV of 1880), so as to provide for every immigrant, who is indebted to the ship-owner or to the person bringing him from India, being detained in a depot until he enters into a contract with his employer or pays his debt. Such detention not to be longer than one week.

(c).—Section 27.—As to contracts being explained to immigrants.—I think the application of this section to all coolies, i.e., to other than indentured labourers, may interfere with free labour, and prove a restriction to those importing free labour on the "Kangani" system. It is of little use, and might be omitted in the new Ordinance.

(d).—Section 47, as to giving Sunday pay for working six clear days.—I am averse to making provision for this in the new Ordinance. A coolie should be paid for his working days. The calculation of twenty days as the average for a month's labour is so low that Sunday pay should not, I think, be given without labour. I would rather see increased pay granted than giving pay on Sunday without work.

113. I attribute the great increase of immigrants arriving during 1891 (3,443 indentured and 26,446 free, against 2,960 indentured and 15,341 free in 1890) to the cheap passages offered owing to a rival steamer—the *Tannadice*—having been started. This competition continued from December, 1890, to April, 1892, and, while it lasted, the rates varied from \$5 to \$1 for passages given at Penang, and Rs. 5 to Rs. 2 for passages given in India, or less than half the ordinary rates. No free passages were ever granted.

The figures of the arrivals given above include every Indian passenger not travelling first or second class.

114. In practice, I should like to shorten the term of contract to two years, as three years is, I think, too long and may discourage the coolies and make them disheartened, and prevent the employer getting sufficient men and good work out of them. But I would prefer leaving the contracting parties a free hand as to the term, subject, however, to a maximum of three years.

115. I am of opinion that, to carry out the recommendation of the Government of India as to "freeing immigration from all legal restrictions," it will be necessary to abolish Part 5 of Ordinance V of 1884. The drawback to this step is that there will be no remedy, such as sugar-planters and others in Province Wellesley now have, for breach of contracts, &c. It will prevent arrests without warrants; it will thus encourage desertions, and all jurisdiction in such matters will come under "The Labour Contracts Ordinance." There will be some advantages no doubt. But it will involve considerable changes of a far reaching character.

116. I consider that the 14 cents minimum wage is sufficient, as it does not now include repayment of the advances for passage-moneys, &c. to the coolie.

117. I do not think "the discharge ticket system" will work well, as it can only be applied to statute immigrants and not to free coolies, and by this system there is the danger of planters restricting the flow of labour. In any case I am strongly of opinion it should not be made law.

118. I am in favour of an appointment of an Agent-General and a Central Depot in India, with sub-depôts in populous districts (such as Trichinopoly, Tinnevely, Salem, Conjeeveram, Madura District, Coconada, Arcot, &c.) to feed the Central Depot, and to see that the coolies get to the coast. If the Ordinance of 1892 is to be introduced, this should certainly be provided for, and I think it will improve the supply of labour.

119. The best Central Depot must, in my opinion, be in Madras, where the depôts of other Colonies are, and from where there would be better opportunities of obtaining coolies from the Telugu country in addition to the districts already named. Madras should then, of course, be the last port of call, and there should be a direct line of steamers between that port and Penang.

120. If the Agent-General is not appointed, then there will be no need of establishing sub-depôts, and the Negapatam Depot should, in my opinion, be abolished, as being too expensive for any use now served by it.

121. The coolies imported could just as easily pass an examination by a local Medical Officer on behalf of the employer, and provision be made for their being sent back at the expense of the importer if not fit.

122. If the Negapatam Depot is abolished, employers would, even with Part V left in the Ordinance, be free to import their own labour on any system they choose, but all immigrants would have to pass through the local depot, and sign their contracts before the Indian Immigration Agent on arrival.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON
THE 8TH MAY, 1896.

Captain Menzell, of the S. S. *Thaipeng*, is examined and states:—

123. I would like to see immigration free from all official restrictions. Free coolies look down upon the indentured coolies, who must necessarily suffer by thus being looked down upon. This feeling must certainly be a strong one among all.
124. Recruiting in India should be free to all to whom a licence can be granted.
125. The first step that should be taken to encourage labourers to come is to find the right kind of leader, and to obtain the sanction of the Indian Government for such a leader, or leaders, to operate.
126. The leader I speak of must not be confounded with the recruiter of the present day—the latter pounces upon any victim who can be enticed to emigrate, and all relationship between the recruiter and the recruit ends as soon as the coolie is handed over to the depôt.
127. The leader I mean is a man who is known to travel with his coolies, who attends to their wants during the voyage, and will see that they are properly handed over to their employers when they reach their destination. I have seen such leaders amongst my passengers from Negapatam.
128. Government should license these "leaders" to engage and convey labourers to the Straits Settlements and Native States. Either the Indian Immigration Agent could issue the licences, or the Indian or Straits Magistrates.
129. If this general system of licensing is adopted, then those recruiters who are not licensed will not be allowed to act.
130. I think this system will work well. The persons so licensed will be solely responsible for the work of recruiting. They will always supply a good class of men. It will be to their own interest to do so, as by supplying good coolies they will get more work from employers.
131. These leaders can always be had in Negapatam or Karikal, and the planters and other employers of labour in the Straits Settlements or Protected States can have men of their own licensed.
132. The Negapatam Depôt should be maintained, so that coolies may have a proper place to go to before embarkation. Before the Negapatam Depôt was established, the coolies were often not housed at all till they could be embarked. Some were housed in a sort of lodging-houses, and they were then in a most wretched state. The establishment of the Negapatam Depôt has, in some measure, remedied this state of affairs.
133. I am, however, of opinion that the medical examination in the depôt does no good and is not worth maintaining. It only adds a few rupees to the Doctor's pocket, for which the coolies have afterwards to pay. There should not even be a medical examination on board the ship. Apart from this the Negapatam Depôt should be maintained just for the purpose mentioned above.
134. There should be a depôt in Negapatam and one in Karikal. I do not think there should be a depôt in Madras, as you cannot get a good number of coolies from there, besides the Telugus from the North of Madras are a more difficult class of people to manage than the Tamil race generally. You can always get a good number of free coolies from Karikal, and they are a superior class of men and especially good as colonists.
135. I strongly object to the appointment of an Agent-General in Madras, as it will do no good. The less Government interference there is, the more confidence the people will have. That their countrymen are, as a rule, prospering in the Straits Settlements and Protected States is mostly known to people in Southern India.
136. The increased rate charged by recruiters was due to official interference and stricter medical examination, by which coolies have been unnecessarily returned to their villages, which are often distant several days' journey. They were, in many instances, left half starved, which frightened others from emigrating.
137. I am of opinion that the action of present recruiters has been detrimental to importation of labour, as far as the Straits Settlements and Protected States are concerned.

138. The Government has done much towards immigration in paying the \$30,000 subsidy for Negapatam steamers. It has regularised the arrivals and departures of steamers, which has induced more people to come. The regular departures from Negapatam especially foster emigration, as the people coming from inland places can time their departure from their houses, &c.

139. These steamers did not pay their way before, but they do now since April last year.

140. I wish to say that I have been much struck by the improvement of the coolies when they go back to India after working in the Straits.

Mr. E. V. Carey, of Selangor, is examined and states:—

141. I do not care to express any opinion on questions 1, 2, 3, 4, 8, 9, 10 and 14, which deal entirely with indentured labour, in connection with which I have no practical knowledge.

142. My supply of labour is insufficient. I attribute this to:—

- (a) Want of sufficient advertisement in India.
- (b) Hindrances put in the way of my agents by other recruiters, who wish to keep the market in their own hands.
- (c) The long sea journey, which renders the Straits less attractive than more accessible countries.
- (d) The heavy debt to be repaid by the labourer, in comparison with that which he incurs if, for instance, he goes to Ceylon.

143. I am of opinion that free immigration should be fettered with no legal restrictions, if such exist, but am not prepared to give any opinion in connection with statute labour. A modified "Kangani" system I strongly advocate, but I consider it essential that the employer should deal with, and pay, his coolies direct, and that the onus of discharging his liability should rest with the individual coolie and not be shared in common. That is my system of working in Selangor. The long established Ceylon system of lump expenses—the Kangani only being responsible—I do not recommend for a new country like this, for the reason (1) that I am not satisfied that the coolie gets fair play, and (2) that the "Kangani," while becoming vested with undue power on the one hand, may be saddled with unfairly incurred debt on the other.

144. I certainly think that recruiting in India should be free to all, our main object being to induce a maximum influx of labour. I am not aware that the coolie's position can be in any way prejudiced on this side, by whatever method he may be recruited—whether with or without licence.

145. I am of opinion, from personal experience, that Dr. HARDAKER is a hard-working and painstaking official, and that the depôt at Negapatam is admirably adapted to its purpose and well run. On the other hand, I consider it doubtful (though I commit myself to no decided opinion) whether sufficient coolies pass through it to justify the expenditure which its upkeep entails. This appears to me to be a question which can only be adequately answered by a careful scrutiny of figures.

146. I am by no means decided that the necessity for passing through a depôt, which must (and I know does) savour to the Tamil mind of temporary incarceration, has not an extremely deterrent effect upon the intending emigrant, and I am inclined to think that a coolie halting-place or rest-house, for which the present depôt might serve, where the emigrant might, if necessary, be subjected to a medical examination, would be much more acceptable to the natives than the present depôt, where the freedom of the inmates is restricted, thus suggesting to the coolie mind the idea of forced service.

147. In principle I consider Sunday pay for 6 days' work wrong, and that the system must eventually be abolished, but in practice I look upon it as a strong inducement for the coolie to work regularly, and I consider that the employer can well afford to pay his men the extra few cents, which their regular outturn would enable them to earn, in view of his being thus enabled to perform a maximum amount of work with a minimum number of labourers.

148. Section 11 of Ordinance V of 1884.—I do not see the necessity for this section.

149. Section 27.—I certainly consider that this section should be confined to statute immigrants.

150. Section 24.—There can be no reason, as far as I can judge, for any immigrants, other than those disembarking, being sent to the depot at Penang, or at whatever port the steamer may be at the time. I object strongly to the Indian Immigration Agent being empowered to advise all coolies, other than statute immigrants, that their liability to work in return for money advanced and received is legally non-existent.

151. I have, from time to time, experienced considerable losses from crimping. I do not think that a discharge-ticket system is advisable, inasmuch as in practice I consider it might probably be abused by unscrupulous employers, and seriously curtail the liability of the subject. I am of opinion that it is in the highest degree essential that no measures should be adopted which, in any shape or form, tend to create the impression that the movements of coolies, who have complied with their legal obligations, are in the least degree restricted. Were the country flooded with labour, or the supply at least proportionate to the demand, the case might probably be different. There are the additional difficulties that all new-comers would have to be furnished with certificates of arrival, carrying the same meaning as discharge-tickets, and that the system, to work successfully as a means of controlling the irregular movements of coolies and the operations of crimps, would have to be universally adopted.

152. The remedy appears to me to rest with employers, amongst whom it should be the strongest point of etiquette and honour not to engage each other's coolies, and who, having unintentionally done this (as must occasionally be the case), should make speedy reparation, and, if necessary, systematically boycott coolies, individually or in gangs, against whom it can be shewn that they are in the habit of absconding from service; in other words, a system of friendly mutual protection should be adopted.

153. I also think that the law should be amended to bring the crimp more within its reach, especially in connection with the insuperable difficulty of establishing "guilty knowledge," and that convictions should carry extremely heavy sentences.

154. The appointment of an Agent-General depends entirely upon what the duties of such an Immigration Agent would be. In considering this subject, it must be borne in mind that the class of agricultural labourers we are so desirous of importing into the country consists of (1) statute immigrants, (2) free labourers. If, therefore, it is suggested that the Immigration Agent should be, in any sense of the word, a recruiter of labour, I am decidedly of opinion that the scheme would prove, from the first, unworkable: the interests of the advocates of free labour would unnecessarily clash with those of those of the statute immigrant party. But if the Agent confined his attention to extensive advertising, both at head-quarters and through agencies, &c., receiving remittances from employers at this end for all labourers recruited by the employers themselves, to supervising medical examinations if necessary, and to generally help intending emigrants on their way, I think that the establishment of such an office would be beneficial in the extreme. The more so if the enterprise is assisted with a subsidy affording to *bond fide* labourers the means of procuring cheap passages across.

155. I consider that the direct importation of their own labour on the part of the Government and all Government contractors, is of the greatest possible importance to the development of the country, and a duty to the community which takes the form of an absolute obligation. I take it that there are extremely few coolies who come to this country otherwise than at the instance of their already settled relations and connections, who, in their turn, have, for the most part, been imported by the unofficial public, and, in consequence, the Government depends almost entirely for the maintenance and carrying out of all public works, on which Tamils are used, for labour originally imported as indicated above; the result of this is extreme discontent public, whose interest it should be one of the first duties of the Government to protect, suffers to an extent which can scarcely be exaggerated.

156. I strongly recommend that Mr. H. A. THOMPSON'S Penang Circular of 8th November, 1887, contained in the Madras Government Order No. 510 of 15th May, 1889, which prohibits employers from paying recruiters of other than indentured labour in India, should be at once rescinded.

157. I advocate a Government subsidy with the objects (1) of providing the cheapest transport facilities for all *bond fide* labourers with their families (to be passed as such by an Agent or Agent-General) both coming to and leaving this country, and (2) for the purpose of inducing steamers to carry their coolie freight direct to and from the Ports of Penang, Port Weld, Klang, Port Dickson and Singapore. In this connection I put in a written statement by the Harbour Master at Klang, to the effect

that steamers of any tonnage will be able to call at Klang, and that those of a draught of 12 feet will be able to come alongside the wharves at low tide. Port Weld and Port Dickson could not, of course, be so closely approached, but if once the big steamers come to these ports and lay to in the offing, the difficulty of landing passengers would be very soon overcome. Trade at these ports would be considerably stimulated by such a service, and direct communication with India would be the greatest boon to the Native States.

158. In Ceylon the Government maintain a schooner service between Penumben and Mannar, with boats on both sides to land passengers. European Immigration Superintendents and Subordinate Officers are paid, and the charge per coolie is 25 rupee cents for the passage across. Hospitals and rest-houses for coolies are kept up all along, with rest-houses every 10 miles on the Ceylon side. One hundred and twenty miles of road from Mannar to Matale are patrolled daily. Direct expense to Ceylon Government is from 100,000 to 150,000 Rupees per annum. This system has existed for many years, and has proved one of the greatest factors in the development of the country. Planters pay only the 25 cents passage money on crossing. All coolies are provided with certificates of arrival, on presentation of which at Railway Station they are entitled to reduced rates by rail.

159. Reduced rates for coolie train fares in Ceylon are .20 of a pie per mile—a pie = 1.92 cents, so that the charge amounts to one-tenth of a rupee cent, or say one-twentieth of a dollar cent per mile. The charge on Selangor Government Railway is 2 cents per mile, or 40 times as much as the reduced Ceylon rate. Government also maintains other coolie rest-houses or open sheds for the Colombo-Tuticorin route, Immigration Officers at Colombo, and quarantine establishments. Special coolie trucks without extra charge are run down to the wharf. The Tuticorin-Colombo steamers are not subsidized.

160. One of the chief arguments in favour of the proposed railway extension to Jaffna in Ceylon is the extreme assistance which it would afford to travelling immigrants on the North route. Besides Ceylon, the West Indies and Mauritius contribute considerable Government subsidies for the same purpose. The revenue of Ceylon is practically the same as that of the Straits Settlements with the Native States, and Ceylon contributes over Rs. 100,000 labour subsidy, as compared with the Straits Settlements subsidy of \$5,300.

161. Tea planting in Ceylon has been a phenomenal success, due largely to the facilities offered to coolie immigrants. Five years ago I heard it said that if tea fell below 9½d. Ceylon would be ruined, yet with tea at 8½d., as it is at present, company shares have changed hands @ 100 % premium.

162. I think it would tend to develop agriculture in the Straits if Government would assist in introducing labour, and it would ultimately pay Government to do so to the extent that is done in Ceylon; for increase of labour in the aggregate means eventual reduction of wages and general prosperity to the country.

EVIDENCE TAKEN AT A MEETING HELD AT KLANG ON THE 11TH MAY, 1896.

Mr. T. Gibson examined and states:—

163. I have been engaged in planting for 27 years—15 years in Ceylon, 9 years in the Straits, and the last 3 years in Selangor.

164. I have no objection to piece-work if it will be suitable and advantageous to coffee estates.

165. As a coffee planter I do not wish to have written contracts with coolies at all. I would prefer a verbal contract not exceeding more than a calendar month, which I know is most suitable to coffee estates, and there will be no restrictions on the coolie, who will be allowed to go whenever he likes after the month's work. I do not take advantage of the Selangor Labour Code as to contracts on this account.

166. I think the less you have to do with contracts with your Tamil coolies the better it will be, as I think they work more heartily without a written contract.

167. I have never had a written contract with coolies in all my experience except for four months in Johore when dealing with indentured coolies, but I found it then an incessant worry and anxiety.

168. I have no objection to the "Kanggani" system as worked by myself and others in Ceylon, where I have always paid the coolies direct and not through the Kangganis, with the exception of weeding contractors, whose names are not in the check-roll and who would number about one-eighth of the estate force. I only know of one instance in Ceylon where the Kanggani paid the coolies, and of one case in which the Kanggani made an arrangement with the coolies, on behalf of the estate-owner, that the coolies drew no pay for a space of twelve months.

169. I do not believe in the Ceylon system of giving the Kanggani advances and holding him solely responsible for same, but believe in giving the Kanggani advances, and when he brings the labour to the estate, having each individual coolie debited in the check-roll with the actual amount he has had. By doing this the Kanggani has no undue hold on the coolie and is in a better position himself.

170. I have sufficient labourers in the Klang District, and have not heard of any complaints as to scarcity of coolies. I pay \$8 a month to a coolie, or 25 cents per working day.

171. I never get my coolies from India. I get them locally by paying the usual monthly pay of \$8 each. They are principally Javanese.

172. When the coffee estates get into bearing, I will have to depend on Tamil labourers, as I consider them to be much superior and more reliable than the Javanese.

173. I pay both to the Tamil and Javanese coolies Sunday pay after completing six clear days' work.

174. Coolies' wages have increased very slightly during my three years' experience here.

175. I think the appointment of an Agent in India for the Straits will do much good, as at present our recruiter is entirely in the hands of the two recruiting firms in India.

176. The expenses of such an Agent may well be borne by the planter jointly with the Government.

177. I am of opinion that the Ceylon system of paying subsidy to steamers for facilitating transit of labourers should be introduced into the Straits. I believe Ceylon spends a large amount of money on this subsidy. This assistance by Ceylon Government has certainly increased the importation of labour.

178. I have experienced no losses from crimping, but I have heard that planters' coolies are being cramped by servants and contractors of the Public Works Department.

179. I think that if Government and planters import their own labour, the rule (section 11 of Ordinance of 1884) as to issuing certificates to immigrants of the agricultural class, should be adopted. But it should be so arranged as not to be an injustice to coolies or a hindrance to immigration.

180. I have heard that the treatment of coolies in Deli is good.

181. I am undoubtedly of opinion that Government should import labour for their own requirements.

182. I think that the whole Penang Circular of 1887 had better be abolished, especially the latter part of it, which lays down that no agent or recruiter should receive a commission for coolies other than indentured labourers. This, in a great measure, hinders the recruiting of free labour.

EVIDENCE TAKEN AT A MEETING HELD AT THE BRITISH RESIDENCY,
KUALA LUMPUR, ON 12th MAY, 1896.

Mr. L. Dougal, of Kei ong Estate, Kuala Lumpur is examined and states:—

183. I have had over seven years' experience as a coffee planter in Selangor. No previous experience in Ceylon. I work my estate entirely with Indian labourers—about 70 of them.

184. I have no written contract with my coolies. They are all free labourers, and I have always worked them under this system.

185. I have had cases of being inconvenienced by my coolies leaving, but not to any great percentage.

186. My supply of labour is sufficient. My estate is situated on the Railway, and on this account I find it easier to get labourers.

187. I pay my coolies 23 cents for working under 20 days, 25 cents over 20 days, and 27 cents over 25 days or for the month.

188. Coolies' wages have increased. Seven years ago I paid 23 cents, although the rate of wage was then much lower. I think the low exchange and growing demand for labour have effected this increase.

189. I prefer free to indentured labour, and I think this is the general feeling in Selangor. My experience is that coolies do not care to be bound down by a contract. I have no experience as to indentured coolies.

190. My coolies generally give notice to leave for various purposes, to go to India and even to work elsewhere; but I have suffered losses by their leaving without giving a month's notice. In such cases they have been chiefly taken away by Government Native contractors, and never by my fellow planters.

191. I have no complaint against the "Kanggani" system. I send my Kanggani with a letter to the Indian Immigration Agent, asking him to give the Kanggani a letter to Negapatam to recruit. He gets a licence there and procures the necessary coolies.

192. In the event of any of my coolies running away, I hold the Kanggani responsible, but he has no means of recouping himself by squeezing from the other coolies. I give my Kanggani high wages (\$15 a month) and am thus able to recover from him the expenses incurred in importing the runaway coolie. This system has worked well with me.

193. I give Sunday pay to a coolie after having worked six days.

194. Section 11 of Ordinance V of 1884, as to the agricultural class not leaving the Colony without a certificate, I think a good rule.

195. Section 24, requiring all immigrants to be landed and sent to a dépôt, I don't think there will be any necessity to land in Penang if there are direct steamers from India to the Native States.

196. Section 27, Indian Immigration Agent to advise the coolie that his obligation to the estate is non-existent. I think this section should be abolished.

197. I think also that the Penang Circular of 1887, as to recruiters of other than indentured labour not receiving the usual commission, should be abolished.

198. I do not favour the discharge-ticket system. Free coolies will have to come under it, and it will be a restriction on the coolie.

199. I think it is desirable for Government to import labour for its own requirements, and pay a subsidy to reduce the cost of importing a coolie, by more frequent and more direct lines of steamers from Negapatam to Penang, and especially, if possible, from Negapatam to Klang.

200. I have heard that the Government of Ceylon, by paying nearly the whole of the subsidy, has greatly improved the importation of labour into that Colony.

201. Failing this, I should like to see Government appoint an Agent in India for the Straits. One advantage of having such an Agent will be in reducing risks of pecuniary loss to planters, who could send money direct to the Agent and not through the Kanggani. He would also be useful as an advertizing recruiter. It would also be an advantage that this Agent should be a Medical man.

202. I am of opinion that there should be a better supply of labour for the future, especially Tamil labour, which will be essential when our new estates come into full bearing.

Mr. T. Heslop Hill examined and states:—

203. I have had 18 years' experience as a planter on the Malay Peninsula.

204. My supply of labour has been fairly sufficient of late, and on some estates ample. I have not been particularly pressed for want of men.

205. I think the rate of wages is so favourable to a free coolie that all restrictions and difficulties on immigration should be removed; they range at the present rates of exchange from 47 cents of a rupee to 67 cents of a rupee, i. e., 25 cents of a dollar to 35 cents of a dollar at 1.90. The wages are always paid direct to the coolies, they would not entertain anything else.

206. I have worked the estates both by indentured coolies and free coolies, generally related men, the latter under Kangganis. Kangganis are only held responsible for coolies' debts if they have agreed to become so on payment of a rate for each day the free man works—an insurance for the Kanggani.

207. There are no more indentured men on the estates I work. My experience has been so disastrous with runaways, high death-rate and sickness, that I have a strong feeling against employing indentured immigrants. I prefer free labour and do not ask them to enter into any sort of agreement.

208. I see no hardship in a contract, but I am of opinion that by indentured men you get a scratch lot, whereas by free labour you get a class of coolie that brings relations and family men. I do not think, with present rate of wages known, there should be any limit as to bringing this related class of men. The expenditure on agents in India is saved. Medicine bills and hospital expenses with identical (*sic*) treatment are far less, and therefore the planter can afford to pay higher wages.

209. I have paid for some time free coolies from 25 cents to 30 cents per working day. The wages have increased largely, owing to the rupee value of the dollar having decreased. I do not find there has been a proportionate increase in the cost of work, although there has been an increase.

210. I think the Penang Circular of 1887, sections 11 and 24 of Ordinance V of 1884, which throw restrictions and obstacles in the flow of immigration, should be abolished.

211. I have experienced no serious losses from crimping. I am not in favour of the discharge-ticket system, as it will be a restriction on the coolie.

212. I have no objection to the appointment of an Agent in India for the Straits, but as a means of inducing immigration, I do not expect adequate results. As a means of aiding people to obtain redress if wronged, and having some one in power, to whom they could appeal, I think it would be excellent.

213. I should prefer, as an alternative, that the planters and the Government should combine and subsidize a direct line of steamers in return for the free passage of a stated number of coolies per annum. These steamers could leave Negapatam and deliver coolies direct to each contributing State, or off an appointed Port; each estate having a claim for so many free passages, in proportion to the sum contributed, the Government [by] the same, thus enabling people already here to return and bring relations, without cost to the employer for recruiting, or to the labourer for passage-money.

214. The above is only an outline, but with the present rate of wages, I think would develop favourably, and that men, as soon as aware of it, would come in numbers, if they get free passages and are not hampered with restrictions.

215. The expenses of subsidy of steamers should be paid by planters in proportion to the acreages of their estates under cultivation. This would represent a certain number of labourers per acre or per estate. The Government should pay in proportion to the labourers employed by them.

216. As to the utility of the Agent in India, as a medium for advertisement, I think the best form of advertisement would be to have an attractive hand-bill colour-printed. On it state the cost of food, &c., the rates of wages, and the cost of living; this statement should be verified by the Government; each planter should have hundreds of these hand-bills, and induce the people on his estate to send them to the relations of those already working for him; the Government coolies the same. The bill should be so attractive that the coolie in India, even if he cannot read, would put it up in his hut as an ornament. This would not necessarily be expensive, divided amongst so many employers of labour. It would be attractive, and would cause the Malay Peninsula to be talked about amongst those who had already some private information as to the place, and attract the attention of others.

217. I am certainly of opinion that the Government should import its labour for its own requirements. Why offer \$1 per day, as I hear is being done now on the Padia Road, when, with ordinary foresight, if the dollar wages were advertised in India six months before the men were required, it would probably induce the influx of a large number of new men, without injury to those who had already taken contracts that did not provide for such rates of wages, or to planters whose permanent enterprise was jeopardised by such temporary fluctuations in the local labour market?

218. Coolies' wages have gone up from 23 cents of a 4s. dollar to 30 to 35 cents of a 2s. 3d. dollar. This increased rate of wages is due first to the fall of the rupee value of the dollar, and secondly to the large demand for Government Public Works in Perak, especially for the Railway Department, owing to the Kinta Valley Railway works.

219. I am of opinion that there is ample room for the extension of agriculture in the Native States, as in Ceylon. I have great confidence in the future development of these States. The only thing wanted here is that coolies should be able to get on board ship and land in the Straits with no restrictions whatever, and be able to return with equal freedom, on re-payment of a reasonable rate of passage money.

220. Although unduly and suddenly increasing, and, with foresight, unnecessarily increasing, the rate of wages has its advantages in many people returning to India and China with, to them, a fortune; in a few months I question whether it would not be more to the permanent advantage of the State, and the individual, if more people returned to their homes with a competency as a medium of advertisement and a means of attracting others.

Mr. H. N. Ridley, Director of Forests, is examined and states:—
221. As to the future of planting interest, I think the Native States will be a great agricultural country.

222. The mining industry must work out. It is only a matter of time, and we must fall back on agriculture.

223. I think the soil and other prospects are most favourable in the Peninsula for varied planting.

224. As Director of Forests, I have considerable correspondence with Europe, and the principal information required of me is about the agricultural facilities in the Straits.

225. My duty has led me to see a great deal of the country, and I think that planting has developed a great deal, but there is still an infinite area of land available for agriculture.

226. I think the existing population of the Colony is distinctly inadequate to develop agriculture.

227. The coffee estates are looking much more hopeful than I expected them to be.

EVIDENCE TAKEN AT A MEETING HELD AT THE BRITISH RESIDENCY,
KUALA LUMPUR, ON 13TH MAY, 1896.

Mr. C. E. Spooner, State Engineer, Selangor, is examined and states:—
228. I think Government should import Tamil coolies for Public Works direct from India.

229. I have imported some labour direct from there in June, 1893. I imported 35 men, for which the Government paid for passages, &c. \$6.85 per head, the cost, including advances recoverable, was \$20.57 per head. In September, 1893, the Government imported 28 men, who cost the Government \$10.38 per head and, with advances recoverable, \$19.97. In October, 1893, men were imported at a cost of \$14.28 to Government and, with advances recoverable, \$28.57. In all, 145 men: the first and second lot do not include women and children or families, which numbers I am unable to give correctly. They probably amounted to 10 women and 12 children.

230. The experiment was very successful, especially in masons and coolies for metal breaking, who were first engaged on day pay to ascertain their value, then put on piece work. They were not more expensive than the local labour, or above market rates, though they tried it on, and I had difficulty in bringing them to their senses. I have had no complaints, and many of them have returned to India. They signed an agreement, on arrival at Klang, before the Magistrate to work for 18 months. The coolies deal with me direct and not through a contractor, that is, stone-breakers get their name in the check-roll by means of the number of cubic feet they break, which has a fixed rate; and so an industrious coolie can earn more than an ordinary day's wage if he works hard; he also puts his children to assist him. In regard to artificers, I pay by the yard or cubic foot, and several go in *kongsi* and draw the pay in a lump, which they divide amongst them. I had no complaints of any individual getting poor pay. The Government Offices are all on piece-work. Indian coolies are the best metal breakers.

231. I went about recruiting in this manner. I obtained authority of Government, wrote to the Immigration Agent, Penang, to co-operate; he wrote to the Agent, Negapatam, who issued licences to recruit in the different provinces. I sent my old hands to do this, who knew the districts and some of the people. They experienced delays and difficulties and oppositions from minor Officials; the complaint was that in Negapatam there were only 2 or 3 European Officials, and they cannot be reached except by paying your way through the lower Native grades, and so steamers sail before you are ready and you are put to expense; so the obstructionists are subsidized by feeing them to avoid these exasperating delays. I suggested to the Government on 27th July, 1895, that the Government should import from four to five hundred coolies for the Public Work Department annually (see extract attached).

232. I produce a labour return for May (attached) showing that I employed departmentally 2,419 coolies, and that there is a deficiency of 503. Independent of this I employ 800 on the Pahang Road beyond Raub, departmentally. The contractors on the Pahang Road are employing about 3,200 men, contract coolies, chiefly Chinese. I cannot say what proportion of my Pahang Road Department coolies are Tamils, but believe them chiefly to be Chinese and Malays. I employ under contractors in Selangor about 2,500 to 3,000 coolies of all nationalities, and cannot define them. The majority of the men on the Pahang Road are Chinese. The importation of labour by Government should be confined to departmental work, that is the labour would not be lent to contractors. If I import my own labour, I should gradually do away with contractors as in Ceylon, and work departmentally. I believe the bulk of my labour comes from Penang. Kangganis always say they can get coolies in Penang, but I don't know from where they come. I don't think that my departmental coolies are those crimped deliberately from estates, in fact I know such not to be the case. I cannot say as to contractors where they get their labourers. When planters complain I immediately look into the matter and the coolies are returned and *vice versa*. I lose men by their absconding, to a very great extent, and officers are always complaining to me about it. The employment of Sub-overseers depends on their bringing labourers, about 30 coolies. I produce a statement of rates of wages paid by me in the State of Pahang. They compare favourably with rates paid by planters.

233. I reduced rates in 1893 and 1894 in Town limits of Kuala Lumpur from 30 cents with Sunday pay to 27 cents without Sunday pay, which gave me the equivalent of three months' more work for a coolie per year. On the Pahang Road rates rule high owing to difficulties and climate. I pay 50 cents a day beyond Raub, which I hope to reduce shortly to 45 cents.

234. The result of reduction is that I have difficulty in securing sufficient labour; instance Drain A in the Klang District, where since the introduction of planters I have to pay exactly double to get the same work done that I paid before this advent. This is why Drain A was not completed last year. I consider my rates cheap, and it is my endeavour to keep on reducing them, but I find it difficult, as the demand for labour increases. I have not raised the wages in Klang, but I have been compelled to raise the prices or rates for work given on contract, and am compelled to give it on contract as I cannot get day labour to work on drain works alongside the plantation. Insufficient supply is due to prosperity of the country and the opening of new estates causing a great demand for labour which renders the present supply insufficient.

235. The Department employs 9,419 men, and on contract and departmentally say 10,000. These figures, of course, fluctuate. I believe that 6,000 of these are Tamils.

Mr. A. G. Watkins, Selangor, is examined and states:—

236. I have been seven years in charge of the Railway Department. I employ rather more than 1,000 coolies departmentally, and 1,000 more probably through contractors—Tamils, Javanese and Chinese. They are about equally divided. They are not under contract—they are all free labourers. I have no experience of contract coolies. I prefer free coolies.

237. I experienced no losses from crimping. I have no reason to believe that I employ runaways from other planters. I always bring to notice such cases. I only use Tamils on the permanent way. They settle down and remain from year to year.

238. I pay from 27 cents in Kuala Lumpur and up to 35 cents in the more outlying districts. They are paid for day's work only. No Sunday pay.

239. I have no difficulty in getting labour, and, therefore, I have no opinion as to importing it.

240. We build permanent lines for, and give permanent work from year to year to, the Tamil coolies. They get no other perquisites.

241. I pay almost similar rates of wages as those paid by Mr. SPOONER, the State Engineer.

242. The wages have been the same as far as I can remember. We pay them by piece-work and they make sometimes in this as much as 40 to 45 cents, especially the Chinese.

243. The loss among my coolies is not very great.

244. I should like to see Government import labour for its own requirements, as it may decrease the present rate of wages.

245. I have had no experience in recruiting my coolies, probably will be able to do as Mr. SPOONER does in the way of getting labourers direct from India.

246. I certainly oppose to importing labourers if they are to be under indenture.

247. The reason why I think that my coolies remain is that they are all promptly paid on or about the 4th of the month or within a day or two of that. They are paid direct and not through Tindals or others.

248. In the contract works we employ very few Tamils—not 10%. I have no control over contract coolies' wages. The contractors are paid by the cubic yard, and they pay the coolies.

249. I know of one or two cases where Mandores have squeezed the coolies, but the practice is not very common.

Mr. J. P. Rodger, Acting British Resident, Selangor, is examined and states:—

250. I see no reason why the suspended Ordinance XVI of 1892 should not be brought into force, but it appears to me to deal only with the fringe of the labour question. In my opinion, too great a distinction is made between Indian and other Asiatic immigrants of the labouring class, and too great a distinction is also made between "statute" and "free" labourers—*i.e.*, those working under written contracts and those under verbal agreements—among the Indian immigrants themselves. I think that all Asiatic labourers, whether Indian, Chinese, Siamese or Javanese, and whether working under written contracts or verbal agreements, require a certain measure of special Government protection, owing to their ignorance and improvidence, especially during the first year after their arrival in the State. Such protection is given to labourers of every nationality by Part V of the Selangor Labour Code (Regulation VI of 1895), but, by section 95 of that Code, it is provided that "nothing in this Regulation shall operate to invalidate or interfere with the provisions of the Indian Immigration Enactment 1884," so that Indian Immigrants are practically excluded—I think, unfortunately—from the provisions of the Code.

251. I see no objection to "piece-work" under proper supervision.

252. I prefer a shorter term of contract than three years, as, in my opinion, such a term is too long.

253. In the Selangor Labour Code, which was adopted from the Perak Code almost without alteration, a contract for one thousand days appears to be treated as equivalent to a contract for three years, under section 16.

254. Under the Indian Immigration Enactment of 1884, sections 41-44, contracts can be entered into for three years, under which adult male labourers bind themselves to receive only 14 cents a day during the first, and 16 cents a day during the second and third years, although the current market rate for Tamil "free" labourers in Selangor is, and has been for the last twelve years, about 30 cents a day, even in favoured localities. In my opinion, this term of three years is too long, and the minimum rate of wages is too low. As a matter of fact, I believe that planters in Selangor, employing "statute" Indian immigrants, usually pay them considerably more than the minimum wage allowed by the enactment of 1884, but, having regard to the ignorance and improvidence of such immigrants, I do not think that it should be possible for them to enter into valid contracts, binding them to work for three years at only about half the rate of wages current in the State. The result of such contracts in Selangor is, I believe, generally unsatisfactory, both to employer and employed, and there is a rapidly growing tendency among planters to employ only "free" labourers, whose work is naturally more efficient—and, in the long run, more economical—than that of men who feel that they have bound themselves by improvident contracts, and are discontented when they compare their position with that of their "free" compatriots. Among

all the European planters in Selangor only six now employ "statute" Indian labourers, and those not exclusively, and the total number of such labourers, at the end of 1895, only amounted to 267. In my opinion, in the interests both of employers and employed, it should be the policy of Government to encourage and assist the immigration of "free" labourers from India to the Colony and Protected Malay States—i. e., of men bound by no written contracts, but working on verbal agreements, from month to month instead of, as hitherto, confining their assistance to "statute" labourers—but adequate protection should be provided for such labourers, after their arrival and during their stay in the Malay Peninsula, as I consider is now done by the Labour Codes of the Protected States. Personally, for the reasons given, I should like to see every labour contract limited to a term of one year, in the interest of the "statute" Indian labourer, or "indentured coolie," as he is usually called in Selangor. Under section 16 of the Labour Code, this is the limit for contracts made within the Colony or any Protected State, and I should be glad if the term were reduced from three years to one year in the case of contracts made elsewhere. The contracts of Chinese *Sinkhehs*—newly arrived labourers from China—are usually made in Singapore where such labourers usually land on their way to the Protected States, and are all strictly limited to a term of one year.

255. I should say that the supply of labour in Selangor is at present insufficient, having regard to the high rates of wages paid in the outlying districts of the State.

256. The usual rates of wages paid by Government vary from 27 to 35 cents a day in different districts, but I have recently been obliged to sanction 40 cents and even 50 cents a day on sections of the Pahang Trunk Road, owing to the difficulty of obtaining labour in sufficient quantity. The conditions of working on that road, owing to distance from any village, general unhealthiness of road-making through virgin forest, &c. of course compare very unfavourably with ordinary road work.

257. I am strongly of opinion that there should be absolute free trade in labour, as in every other commodity, at all events within the empire, and that it is the duty of the British Government, as well as that of its Colonies and Dependencies, not merely to remove every restriction from, but in every way to facilitate the transport of labour from one part of the empire to another.

258. I consider that the Selangor Government, both as a large employer of labour, in connexion with the construction of railways, roads, &c., and in the general interests of the State, is clearly justified in assisting the importation of immigrants from India. Such immigrants are of great value, in the first instance, as labourers, and afterwards as planters, bullock-drivers, &c., &c. Government assistance might either take the form of direct importation, or of granting, annually, a certain number of free or reduced passages, and I should prefer the latter.

259. Speaking generally, I think that the following are the three methods in which Indian immigration to the Malay Peninsula should be encouraged and assisted:—

- (a)—The appointment of an Agent in India, to represent the Colony and States, to give every information as to the conditions of labour, rates of wages, relative distances, &c., &c., and generally to assist in recruiting labourers.
- (b)—The abolition of all restrictions on recruiting (i. e., as to commission, &c.), whether in respect of "statute" or "free" labourers, in the case of properly licensed recruiting agents, and I think that recruiting licences might either be granted by Protectors of Immigrants in the Colony or States, or by the authorities in India.
- (c)—The granting of free or assisted passages, by means of a steamer subsidy, or otherwise.

260. I think that reasonable advances might be recovered under verbal agreements, and I see no valid reason why agricultural employers should not have the same of such advances, i. e., those made within the State, under verbal agreements binding the labourer to work for one month. If a labourer has received such an advance, and then, without any valid excuse, refuses either to repay his advance, or to work for his employer, I think that no undue hardship is entailed upon him by being committed to prison. Were such a case to occur in England, and the labourer be summoned by his employer before a County Court Judge, it is probable that the latter would order him either to repay his advance or return to work, and, should he refuse to obey either of such alternative orders, without any valid excuse, would then proceed to commit him to prison for contempt of court.

261. I am clearly of opinion that the Penang Circular of 1887 should be cancelled, as I think that any duly licensed recruiter in India should be allowed to receive a commission for recruiting free labourers as well as indentured coolies. As I have already stated, in my opinion the Government ought to assist the recruiting of "free" rather than "indentured" coolies, but ought to provide adequate protection for them, after their arrival in the Peninsula.

262. I am strongly of opinion that the importation of labour should be freed from all legal restrictions, and that employers and employed should have power to make written contracts or verbal agreements, as they think best, provided always that there exists such special protection as is given to all Asiatic labourers by the Labour Codes of the Protected States.

263. To facilitate the transport, &c. of coolies, it appears advisable that an Agent should be stationed in India, and it is probable that Negapatam, as the last port of call, would be the best place for his residence.

264. In addition to the causes mentioned in the question, such as increased demand for labour, &c., I think that the cost of living in Selangor is higher now than formerly, and that this has had some effect in raising rates of wages.

265. Having regard to the rapid development of planting in Selangor, and the growing demand for land, I think there is every prospect of Selangor eventually becoming an important agricultural country, and I consider it of vital importance to the rapid development of the State that there should be a more abundant supply of labour.

266. In my opinion this is a critical moment for increasing the labour supply in Selangor, as the area of land under cultivation by European coffee planters—who mainly employ Tamil labour—increased from 2,825 acres in 1894 to 5,396 acres in 1895, while the area of native holdings—chiefly through coffee cultivation—rose from 25,000 acres to 40,000 acres during the same period.

267. Good openings are afforded to Englishmen, as planters, managers, and assistants, by this extension of planting in Selangor.

EVIDENCE TAKEN AT A MEETING HELD AT KAMUNING ESTATE, PERAK, ON 15TH MAY, 1896.

Mr. H. M. Darby, Kamuning Estate, Perak, is examined and states:—

268. I have had experience of indentured labourers in Linsum and Kamuning Estates—at the former about one-fourth of the coolies, and at the Kamuning about the same number. Now we have no indentured coolies.

269. I know nothing about the proposed Ordinance XVI of 1892.

270. I greatly prefer the "free labour" system, the men are under no compulsion, and it does away with the constant pressure there is under the indenture system.

271. I pay my coolies from 25 cents to 30 cents. A man begins at 25 cents rising to 28 cents. Store coolies get 30 cents, but they are working under closer supervision.

272. The majority of indentured coolies get under 20 cents a day. Indentured labourers give more trouble, as they are sick for about one-quarter of the year; there is a distinct gain by employing "free labour."

273. I was at first planting under my brother who, I know, strongly favours "free labour" also.

274. If free labourers had been as unsatisfactory as indentured coolies, they would have been got rid of.

275. I think the coolies are in favour of being free. I have known free coolies come up and pay off the advances of indentured coolies. Those who are under indenture seem to think they are badly treated by being under indenture. The coolies prefer not being under indenture at all, as they cannot then be compelled to work.

276. If the free labourers do not work 25 days in a month, I make them pay rent for the house they live in. I charge them 10 cents a day. This rent system was introduced before I came to the estate.

277. We give them five days free in a month and any other day on which they can produce a certificate from the Doctor.

278. As far as I know, my labour supply has been sufficient. If more estates open in the neighbourhood there may be a difficulty.

279. I think an Agent in India for each Native State might be appointed. I suggest this so that the planting interests in the various States should work together. I think there should also be an Agent for the Straits.

280. I think section 61 of the Selangor Code as to recovering advances from mining coolies should be extended to agricultural coolies.

281. Very few of my coolies leave me, and then, as a rule, to return to India; there is little crimping, and I have had very few absconding. We are isolated and there is no estate within 20 miles, and that may be a reason for there being few absconders. At one time when Government were doing the Kinta Valley Railway, I lost a good number of coolies, owing to the offer of higher wages. It is the Sub-tindals who entice them away.

282. I give 25 cents to 30 cents. Railways offer them 30 cents to 35 cents and sometimes 40 cents. In some cases my coolies have returned to me.

283. I think the coolie objects to any bond. They prefer working by task and piece-work; then they work better and quicker.

284. I pay my coolies direct and not through the Kanggani

285. I certainly think Government should import its own labour, especially for their upkeep works, &c.

286. The rate of wages have not changed since 1894.

287. The Native States only want capital and labour to become a great agricultural centre, and I think capital will come in if there is enough labour.

EVIDENCE TAKEN AT A MEETING HELD AT THE BRITISH RESIDENCY, TAIPING, ON 16TH MAY, 1896.

Mr. E. W. Birch, Acting British Resident, Perak, is examined and states:—

288. I am not in favour of verbal agreements, nor for short terms of contracts. I want to see immigration free as far as possible, and leave every planter to make his own terms with his coolie, and to free the contract from all legal restrictions. The coolies' liberty could be guaranteed by frequent inspections.

289. I object to indentured labour where a man is tied down to a rate lower than the market price for a certain number of years.

290. I prefer the free labour recruiting system. India is at present over-populated, and there should be no difficulty in getting labourers, but if it is necessary for planters to import labour, then I think Government should also import labour for its own requirements. The labourers imported by Government should be free and not under indenture.

291. I am in favour of an Agent in India for the Straits on the condition that he is a medical man of the Native States Service so that he may be under strict control and may be able to see that only coolies of good physique are sent down.

292. I foresee difficulties in the subsidizing of steamers to improve immigration.

293. I should like to see the privileges given to mining employers to recover advances from their coolies as provided in the Labour Code extended to agriculture, but only if it is found to be absolutely necessary to allow indentured immigration.

294. I am of opinion that the prospect of Perak developing into a great agricultural country like Ceylon is great, and I think the time has arrived that the Government of the Native States should reduce the output of tin which will mean a greater development of agriculture.

295. The present supply of labour in Perak is insufficient.

296. I think if Government fosters immigration it should be on a clear understanding that all Government as well as private employers of labourers should enter into a bond under heavy penalties not to employ labourers before making a searching enquiry as to their antecedents, &c.

297. I am opposed to the discharge ticket system, which has been proved to be useless and harassing.

Mr. F. St. G. Caulfeild, State Engineer, Perak, is examined and states:—

298. I have been 17 years in charge of the Public Works Department in Perak.

299. I have about a thousand coolies working departmentally and about the same number under contractors.

300. As to whether my supply of labour is sufficient, it all depends on the locality in which the work is going on. When I want coolies for outlying districts, there is some difficulty, as special arrangements have to be made for pay, &c.

301. Tamil coolies get 25 cents to 30 cents a day and 35 cents in outlying districts. The general rate is 25 cents, and only a limited number could find employment at 35 cents.

302. I think Government should get its own labourers on a free labour contract, say 100 to 200 a year on a guarantee to give them work for 12 months.

303. I think that I should not have any difficulty in getting my coolies, could I recruit them by sending a headman to India with a sufficiency of funds.

304. I have experienced no losses from crimping.

305. I believe that the restrictions placed on assisted immigration cause Penang and Province Wellesley to be the field from which coolies for the Native States are generally recruited.

306. I think it will be an advantage to have an Agent in India for the Straits. He should work hand in hand with the headmen sent over to recruit coolies, and should facilitate their transit, &c.

307. I have seen both the free and indentured coolies at work, and I certainly prefer the free labour system.

308. I find it necessary that all my Public Works Department men in the outlying Krian District should be under agreements, and 20 cents is the lowest amount paid as wages.

309. The minimum rate of pay, I think, should be 20 cents and not 14 cents, with free lines and water supply. This, of course, will not include the expenses incurred in importing a coolie. I do not think you will get good coolies for less than 20 cents each.

310. I think it is the low rate at which the minimum wage is fixed which is chiefly responsible for the difficulty now experienced in getting coolies.

311. My coolies are composed of time-expired coolies from the Province.

312. With reference to desertions from Gula Estate and to the question of the deserters finding employment in the Public Works Department, Perak, and that my Tindals and Sub-tindals get them to desert, I say that nothing of the kind has been brought to my notice. If it was, I would put a stop to it and dismiss the Tindals.

313. My supply of labourers is sufficient, as there is a large resident population of Tamils in the place.

314. I have more than once recommended to the Government to import labour for its own requirements.

Mr. C. R. Hanson, Perak, is examined and states:—

315. I have been in the Railway Department since 1887—9 years. Out of about 60 miles of railway, I have constructed all, but six or seven miles.

316. In Larut, I pay 28 cents—lowest rate for skilled labour 28 cents, ordinary labour 25 cents, but very few of them. The greater number are on 30 cents in unhealthy districts and jungle places and I cannot get men for less a day.

In Larut, ...	127 @ 28 cents, Tamils.	} Plate layers.
Tanjong Rotan, ...	175 @ 30 "	
Ipoh, ...	446 @ 30 "	
Lower Perak, ...	132 @ 30 "	

My coolies are imported by contractors and some have come to me as "free labourers."

317. We have almost as many Bengalis and Chinese as Tamils—400 Malays, 200 Bengalis and some Singhalese.

318. I don't think it likely at all that my Tindals do go over to Gula Estate to crimp. The fact is the best men come over of themselves to find work here, as they can get more wages.

319. There is no difficulty as to getting labour, as I employ so many Chinese and Bengalis. I have no men under indenture. I prefer the free labour system. I prefer Tamils for all work. The supply of Tamil labourers is not at all sufficient. I would

advocate Government assisting by passages in getting coolies to come. There should be some arrangement by which coolies could get free passages. I think Government should import annually about 10% of the 1,200 employed in the Railway Department.

320. It seems a shame that Government should employ what must be the picked coolies and the best of an estate, consequently leaving the sickly ones behind. Especially when the planters have gone to the expense of paying for their import expenses.

321. The proposed raising of the minimum wages and the shortening of the term of contract will improve the importation of labour.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG
ON 19TH MAY, 1896.

Mr. A. D. Neubronner, Consul for Siam, is examined and states:—

322. I am Agent for the Perak Government. I get free labour more in connection with the Perak Government.

323. I have a sort of contractor who sees to the shipping, &c. of coolies. The coolies are paid according to work done. I generally get about 30 or 40 men for Perak, chiefly of skilled coolies, such as masons and their coolies, numbering perhaps 50 in the course of the year, for Public Works purposes. They are recruited in Penang. I never get coolies for Kulim.

324. I get Tamil coolies in connection with tin mines in Tongkah, they are employed in storing and weighing, &c. Messrs. BOUSTEAD & CO. and BEHN MEYER & CO. are the principal buyers of tin in Penang. I get about 500 coolies for this work. They are paid by the number of slabs removed. They get an average wage of 35 cents a day. I find the prices remain the same.

325. There is an insufficiency of boatmen, which I consider very serious.

326. On enquiry I find that this deficiency is due to there being not enough work for this class of men. The price of timber, particularly for boat-building, has gone up and, therefore, boatmen have gone back to India. The passage has also increased from 13 to 15 rupees, but I do not think this small increase makes much difference to carpenters who are well paid.

327. I put down the scarcity to want of competition.

328. The appointment of an Agent in India will, I think, improve matters, but I do not think that employers of Tamils on tin business will bear a share in the expenses. If they cannot get Tamils, they can always fall back on the Chinese.

329. Tapioca estates in Kulim are worked by Tamils. They are mostly time-expired coolies from estates in the Province.

330. I think agriculture has a great future in the Straits and Native States, and without abundant supply of labour this future will not be attained.

331. I know that Chinese estate owners will open land in Kedah if there are sufficient labourers.

332. The Natives of India are no longer without means of protection. Since 1889, in Kedah, there has been a British Consul, and all persons in Kedah are perfectly well aware that they can be protected by him and can appear before the Consular Court held in two ports of Kedah.

333. I should like to see Kedah placed in the same position as Johore with regard to labour.

334. The coolies at Tongkah will report at once to Government if they are in any way ill treated.

Mr. James Gibson, Chairman of Chamber of Commerce, is examined and states:—

335. I am not a large employer of labour in the Straits, being connected only with estates in Sumatra, which now get their Chinese labour direct. I find, however, great difficulty frequently in getting boat labour.

336. I think the insufficient landing accommodation has a great deal to do with this—boats having to remain sticking on the mud flats off Weld Quay instead of being able to discharge quickly and return to steamers.

337. With the above exception, I cannot say I find a scarcity of labour in the town.

338. For landing goods, Chinese are largely employed; in the boats only Tamils.

339. I think it important to open up the country for agricultural purposes, and I am strongly of opinion that the Malay Peninsula will be a great agricultural country if labour becomes plentiful.

340. New products would be cultivated—notably coffee—which has greatly increased during recent years.

341. In my view, I think something should be done to put recruiting on a better basis.

342. I consider it the duty of Government to foster agriculture as a more permanent source of prosperity than mining, and also as tending to introduce a more satisfactory class of settlers, who would be accompanied by their women.

343. I think if assistance from public funds were given, that, after a few years, a permanent stream of free labour would follow.

Mr. E. A. B. Brown, Manager, Prye Estate, is examined and states:—

344. I have had seventeen years' experience in planting, and have been for fourteen years in charge of the Prye Sugar Estate.

345. I employ about 1,200 Tamil labourers, about 435 of whom are indentured coolies.

346. To a certain extent, I think I should continue to employ indentured labour.

347. If Ordinance XVI of 1892 is to be brought into force, I should like to see section 15 of Ordinance I of 1882, as to breach of contracts, incorporated in it. I should also like to see section 26 of the 1892 Ordinance altered to increase the "smart-money" (\$24) so as to cover the actual cost of importation of the coolie.

348. The "General Labour Ordinance" is a great convenience, but it has since been cancelled by Ordinance V of 1884 as regards statute immigrants.

349. I approve of the introduction of task-work, and would recommend its being extended to piece-work.

350. With regard to the 720 days to be equivalent to three years' contract, I think it is a very short equivalent. The coolies should work twenty-four days a month, and the three years contract should represent three times 288 days=864 days.

351. From paragraph 363 of the Report of the 1890 Commission it will be seen that twenty days was the minimum laid down for an ordinary coolie to work in a month without being liable to punishment; but I do not think this is a fair basis for fixing the maximum length of contract. It is reasonable to believe that a Native labourer is capable of working five and-a-half days a week which is the minimum amount of work expected from most Europeans in the Colony.

352. I do not agree to shortening the term of contract. I think the three years' contract is most reasonable, as my coolies are of very little use during the first year.

353. The cost of a coolie imported has increased from 32 rupees to 40 rupees last year.

354. The supply of labour is insufficient as shewn by the increased rate to be paid for wages. I think this is due to the bad system of recruiting, and to misrepresentations made to coolies by recruiters, who do their best to keep prices up. I do not think the present minimum wage as one of the causes.

355. I should like to see immigration freed from all restrictions and "free labour" introduced; but I am of opinion that indentured labour is absolutely necessary for sugar planting.

356. I am in favour of the appointment of a Government Agent-General in India, and am prepared to pay a share towards his expenses.

357. The sum of 40 rupees which we now pay to the recruiter for a coolie may as well be paid to this Agent, who will do better work; or the money can be paid into a fund for the purpose.

358. I think Government, the Municipality, and all contractors for Public Works should import labour for their own requirements.

359. The minimum wage of 14 cents is, I consider, sufficient. It has been calculated on the minimum cost of living. Rice has not gone up in price for the last five years.

360. I pay my coolies 15 cents for the first year, and 17 cents for the second and third years. Previously I used to pay 14 cents for the first year, and 16 cents for second and third years.

361. I give Sunday pay for six clear days' work, because I am required to do so under the Ordinance.

362. Section 27 of the Ordinance of 1884—Indian Immigration Agent to advise coolies that his obligation to the estate is non-existent—I think this should be abolished.

363. I am in favour of abolishing the Penang Circular of 1887, of which I have never hitherto heard.

364. I have formerly suffered frequently from crimping, but latterly it has not been practised so much as before, as far as I am aware, having been absent from the Colony for nearly a year.

365. I have recommended a free-recruiting system before—the recruiters to get a licence and go to India to recruit.

366. I think certain sections of the Selangor Code could, with advantage, be substituted for the whole of Part V, and also for Parts IX, X and XI of Ordinance V of 1884.

367. The Examination Depot at Negapatam, as at present worked, is of no use. If it is thought desirable to raise the examination fee from \$1 to \$2, I shall not be prepared to pay it.

368. I confirm the statement of Mr. VERMONT as to out-put of produce at Batu Kawan and Prye Estates.

369. I think there is a great future for agriculture in the Straits and Native States, and it is only dependent on a more abundant supply of labour to develop it.

Dr. E. C. Foston, Second Colonial Surgeon, Province Wellesley, states:—

370. I was for eighteen months employed on the Negapatam line of steamers as Medical Officer, and for nearly five years I have been employed as Colonial Surgeon in charge of Southern District of the Province.

371. I have had no direct dealing with planting.

372. I do not consider the Negapatam Depot, as at present constituted, works satisfactorily.

373. I do not think the present system of recruiting for the Straits good; it is left to private enterprise.

374. It is not to the interest of the present recruiters to encourage importation of free labour into this Colony. Every contract labourer passed at the Negapatam Depot means a fee to the recruiter from the employer. There is no such inducement in the case of the free labourer. Recruiters must, therefore, look upon an influx of free labour as a decided disadvantage. The recruiters' field of operation in the interior of India is also limited, for the further inland he goes for his recruit, the greater are his expenses for bringing the coolie to Negapatam, where there is also the probability of his being rejected after medical examination.

375. I am in favour of the appointment of an Agent in India for the Straits. He must be a recognized Officer who would encourage both free and indentured labour. The recruiters must be under his control.

376. I think the Government should undertake to pay the expenses of the Agent, recouping itself by fees charged to the employers of labour.

377. In case of free labour, I think the Government might well encourage this class to some extent by the grant of free passages as well as by a subsidy to the Steamer Company.

378. I was employed in the Negapatam steamers when the Government was paying the subsidy of \$35,000.

379. I think increased wages will improve importation of labour.

380. I do not believe the planting community in the Province can do without indentured labour.

381. Tamil coolies, I know, prefer to go to Ceylon and Burma. The former is not far off and is much like their own country, and the latter is a good field during the paddy harvest. I do not think that this Colony is sufficiently advertized across in India.

382. I think the Central Depot should be in Madras if it could be made the last port of call.

383. The Central Depot should have feeders or sub-depôts in certain populous parts of the interior.

384. The class of coolies sent down from the depot at Negapatam is generally fair. I have had to complain on some occasions in regard to the inferior physique of the coolie. On an average, I consider about 5 per cent. of those sent over were unfit for labour on sugar estates.

EVIDENCE TAKEN AT A MEETING HELD IN THE GOVERNOR'S OFFICE, PENANG, ON 20TH MAY, 1896.

Mr. W. A. Greig, of Messrs. BOUSTEAD & CO., is examined and states:—

385. I have been for twelve years employed in the firm of Messrs. BOUSTEAD & CO. Half of this period I have been in Singapore and the other half in Penang.

386. I employ about 100 Tamils in our godown, in connection with the removal, &c. of tin slabs. I cannot get Chinese, as I find they would not work with Europeans. It seems to me that Chinese coolies generally attend to removal of rice, and the Klings that of tin.

387. I find there is sufficient supply of coolies for the tin work, and they are easily got.

388. I think the coolies are paid from 20 cents to 25 cents a day. It depends on the kind of work done. I do not pay coolies directly.

389. We pay the contractors at about 4 cents a pikul, and they pay the coolies about 35 cents each per diem.

390. I think the coolies employed in this business are a special class of men, as I have seen the same men working for the last ten years.

391. I think there is certainly a great want of men in the boat labour, which is causing serious inconvenience.

392. I think this deficiency is accounted for by the great demand in the adjacent countries and Native States.

393. The pressure among the boatmen is worse this year than last year.

394. There is not very active competition by any means, and I think the improved wharf scheme will in some way remedy matters, as it will be the first duty of those concerned in it to improve labour.

395. I think the appointment of an Agent in India is a good plan if it will so improve labour as to stop the present pressure as to want of boatmen.

396. In any case I am of opinion that it is essential that the supply of labour should be increased by whatever means it can best be done.

397. I think the future of the Straits as an agricultural centre is great, but it will depend on a more abundant supply of Indian labour.

398. I think the money value of our firm's business in tin and agricultural products is about the same, but I certainly think business in agricultural products is more remunerative.

399. I think it is the duty of Government to assist in bringing a large number of coolies by giving free passages or otherwise. I think it will pay the Government to do so, as it will increase trade, and as a consequence increase the prosperity of the country.

Mr. R. Pierce, Municipal Engineer, states:—

400. I have been over four years as Municipal Engineer. I employ about 400 Tamil labourers, rising to 600 or 700.

401. I engage Tindals and they pick coolies where they can, Tindals act as contractors in recruiting gangs, but not in paying them. We pay coolies direct, the coolies on the permanent works remain long.

402. I have about 250 road coolies at 20 cents a day and free quarters, and about 150 scavenging coolies at 18 cents a day and no quarters.

403. We had difficulty in getting, latterly, scavenging coolies. They are of very bad physique and are seldom found anywhere but in scavenging gangs. They are never paid less than 18 cents and when they are absent or in hospital for a couple of days they get their pay all the same.

404. I have not increased the wages since I have been in Penang.

405. I have not experienced deficiency of more than 4 or 5 per cent., but the pressure is now beginning. The best and energetic of my coolies go over for higher wages for works at Weld Quay. The deficiency has not inconvenienced me in any way. Annually I recruit about 50 men at the very outside, for ordinary gangs and 100 or 150 for special works, such as laying water pipes and making bridges.

406. The coolies we get do not come through the estates in any way.

407. I do not give Sunday pay. Coolies are paid by the day. Head coolies get about \$5 a month and scavengers under \$5 a month.

408. The tindals get monthly pay and he gets coolies, and he might get something from coolies for the trouble of finding them work.

EVIDENCE TAKEN AT A MEETING HELD AT CALEDONIA ESTATE,
PROVINCE WELLESLEY, ON 21ST MAY, 1896.

Mr. R. C. Grey, Acting District Magistrate, Krian, is examined and states:—

409. There is no coffee in the district, the sugar cultivation is 15,913 acres; almost all is owned by Chinese proprietors. I do not know how many Klings are employed. A great many Klings are employed especially on the larger estates. Only one Chinese employer, KOH BU ANN, has statute immigrants. The area has doubled within five years. In 1892, 7,913 acres were under cultivation. There is a large amount of land still available.

410. I have had no experience of Chinese working indentured immigrants.

411. The Public Works Department employs ladians on the roads, obtained in the open market.

412. The total sugar exported from Krian, in 1895, is 219,696 pikuls, valued last year at \$644,091. This was calculated at the average of \$2.60 per pikul for export purposes, the market value was considerably greater, the *ad valorem* duty was fixed for one year, it is 1 per cent., the limit is 2½ per cent., agriculture provides the revenue in Krian. That is all Krian has to look forward to.

Dr. Poston, re-called, states:—

413. In the Southern District of the Province, two Chinese-owned estates employ contract Indian coolies. One, KOH BU ANN'S, is a large estate, it is now falling off.

414. This estate got last year sixty Indian coolies; for nearly two years they got no Indians. I have always been of opinion that the indentured immigrants on this estate have not been fairly treated. The system is not satisfactory. There is no European to look after the interest of the coolies, and it is a question whether under such circumstances Indian coolies under indenture should be allowed on a Chinese estate. The Indians do not complain of ill-treatment, but of getting their pay cut. I have personal knowledge from the working of the convalescent gang, that their work was not fairly entered. "Task-work" was for this reason stopped by the Indian Immigration Department on KOH BU ANN'S estate.

415. Two batches of coolies came down—one for Byram (European management) and one for a Chinese estate. It was found by the Immigration Agent that the former earned as much in a week as the latter in a month. I have never met with these abuses on European-managed estates; this refers to BU ANN'S only. On "Val d'or" the other Chinese estate, they are more liberal. The complaint by the coolies that they did not get their full rate of wages was chronic.

416. The coolies do not save much, sometimes a coolie has redeemed himself from his savings, but he is often defrauded by the people with whom he deposits them.

EVIDENCE TAKEN AT A MEETING HELD IN THE GOVERNOR'S
OFFICE, PENANG, ON 22ND MAY, 1896.

Mr. J. H. Calcott, Acting Deputy Colonial Engineer, examined and states:—

417. I employ about 600 coolies in the Public Works Department in Penang, Province Wellesley and the Dindings, living in lines provided for them, and have probably about 350 under contract. If there is any special work going on, this number will be increased.

418. I pay half of my coolies at 20 cents a day and the other half a little more—21 cents to 23 cents for different kinds of work. The hill coolies get 25 cents, and those at the reclamation 27 cents as special work. I do not pay my coolies less than 20 cents.

419. I get the coolies, but I do not know from where. I do not recruit from India.

420. There is a difficulty in getting labourers at present, worse than it used to be, especially for work at the Dindings.

421. My coolies are paid by the day's work, and they can go and come whenever they like. I pay them monthly, but for every day's work. They are constantly changing. On enquiry some years ago, I found a good many men come from India of their own accord to find any employment they can get here. They paid their own passages out.

422. There will be no objection to Government assisting in improving the labour supply. I should like to see the supply of coolies more abundant.

423. I received no complaint from employers of labour that their coolies are employed by me.

424. I have been told that Penang is the recruiting ground for coolies for the Native States.

Mr. Lim Leng Cheak examined and states:—

425. I employ at my Rice Mills in Kedah only Chinese. For my tapioca estate and mills, the coolies are mostly Chinese, but there are some Klings. I pay the wages to contractors and they pay the coolies.

426. I employ Kling labour in Kulim (in Kedah) on my tapioca and coffee estates, about 500 or 600 men and women. I pay each \$6 a month.

427. I get my coolies from Penang or Province Wellesley. I do not care where I get them from. No one prevents their coming to Kulim. I find sufficient coolies.

428. I pay my coolies 20 cents a day, and I give them Sunday pay after working six clear days. If he works on Sundays, I pay 20 cents extra. I tried to recruit from India, but I cannot get coolies. Chinese are better coolies, but the Klings are cheaper. I keep three kinds of labourers—Javanese, Klings and Chinese—to prevent serious results in case of a strike.

429. My coolies can leave on a day's notice.

430. Sometimes I find sufficient coolies and sometimes there is a slight deficiency, but it was just like that before.

431. I have opened a shop at Kulim and the coolies can get provisions from it, if they like.

432. There are other estates in Kulim, but the same wages are paid to coolies.

433. I find it necessary to get Klings for tapioca work; Chinese and Javanese cannot stand the work and heat.

434. I supply coolie lines for my coolies.

435. With the new mill opened, I find coolies are insufficient.

436. About half of my coolies have remained with me long, and the others come and go. I would be glad if I can be allowed to get indentured coolies, as being more fitted for factory work.

437. I wish to open another mill (5,000 acres), but have had to stop for want of Indian labour.

438. In regard to commercial arrangement, Kulim is as part of Penang. There is no other road except the one that leads to Province Wellesley; the same holds good as to Alor Star.

439. My gross output of tapioca, sago and flour is \$272,000 a year; coffee about \$35,000, and rice \$500,000 a year.

440. Only a little Indian labour is employed on the rice mill.

441. I have about 3,000 or 4,000 acres of land in Alor Star, but cannot plant them without labour, and I think the Sultan of Kedah is anxious to see Indian labourers coming in.

442. I hope the result of this enquiry will be to open Kedah to importation of coolies, as there is not at present an abundant supply of labour.

Messrs. Neo Ohye and Boon Tat are examined and state:—

443. General merchants. We employ Klings and Chinese. The Chinese clean pepper and Klings carry and remove pepper. A Kling coolie is paid sometimes as much as 40 cents. We pay direct to coolies. If there is plenty of work, we sometimes employ 30 to 40 men. We do not find the supply of labour insufficient. As to tong-kang men, there is a slight deficiency. We get coolies through Tindals. If a Tindal gets *ten* men we pay him wages for *eleven* men, but we pay direct. No contract.

444. They are paid by the week or fortnight or a month according to convenience.

445. We find Indian coolies are better workmen in this work, as they stand the heat better than Chinese.

Mr. A. Huttenbach is examined and states:—

446. I am not a direct employer of Indian labour.

447. I had to think about this question on account of the steamer line to Negapatam. I was the first to start regular steam communication with the Coromandel Coast. I have been connected with that line since its commencement.

448. I still consider Negapatam to be the best port of embarkation for coolies to the Straits.

449. I condemn the present system by indenture *in toto*. I believe it is the source of all our troubles. It is a standing abuse of law. It makes it possible for a few to induce ignorant coolies to pledge themselves to work much below the market value of labour. That abuse, I think, is the main cause of the insufficiency in quantity and quality of our labour supply.

450. I think if things had always been allowed to take their natural course, we would have had since a long time, and would have now, plenty of Indian labour and at moderate wages.

But for the meddling and the artificial self-created obstacles, no other place would so attract the Indians desirous of emigrating than the Malay Peninsula. These attractions, left to their merits, would have been bound to lead to a large supply of labour, and the large supply would have regulated wages on a healthy basis.

451. The indenture system has given the Straits and the States a bad name.

The statute coolie sooner or later always discovers that he has been deceived. His bitter complaints—and I for one believe that as regards pay, they are in most cases justified—reach India in all sorts of lights and channels. There, they are often still exaggerated. They have given the place a bad name and odour all round.

452. It is to this that I mainly attribute the difficulties about Indian labour. It is true most immigrants ultimately do well. So they do in other countries. But the bad reputation attached to the statute system is peculiar to, and sticks to, the Straits only, and more than counteracts the good we offer in common with other countries. I cannot help thinking that this is the main cause of the evil.

453. I think the remedy is very simple. It seems to me to consist in leaving things severely alone. To do away with everything artificial. To allow things to take care of themselves and find their own level. To put things at last on a thoroughly natural basis. To do away with all recruiting and contracts made in India. To do away with the whole indenture system. To make it impossible that poor natives can be deceived any further under the protection of the law into accepting work at too low wages. These low wages I do not think are necessary to the existence of our sugar industry. Even our highest wages in the open market compare favourably with the cost of labour paid by the sugar industry in the West Indies, while we have in addition cheaper freights and other advantage.

454. If things were left to themselves, if immigration was made entirely free, and only free immigration allowed, we would, I think, soon have a sufficient supply of labour to meet any likely demand. I admit that, at first, wages would probably rise. But that, I think, would only be temporarily. We should be willing to face the temporary trouble and extra expense to get hereafter a permanent healthy labour market.

455. I think wages would rise temporarily, because scarcity of labour in a country always means that there is capital seeking employment.

Capital wanting employment always manifests itself in scarcity or dearth of labour. That capital, evidently so waiting here, would then come out. It would create for the time being an extra demand for labour. But just that demand—if honest wages are offered—I count upon to attract the still larger supply, sure to lead in time to the levelling of wages.

456. The Government, as a Government, I think should have nothing to do whatsoever in any shape or way with procuring labour. It is no part of their business.

But I think the Governments of the Straits and Native States, who have such great interests at stake in the question, should support anything likely to promote free immigration. Such Governments, as are employers of labour, would, I think, not only be justified but under obligations to join and become partners in any legitimate organisation which has as its object to stimulate free immigration.

457. I think the flow of free immigration could, in many kinds and ways, be promoted and stimulated by an Association formed solely and exclusively for that purpose by those interested to see an adequate supply of labour. I mean by the planters and the various Governments. The Association would find plenty of useful work both here and in India. It would be difficult to lay down hard and fast rules as to procedure and organisation, but time and experience would settle that.

458. Agents could, for instance, be appointed all over India. They would spread correct notions about the Straits. They would in time restore the good name of the Straits. They would advise, assist and help emigrants. They should be in a position to offer every one in want of work a passage to the Straits, and a free passage back if he cannot find employment. That would be an attraction and inducement to go and see the place and once on the spot, there are very few, I think, who would not stay.

459. On arrival these men could look around and make their own bargain as to wages. Those engaging them should repay their passage and other expenses to the Association. If they are not engaged they would have to go back to India, but they would be sent back free. I believe the British India would agree, in order to encourage this, but I cannot guarantee it to give these return passages free.

460. There would be no odium attached to working as Agent for such work in India. The Agents would get so and so much for each man who was induced by them to go, provided he does accept work in the Straits. I should think the Indian Government would be glad to assist an Association with such aims.

461. Of course, the Association would require some capital to start with, and perhaps a guarantee fund. But it could be so organised as to be self-supporting.

462. No legislation would be required for such an Association. It would be a private measure. Legislation might, in other respects, hereafter be required, because the circumstances would have changed, to protect differently the giver and taker of labour on the altered basis. That would depend on the alterations.

463. I have not heard of passengers having had to be shut out from the Negapatam steamers for want of space. On the contrary, on the whole we cannot fill the passenger space. It can happen that there is a sudden rush which cannot be foreseen and can then not be provided against. But our Company will only be too glad to have always ample accommodation for all requirements. The more steamers they can employ the better.

464. The increased demands of the recruiters in India, I would likewise attribute to the present system. The recruiter knows that he is a medium to get for the employer labourers below their value. He wants to get his share of the spoil, made out of the coolie, knowing that the planter is still apparently a gainer.

465. I think agriculture will be the only permanent future of the Peninsula. Mining cannot last for ever. What is once taken out of the ground will never come back again; that is the justification for the high royalty on minerals. Agriculture alone can be lasting.

Already at present about six parts out of every ten of the trade of the Straits rests on agriculture.

466. I think badly of any further patching of the Ordinance. It has been for some time—is at present, and I believe will always be—not only a dead letter, but evaded all round.

At present, nobody acts up to the Ordinance, except a few. And these few care for it only because it is the means of their getting labour below its value.

Appendix A.

QUESTIONS TO WITNESSES.

1. Do you advocate bringing into force the whole or any part of Ordinance XVI of 1892, and if so, what parts? Have you any additions or amendments to propose?
2. Do you approve of the proposed substitution of *tasks* for *days' work*; and would you extend the system to *piece-work* covering more than a day's work?
3. Are you in favour of 726 tasks being held equivalent to a three-years contract?
4. Are you opposed to any shorter maximum term of contract than three years? If so, why?
5. Is your supply of labour sufficient? And if insufficient, what, in your opinion, are the causes of, and remedies for, the deficiency?
6. Would you wish to see the immigration freed from all legal restrictions, and the "free labour" system adopted? As connected with this:—
 - (a) Should recruiting in India be free to all?
 - (b) Is the Negapatam Depôt worth maintaining and extending?
 - (c) What fresh depôts would you suggest?
7. Are there any points you can suggest for improving the present condition of the immigrant labourer? *i. e.* :—
 - (a) Section 11 Ordinance 1884—Should this be abolished or modified?
 - (b) " 24 Do. Do.
 - (c) " 27 Do. Do.
 - (d) " 47 Do. Do.
 - (e) Penang Circular of 1887, Do.
8. Is a 14 cents minimum rate of wages sufficient? Do you advocate the fixing of any rate, or would you prefer the rate being left to be settled by agreement between coolie and employer?
9. Would an offer of increased wages, or a shortened term of contract, be more likely to attract labourers?
10. Do any of your coolies re-engage? What percentage?
11. What losses have you experienced from crimping? Do you advocate the "discharge ticket" system?
12. Are you in favour of establishing in the Madras Presidency an Immigration Agent for the Straits, recognised by the authorities, to assist recruiters and the recruiting of labour? How should the expenses of this Agent be met?
13. Do you advise the direct importation of labour by Government, and by the Municipalities, to meet their own requirements?
14. Is the increase in the rate recently charged by recruiters due to increased demand for labour, to coolies having now to remit their savings at a worse exchange, to the action of the recruiters at Negapatam and their agents, or to some other cause?
15. What prospects are there, in your opinion, of the future of the Straits and Native States being largely agricultural, and how far is a more abundant supply of Indian labour essential to carry out this future?

Appendix B.

EVIDENCE OF WITNESSES.
LIST.

PENANG.

	Page.		Page.
1. The Hon'ble J. M. Vermont,...	i	14. Mr. J. Gibson,...	xxii
2. Mr. J. Sargent,...	ii	15. " E. A. B. Brown,...	xxiii
3. " A. Stewart,...	ii	16. Dr. E. C. Foston, 2nd Colonial Surgeon, Province Wellesley,...	xxiv
4. " A. L. de Mornay,...	iv	17. Mr. W. A. Greig,...	xxv
5. " J. Bruce,...	iv	18. " R. Pierce,...	xxv
6. " A. Crawford,...	v	19. " R. C. Grey, District Magistrate, Kinta,...	xxvi
7. " J. Y. Kennedy,...	v	20. Dr. Foston (re-called),...	xxvi
8. " D. Logan,...	vi	21. Mr. J. H. Calcott, Acting Deputy Colonial Engineer,...	xxvi
9. " E. G. Broadrick, Acting Assistant Protector of Immigrants,...	vi	22. Mr. Lim Leng Cheak,...	xxvii
10. Captain Menzell,...	viii	23. Messrs. Neo Chye and Boon Tat,...	xxviii
11. Mr. E. V. Carey,...	ix		
12. " A. Hlutenbach,...	xxviii		
13. " A. D. Neubronner,...	xxii		

EVIDENCE OF WITNESSES,—Continued.

SELANGOR.

	Page.		Page.
24. Mr. T. Gibson,...	xi	28. Mr. C. E. Spooner, State Engineer, Selangor,...	xv
25. " L. Dougal,...	xii	29. " A. G. Watkins, Resident Engineer, Railways,...	xvi
26. " T. Heslop Hill,...	xiii	30. " J. P. Rodger, Acting British Resident, Selangor,...	xvii
27. " H. N. Ridley, Director of Forests,...	xv		

PERAK.

	Page.		Page.
31. Mr. H. M. Darby,...	xix	33. Mr. F. St. G. Caulfield, State Engineer, Perak,...	xx
32. " E. W. Birch, Acting British Resident, Perak,...	xx	34. C. R. Hanson, Resident Engineer, Railways,...	xxi

INDEX TO PRINCIPAL EVIDENCE TAKEN.

Subjects.	See Evidence by the Witnesses as numbered (on List).
Ceylon methods,...	11, 24 and 25.
Depôt at Negapatam,...	1, 2, 15 and 16.
Free labour,...	10, 11, 12, 24, 25, 26, 28, 31 and 33.
Indentured labour,...	1, 2, 3, 9, 15, 26 and 31.
Government as employer of labour,...	3, 7, 15, 21, 28, 29, 30, 32 and 33.
Ordinances of 1884 and 1892 (as to amendments required),...	1, 2, 9, 11 and 30.
Recruiting in India (personal experience),...	5, 6, 10 and 11.
Restrictions on immigrants,...	5, 6, 9, 11 and 26.
Supply of labour in Straits &c.,...	1, 2, 3, 7, 13, 17 and 26.
Do., for future requirements,...	10, 11, 27, 30 and 32.
Wages in Penang,...	1, 2, 15, 17, 18, 21, 22 and 23.
Do. Kedah,...	88 and 187.
Do. in Native States,...	3, 24, 26, 28, 29 and 33.

Recommendations of Commission,	Paragraphs in Report.
As to making Straits attractive,	1. Term of contract, 13
	2. Amount of wages, 14
	3. Free labour, 15
	1. Agent in India, 42
	2. Depôt at Negapatam, 17
	3. Subsidy to coasting steamers, 52
As to improvements in recruiting,	4. Bounty for free passages from India, 46

Appendix C.

**MINUTE BY SOLICITOR-GENERAL ON THE PROPOSAL TO FREE THE CONTRACT
FROM LEGAL RESTRICTIONS.**

In order to free the contract of the Indian immigrant from all legal restrictions under "The Immigration Ordinance 1884," it would be necessary to amend "The Indian Immigration Ordinance 1884, as amended by Ordinance XVI of 1892, as follows:—

- (a) To repeal section 27, by which all immigrants are to be informed that no contract is valid unless made in accordance with the Ordinance.
- (b) To amend section 28, so as to read "detained under section 25 (1) hereof". instead of "detained under section 25 hereof". This is in order to enable the detention of immigrants, who have received free passages under promises to enter into contracts under the Ordinance, to be enforced if required.
- (c) To amend section 30, by substituting the words "detained under section 25 hereof" for the words "who has received a free passage from India." This will make the penalty for crimping applicable where coolies have received a free passage from India.
- (d) To repeal section 36, whereby no contract for agricultural labour is valid unless made under the Ordinance. The effect of this repeal would be that contracts with immigrants would become subject to the provisions of "The Labour Contracts Ordinance 1882." Immigrants' contracts would, therefore, not be entirely free from all legislative interference, but the labour of immigrants would be subject only to the same legal restrictions as all other labour in the Colony.

In considering this question, I have considered it as if the amending Ordinance XVI of 1892 had been brought into force, although that has not yet been done.

J. A. HARWOOD,
Solicitor-General.

Penang, 22nd May, 1896.

Letter from the Colonial Secretary, Straits Settlements, to the Secretary to the Government of India, Department of Revenue and Agriculture, No. India 6412-96 dated the 28th August 1896.

I am directed by Governor Sir C.B.H. Mitchell, G.C.M.G. to acknowledge your letter No. 1874/26-9 of 27th December 1895.

On receipt of that letter a Commission was appointed to consider the matter, copies of whose report and of the evidence on which it is based I now enclose.

2. Pursuant to the advice of the Commission a draft Ordinance was prepared in supersession of Ordinance XIV (sic, XVI) of 1892, and on receipt of your letter of 20th July last this draft was again modified - I enclose six copies of the modified draft and of the Ordinance it is designed to supersede.

It will be noticed that it provides for the two points strongly pressed by the Government of India, viz, the raising of the minimum rate of wages, and the shortening of the maximum term of contract - The minimum rate of wages has been raised to, for an adult male, 18 cents a day for the first 300 days and 18 cents subsequently, for an adult female, 12 cents a day for the first 300 days and 15 cents subsequently which is two cents higher than was recommended by the Government of Madras, and the extreme term of contract has been reduced to 600 working days instead of the eighteen months or two years recommended in Madras.

3. The requirements of the Government of Madras intimated in their letter No. 292 of the 26th February last, have been met in this draft Ordinance as follows. -

(a). official inspection of estates &c., by sections 49 and 51;

(b). reservation to Colonial Government of right to intervene and close an estate by sections 42 to 45;

(c). for precautions against Indian Immigrants departing to other countries by sections 14 to 18.

4. I am to add, with reference to paragraph 5 of that letter, that it is not proposed to repeal the Straits Labour Ordinance of 1882 (the date 1892 is evidently a misprint) which is required for regulating labour of non-Indian origin. Section 21 of the draft Ordinance precludes the application of Ordinance I of 1882 to Indian Immigrants.

5. As regards the further conditions mentioned in your letter No. 1248 of 20th July last, viz, a short maximum term of engagement at the minimum wage, this is provided for by section 20 (2) and (3) and section 26, and the regulation of contracts other than monthly contracts is provided by sections 23 to 28.

6. I am to convey to the Governments of India and Madras the thanks of the Government of this Colony for the very liberal treatment accorded to this Colony and the Protected States of the Malay Peninsula in your letter of the 30th July last, and to express a hope that the accompanying draft Ordinance may receive your approval.

7. If it would be quite convenient to you, it would be a great advantage if you would telegraph any points on which amendment is desired in this draft, so that no time may be lost in passing the necessary Ordinance.

'True copy'

A. L. L. L.

Registrar, Department of Revenue & Agri.

401156-57 Vol. 8 27-10-96

No. ¹⁶⁶⁵
25-5

GOVERNMENT OF INDIA
5 OCT. 1896

FROM

F. G. SLY, Esq., C.S.,

Under-Secretary to the Government of India,

TO

The Secretary to the Government of Madras.

Simla, the 29th September 1896.

Department of Revenue
and Agriculture.

SIR,

(Emigration)

No. 6412/96 dated the 28th August 1896
and enclosures.

With reference to the correspondence ending with this Department endorsement No. 1249 dated the 20th July last, on the subject of freeing emigration to the Straits Settlements from all legal restrictions, I am directed to forward for the information of the Governor in Council, a copy of a letter from the Colonial Government enclosing the Draft of a Bill to repeal the Straits Indian Immigration Ordinance V of 1884 and to supersede the Straits Ordinance XVI of 1892.

2. I am to request that the Government of India may be furnished at an early date with the views of the Madras Government on the Draft Bill.

I have the honour to be,

Sir,

Your most obedient servant,

F. G. Sly

Under-Secretary.

Draft Bill to repeal Ordinance V of 1884
Emigration to the Straits

Atm. scire

FOR ORDERS.

India forwards for early remarks
a draft Bill by the Govt of the Straits Settlements
to repeal Ordinance V of 1884,
and to supersede Ordinance XVI of 1892,
which, it will be recollected, has not
been brought into force, but which this
Govt in its letter N° 936 Pubdly H. 11. 95
requested should not be further
delayed.

The present Bill brings matters
up to date and provides for the two
points pressed by this Govt, viz.,
the raising of the minimum rate
of wages and the shortening of
the maximum term of contract viz.
§§ 28 and 26 (1).

The other conditions made
this Govt in letter N° 292 Public Dept
February last have been met as
follows:—

official inspection of estates etc. - by §§ 49

its reservation to Colonial Govt of
right to close estate - by 5542 to 55
These provisions existed before.

(c) for precautions against immigrant
departing to other countries - § 16 is an
old section but Ceylon, any place
in the Malay Peninsula under Bri-
tish protection and Johore have
been added. (vide para 14, at 5.)

The above were the conditions
attached by this Govt to the placing
of immigrants to the Straits Settlements
on the same footing as that to Ceylon
is by abolishing in the Straits all
legislative interference with the
labour contract.

That Govt, however, proposes to
retain the Ordinance though in a much
more favourable form for the
immigrants, while at the same
time making the further work
of this Govt for their protection.
(vide para 25, 1st sec. of 17)

It is noticeable that in the
Bill the word "Statute" has been
omitted before the word "immigrant"
in many cases, thereby extending
the provisions to the free as
well as to the indentured
immigrant. This cuts both ways.
The

FOR ORDERS.

H. E. THE GOVERNOR.
THE HON'BLE MR. H. W. BLISS, C.I.E.
THE HON'BLE MR. J. GROSE, C.I.E.

* Withdrawn from the immigrant
N^o 1248 of 20.7.96 info. 890 Pubd 19.8.96

* Calculated at 25 days a
month as against 20 p.m.
to make the
720 or 3 years' contract. &
sumoobjection there

*** It appears from para 16
at that the object of the in-
clusion of 27(5) is to enable
the indentured man to earn
as much as his free brother.

The matter in the Bill has
been considerably rearranged
although it follows in the main
the Ordinance V of 1884.
In all cases the "Protector"
has been substituted for the
"Indian Immigration Agent" in
accordance with Ordinance
XVI of 1892.

The new provisions in § 16,
that the Govt shall send back to
his home an immigrant found
physically unfit for his work,
recovering the expense from the
Employer, is an improvement
on the old rule that the Employer
should return him.

* § 20 is new matter. Please
see para 3 of India's letter
flagged A and para 6 of the
Colonial Secy's letter in Current
3262. The parole agreement
was not included in the previous
Ordinances.

"Seventy-nine" quoted in § 26(1)
(2) should apparently be "Seventy-
eight." So also in 1(3) of the Schedule.
§ 26(4) determines the two years'
contract after 600 days' work in
supercession of 720 days under
the three years' agreement.

§ 27(1)(2)(3) & (5) are new pro-
visions, but 27(1)(3) & (4) are in
accordance with XVI of 92.

§ 27(5) might, it would appear,
result in a statute immigrant
getting less than the rate laid
down in § 28. He, however, would
be aware of the provisions of
the latter section and would
hardly be likely to agree
to do piece work at a lower
rate than that of his daily
* * *

§§ 47 & 49 have been added to
as known in the Bill.

There is no authority for
the insertion of the words
"Equivalent to the wages" in the
last line of § 75 and they
seem out of place as they
from § 78 the addition made
by § 35 of Ordinance No 42,
after the words "for the
work" the words "equivalent
to the wages of the statute im-
migrant for such days but
in the aggregate" has
been omitted in the Bill

§§ 15, 16 and 17 are new. The
first clause of § 15 is from § 11 of 1892 but amplified.

In line 7 of para 3 of the
Schedule the words "one cent
for every half hour" should
be substituted for the words
"two cents for every hour" in
accordance with § 22. The
former is more favourable
to the labourer. The addi-
tion of "or Asst Protector"
at the end of the Schedule
does not agree with § 22
under which in all cases
the personal explanation
should be made by the
Protector, while there is no
mention made of an
Asst Protector.

It is submitted that the pro-
visions of the Bill are distinctly
more favourable to the immigrant
and that, subject to the remarks
above, the approval of this
foot may be communicated
to the Govt of India.

10/10/96
Please see the Courier re.
port.

I do not see the object of these words.
They seem to have been inserted
by mistake. No 29

HT

I think these words should be re-inserted

No 29

HT

I don't see why "Protector" should
be defined. Similarly "Asst
Protector" assumes provision by
made for the delegation of the Protector's
powers.

No 29

HT

13/10/96 9/10/96

Immigrants to the Straits

H. P. the Governor

C. 2977 & 3209

Order No 1156 of 27 Oct 1896
The Govt of India wish
be addressed.

No 1157. J. A. 23. 10. 96
Letter to the Secy to the Govt of
Dept of Res & Agri
(Emigration)

Sir, With ref. to the
No 1665/25.5 of the 29th Sept
I am directed to convey the
approval of the Govt of India
to the provisions of the Bill
forwarded therewith
subject to the following
insertions, and to express
his gratification of the
at the prompt and willing
manner in which the
-quarters workers of the
in regard to the future
institutions of Emigration
between Southern India and
the Straits Settlements
based on the foot of
the latter provisions.
The increase of the
minimum rate of
and the shortening
the maximum term
contract, and the
conducive to the
and comfort of

A. H.
25.10.96

the provisions of the Bill are new. They are in favour of the immigrant, to whom they will be acceptable. "Seventy-nine" quoted in § 26 (1) (c), and in (f) of the Schedule, should apparently be "seventy-eight".

It appears from para 16 of the Commissioners' report that the object of the inclusion of § 27 (5) is to enable the indentured coolie to earn as much as the "free" ^{coolie} ~~coolie~~. It is assumed that the provisions of this clause will not in any case be taken advantage of to obtain the services of an indentured immigrant at a lower rate than that of the daily wage secured to him by the Bill.

The insertion of the words "Equivalent to the wages" in the last line of § 75 appears to have been made by inadvertence, whereas the word "equivalent" is to § 78 made by § 35 of Ordinance XVI of 1892, after the word "wages" in the words "equivalent to the wages of the statute immigrant for

for such days as he is aggregated" has been taken from the Bill. This addition seems necessary, and I am to suggest that the words may be inserted.

In line 7 of para 37 of the Schedule the words "one cent for every half hour" should apparently be substituted for "two cents for every hour" in accordance with § 29. The addition of "or Assistant Protector" at the end of the Schedule does not agree with § 22 under which in all cases except as provided for by § 28, the personal explanation should be made by the Protector, while there is no mention made of an Assistant Protector. I am to suggest that "Protector" in § 2 should be defined to include "Assistant Protector" or that some provision should be made for the delegation of the Protector's powers.

MA 23. 10. 9/6
30B
22/10/6.

gms 27
9304 1896

G.O. No. DATE

to D. No.

.. .. A A A A A A A

PP, BRING MEANT FOR DESPATCH
NGL

y in full.
to be copied.
abstract only.
heading only.

23-3-08
5-11-13
135-16

STRAITS SETTLEMENTS.
Paper to be laid before the Legislative Council by Command of
His Excellency the Governor.

REPORT OF THE COMMISSIONERS APPOINTED TO ENQUIRE INTO THE
CONDITION OF INDIAN IMMIGRATION.

1. We have held several sittings, and taken evidence from a variety of persons respecting different aspects of Indian Labour interests, and we have also visited several coffee estates in Selangor and Perak, and sugar estates in Province Wellesley. We thus had the opportunity of hearing on the spot from the European and Native owners, Managers and Assistants of the estates, the difficulties met and the remedies suggested by the practical experience of each.
2. In examining the witnesses who came before us, they were requested to reply to such points as they were familiar with, in the series of questions attached. (Appendix A.)
3. The evidence given by these gentlemen will be found in full, as corrected by themselves. (Appendix B.)
4. We had the advantage of the very full and careful enquiry into our Labour Supply by Major CAMERON'S Commission of 1890 and the exhaustive Report then published.
5. This makes it unnecessary for us to enter into the past history of Indian Immigration, or the relations, numbers, &c. of our various kinds of labour—all of which was then fully dealt with.
6. The only result of that enquiry was the passing of "The Chinese Immigrants Ordinance" of 1891, and the (suspended) "Indian Immigration Ordinance," XVI of 1892. Confining ourselves to the latter, we are clear that that Ordinance does not adequately give effect to the whole body of the 1890 Commissioners' recommendations—the principal part, touching executive action, having been entirely ignored.
7. The two main remedies then recommended (paragraph 378) were "first to set the machinery of recruiting in India on a footing satisfactory in every respect; and then to render the conditions of service in the Straits so attractive as to compete successfully with other countries."
8. Neither remedy can be held to have been carried out by Ordinance XVI of 1892.
9. We entirely agree with the two main recommendations in themselves, as set out in paragraph 378 quoted above; but we are not able to recommend the introduction of the Ordinance as it stands.
10. So far from embodying any of the proposals which were to set the machinery of recruiting on a more satisfactory footing, none of the amendments made upon the Ordinance of 1884 touch that question at all; and with regard to making Straits service attractive, the changes made, on the recommendation of the Commissioners, by Ordinance XVI of 1892 in the conditions of our indentured coolie system were evidently the *minimum* that could be recommended at that time, and in our opinion followed too closely the lines of the Ordinance of 1884, which the tenour of their Report had condemned as too unfavourable to the coolies.
11. The causes of the poor supply of indentured labour were fairly stated in paragraphs 290-294 dealing with the question "Whether there is anything in the conditions of service in the Straits Settlements that is repellent to the intending emigrant." The answer given was:—
 - (a) That the three years' contract is distasteful to the emigrant.
 - (b) That it has rarely in practice terminated in the three years.
 - (c) That there was the passive cause of insufficient attractions, *e.g.*, as compared with Ceylon.

- (d) That there were "various minor grievances spread about by returned 'malcontents originally deceived by recruiters'"
- (e) That there was "insufficient information regarding the terms of contract."
- (f) That there was "searching and unnecessarily strict medical examination in Negapatam."

12. Our enquiries have in general confirmed these conclusions on every point, though as regards (b) the practice is now more favourable to the coolies than is there expressed. Before Ordinance XVI of 1892 can be brought into force, the following amendments must in any case be made:—

13. (I).—"Two years or 600 days" should be the limit of contract. Two years is sufficient. But the same calculations upon which an average of 720 days (= 20 days a month) was in 1890 found to be the equivalent of three years' labour now give an average of about 25 days a month or 600 days for two years. (See evidence of Mr. E. A. BROWN, Honorary Secretary to the 1890 Commission.)

14. (II).—The minimum rate of wages has since 1890 risen as a matter of fact from 12 cents to 15 cents. Our enquiries shew us that the average rate on sugar estates for first-year men is now 16 cents, and in some estates as much as 17 cents. The 14 cents of dollar recommended in 1890 is now clearly inadequate. Since the disruption of Indian exchange in 1893, 14 cents must stand at 16 cents to represent the same Rupee value. We think that section 24 of Ordinance XVI of 1892 should, therefore, read:—

For a male,	17 cents a day for the first 300 days
	19 " " subsequently
For a female,	13 " " for the first 300 days
	15 " " subsequently

We have taken abundant evidence to support this recommendation. The actual earnings of indentured immigrants, especially on task work and piece-work, are even now as high or higher than the proposed rates.

15. As to "free labourers," the result of our investigation shews that, with the one exception of the George Town scavengers (a special class on 18 cents), the lowest rate of pay for free labour even in Penang is 20 cents with "Free Quarters," while the usual rate, whether in the Colony or Native States, lies between 23 and 35 cents, a special rate of 50 cents being actually paid at the present time for the labourers on the Pahang Road employed by the Public Works Department of Selangor. There is, also, evidence from all quarters that wages have had a steady upward tendency for some years past.

16. (III).—The change by which certain "task" work was allowed to be an equivalent for "the work for a day of 9 hours," as provided in section 3 (b) of the Ordinance of 1892, should be carried further so as to include "piece-work," i.e., the equivalent of several days' tasks. A system of piece-work, beneficial to both planters and labourers, has already been freely adopted, and in our view deserves encouragement and the sanction of law. It enables the indentured coolie to earn the same rate of wage as is paid to "free" labourers.

17. These three recommendations sufficiently deal with the points (a), (b) and (c) mentioned in paragraph 11. There remain (d), (e) and (f), which lie outside the terms of the Ordinance. The point (f) concerns the examination depôt at Negapatam, the working of which no longer commends itself to those for whose benefit it was started. If it is to pay its way, the fee for each indentured coolie must be doubled, and all witnesses we have examined are against continuing the depôt on the present lines. We recommend, therefore, that the appointment of "Superintendent of Emigration Depôt" be abolished so soon as the improved arrangements proposed below (see paragraph 42) are at work. These improved arrangements should also remove the remaining causes (d) and (e) of the deficient labour supply, as set forth in paragraph 11.

18. But before coming to that question, we would recommend generally that in amending the Ordinance of 1892 all petty restrictions of a "nursing" character be removed. Originally the coolie may have required such help, but we are convinced, from the very precise evidence given to us, that such restrictions are in fact distasteful to the Tamil, and deterrent to emigration, and should, as far as possible, be removed. To go through such points *seriatim*:—

19. Sections 11 and 31 of the Ordinance of 1884 as practically enforced require all native immigrants not of the agricultural class to obtain a certificate before leaving the Colony to go elsewhere than to India, or certain "authorised" States. Such a restriction should at least be confined to places other than the Malay Peninsula, the

whole of which is now either under "Protection" or Consular supervision. The Acting Assistant Protector of Immigrants (Mr. BROADRICK) has informed us that last year as many as 2,738 immigrants had to attend at his office for certificates. He added, as shewing the little advantage gained by all these interferences, that "the practice is for no passes to be issued when immigrants go by road to any part of Kedah. There is then no means of checking their movements. I have never had an application for passes to Kulim (in Kedah) except from the Sikh military Police. The coolies employed at the tapioca estates there never apply for passes. I see no objection to confining section 11 to places other than the Malay Peninsula, i.e., such places as can be reached by sea." Safeguarded as the law now is by section 2 of the amended Crimping Ordinance, XIV of 1892, we think sections 11 and 31 of the Ordinance of 1884 can advantageously be limited in their application, as proposed above.

20. Section 24, which empowers the Indian Immigration Agent to board a ship, and requires all immigrants to land at the Penang Depôt.—This should in any case be confined to those indentured immigrants who have to land at Penang; and it may with advantage be omitted altogether.

21. Section 27, as to the invalidity of verbal contracts being explained to immigrants.—This section should be abolished, as interfering unfairly with the "free labour" system of recruiting.

22. The Indian immigrant on his part should be under fuller security to carry out his contract; and as both "Advances" and "Smart-money" have since 1892, sections 13, 15 and 16 of the Ordinance of 1892 should be further amended by substituting for the words "the sum of \$24" the words "the sum actually advanced 'not exceeding \$30.'"

23. With these changes, we recommend Ordinance XVI of 1892 be brought into operation, as an improvement on the existing law.

24. But before this is done, there is a further point to consider. The proposal of the Madras Government in the last paragraph of their letter dated 14th November, 1895, strongly commends itself to us. They have there referred to the "possibility of freeing emigration into the Straits from all legal restrictions," and to their readiness "to assent to the abolition on the other side of all legislative interference with the contract."

25. We advise that steps be taken to carry out this policy as follows:—
(a) Abolish the "Rules for governing Emigration from India," such as those to be found in Appendix H of the 1890 Report, including the rule disallowing any commission on free labour, commonly called "the Penang Circular" of November, 1887.
(b) Omit the whole, or most, of Part V (sections 34 to 51) of Ordinance V of 1884.

If this is done, contracts with Indian immigrants will become subject to the provisions of "The Labour Contracts Ordinance 1882," or there might be substituted a new section embodying the provisions that deal with contracts in the recent Labour Code of the Native States (sections 16 to 21). This would be the best course; only in that case the "twelve calendar months" of section 16 must read "two years or 600 days" as recommended in paragraph 13 above; and we also approve of Mr. RODGER's suggestion (Appendix B) for applying section 61 of the Code (Miners' Advances) to agricultural contracts.

Should this change be thought too drastic, the Memorandum we have received from the Solicitor-General (Appendix C) will serve to shew the minimum of alterations the Madras proposal necessitates in re-drafting this part of the amending Ordinance.

26. These recommendations will have the effect of encouraging "free labour," concurrently with "indentured labour," and as a matter of fact all classes of employers do even now either employ both kinds of labour or prefer "free labour" to "indentured labour," as working to the mutual satisfaction of both parties.

27. Nothing could be more contented than the relations we found to exist under the "Kangani" system as now worked. It is not open to the abuses of what has been called "the Ceylon system," as each immigrant receives his wages from, repays his individual advance to, and is in every respect in direct touch with, his European employer. It is, generally speaking, a free system of verbal contracts. We heard no complaints of crimping and few of desertion, or of difficulty in recovering the amounts advanced for passage-money. After inspecting the books on more than one estate—in Province Wellesley as well as in Selangor and Perak—we are also satisfied that employers and employed are in full touch with each other under this system; and that the

Kangani or Tindal does not in general recover from the rest any losses incurred through occasional absconders. In all these respects, but particularly in the loss of deserters to the Public Works and Railway Departments, it compares favourably with the "indentured labour" system.

28. At the same time we are satisfied that, for the present, the valuable interests of sugar estates must be safeguarded by having a considerable part of their Indian labour secured by long-term contracts. These estates have, for a number of years past, been in a very great measure dependent on "indentured labour," and we think it would be unwise to introduce any sudden change discontinuing this supply until such time as fresh arrangements have secured a large and continuous stream of "free labour."

29. The system of "indentured labour," it must be added, is now working better and more liberally than a few years back.

30. Generally speaking, it is to the non-contract system we must look to improve and extend the flow of immigration into the Straits. Most of the witnesses have pressed strongly on us the deterrent effect on the Tamil coolie of long-term contracts. Indeed several have pointed out that the Tamil particularly dislikes written contracts of every kind.

31. To promote this "free labour" the present opportunity should be taken to do away with such unfair restrictions as those we have called attention to, and to throw the Straits open in the fullest manner to a continuous and unchecked supply of willing labour.

32. For this purpose, and also for the sake of uniformity, we see great advantage in adopting the "contract" clauses in Part III of the Native States Labour Code; and also in leaving many of the details hitherto made statutory to be settled between employer and labourer.

33. As the "discharge-ticket" system was dealt with in the last enquiry, and as considerable importance has been attached in certain quarters to the issue of such tickets, we have gone into this question also, but are satisfied that, while such a system may in theory be desirable, it would be found unworkable and liable to abuse in practice. We cannot, therefore, recommend its adoption.

34. We have found no difficulty, and there is scarcely any difference of opinion, in thus replying to the first of the two questions propounded to our Commission.

35. The second—"Whether further action on the part of the Government of the Straits Settlements (as distinguished from individual action by employer of labour) is desirable to promote immigration or to benefit immigrants"—is less easy to deal with; but a right solution of this question is of even greater importance to the future of agriculture in these parts.

36. As already stated (paragraphs 7 to 9), we agree generally with the view of the former Commission that "it is essential to set the machinery of recruiting in India 'on a better footing.' But we are not satisfied that this will be effected by the appointment that Commission proposed, of a high Government Officer styled 'Agent-General' to be 'responsible for everything connected with recruiting and the examination and shipping of coolies for the Straits.' The matter must unquestionably be faced and cannot be left untouched in view of all the evidence given now as in 1890, against the mischief done by the existing system. It almost seems that matters have gone from bad to worse. We have had one advantage over the former Commissioners in hearing the evidence of three or four planters who have personally tried to recruit free labour, and all met with direct opposition, and with serious difficulties. It is obvious that the "Statutory Labour" system of recruiting, as at present worked, stands in the way of the employers of "free" labour.

37. It would seem that nothing can be done to improve the labour supply until recruiting is first taken out of the rut into which it has fallen in Malras (Negapatam), where alone the root of the evil is to be found and remedied.

38. The machinery of every kind of recruiting in Southern India is held by all witnesses, who have had any experience of it, to be inadequate, and to the last degree unsatisfactory. Two firms at Negapatam engaged in general commerce accept commissions for recruiting indentured labour. Any commission on "free labour" is expressly forbidden. (See Penang Circular of November, 1887, and Appen. lix II of 1890 Report). These merchant firms and their agents appear to have the monopoly of recruiting, and like most monopolies this one has repressed all energy and enterprise.

39. Notwithstanding the unfair treatment accorded to "free labour," the supply of statutory labour, and indeed the whole labour supply, has for some time been dwindling away year by year. The figures are as follows:—

Year.	Indentured.	Free.	Total.
1887, ...	4,736	12,156	16,892
1888, ...	4,034	15,812	20,446
1889, ...	2,747	15,285	18,032
1890, ...	2,960	15,341	18,301
* 1891, ...	3,443	26,446	29,889
1892, ...	1,628	16,370	17,998
1893, ...	2,106	15,877	17,983
1894, ...	1,688	13,155	14,843
1895, ...	1,549	14,413	15,962

40. The high cost of indentured labour was specially dwelt on by the Commissioners of 1890 in the following words (paragraph 301):—"The reason of the 'high initial expense of introducing coolies is that recruiting has got into the hands of sub-recruiters who form a close 'ring,' with a practical monopoly of the business, and are thus able to command unreasonable prices. At present the cost of 'a coolie landed in Province Wellesley is about \$20. Of this the recoverable items—viz., maintenance in India, conveyance to port of embarkation, clothes, cash advanced in India, passage-money, maintenance on board ship and in the depôt in Penang—amount usually to about \$8, the balance, or \$12, represents Agents' expenses and commission. There is, we believe, no reason why this sum should not be reduced by proper arrangements to \$4 or less, bringing the whole cost down to '\$12 at the most.' The figures are somewhat higher at present, and 'advances' and 'passage-money' are not now recovered in the majority of cases. But the reduction then contemplated is still practicable, and everything should be done to bring it about."

41. But this is not all. Notwithstanding the high wages which employers in the Colony, and still more in the Native States, can just now afford to give, the general supply of labour is stated on all hands to be insufficient for the present, and even more for the immediate future.

42. The favourite remedy proposed to us by all the witnesses is the appointment of a recognised "Agent," preferably a Tamil-speaking medical man of Straits and Indian experience, who would adequately represent the interests of the Straits and Native States in India, and assist recruiters, receive advances, and advertise their wants with more knowledge, discretion and energy than has been possible hitherto. But he would not directly undertake recruiting. If desired by a planter, he could see to medical examination of emigrants; and for this purpose he would reside at the last port of call of the Madras and Straits steamers, which it is hoped may soon be Madras, instead of Negapatam.

43. The expenses of such an Agent need not be large, and should be met either by the Government or from a Fund to be provided by all employers of labour contributing in proportion to their requirements on a basis of acreage, so far as concerns planters. But the essential points are that such Agent, however paid for, be vested with the authority that comes from Government recognition; so as to be strong enough to cope with the difficulties.

44. As regards the moral obligation of Government to provide its own labour, opinion now seems to be unanimous. The only approach to any other view in 1890, was that expressed by Mr. MAXWELL, then British Resident of Selangor, who said "he did not admit any obligation on the part of Government to give further aid than 'is now given in importing labour'" (Answer 4,030).

45. The aid then given was \$30,000 for the Negapatam Steam-ship subsidy. This ceased in 1892, and no such aid is now given. The present Resident of Selangor (Mr. RODGER) holds, like every witness we had before us, that the Government is under an obligation, at least to import labour to meet its own requirements. It is striking to read the evidence of Mr. J. Y. KENNEDY, the Agent of Gula Estate, where so many desertions are reported, on the one hand, and of Mr. C. R. HANSON, the Railway Engineer of Perak, on the other hand. To quote the latter:—"It seems a 'shame that Government should employ what must be the picked coolies and the best 'from an estate, consequently leaving the sickly ones behind—especially when the 'planters have gone to the expense of paying all the import expenses.'"

* The year of the Steamship competition between the *Tannadice* and British India steamers.

46. We are unanimously of that opinion, and the figures given us by Messrs. SPOONER, WATKINS, CAULFIELD and HANSON are sufficiently definite to show what is required (See Appendix B). We further consider that provision should be made for the next few years in the Annual Budget of the Colony and Native States respectively to provide free steamship passages for all *bona fide* agricultural labourers including their families—claims to such assistance being decided by the proposed Agent. We believe that such an experiment is not going far beyond what has long been done in Ceylon. It is also most hopeful to see the marked effect of very cheap passages during the steamship competition in 1891. To quote the Acting Assistant Protector of Immigrants, Mr. BROXUPICK:—"I attribute the great increase of immigrants arriving during 1891 (3,443 Indentured and 26,446 Free, against 2,960 Indentured and 15,341 Free in 1890), and even less now, to the cheap passages offered owing to a rival steamer—the *Tannadice*—having been started. This competition continued from December, 1890, to April, 1892, and while it lasted the rates varied from 85 to 81 for passages given in Penang, Rs 5 to Rs 2 for passages given in India, or less than half the ordinary rates. The figures of arrivals given above include every Indian passenger not travelling first or second class."
47. The cost of such a scheme as we propose is not likely to exceed the former subsidy, and will be proportionately far less than the public assistance allowed in other less promising Colonies.
48. In the neighbouring Colony of Ceylon, we understand, the Government gives direct assistance in schooner service, in reduced railway rates, in coolies' rest-houses, &c. (see Mr. CAREY'S evidence, paragraphs 158 to 160).
49. Our scheme is simpler. A vote for the purpose of carrying it out should be taken in the next Budget; and within the limits of such vote we urge that Government should be ready to give full effect to our proposal as early as possible next year. As to the appointment of an Agent to improve the machinery of recruiting, not even this delay should be allowed in taking the first steps. The opportunities must not be missed, and prompt action presses in the matter of recruiting. The circumstances of the past, and the close and peculiar Government interference hitherto, throw a responsibility on Government in the matter. It is easy to condemn the present system, but what is now wanted is to start a better one. Much as we prefer free labour and spontaneous immigration, we cannot see how this is to be established unless Government take the initiative in the matter and get things out of the present *impasse*. This is no case in which to apply general doctrines of political economy, or to count on private enterprise making the first move. (See Witnesses 3, 5 and 11 on this point.)
50. We cannot help recognising the fact that hitherto planters have been almost the only importers of labour; and that their labourers, acclimatised at their expense, have ultimately drifted into the gangs of the Public Works Departments and Government contractors both in the Straits and Native States: who, not having had to pay for importing, and acclimatising them, can afford to offer, and usually do offer, higher wages.
51. A somewhat similar point has been forced upon our notice in regard to the use of Penang as a recruiting ground. It is so Penang, we were informed by several witnesses, that the contractors and tindals usually resort to obtain their Tamil labour. No wonder, therefore, that witness after witness in Penang and Province Wellesley—planters, agents and merchants—testified to recent scarcity of Kling labour, and the inconvenience that has been caused to shipping and commerce, no less than to agriculture in that Settlement. Once establish a good and adequate system of recruiting with a steady flow of immigration, and this state of things must cease.
52. To still further assist Penang in keeping a steady labour market, and to foster direct immigration into the Native States, we recommend steamship subsidies by the Native States that will secure the immediate transshipment and through despatch to the Native States of the Tamil immigrants. Such a system will do away with much that is particularly objectionable to the Tamil in now being compelled to land at Penang.
53. We cannot close this Report without specially calling attention to the critical point at which the Colony has arrived in the matter of its agricultural development. Its future as a whole, and that of the Native States in particular, must be chiefly agricultural. It is reasonable to look forward to a very great development in that direction, with the corresponding benefits to the commercial, and all other classes of the community; but for such a future, a much larger labour supply is essential, and no artificial means of recruiting it can in the long run possibly suffice. We need a spontaneous and self-recruiting supply of Indian labour on the largest scale. For that

the removal of all restrictions, and the same freedom of coming and going which has been the making of our trade, must be looked to for the building up of our agricultural interests.

54. It is gratifying to see that there are no longer any misgivings in India as to the welfare of Tamil immigrants in the Straits. In the correspondence forwarded to us (dated 14th November, 1895) the Madras Government fully recognises that "the large number 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.'" And in the Indian Statistical Abstract for 1895 it is stated:—"Indian labourers emigrate to the Straits Settlements, where their welfare is provided for by local legislation, and also to certain of the 'neighbouring Native States which have given similar guarantees for their well-being;'"

"the Colonial emigration is so far beneficial that it affects some of the most densely populated tracts of India. The total number of emigrants is, however, insignificant, 'the average for the last three years being 16,500 only. Of these, many return to their homes; and as a rule the returning emigrants bring considerable savings with them, and the wealth thus introduced into the country exceeds Rs. 800,000 per annum. It is obvious this form of emigration—whether it be regarded as a means of reducing the population of congested areas, or as a means of adding to the capital of the country—is one which deserves encouragement; and it is also clear that it has 'much scope for further development.'"

55. No one who has to enquire as we have done into the status of the Tamil coolies here can fail to see that this acknowledgment is well deserved.

56. It is in recognition of these facts that the Indian Government has offered to relieve emigration to the Straits from all restrictions.

57. It would indeed be a mistake for the Straits Government to be less ready to accept the proposal to abolish on this side all legislative interference with the contract in the manner we have proposed; or slow to meet the critical juncture at which matters have arrived by giving the assistance absolutely necessary, owing to our want of population, to build up in the Malay Peninsula a great agricultural colony.

58. For such a future, the evidence is convincing that nothing but labour is needed; in Southern India labour is abundant and accessible; and while for coffee the prospects are exceptionally promising, we call attention to the recent figures furnished to us by all the sugar-planters, as perhaps even more striking. It is not too much to say that with an assured labour supply, such as we have it in our power to command, cane-sugar can here be produced in such quantities and at such a cost as will compete successfully with bounty-fed beet-root in any market in the world.

A. M. SKINNER.
H. TROTTER.
R. G. WATSON.
JOHN TURNER.
E. V. CAREY.

EVIDENCE

TAKEN BY

THE INDIAN LABOUR COMMISSION.

EVIDENCE TAKEN AT A MEETING HELD AT PENANG ON 4TH MAY, 1896.

The Hon'ble J. M. B. Vermont is examined and states :—

1. That his principal objection to the Ordinance of 1892 is the shortening of the contract to 720 days; the three years' contract should represent 3 times 313 days=939 days. By shortening the contract in this way you encourage malingering, and the planter loses his coolies just as they are becoming useful, and there is the additional expenditure upon the cost of importation of fresh labour.
2. Is of opinion that Government should assist in the importation of labour, and in that case would not object to the shortened term. He has objected in Council, and since, to this Bill of 1892 being introduced, as the Government will not undertake to import its own labourers, or assist in recruiting. By "assisting" he means the appointment of an Agent, residing in Madras, to control all recruiting as recommended by the Commission of 1890. Also by a return to the subsidy paid to the Negapatam steamers up to 1892.
3. At present, planters are entirely in the hands of the two firms of recruiters in India as to being supplied with labour. He does not mean any reflection on these firms. They have served him well hitherto.
4. Some years ago he paid to the recruiter Rs. 28 for a coolie's expenses, and now he has to pay Rs. 40.
5. Still thinks that the recommendation made by the 1890 Commission, as to a part of the Negapatam subsidy taking the form of a guaranteed payment for the right to certain number of passages, should be carried out.
6. As to wages, he is at present paying more than even the increased minimum in the 1892 Ordinance. Doubts if the fall in exchange between the Dollar and Rupee affects the Indian coolie much, owing to his sending home so much of his savings in silver jewellery.
7. Is of opinion that the matter of pay should be left entirely to the planters themselves, and the Government should not interfere even by fixing a minimum rate.
8. With a minimum rate fixed in the Ordinance, he will not be able to pay coolies less when labour is cheap, as he now pays more when labour is dear.
9. He pays his coolies at 15 cents each, or 3 cents over the legal minimum (Ordinance V of 1884). Mr. TURNER pays 16 to 18 cents, and other estates perhaps higher.
10. Is of opinion that the payment of Sunday pay to a coolie after he has worked 6 clear days, *i.e.*, 7 days' pay for 6 days' work, which, under the recommendations of the 1890 Commission, is to be abolished in the Ordinance of 1892, should be kept, as it has been a long-standing custom in all estates in Province Wellesley. However, this is a matter of opinion in which many differ.
11. Agrees that it is fair to give coolies 16 cents a day in the 2nd and 3rd years of their engagements, as they are then acclimatised.
12. Thinks the Government should not interfere as to task-work, or as to fixing the rate to be paid extra to a coolie for working beyond nine hours a day. The matter is one that should be settled between master and servant.
13. Is of opinion that the "Kangani" system must be condemned, as the coolies engaged on such a system do not look on the European planter as their master, thereby causing many irregularities and much discontent.
14. *By the President* :—Thinks that this system has had to be modified to some extent in Ceylon, and suggests that the opinion of Sir GRAEME ELPHINSTONE, who is now in Perak, be invited on this point.

15. Suggests amendment of section 26 of the Ordinance of 1892, by increasing the maximum value of "smart-money" for unexpired portion of contract from \$24 to \$30, on account of the increased first cost of the coolie.

16. At present, whereas he has to pay Rs. 42 for the cost of a coolie imported, the coolie on the other hand can obtain his discharge by paying only \$24 as stated in the Ordinance.

17. The "smart-money" should be increased to \$30.

18. By Mr. Turner. — We manufacture at Batu Kawan and Peye Estates an average of 70,000 to 75,000 pikuls of sugar, representing 60 \$0 a pikul, a value of \$450,000. Of this, we only remit \$20,000 to England to cover cost of machinery, &c., and \$20,000 more for share of profits held in England. The rest of the gross profit circulates in the Settlement in the form of wages, &c. The sugar is sold to China, India and other silver-using countries.

19. Is of opinion that the present cost of the Negapatam Depot (\$3,148 in 1895), now maintained by Government, is not commensurate with the results obtained, owing to the few coolies arriving. This is due to the numerous rejections that have taken place there, which have incurred very serious losses on the recruiters.

Mr. J. Sargent, of Caledonia Estate, is examined and states as follows:—

20. That he has no objection to the minimum rate of 14 cents pay.

21. Prefers 3 years for the term of contract without mention of days.

22. Has no opinion as to whether 720 days represents three years' actual work of an average coolie.

23. Thinks it will be detrimental to sugar estates to shorten the time of contract as proposed from India. For the 1st year the coolie is of no use to the estate. The 2nd and 3rd years compensate for this.

24. The output of produce in the estates he is connected with is \$515,000; 25% of this is remitted to England for machinery and profit, &c., and 75% (= \$386,250) is spent on wages in the estates and circulated.

25. The recruiters in India at present supply coolies at 17 cents for the 1st year, and 19 cents for the 2nd year. This has been in force for two months without leading to an adequate supply even now.

26. Actually pays at present an average wage of over 20 cents to each coolie, owing to the practice in Caledonia of paying by piece-work.

27. Used to pay 14 and 15 cents, but found great difficulty in getting coolies at these rates. The present rates are the highest ever paid. Even with the 17 cents and 19 cents offered he still finds difficulty in getting enough coolies.

28. Attributes the want of supply of labour partly to indifference on the part of recruiting agents in India, and partly to their finding it to their interest to shorten the supply.

29. Is of opinion that Government should assist in importation of coolies on the same lines as in Demerara, *i.e.*, as recommended by the 1890 Commission (paragraph 379).

30. Does not think the result of the working of the Negapatam Depot is worth the cost.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON 5TH OF MAY, 1896.

Mr. A. Stewart, of Gula (Sugar) Estate, is examined and states:—

31. I have been planting nine years here, and seven years in Demerara.

32. I am not acquainted with Ordinance XVI of 1892. The Perak Order IV of 1895 is, I believe, almost identical. This is an improvement on the old order, and I recommend its being brought into force.

33. I advise one addition to it, *viz.*, the introduction of a certificate to be issued to a labourer on his discharge.

34. I approve of the new arrangement as to a 720 days' contract. I think 720 days' tasks is fairly equivalent to three years. I approve of adopting the plan of so many days' work or tasks, instead of merely so many days. It is fairer to the coolie, for good men can, and do, earn more under it.

35. I would go further and legalize the system of "piece-work," by which a man can take up a certain amount of work, to be completed in his own time. I have recently adopted it in Gula Estate, and find it an advantage both to the planter, and to the good coolie who gets through most work. I find also that this system has diminished my desertions to about one quarter the number in March and April that they were in January and February, and the coolies seem to prefer it.

36. I object to any reduction in the three years' term of agreement. For the work on a sugar estate the coolie is not expert at the work, and needs to be acclimatised.

37. The supply of labour is very insufficient. I can perhaps get men down at the rate of wages which I offer—18 cents and 20 cents—but I lose so greatly by desertion that I never have enough.

38. The legal minimum rate of wages, under the Indian Immigration Ordinance in Perak, is 16 cents for the first 480 days' work, and 18 cents for the balance.

39. The desertions are caused by the large number employed on Public Works, where 35 cents a day are paid. At present there are 11,000 coolies engaged by the Public Works Department, excluding the large number engaged by contractors. The Railway Department and the Public Works Department take these men; their tindals and sub-tindals come on the estate, and take the men away. I have myself pointed out, to the Perak Government Railway people, men of my own working on the Kinta Valley Railway.

40. The remedy lies in the Government getting its own men, and also in adopting a discharge-ticket system.

41. I do not wish to see the existing legal restrictions done away with. From what I have heard from men who know it, I do not like the "Kangani" system. It puts the coolies entirely in the hands of the Kangani, and the Kangani squeezes them: it would encourage desertion. The system we have is best suited to sugar-planting.

42. I would maintain the Immigration Depot in India, and have sub-depôts in other districts. The depot, as it is now, does not give full value to the Straits Government; the sub-depôts would recruit only, and send the men for examination to the head depot at Negapatam.

43. I think that in the Straits the minimum should be raised to 16 cents. A minimum rate is required, so as to fix "piece-work" and tasks by it.

44. A coolie can live on \$2 a month for rice and curry stuff.

45. I advocate the appointment of an Agent-General, as it will not only increase the supply of coolies, but the quality might be improved.

46. I should be prepared to pay a portion of the expense; but Government should also bear a share.

47. I am clearly of opinion that each Government should directly import its own labourers.

48. The discharge-ticket system would prevent Government from employing deserters. I have seen such a system at work for three years in Demerara. After the coolies are free, the Government takes them from us, as the wages offered are so much higher than we can afford. This is hardly fair on the planters, who have imported and acclimatised the coolies. If Government imported their own coolies, they would not need to pay such high wages as they have recently had to pay.

49. About 35% of my indentured coolies re-engage on expiry of contract.

50. I am opposed to paying for Sunday labour unless the work is done.

51. I was obliged to raise my rate of wages in consequence of competition in Perak, and not through pressure on the part of recruiters.

52. Other colonies have Agents for recruiting.

53. I think the appointment of an Agent-General should be tried as an experiment; the establishment of sub-depôts might be left to him.

54. The Agent-General will certainly take an interest in promoting emigration, and increasing the number of immigrants here, which the firms of recruiters will not do.

55. The output of produce in Gula Estate, which has been opened since 1883, is \$270,000. Of this, some \$40,000 is remitted to England for owners' profits and to cover cost of machinery, &c., and the balance is spent on wages and circulated. Most of the sugar is sold in China.

56. There is an unlimited area of land in Perak available for sugar planting.

Mr. A. L. De Mornay, of Malakoff Estate, is examined and states:—

57. I am managing a tapioca estate with 230 coolies, and have personally seventeen years' experience as a tapioca-planter.

58. I am not in favour of bringing in Ordinance XVI of 1892. I formed the opinion at the time. I am not now sufficiently familiar with it to give any special reasons.

59. I do not approve of the 720 days' work as an equivalent to three years' contract, as it prevents planters getting sufficient work from the coolies.

60. I approve of task-work.

61. I do not favour a shorter term than three years. The proposed minimum of 14 cents is not too high. The shortening of the contract to 720 days' work is my great objection to the Ordinance of 1892.

62. I give seven days' pay for six days' work, Sunday being thrown in. I approve of this system, as it encourages the coolies.

63. The supply of coolies is very deficient. The reason in my case is that I lose so many by desertions to Kedah. This is due to the opening of 10 new tapioca estates over the boundary, from whence recovery is impossible. I think that a better system of Police Stations, or patrol near the boundary, might diminish desertions from my estate.

64. Another cause of deficient supply is the bad system in India.

65. I advocate a resident European as Recruiting Agent in Madras. If this appointment were made, and I continued obtaining coolies, I would bear my share of the expense.

66. The depôt in India should be maintained; without it the class of coolie sent down would deteriorate. The physique of the coolie sent down might easily be improved upon; his condition after arriving here is satisfactory enough.

67. At "piece-work" my coolies average 17 to 18 cents a day. I have now increased that to 20 cents.

68. I have still about 213 indentured coolies.

69. I have no opinion as to the direct or indirect importation of labourers by Government, but I am certainly in favour of Government importing men for their own work.

70. One of the present inducements to desertion is the high rate offered by Government. I don't suppose more than 5% of my men re-engage with me. The only deserters who return to me are those suffering from malarial fever, &c., and then I have to maintain them in hospital.

71. For planters generally, the discharge-ticket system would be very useful.

72. The output of produce at Malakoff Estate is from \$80,000 to \$90,000. Practically the whole of this is spent in the Settlement.

Mr. J. Bruce, of Byram Estate, is examined and states:—

73. I have been to Negapatam, and have seen the working of the depôt there. The Colony does not get out of it its money's worth. I would advocate moving the depôt to Madras as a more central place, where there would be more competition among the recruiters.

74. Sub-depôts, further inland, should be established to feed the main depôt, which must, however, be at the last port of call to prevent desertions.

75. The removal to Madras cannot, therefore, be made until there is a direct line of steamers from Madras to Penang.

76. The average physique of coolies sent down from the depôt is bad. We could get the same proportion of effective coolies without this examination. It is not worth the money paid.

77. Very fair coolies come from the North of Madras. I think Madura District, Coconada and Arcat should be good fields for recruiting.

78. I was engaged in recruiting in India once. It was not hard to get coolies; the difficulty was to get men down to the steamer, owing to the opposition from outside recruiters. I wanted 500. I only succeeded in getting 58 under

indenture and 83 free men. These 83 free immigrants (including 10 or 11 women) came over with me, the estate having advanced the passage-money, after being passed by the Medical Officer. The cost was about Rs. 18 a head.

79. Although now offering higher wages, we cannot get enough indentured coolies, owing to the opposition of recruiters. The free coolies might, of course, have left us on arriving in Penang; but so far none have done so. The system has worked well. Our men make 25 cents a day on piece-work.

80. The professional recruiters spread tales to our disadvantage, and frighten all that are not their own recruits into running away.

81. I offered 17 cents and 19 cents for indentured coolies, but could get very few. I know of about 28 so frightened away—12 in one batch.

Mr. Crawford, of Caledonia Estate, is examined and states:—

82. I was twice in the Madras Presidency, about four years ago, to get coolies. I offered, at that time, 12 cents to 14 cents each. I wanted 500 coolies each time, but could only get about 60. This was chiefly due to the indifference of the two recruiting firms in Negapatam, as it is to their interest to keep the supply down.

83. The present recruiting system is not good. I do not think the depôt is worth maintaining.

84. I think the appointment by Government of an Agent-General would improve the importation of coolies.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON THE 6TH MAY, 1896.

Mr. J. Y. Kennedy, Agent for Gula Estate, is examined and states:—

85. I do not know the Ordinance XVI of 1892.

86. The supply of labour is insufficient. The cause is, I think, the stringency of the present Ordinance, the low pay, and the strict medical examination at Negapatam. The latter has become more strict since representations were made by the Indian Immigration Agent as to the unfitness of men sent down. In consequence, we get fewer coolies, and the price has gone up.

87. The firms ADAMSON, McTAGGART & Co., and GANAPATHY PILLAY do not keep down the supply; if it is done at all it is by the recruiters.

88. So far as I am able to judge, the "Kangani" system is absolutely bad; the Ceylon people say it is good. I disapprove of the interposition of a Native between the planter and his coolie. Recruiting should not be restricted, and I am inclined to advocate entire freedom.

89. I think a man who does 6 good days' work is entitled to a 7 days' pay.

90. If there is to be a minimum at all, let it be higher than that in Ordinance XVI of 1892.

90a. Speaking without much consideration of the subject—for it has never yet been raised—I am in favour of a fixed minimum, as I think the Indian coolie, on first arrival, requires a certain amount of protection. I would raise it to 14 cents or even 16 cents.

91. I am not an experienced planter, but I consider that a shortened term of contract would attract more coolies. The opinion of planters is against me on this point.

92. There have been heavy losses by crimping and desertions. More stringent laws should be passed against crimping, and heavier sentences on crimpers. Light sentences are a premium on crimping. I think, when Government contracts are given out, that the contractors should bind themselves not to employ crimped men; the prices at which contracts are let in Perak enable the contractors to pay more than the ordinary market price for labour, and this conduces to crimping.

93. I think that the discharge-ticket system would be a success, so long as it did not interfere with the liberty of the subject.

94. I am still in favour of an Agent-General in Madras.

95. I strongly advise that Government import some at least of their own labour so long as they do not offer more than the customary wages.

96. The increase in the price of coolies is due to competition, exchange, and, no doubt, the combined action of recruiters in keeping up the price.

Mr. D. Logan is examined and states:—

97. I have not considered Ordinance XVI of 1892, and cannot propose any amendments, &c.
98. I am not in a position to express an opinion on the proposed substitution of tasks for days' work.
99. I cannot express an opinion as to whether 720 tasks should be equivalent to a three years' contract.
100. I am in favour of a shorter term of contract—say one year.
101. My supply of labour is sufficient.
102. Immigration, in my opinion, should be free from all legal restrictions.
103. I have nothing to suggest as to improving the condition of the coolie, except that there should be no interference with immigration.
104. I consider 14 cents is a sufficient minimum wage. Were immigration free, no contract should exceed one year, and the rate of wages should be settled by agreement between coolie and employer.
105. I think the coolie would prefer the shorter term of contract as the alternative to increased wages.
106. My coolies re-engage, but I cannot say what percentage.
107. I have experienced very slight losses by crimping. I am adverse to the discharge-ticket system. It is degrading to the coolie.
108. I have not considered the question of establishing a Government Depot in Madras under an Agent-General.
109. I have no opinion to offer as to direct importation of labourers by Government.
110. I cannot say anything as to the cause of the increase in the rate charged by recruiters.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON 7TH MAY, 1896.

Mr. E. G. Broadrick, Acting Assistant Protector of Immigrants, is examined and states:—

111. I have been appointed to be in charge, or part charge, of the Indian Immigration Department for nearly a year, and am now attached as Acting Assistant Immigration Agent. The two Chinese and Indian Departments are now worked together, though under separate Ordinances.
112. As regards amendments to be made to the Ordinance V of 1884, I am of opinion:—
(a).—Section 11.—As practically enforced, every immigrant has, under this section, to take out a certificate before he can go anywhere outside the Colony and Native States, except back to India.
The total number of such certificates issued during 1895 was 2,738. Of this, from two-thirds to four-fifths go to Sumatra, and from one-third to one-fifth to Kedah and Tongkah.
The practice is for no passes to be issued when immigrants go by road to any part of Kedah. There is then no means of checking their movements.
I never have had an application for passes to Kulim, except from the Sikh Military Police. The coolies employed at the tapioca estates there never apply for passes.
I see no objection to confining this section 11 to places other than the Malay Peninsula, i.e., such places as can be reached by sea.
(b).—Section 24.—As to empowering the Indian Immigration Agent to board a ship, to require all immigrants to land and go to a depot for the purpose of ascertaining as to whether they have received advances, &c.—I think this duty of the Indian Immigration Agent might, under existing circumstances, be confined to immigrants landing in Penang only, and not to those for Singapore, &c. This section of the Ordinance should be retained and amended by incorporating in it part of section 11 in the Chinese Immigrants Ordinance (IV of 1880), so as to provide for every immigrant, who is indebted to the ship-owner or to the person bringing him from India, being detained in a depot until he enters into a contract with his employer or pays his debt. Such detention not to be longer than one week.

(c).—Section 27.—As to contracts being explained to immigrants.—I think the application of this section to all coolies, i.e., to other than indentured labourers, may interfere with free labour, and prove a restriction to those importing free labour on the "Kangani" system. It is of little use, and might be omitted in the new Ordinance.

(d).—Section 47, as to giving Sunday pay for working six clear days.—I am averse to making provision for this in the new Ordinance. A coolie should be paid for his working days. The calculation of twenty days as the average for a month's labour is so low that Sunday pay should not, I think, be given without labour. I would rather see increased pay granted than giving pay on Sunday without work.

113. I attribute the great increase of immigrants arriving during 1891 (3,443 indentured and 26,446 free, against 2,960 indentured and 15,341 free in 1890) to the cheap passages offered owing to a rival steamer—the *Tannadice*—having been started. This competition continued from December, 1890, to April, 1892, and, while it lasted, the rates varied from \$5 to \$1 for passages given at Penang, and Rs. 5 to Rs. 2 for passages given in India, or less than half the ordinary rates. No free passages were ever granted.

The figures of the arrivals given above include every Indian passenger not travelling first or second class.

114. In practice, I should like to shorten the term of contract to two years, as three years is, I think, too long and may discourage the coolies and make them disheartened, and prevent the employer getting sufficient men and good work out of them. But I would prefer leaving the contracting parties a free hand as to the term, subject, however, to a maximum of three years.

115. I am of opinion that, to carry out the recommendation of the Government of India as to "freeing immigration from all legal restrictions," it will be necessary to abolish Part 5 of Ordinance V of 1884. The drawback to this step is that there will be no remedy, such as sugar-planters and others in Province Wellesley now have, for breach of contracts, &c. It will prevent arrests without warrants; it will thus encourage desertions, and all jurisdiction in such matters will come under "The Labour Contracts Ordinance." There will be some advantages no doubt. But it will involve considerable changes of a far reaching character.

116. I consider that the 14 cents minimum wage is sufficient, as it does not now include repayment of the advances for passage-moneys, &c. to the coolie.

117. I do not think "the discharge ticket system" will work well, as it can only be applied to statute immigrants and not to free coolies, and by this system there is the danger of planters restricting the flow of labour. In any case I am strongly of opinion it should not be made law.

118. I am in favour of an appointment of an Agent-General and a Central Depot in India, with sub-depôts in populous districts (such as Trichinopoly, Tinnevely, Salem, Conjeeveram, Madura District, Coconada, Arcot, &c.) to feed the Central Depot, and to see that the coolies get to the coast. If the Ordinance of 1892 is to be introduced, this should certainly be provided for, and I think it will improve the supply of labour.

119. The best Central Depot must, in my opinion, be in Madras, where the depôts of other Colonies are, and from where there would be better opportunities of obtaining coolies from the Telugu country in addition to the districts already named. Madras should then, of course, be the last port of call, and there should be a direct line of steamers between that port and Penang.

120. If the Agent-General is not appointed, then there will be no need of establishing sub-depôts, and the Negapatam Depot should, in my opinion, be abolished, as being too expensive for any use now served by it.

121. The coolies imported could just as easily pass an examination by a local Medical Officer on behalf of the employer, and provision be made for their being sent back at the expense of the importer if not fit.

122. If the Negapatam Depot is abolished, employers would, even with Part V left in the Ordinance, be free to import their own labour on any system they choose, but all immigrants would have to pass through the local depot, and sign their contracts before the Indian Immigration Agent on arrival.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG ON
THE 8TH MAY, 1896.

Captain Menzell, of the S. S. *Thaipeng*, is examined and states:—

123. I would like to see immigration free from all official restrictions. Free coolies look down upon the indentured coolies, who must necessarily suffer by thus being looked down upon. This feeling must certainly be a strong one among all.

124. Recruiting in India should be free to all to whom a licence can be granted.

125. The first step that should be taken to encourage labourers to come is to find the right kind of leader, and to obtain the sanction of the Indian Government for such a leader, or leaders, to operate.

126. The leader I speak of must not be confounded with the recruiter of the present day—the latter pounces upon any victim who can be enticed to emigrate, and all relationship between the recruiter and the recruit ends as soon as the coolie is handed over to the depôt.

127. The leader I mean is a man who is known to travel with his coolies, who attends to their wants during the voyage, and will see that they are properly handed over to their employers when they reach their destination. I have seen such leaders amongst my passengers from Negapatam.

128. Government should license these "leaders" to engage and convey labourers to the Straits Settlements and Native States. Either the Indian Immigration Agent could issue the licences, or the Indian or Straits Magistrates.

129. If this general system of licensing is adopted, then those recruiters who are not licensed will not be allowed to act.

130. I think this system will work well. The persons so licensed will be solely responsible for the work of recruiting. They will always supply a good class of men. It will be to their own interest to do so, as by supplying good coolies they will get more work from employers.

131. These leaders can always be had in Negapatam or Karikal, and the planters and other employers of labour in the Straits Settlements or Protected States can have men of their own licensed.

132. The Negapatam Depôt should be maintained, so that coolies may have a proper place to go to before embarkation. Before the Negapatam Depôt was established, the coolies were often not housed at all till they could be embarked. Some were housed in a sort of lodging-houses, and they were then in a most wretched state. The establishment of the Negapatam Depôt has, in some measure, remedied this state of affairs.

133. I am, however, of opinion that the medical examination in the depôt does no good and is not worth maintaining. It only adds a few rupees to the Doctor's pocket, for which the coolies have afterwards to pay. There should not even be a medical examination on board the ship. Apart from this the Negapatam Depôt should be maintained just for the purpose mentioned above.

134. There should be a depôt in Negapatam and one in Karikal. I do not think there should be a depôt in Madras, as you cannot get a good number of coolies from there, besides the Telugus from the North of Madras are a more difficult class of people to manage than the Tamil race generally. You can always get a good number of free coolies from Karikal, and they are a superior class of men and especially good as colonists.

135. I strongly object to the appointment of an Agent-General in Madras, as it will do no good. The less Government interference there is, the more confidence the people will have. That their countrymen are, as a rule, prospering in the Straits Settlements and Protected States is mostly known to people in Southern India.

136. The increased rate charged by recruiters was due to official interference and stricter medical examination, by which coolies have been unnecessarily returned to their villages, which are often distant several days' journey. They were, in many instances, left half starved, which frightened others from emigrating.

137. I am of opinion that the action of present recruiters has been detrimental to importation of labour, as far as the Straits Settlements and Protected States are concerned.

138. The Government has done much towards immigration in paying the \$30,000 subsidy for Negapatam steamers. It has regularised the arrivals and departures of steamers, which has induced more people to come. The regular departures from Negapatam especially foster emigration, as the people coming from inland places can time their departure from their houses, &c.

139. These steamers did not pay their way before, but they do now since April last year.

140. I wish to say that I have been much struck by the improvement of the coolies when they go back to India after working in the Straits.

Mr. E. V. Carey, of Selangor, is examined and states:—

141. I do not care to express any opinion on questions 1, 2, 3, 4, 8, 9, 10 and 14, which deal entirely with indentured labour, in connection with which I have no practical knowledge.

142. My supply of labour is insufficient. I attribute this to:—

(a) Want of sufficient advertisement in India.

(b) Hindrances put in the way of my agents by other recruiters, who wish to keep the market in their own hands.

(c) The long sea journey, which renders the Straits less attractive than more accessible countries.

(d) The heavy debt to be repaid by the labourer, in comparison with that which he incurs if, for instance, he goes to Ceylon.

143. I am of opinion that free immigration should be fettered with no legal restrictions, if such exist, but am not prepared to give any opinion in connection with statute labour. A modified "Kangani" system I strongly advocate, but I consider it essential that the employer should deal with, and pay, his coolies direct, and that the onus of discharging his liability should rest with the individual coolie and not be shared in common. That is my system of working in Selangor. The long-established Ceylon system of lump expenses—the Kangani only being responsible—I do not recommend for a new country like this, for the reason (1) that I am not satisfied that the coolie gets fair play, and (2) that the "Kangani," while becoming vested with undue power on the one hand, may be saddled with unfairly incurred debt on the other.

144. I certainly think that recruiting in India should be free to all, our main object being to induce a maximum influx of labour. I am not aware that the coolie's position can be in any way prejudiced on this side, by whatever method he may be recruited—whether with or without licence.

145. I am of opinion, from personal experience, that Dr. HARDAKER is a hard-working and painstaking official, and that the depôt at Negapatam is admirably adapted to its purpose and well run. On the other hand, I consider it doubtful (though I commit myself to no decided opinion) whether sufficient coolies pass through it to justify the expenditure which its upkeep entails. This appears to me to be a question which can only be adequately answered by a careful scrutiny of figures.

146. I am by no means decided that the necessity for passing through a depôt, which must (and I know does) savour to the Tamil mind of temporary incarceration, has not an extremely deterrent effect upon the intending emigrant, and I am inclined to think that a coolie halting-place or rest-house, for which the present depôt might serve, where the emigrant might, if necessary, be subjected to a medical examination, would be much more acceptable to the natives than the present depôt, where the freedom of the inmates is restricted, thus suggesting to the coolie mind the idea of forced service.

147. In principle I consider Sunday pay for 6 days' work wrong, and that the system must eventually be abolished, but in practice I look upon it as a strong inducement for the coolie to work regularly, and I consider that the employer can well afford to pay his men the extra few cents, which their regular outturn would enable them to earn, in view of his being thus enabled to perform a maximum amount of work with a minimum number of labourers.

148. Section 11 of Ordinance V of 1884.—I do not see the necessity for this section.

149. Section 27.—I certainly consider that this section should be confined to statute immigrants.

150. Section 24.—There can be no reason, as far as I can judge, for any immigrants, other than those disembarking, being sent to the depot at Penang, or at whatever port the steamer may be at the time. I object strongly to the Indian Immigration Agent being empowered to advise all coolies, other than statute immigrants, that their liability to work in return for money advanced and received is legally non-existent.

151. I have, from time to time, experienced considerable losses from crimping. I do not think that a discharge-ticket system is advisable, inasmuch as in practice I consider it might probably be abused by unscrupulous employers, and seriously curtail the liability of the subject. I am of opinion that it is in the highest degree essential that no measures should be adopted which, in any shape or form, tend to create the impression that the movements of coolies, who have complied with their legal obligations, are in the least degree restricted. Were the country flooded with labour, or the supply at least proportionate to the demand, the case might probably be different. There are the additional difficulties that all new-comers would have to be furnished with certificates of arrival, carrying the same meaning as discharge-tickets, and that the system, to work successfully as a means of controlling the irregular movements of coolies and the operations of crimps, would have to be universally adopted.

152. The remedy appears to me to rest with employers, amongst whom it should be the strongest point of etiquette and honour not to engage each other's coolies, and who, having unintentionally done this (as must occasionally be the case), should make speedy reparation, and, if necessary, systematically boycott coolies, individually or in gangs, against whom it can be shewn that they are in the habit of absconding from service; in other words, a system of friendly mutual protection should be adopted.

153. I also think that the law should be amended to bring the crimp more within its reach, especially in connection with the insuperable difficulty of establishing "guilty knowledge," and that convictions should carry extremely heavy sentences.

154. The appointment of an Agent-General depends entirely upon what the duties of such an Immigration Agent would be. In considering this subject, it must be borne in mind that the class of agricultural labourers we are so desirous of importing into the country consists of (1) statute immigrants, (2) free labourers. If, therefore, it is suggested that the Immigration Agent should be, in any sense of the word, a recruiter of labour, I am decidedly of opinion that the scheme would prove, from the first, unworkable: the interests of the advocates of free labour would unnecessarily [sic.] clash with those of those of the statute immigrant party. But if the Agent confined his attention to extensive advertising, both at head-quarters and through agencies, &c., receiving remittances from employers at this end for all labourers recruited by the employers themselves, to supervising medical examinations if necessary, and to generally help intending emigrants on their way, I think that the establishment of such an office would be beneficial in the extreme. The more so if the enterprise is assisted with a subsidy affording to *bond fide* labourers the means of procuring cheap passages across.

155. I consider that the direct importation of their own labour on the part of the Government and all Government contractors, is of the greatest possible importance to the development of the country, and a duty to the community which takes the form of an absolute obligation. I take it that there are extremely few coolies who come to this country otherwise than at the instance of their already settled relations and connections, who, in their turn, have, for the most part, been imported by the unofficial public, and, in consequence, the Government depends almost entirely for the maintenance and carrying out of all public works, on which Tamils are used, for labour originally imported as indicated above; the result of this is extreme discontent all over the country, for competition is inevitable, the price of labour rises, and the public, whose interest it should be one of the first duties of the Government to protect, suffers to an extent which can scarcely be exaggerated.

156. I strongly recommend that Mr. H. A. THOMPSON'S Penang Circular of 8th November, 1887, contained in the Madras Government Order No. 510 of 15th May, 1889, which prohibits employers from paying recruiters of other than indentured labour in India, should be at once rescinded.

157. I advocate a Government subsidy with the objects (1) of providing the cheapest transport facilities for all *bond fide* labourers with their families (to be passed as such by an Agent or Agent-General) both coming to and leaving this country, and (2) for the purpose of inducing steamers to carry their coolie freight direct to and from the Ports of Penang, Port Weld, Klang, Port Dickson and Singapore. In this connection I put in a written statement by the Harbour Master at Klang, to the effect

that steamers of any tonnage will be able to call at Klang, and that those of a draught of 12 feet will be able to come alongside the wharves at low tide. Port Weld and Port Dickson could not, of course, be so closely approached, but if once the big steamers come to these ports and lay to in the offing, the difficulty of landing passengers would be very soon overcome. Trade at these ports would be considerably stimulated by such a service, and direct communication with India would be the greatest boon to the Native States.

158. In Ceylon the Government maintain a schooner service between Penumben and Mannar, with boats on both sides to land passengers. European Immigration Superintendents and Subordinate Officers are paid, and the charge per coolie is 25 rupee cents for the passage across. Hospitals and rest-houses for coolies are kept up all along, with rest-houses every 10 miles on the Ceylon side. One hundred and twenty miles of road from Mannar to Matala are patrolled daily. Direct expense to Ceylon Government is from 100,000 to 150,000 Rupees per annum. This system has existed for many years, and has proved one of the greatest factors in the development of the country. Planters pay only the 25 cents passage money on crossing. All coolies are provided with certificates of arrival, on presentation of which at Railway Station they are entitled to reduced rates by rail.

159. Reduced rates for coolie train fares in Ceylon are .20 of a pie per mile—a pie = 1.92 cents, so that the charge amounts to one-tenth of a rupee cent, or say one-twentieth of a dollar cent per mile. The charge on Selangor Government Railway is 2 cents per mile, or 40 times as much as the reduced Ceylon rate. Government also maintains other coolie rest-houses or open sheds for the Colombo-Tuticorin route, Immigration Officers at Colombo, and quarantine establishments. Special coolie trucks without extra charge are run down to the wharf. The Tuticorin-Colombo steamers are not subsidized.

160. One of the chief arguments in favour of the proposed railway extension to Jaffna in Ceylon is the extreme assistance which it would afford to travelling immigrants on the North route. Besides Ceylon, the West Indies and Mauritius contribute considerable Government subsidies for the same purpose. The revenue of Ceylon is practically the same as that of the Straits Settlements with the Native States, and Ceylon contributes over Rs. 100,000 labour subsidy, as compared with the Straits Settlements subsidy of \$5,300.

161. Tea planting in Ceylon has been a phenomenal success, due largely to the facilities offered to coolie immigrants. Five years ago I heard it said that if tea fell below 9½d. Ceylon would be ruined, yet with tea at 8½d., as it is at present, company shares have changed hands @ 100 % premium.

162. I think it would tend to develop agriculture in the Straits if Government would assist in introducing labour, and it would ultimately pay Government to do so to the extent that is done in Ceylon; for increase of labour in the aggregate means eventual reduction of wages and general prosperity to the country.

EVIDENCE TAKEN AT A MEETING HELD AT KLANG ON THE 11TH MAY, 1896.

Mr. T. Gibson examined and states:—

163. I have been engaged in planting for 27 years—15 years in Ceylon, 9 years in the Straits, and the last 3 years in Selangor.

164. I have no objection to piece-work if it will be suitable and advantageous to coffee estates.

165. As a coffee planter I do not wish to have written contracts with coolies at all. I would prefer a verbal contract not exceeding more than a calendar month, which I know is most suitable to coffee estates, and there will be no restrictions on the coolie, who will be allowed to go whenever he likes after the month's work. I do not take advantage of the Selangor Labour Code as to contracts on this account.

166. I think the less you have to do with contracts with your Tamil coolies the better it will be, as I think they work more heartily without a written contract.

167. I have never had a written contract with coolies in all my experience except for four months in Johore when dealing with indentured coolies, but I found it then an incessant worry and anxiety.

168. I have no objection to the "Kanggani" system as worked by myself and others in Ceylon, where I have always paid the coolies direct and not through the Kangganis, with the exception of weeding contractors, whose names are not in the check-roll and who would number about one-eighth of the estate force. I only know of one instance in Ceylon where the Kanggani paid the coolies, and of one case in which the Kanggani made an arrangement with the coolies, on behalf of the estate-owner, that the coolies drew no pay for a space of twelve months.

169. I do not believe in the Ceylon system of giving the Kanggani advances and holding him solely responsible for same, but believe in giving the Kanggani advances, and when he brings the labour to the estate, having each individual coolie debited in the check-roll with the actual amount he has had. By doing this the Kanggani has no undue hold on the coolie and is in a better position himself.

170. I have sufficient labourers in the Klang District, and have not heard of any complaints as to scarcity of coolies. I pay \$8 a month to a coolie, or 25 cents per working day.

171. I never get my coolies from India. I get them locally by paying the usual monthly pay of \$8 each. They are principally Javanese.

172. When the coffee estates get into bearing, I will have to depend on Tamil labourers, as I consider them to be much superior and more reliable than the Javanese.

173. I pay both to the Tamil and Javanese coolies Sunday pay after completing six clear days' work.

174. Coolies' wages have increased very slightly during my three years' experience here.

175. I think the appointment of an Agent in India for the Straits will do much good, as at present our recruiter is entirely in the hands of the two recruiting firms in India.

176. The expenses of such an Agent may well be borne by the planter jointly with the Government.

177. I am of opinion that the Ceylon system of paying subsidy to steamers for facilitating transit of labourers should be introduced into the Straits. I believe Ceylon spends a large amount of money on this subsidy. This assistance by Ceylon Government has certainly increased the importation of labour.

178. I have experienced no losses from crimping, but I have heard that planters' coolies are being crimped by servants and contractors of the Public Works Department.

179. I think that if Government and planters import their own labour, the rule (section 11 of Ordinance of 1884) as to issuing certificates to immigrants of the agricultural class, should be adopted. But it should be so arranged as not to be an injustice to coolies or a hindrance to immigration.

180. I have heard that the treatment of coolies in Deli is good.

181. I am undoubtedly of opinion that Government should import labour for their own requirements.

182. I think that the whole Penang Circular of 1887 had better be abolished, especially the latter part of it, which lays down that no agent or recruiter should receive a commission for coolies other than indentured labourers. This, in a great measure, hinders the recruiting of free labour.

EVIDENCE TAKEN AT A MEETING HELD AT THE BRITISH RESIDENCY,
KUALA LUMPUR, ON 12th MAY, 1896.

Mr. L. Dougal, of Kejong Estate, Kuala Lumpur is examined and states:—

183. I have had over seven years' experience as a coffee planter in Selangor. No previous experience in Ceylon. I work my estate entirely with Indian labourers—about 70 of them.

184. I have no written contract with my coolies. They are all free labourers, and I have always worked them under this system.

185. I have had cases of being inconvenienced by my coolies leaving, but not to any great percentage.

186. My supply of labour is sufficient. My estate is situated on the Railway, and on this account I find it easier to get labourers.

187. I pay my coolies 23 cents for working under 20 days, 25 cents over 20 days, and 27 cents over 25 days or for the month.

188. Coolies' wages have increased. Seven years ago I paid 23 cents, although the rate of wage was then much lower. I think the low exchange and growing demand for labour have effected this increase.

189. I prefer free to indentured labour, and I think this is the general feeling in Selangor. My experience is that coolies do not care to be bound down by a contract. I have no experience as to indentured coolies.

190. My coolies generally give notice to leave for various purposes, to go to India and even to work elsewhere; but I have suffered losses by their leaving without giving a month's notice. In such cases they have been chiefly taken away by Government Native contractors, and never by my fellow planters.

191. I have no complaint against the "Kanggani" system. I send my Kanggani with a letter to the Indian Immigration Agent, asking him to give the Kanggani a letter to Negapatam to recruit. He gets a licence there and procures the necessary coolies.

192. In the event of any of my coolies running away, I hold the Kanggani responsible, but he has no means of recouping himself by squeezing from the other coolies. I give my Kanggani high wages (\$15 a month) and am thus able to recover from him the expenses incurred in importing the runaway coolie. This system has worked well with me.

193. I give Sunday pay to a coolie after having worked six days.

194. Section 11 of Ordinance V of 1884, as to the agricultural class not leaving the Colony without a certificate, I think a good rule.

195. Section 24, requiring all immigrants to be landed and sent to a depôt, I don't think there will be any necessity to land in Penang if there are direct steamers from India to the Native States.

196. Section 27, Indian Immigration Agent to advise the coolie that his obligation to the estate is non-existent. I think this section should be abolished.

197. I think also that the Penang Circular of 1887, as to recruiters of other than indentured labour not receiving the usual commission, should be abolished.

198. I do not favour the discharge-ticket system. Free coolies will have to come under it, and it will be a restriction on the coolie.

199. I think it is desirable for Government to import labour for its own requirements, and pay a subsidy to reduce the cost of importing a coolie, by more frequent and more direct lines of steamers from Negapatam to Penang, and especially, if possible, from Negapatam to Klang.

200. I have heard that the Government of Ceylon, by paying nearly the whole of the subsidy, has greatly improved the importation of labour into that Colony.

201. Failing this, I should like to see Government appoint an Agent in India for the Straits. One advantage of having such an Agent will be in reducing risks of pecuniary loss to planters, who could send money direct to the Agent and not through the Kanggani. He would also be useful as an advertizing recruiter. It would also be an advantage that this Agent should be a Medical man.

202. I am of opinion that there should be a better supply of labour for the future, especially Tamil labour, which will be essential when our new estates come into full bearing.

Mr. T. Heslop Hill examined and states:—

203. I have had 18 years' experience as a planter on the Malay Peninsula.

204. My supply of labour has been fairly sufficient of late, and on some estates ample. I have not been particularly pressed for want of men.

205. I think the rate of wages is so favourable to a free coolie that all restrictions and difficulties on immigration should be removed; they range at the present rates of exchange from 47 cents of a rupee to 67 cents of a rupee, i. e., 25 cents of a dollar to 35 cents of a dollar at 1.90. The wages are always paid direct to the coolies, they would not entertain anything else.

206. I have worked the estates both by indentured coolies and free coolies, generally related men, the latter under Kangganis. Kangganis are only held responsible for coolies' debts if they have agreed to become so on payment of a rate for each day the free man works—an insurance for the Kanggani.

207. There are no more indentured men on the estates I work. My experience has been so disastrous with runaways, high death-rate and sickness, that I have a strong feeling against employing indentured immigrants. I prefer free labour and do not ask them to enter into any sort of agreement.

208. I see no hardship in a contract, but I am of opinion that by indentured men you get a scratch lot, whereas by free labour you get a class of coolie that brings relations and family men. I do not think, with present rate of wages known, there should be any limit as to bringing this related class of men. The expenditure on agents in India is saved. Medicine bills and hospital expenses with identical (*sic.*) treatment are far less, and therefore the planter can afford to pay higher wages.

209. I have paid for some time free coolies from 25 cents to 30 cents per working day. The wages have increased largely, owing to the rupee value of the dollar having decreased. I do not find there has been a proportionate increase in the cost of work, although there has been an increase.

210. I think the Penang Circular of 1887, sections 11 and 24 of Ordinance V of 1884, which throw restrictions and obstacles in the flow of immigration, should be abolished.

211. I have experienced no serious losses from crimping. I am not in favour of the discharge-ticket system, as it will be a restriction on the coolie.

212. I have no objection to the appointment of an Agent in India for the Straits, but as a means of inducing immigration, I do not expect adequate results. As a means of aiding people to obtain redress if wronged, and having some one in power, to whom they could appeal, I think it would be excellent.

213. I should prefer, as an alternative, that the planters and the Government should combine and subsidize a direct line of steamers in return for the free passage of a stated number of coolies per annum. These steamers could leave Negapatam and deliver coolies direct to each contributing State, or off an appointed Port; each estate having a claim for so many free passages, in proportion to the sum contributed, the Government [by] the same, thus enabling people already here to return and bring relations, without cost to the employer for recruiting, or to the labourer for passage-money.

214. The above is only an outline, but with the present rate of wages, I think would develop favourably, and that men, as soon as aware of it, would come in numbers, if they get free passages and are not hampered with restrictions.

215. The expenses of subsidy of steamers should be paid by planters in proportion to the acreages of their estates under cultivation. This would represent a certain number of labourers per acre or per estate. The Government should pay in proportion to the labourers employed by them.

216. As to the utility of the Agent in India, as a medium for advertisement, I think the best form of advertisement would be to have an attractive hand-bill colour-printed. On it state the cost of food, &c., the rates of wages, and the cost of living; this statement should be verified by the Government; each planter should have hundreds of these hand-bills, and induce the people on his estate to send them to the relations of those already working for him; the Government coolies the same. The bill should be so attractive that the coolie in India, even if he cannot read, would put it up in his hut as an ornament. This would not necessarily be expensive, divided amongst so many employers of labour. It would be attractive, and would cause the Malay Peninsula to be talked about amongst those who had already some private information as to the place, and attract the attention of others.

217. I am certainly of opinion that the Government should import its labour for its own requirements. Why offer \$1 per day, as I hear is being done now on the Pahang Road, when, with ordinary foresight, if the dollar wages were advertised in India six months before the men were required, it would probably induce the influx of a large number of new men, without injury to those who had already taken contracts that did not provide for such rates of wages, or to planters whose permanent enterprise was jeopardised by such temporary fluctuations in the local labour market?

218. Coolies' wages have gone up from 23 cents of a 4s. dollar to 30 to 35 cents of a 2s. 3d. dollar. This increased rate of wages is due first to the fall of the rupee value of the dollar, and secondly to the large demand for Government Public Works in Perak, especially for the Railway Department, owing to the Kinta Valley Railway works.

219. I am of opinion that there is ample room for the extension of agriculture in the Native States, as in Ceylon. I have great confidence in the future development of these States. The only thing wanted here is that coolies should be able to get on board ship and land in the Straits with no restrictions whatever, and be able to return with equal freedom, on re-payment of a reasonable rate of passage money.

220. Although unduly and suddenly increasing, and, with foresight, unnecessarily increasing, the rate of wages has its advantages in many people returning to India and China with, to them, a fortune; in a few months I question whether it would not be more to the permanent advantage of the State, and the individual, if more people returned to their homes with a competency as a medium of advertisement and a means of attracting others.

Mr. H. N. Ridley, Director of Forests, is examined and states:—

221. As to the future of planting interest, I think the Native States will be a great agricultural country.

222. The mining industry must work out. It is only a matter of time, and we must fall back on agriculture.

223. I think the soil and other prospects are most favourable in the Peninsula for varied planting.

224. As Director of Forests, I have considerable correspondence with Europe, and the principal information required of me is about the agricultural facilities in the Straits.

225. My duty has led me to see a great deal of the country, and I think that planting has developed a great deal, but there is still an infinite area of land available for agriculture.

226. I think the existing population of the Colony is distinctly inadequate to develop agriculture.

227. The coffee estates are looking much more hopeful than I expected them to be.

EVIDENCE TAKEN AT A MEETING HELD AT THE BRITISH RESIDENCY,
KUALA LUMPUR, ON 13TH MAY, 1896.

Mr. C. E. Spooner, State Engineer, Selangor, is examined and states:—

228. I think Government should import Tamil coolies for Public Works direct from India.

229. I have imported some labour direct from there in June, 1893. I imported 35 men, for which the Government paid for passages, &c. \$6.85 per head, the cost, including advances recoverable, was \$20.57 per head. In September, 1893, the Government imported 28 men, who cost the Government \$10.38 per head and, with advances recoverable, \$19.97. In October, 1893, men were imported at a cost of \$14.28 to Government and, with advances recoverable, \$28.57. In all, 145 men: the first and second lot do not include women and children or families, which numbers I am unable to give correctly. They probably amounted to 10 women and 12 children.

230. The experiment was very successful, especially in masons and coolies for metal breaking, who were first engaged on day pay to ascertain their value, then put on piece work. They were not more expensive than the local labour, or above market rates, though they tried it on, and I had difficulty in bringing them to their senses. I have had no complaints, and many of them have returned to India. They signed an agreement, on arrival at Klang, before the Magistrate to work for 18 months. The coolies deal with me direct and not through a contractor, that is, stone-breakers get their name in the check-roll by means of the number of cubic feet they break, which has a fixed rate; and so an industrious coolie can earn more than an ordinary day's wage if he works hard; he also puts his children to assist him. In regard to artificers, I pay by the yard or cubic foot, and several go in *kongsi* and draw the pay in a lump, which they divide amongst them. I had no complaints of any individual getting poor pay. The Government Offices are all on piece-work. Indian coolies are the best metal breakers.

231. I went about recruiting in this manner. I obtained authority of Government, wrote to the Immigration Agent, Penang, to co-operate; he wrote to the Agent, Negapatam, who issued licences to recruit in the different provinces. I sent my old hands to do this, who knew the districts and some of the people. They experienced delays and difficulties and oppositions from minor Officials; the complaint was that in Negapatam there were only 2 or 3 European Officials, and they cannot be reached except by paying your way through the lower Native grades, and so steamers sail before you are ready and you are put to expense; so the obstructionists are subsidised by feeing them to avoid these exasperating delays. I suggested to the Government on 27th July, 1895, that the Government should import from four to five hundred coolies for the Public Work Department annually (see extract attached).

232. I produce a labour return for May (attached) showing that I employed departmentally 2,419 coolies, and that there is a deficiency of 503. Independent of this I employ 800 on the Pahang Road beyond Raub, departmentally. The contractors on the Pahang Road are employing about 3,200 men, contract coolies, chiefly Chinese. I cannot say what proportion of my Pahang Road Department coolies are Tamils, but believe them chiefly to be Chinese and Malays. I employ under contractors in Selangor about 2,500 to 3,000 coolies of all nationalities, and cannot define them. The majority of the men on the Pahang Road are Chinese. The importation of labour by Government should be confined to departmental work, that is the labour would not be lent to contractors. If I import my own labour, I should gradually do away with contractors as in Ceylon, and work departmentally. I believe the bulk of my labour comes from Penang. Kangganis always say they can get coolies in Penang, but I don't know from where they come. I don't think that my departmental coolies are those crimped deliberately from estates, in fact I know such not to be the case. I cannot say as to contractors where they get their labourers. When planters complain I immediately look into the matter and the coolies are returned and *vice versa*. I lose men by their absconding, to a very great extent, and officers are always complaining to me about it. The employment of Sub-overseers depends on their bringing labourers, about 30 coolies. I produce a statement of rates of wages paid by me in the State of Pahang. They compare favourably with rates paid by planters.

233. I reduced rates in 1893 and 1894 in Town limits of Kuala Lumpur from 30 cents with Sunday pay to 27 cents without Sunday pay, which gave me the equivalent of three months' more work for a coolie per year. On the Pahang Road rates rule high owing to difficulties and climate. I pay 50 cents a day beyond Raub, which I hope to reduce shortly to 45 cents.

234. The result of reduction is that I have difficulty in securing sufficient labour; instance Drain A in the Klang District, where since the introduction of planters I have to pay exactly double to get the same work done that I paid before this advent. This is why Drain A was not completed last year. I consider my rates cheap, and it is my endeavour to keep on reducing them, but I find it difficult, as the demand for labour increases. I have not raised the wages in Klang, but I have been compelled to raise the prices or rates for work given on contract, and am compelled to give it on contract as I cannot get day labour to work on drain works alongside the plantation. Insufficient supply is due to prosperity of the country and the opening of new estates causing a great demand for labour which renders the present supply insufficient.

235. The Department employs 9,419 men, and on contract and departmentally say 10,000. These figures, of course, fluctuate. I believe that 6,000 of these are Tamils.

Mr. A. G. Watkins, Selangor, is examined and states:—

236. I have been seven years in charge of the Railway Department. I employ rather more than 1,000 coolies departmentally, and 1,000 more probably through contractors—Tamils, Javanese and Chinese. They are about equally divided. They are not under contract—they are all free labourers. I have no experience of contract coolies. I prefer free coolies.

237. I experienced no losses from crimping. I have no reason to believe that I employ runaways from other planters. I always bring to notice such cases. I only use Tamils on the permanent way. They settle down and remain from year to year.

238. I pay from 27 cents in Kuala Lumpur and up to 35 cents in the more outlying districts. They are paid for day's work only. No Sunday pay.

239. I have no difficulty in getting labour, and, therefore, I have no opinion as to importing it.

240. We build permanent lines for, and give permanent work from year to year to, the Tamil coolies. They get no other perquisites.

241. I pay almost similar rates of wages as those paid by Mr. SPOONER, the State Engineer.

242. The wages have been the same as far as I can remember. We pay them by piece-work and they make sometimes in this as much as 40 to 45 cents, especially the Chinese.

243. The loss among my coolies is not very great.

244. I should like to see Government import labour for its own requirements, as it may decrease the present rate of wages.

245. I have had no experience in recruiting my coolies, probably will be able to do as Mr. SPOONER does in the way of getting labourers direct from India.

246. I certainly oppose to importing labourers if they are to be under indenture.

247. The reason why I think that my coolies remain is that they are all promptly paid on or about the 4th of the month or within a day or two of that. They are paid direct and not through Tindals or others.

248. In the contract works we employ very few Tamils—not 10%. I have no control over contract coolies' wages. The contractors are paid by the cubic yard, and they pay the coolies.

249. I know of one or two cases where Mandores have squeezed the coolies, but the practice is not very common.

Mr. J. P. Rodger, Acting British Resident, Selangor, is examined and states:—

250. I see no reason why the suspended Ordinance XVI of 1892 should not be brought into force, but it appears to me to deal only with the fringe of the labour question. In my opinion, too great a distinction is made between Indian and other Asiatic immigrants of the labouring class, and too great a distinction is also made between "statute" and "free" labourers—*i.e.*, those working under written contracts and those under verbal agreements—among the Indian immigrants themselves. I think that all Asiatic labourers, whether Indian, Chinese, Siamese or Javanese, and whether working under written contracts or verbal agreements, require a certain measure of special Government protection, owing to their ignorance and improvidence, especially during the first year after their arrival in the State. Such protection is given to labourers of every nationality by Part V of the Selangor Labour Code (Regulation VI of 1895), but, by section 95 of that Code, it is provided that "nothing in this Regulation shall operate to invalidate or interfere with the provisions of the Indian Immigration Enactment 1884," so that Indian Immigrants are practically excluded—I think, unfortunately—from the provisions of the Code.

251. I see no objection to "piece-work" under proper supervision.

252. I prefer a shorter term of contract than three years, as, in my opinion, such a term is too long.

253. In the Selangor Labour Code, which was adopted from the Perak Code almost without alteration, a contract for one thousand days appears to be treated as equivalent to a contract for three years, under section 16.

254. Under the Indian Immigration Enactment of 1884, sections 41-44, contracts can be entered into for three years, under which adult male labourers bind themselves to receive only 14 cents a day during the first, and 16 cents a day during the second and third years, although the current market rate for Tamil "free" labourers in Selangor is, and has been for the last twelve years, about 30 cents a day, even in favoured localities. In my opinion, this term of three years is too long, and the minimum rate of wages is too low. As a matter of fact, I believe that planters in Selangor, employing "statute" Indian immigrants, usually pay them considerably more than the minimum wage allowed by the enactment of 1884, but, having regard to the ignorance and improvidence of such immigrants, I do not think that it should be possible for them to enter into valid contracts, binding them to work for three years at only about half the rate of wages current in the State. The result of such contracts in Selangor is, I believe, generally unsatisfactory, both to employer and employed, and there is a rapidly growing tendency among planters to employ only "free" labourers, whose work is naturally more efficient—and, in the long run, more economical—than that of men who feel that they have bound themselves by improvident contracts, and are discontented when they compare their position with that of their "free" compatriots. Among

all the European planters in Selangor only six now employ "statute" Indian labourers, and those not exclusively, and the total number of such labourers, at the end of 1895, only amounted to 267. In my opinion, in the interests both of employers and employed, it should be the policy of Government to encourage and assist the immigration of "free" labourers from India to the Colony and Protected Malay States—i. e., of men bound by no written contracts, but working on verbal agreements, from month to month instead of, as hitherto, confining their assistance to "statute" labourers—but adequate protection should be provided for such labourers, after their arrival and during their stay in the Malay Peninsula, as I consider is now done by the Labour Codes of the Protected States. Personally, for the reasons given, I should like to see every labour contract limited to a term of one year, in the interest of the "statute" Indian labourer, or "indentured coolie," as he is usually called in Selangor. Under section 16 of the Labour Code, this is the limit for contracts made within the Colony or any Protected State, and I should be glad if the term were reduced from three years to one year in the case of contracts made elsewhere. The contracts of Chinese *Sinkhehs*—newly arrived labourers from China—are usually made in Singapore where such labourers usually land on their way to the Protected States, and are all strictly limited to a term of one year.

255. I should say that the supply of labour in Selangor is at present insufficient, having regard to the high rates of wages paid in the outlying districts of the State.

256. The usual rates of wages paid by Government vary from 27 to 35 cents a day in different districts, but I have recently been obliged to sanction 40 cents and even 50 cents a day on sections of the Pahang Trunk Road, owing to the difficulty of obtaining labour in sufficient quantity. The conditions of working on that road, owing to distance from any village, general unhealthiness of road-making through virgin forest, &c. of course compare very unfavourably with ordinary road work.

257. I am strongly of opinion that there should be absolute free trade in labour, as in every other commodity, at all events within the empire, and that it is the duty of the British Government, as well as that of its Colonies and Dependencies, not merely to remove every restriction from, but in every way to facilitate the transport of, labour from one part of the empire to another.

258. I consider that the Selangor Government, both as a large employer of labour, in connexion with the construction of railways, roads, &c., and in the general interests of the State, is clearly justified in assisting the importation of immigrants from India. Such immigrants are of great value, in the first instance, as labourers, and afterwards as planters, bullock-drivers, &c., &c. Government assistance might either take the form of direct importation, or of granting, annually, a certain number of free or reduced passages, and I should prefer the latter.

259. Speaking generally, I think that the following are the three methods in which Indian immigration to the Malay Peninsula should be encouraged and assisted:—

- (a)—The appointment of an Agent in India, to represent the Colony and States, to give every information as to the conditions of labour, rates of wages, relative distances, &c., &c., and generally to assist in recruiting labourers.
- (b)—The abolition of all restrictions on recruiting (e. g., as to commission, &c.), whether in respect of "statute" or "free" labourers, in the case of properly licensed recruiting agents, and I think that recruiting licences might either be granted by Protectors of Immigrants in the Colony or States, or by the authorities in India.
- (c)—The granting of free or assisted passages, by means of a steamer subsidy, or otherwise.

260. I think that reasonable advances might be recovered under verbal agreements, and I see no valid reason why agricultural employers should not have the same powers as mining employers, under section 61 of the Selangor Labour Code, in respect of such advances, i. e., those made within the State, under verbal agreements binding the labourer to work for one month. If a labourer has received such an advance, and then, without any valid excuse, refuses either to repay his advance, or to work for his employer, I think that no undue hardship is entailed upon him by being committed to prison. Were such a case to occur in England, and the labourer be summoned by his employer before a County Court Judge, it is probable that the latter would order him either to repay his advance or return to work, and, should he refuse to obey either of such alternative orders, without any valid excuse, would then proceed to commit him to prison for contempt of court.

261. I am clearly of opinion that the Penang Circular of 1887 should be cancelled, as I think that any duly licensed recruiter in India should be allowed to receive a commission for recruiting free labourers as well as indentured coolies. As I have already stated, in my opinion the Government ought to assist the recruiting of "free" rather than "indentured" coolies, but ought to provide adequate protection for them, after their arrival in the Peninsula.

262. I am strongly of opinion that the importation of labour should be freed from all legal restrictions, and that employers and employed should have power to make written contracts or verbal agreements, as they think best, provided always that there exists such special protection as is given to all Asiatic labourers by the Labour Codes of the Protected States.

263. To facilitate the transport, &c. of coolies, it appears advisable that an Agent should be stationed in India, and it is probable that Negapatam, as the last port of call, would be the best place for his residence.

264. In addition to the causes mentioned in the question, such as increased demand for labour, &c., I think that the cost of living in Selangor is higher now than formerly, and that this has had some effect in raising rates of wages.

265. Having regard to the rapid development of planting in Selangor, and the growing demand for land, I think there is every prospect of Selangor eventually becoming an important agricultural country, and I consider it of vital importance to the rapid development of the State that there should be a more abundant supply of labour.

266. In my opinion this is a critical moment for increasing the labour supply in Selangor, as the area of land under cultivation by European coffee planters—who mainly employ Tamil labour—increased from 2,825 acres in 1894 to 5,396 acres in 1895, while the area of native holdings—chiefly through coffee cultivation—rose from 25,000 acres to 40,000 acres during the same period.

267. Good openings are afforded to Englishmen, as planters, managers, and assistants, by this extension of planting in Selangor.

EVIDENCE TAKEN AT A MEETING HELD AT KAMUNING ESTATE, PERAK, ON 15TH MAY, 1896.

Mr. H. M. Darby, Kamuning Estate, Perak, is examined and states:—

268. I have had experience of indentured labourers in Linsum and Kamuning Estates—at the former about one-fourth of the coolies, and at the Kamuning about the same number. Now we have no indentured coolies.

269. I know nothing about the proposed Ordinance XVI of 1892.

270. I greatly prefer the "free labour" system, the men are under no compulsion, and it does away with the constant pressure there is under the indenture system.

271. I pay my coolies from 25 cents to 30 cents. A man begins at 25 cents rising to 28 cents. Store coolies get 30 cents, but they are working under closer supervision.

272. The majority of indentured coolies get under 20 cents a day. Indentured labourers give more trouble, as they are sick for about one-quarter of the year; there is a distinct gain by employing "free labour."

273. I was at first planting under my brother who, I know, strongly favours "free labour" also.

274. If free labourers had been as unsatisfactory as indentured coolies, they would have been got rid of.

275. I think the coolies are in favour of being free. I have known free coolies come up and pay off the advances of indentured coolies. Those who are under indenture seem to think they are badly treated by being under indenture. The coolies prefer not being under indenture at all, as they cannot then be compelled to work.

276. If the free labourers do not work 25 days in a month, I make them pay rent for the house they live in. I charge them 10 cents a day. This rent system was introduced before I came to the estate.

277. We give them five days free in a month and any other day on which they can produce a certificate from the Doctor.

278. As far as I know, my labour supply has been sufficient. If more estates open in the neighbourhood there may be a difficulty.

279. I think an Agent in India for each Native State might be appointed. I suggest this so that the planting interests in the various States should work together. I think there should also be an Agent for the Straits.

280. I think section 61 of the Selangor Code as to recovering advances from mining coolies should be extended to agricultural coolies.

281. Very few of my coolies leave me, and then, as a rule, to return to India; there is little crimping, and I have had very few absconding. We are isolated and there is no estate within 20 miles, and that may be a reason for there being few absconders. At one time when Government were doing the Kinta Valley Railway, I lost a good number of coolies, owing to the offer of higher wages. It is the Sub-tindals who entice them away.

282. I give 25 cents to 30 cents. Railways offer them 30 cents to 35 cents and sometimes 40 cents. In some cases my coolies have returned to me.

283. I think the coolie objects to any bond. They prefer working by task and piece-work; then they work better and quicker.

284. I pay my coolies direct and not through the Kanggani

285. I certainly think Government should import its own labour, especially for their upkeep works, &c.

286. The rate of wages have not changed since 1894.

287. The Native States only want capital and labour to become a great agricultural centre, and I think capital will come in if there is enough labour.

EVIDENCE TAKEN AT A MEETING HELD AT THE BRITISH RESIDENCY, TAIPING, ON 16TH MAY, 1896.

Mr. E. W. Birch, Acting British Resident, Perak, is examined and states:—

288. I am not in favour of verbal agreements, nor for short terms of contracts. I want to see immigration free as far as possible, and leave every planter to make his own terms with his coolie, and to free the contract from all legal restrictions. The coolies' liberty could be guaranteed by frequent inspections.

289. I object to indentured labour where a man is tied down to a rate lower than the market price for a certain number of years.

290. I prefer the free labour recruiting system. India is at present over-populated, and there should be no difficulty in getting labourers, but if it is necessary for planters to import labour, then I think Government should also import labour for its own requirements. The labourers imported by Government should be free and not under indenture.

291. I am in favour of an Agent in India for the Straits on the condition that he is a medical man of the Native States Service so that he may be under strict control and may be able to see that only coolies of good physique are sent down.

292. I foresee difficulties in the subsidizing of steamers to improve immigration.

293. I should like to see the privileges given to mining employers to recover advances from their coolies as provided in the Labour Code extended to agriculture, but only if it is found to be absolutely necessary to allow indentured immigration.

294. I am of opinion that the prospect of Perak developing into a great agricultural country like Ceylon is great, and I think the time has arrived that the Government of the Native States should reduce the output of tin which will mean a greater development of agriculture.

295. The present supply of labour in Perak is insufficient.

296. I think if Government fosters immigration it should be on a clear understanding that all Government as well as private employers of labourers should enter into a bond under heavy penalties not to employ labourers before making a searching enquiry as to their antecedents, &c.

297. I am opposed to the discharge ticket system, which has been proved to be useless and harassing.

Mr. F. St. G. Caulfeild, State Engineer, Perak, is examined and states:—

298. I have been 17 years in charge of the Public Works Department in Perak.

299. I have about a thousand coolies working departmentally and about the same number under contractors.

300. As to whether my supply of labour is sufficient, it all depends on the locality in which the work is going on. When I want coolies for outlying districts there is some difficulty, as special arrangements have to be made for pay, &c.

301. Tamil coolies get 25 cents to 30 cents a day and 35 cents in outlying districts. The general rate is 25 cents, and only a limited number could find employment at 35 cents.

302. I think Government should get its own labourers on a free labour contract, say 100 to 200 a year on a guarantee to give them work for 12 months.

303. I think that I should not have any difficulty in getting my coolies, could I recruit them by sending a headman to India with a sufficiency of funds.

304. I have experienced no losses from crimping.

305. I believe that the restrictions placed on assisted immigration cause Penang and Province Wellesley to be the field from which coolies for the Native States are generally recruited.

306. I think it will be an advantage to have an Agent in India for the Straits. He should work hand in hand with the headmen sent over to recruit coolies, and should facilitate their transit, &c.

307. I have seen both the free and indentured coolies at work, and I certainly prefer the free labour system.

308. I find it necessary that all my Public Works Department men in the outlying Krian District should be under agreements, and 20 cents is the lowest amount paid as wages.

309. The minimum rate of pay, I think, should be 20 cents and not 14 cents, with free lines and water supply. This, of course, will not include the expenses incurred in importing a coolie. I do not think you will get good coolies for less than 20 cents each.

310. I think it is the low rate at which the minimum wage is fixed which is chiefly responsible for the difficulty now experienced in getting coolies.

311. My coolies are composed of time-expired coolies from the Province.

312. With reference to desertions from Gula Estate and to the question of the deserters finding employment in the Public Works Department, Perak, and that my Tindals and Sub-tindals get them to desert, I say that nothing of the kind has been brought to my notice. If it was, I would put a stop to it and dismiss the Tindals.

313. My supply of labourers is sufficient, as there is a large resident population of Tamils in the place.

314. I have more than once recommended to the Government to import labour for its own requirements.

Mr. C. R. Hanson, Perak, is examined and states:—

315. I have been in the Railway Department since 1887—9 years. Out of about 60 miles of railway, I have constructed all, but six or seven miles.

316. In Larut, I pay 28 cents—lowest rate for skilled labour 28 cents, ordinary labour 25 cents, but very few of them. The greater number are on 30 cents in unhealthy districts and jungle places and I cannot get men for less a day.

In Larut, ...	127 @ 28 cents, Tamils.	} Plate layers.
Tanjong Rotan, ...	175 @ 30 "	
Ipoh, ...	446 @ 30 "	
Lower Perak, ...	132 @ 30 "	

My coolies are imported by contractors and some have come to me as "free labourers."

317. We have almost as many Bengalis and Chinese as Tamils—400 Malays, 200 Bengalis and some Singhalese.

318. I don't think it likely at all that my Tindals do go over to Gula Estate to crimp. The fact is the best men come over of themselves to find work here, as they can get more wages.

319. There is no difficulty as to getting labour, as I employ so many Chinese and Bengalis. I have no men under indenture. I prefer the free labour system. I prefer Tamils for all work. The supply of Tamil labourers is not at all sufficient. I would

advocate Government assisting by passages in getting coolies to come. There should be some arrangement by which coolies could get free passages. I think Government should import annually about 10% of the 1,200 employed in the Railway Department.

320. It seems a shame that Government should employ what must be the picked coolies and the best of an estate, consequently leaving the sickly ones behind. Especially when the planters have gone to the expense of paying for their import expenses.

321. The proposed raising of the minimum wages and the shortening of the term of contract will improve the importation of labour.

EVIDENCE TAKEN AT A MEETING HELD IN PENANG
ON 19TH MAY, 1896.

Mr. A. D. Neubronner, Consul for Siam, is examined and states:—

322. I am Agent for the Perak Government. I get free labour more in connection with the Perak Government.

323. I have a sort of contractor who sees to the shipping, &c. of coolies. The coolies are paid according to work done. I generally get about 30 or 40 men for Perak, chiefly of skilled coolies, such as masons and their coolies, numbering perhaps 50 in the course of the year, for Public Works purposes. They are recruited in Penang. I never get coolies for Kulim.

324. I get Tamil coolies in connection with tin mines in Tongkah, they are employed in storing and weighing, &c. Messrs. BOUSTEAD & CO. and BEHN MEYER & CO. are the principal buyers of tin in Penang. I get about 500 coolies for this work. They are paid by the number of slabs removed. They get an average wage of 35 cents a day. I find the prices remain the same.

325. There is an insufficiency of boatmen, which I consider very serious.

326. On enquiry I find that this deficiency is due to there being not enough work for this class of men. The price of timber, particularly for boat-building, has gone up and, therefore, boatmen have gone back to India. The passage has also increased from 13 to 15 rupees, but I do not think this small increase makes much difference to carpenters who are well paid.

327. I put down the scarcity to want of competition.

328. The appointment of an Agent in India will, I think, improve matters, but I do not think that employers of Tamils on tin business will bear a share in the expenses. If they cannot get Tamils, they can always fall back on the Chinese.

329. Tapioca estates in Kulim are worked by Tamils. They are mostly time-expired coolies from estates in the Province.

330. I think agriculture has a great future in the Straits and Native States, and without abundant supply of labour this future will not be attained.

331. I know that Chinese estate owners will open land in Kedah if there are sufficient labourers.

332. The Natives of India are no longer without means of protection. Since 1889, in Kedah, there has been a British Consul, and all persons in Kedah are perfectly well aware that they can be protected by him and can appear before the Consular Court held in two ports of Kedah.

333. I should like to see Kedah placed in the same position as Johore with regard to labour.

334. The coolies at Tongkah will report at once to Government if they are in any way ill treated.

Mr. James Gibson, Chairman of Chamber of Commerce, is examined and states:—

335. I am not a large employer of labour in the Straits, being connected only with estates in Sumatra, which now get their Chinese labour direct. I find, however, great difficulty frequently in getting boat labour.

336. I think the insufficient landing accommodation has a great deal to do with this—boats having to remain sticking on the mud flats off Weld Quay instead of being able to discharge quickly and return to steamers.

337. With the above exception, I cannot say I find a scarcity of labour in the town.

338. For landing goods, Chinese are largely employed; in the boats only Tamils.

339. I think it important to open up the country for agricultural purposes, and I am strongly of opinion that the Malay Peninsula will be a great agricultural country if labour becomes plentiful.

340. New products would be cultivated—notably coffee—which has greatly increased during recent years.

341. In my view, I think something should be done to put recruiting on a better basis.

342. I consider it the duty of Government to foster agriculture as a more permanent source of prosperity than mining, and also as tending to introduce a more satisfactory class of settlers, who would be accompanied by their women.

343. I think if assistance from public funds were given, that, after a few years, a permanent stream of free labour would follow.

Mr. E. A. B. Brown, Manager, Prye Estate, is examined and states:—

344. I have had seventeen years' experience in planting, and have been for fourteen years in charge of the Prye Sugar Estate.

345. I employ about 1,200 Tamil labourers, about 435 of whom are indentured coolies.

346. To a certain extent, I think I should continue to employ indentured labour.

347. If Ordinance XVI of 1892 is to be brought into force, I should like to see section 15 of Ordinance I of 1882, as to breach of contracts, incorporated in it. I should also like to see section 26 of the 1892 Ordinance altered to increase the "smart-money" (§24) so as to cover the actual cost of importation of the coolie.

348. The "General Labour Ordinance" is a great convenience, but it has since been cancelled by Ordinance V of 1884 as regards statute immigrants.

349. I approve of the introduction of task-work, and would recommend its being extended to piece-work.

350. With regard to the 720 days to be equivalent to three years' contract, I think it is a very short equivalent. The coolies should work twenty-four days a month, and the three years contract should represent three times 288 days=864 days.

351. From paragraph 363 of the Report of the 1890 Commission it will be seen that twenty days was the minimum laid down for an ordinary coolie to work in a month without being liable to punishment; but I do not think this is a fair basis for fixing the maximum length of contract. It is reasonable to believe that a Native labourer is capable of working five and-a-half days a week which is the minimum amount of work expected from most Europeans in the Colony.

352. I do not agree to shortening the term of contract. I think the three years' contract is most reasonable, as my coolies are of very little use during the first year.

353. The cost of a coolie imported has increased from 32 rupees to 40 rupees last year.

354. The supply of labour is insufficient as shewn by the increased rate to be paid for wages. I think this is due to the bad system of recruiting, and to misrepresentations made to coolies by recruiters, who do their best to keep prices up. I do not think the present minimum wage as one of the causes.

355. I should like to see immigration freed from all restrictions and "free labour" introduced; but I am of opinion that indentured labour is absolutely necessary for sugar planting.

356. I am in favour of the appointment of a Government Agent-General in India, and am prepared to pay a share towards his expenses.

357. The sum of 40 rupees which we now pay to the recruiter for a coolie may as well be paid to this Agent, who will do better work; or the money can be paid into a fund for the purpose.

358. I think Government, the Municipality, and all contractors for Public Works should import labour for their own requirements.

359. The minimum wage of 14 cents is, I consider, sufficient. It has been calculated on the minimum cost of living. Rice has not gone up in price for the last five years.

360. I pay my coolies 15 cents for the first year, and 17 cents for the second and third years. Previously I used to pay 14 cents for the first year, and 16 cents for second and third years.

361. I give Sunday pay for six clear days' work, because I am required to do so under the Ordinance.

362. Section 27 of the Ordinance of 1884—Indian Immigration Agent to advise coolies that his obligation to the estate is non-existent—I think this should be abolished.

363. I am in favour of abolishing the Penang Circular of 1887, of which I have never hitherto heard.

364. I have formerly suffered frequently from crimping, but latterly it has not been practised so much as before, as far as I am aware, having been absent from the Colony for nearly a year.

365. I have recommended a free-recruiting system before—the recruiters to get a licence and go to India to recruit.

366. I think certain sections of the Selangor Code could, with advantage, be substituted for the whole of Part V, and also for Parts IX, X and XI of Ordinance V of 1884.

367. The Examination Depôt at Negapatam, as at present worked, is of no use. If it is thought desirable to raise the examination fee from \$1 to \$2, I shall not be prepared to pay it.

368. I confirm the statement of Mr. VERMONT as to out-put of produce at Batu Kawan and Prye Estates.

369. I think there is a great future for agriculture in the Straits and Native States, and it is only dependent on a more abundant supply of labour to develop it.

Dr. E. C. Foston, Second Colonial Surgeon, Province Wellesley, states:—

370. I was for eighteen months employed on the Negapatam line of steamers as Medical Officer, and for nearly five years I have been employed as Colonial Surgeon in charge of Southern District of the Province.

371. I have had no direct dealing with planting.

372. I do not consider the Negapatam Depôt, as at present constituted, works satisfactorily.

373. I do not think the present system of recruiting for the Straits good; it is left to private enterprise.

374. It is not to the interest of the present recruiters to encourage importation of free labour into this Colony. Every contract labourer passed at the Negapatam Depôt means a fee to the recruiter from the employer. There is no such inducement in the case of the free labourer. Recruiters must, therefore, look upon an influx of free labour as a decided disadvantage. The recruiters' field of operation in the interior of India is also limited, for the further inland he goes for his recruit, the greater are his expenses for bringing the coolie to Negapatam, where there is also the probability of his being rejected after medical examination.

375. I am in favour of the appointment of an Agent in India for the Straits. He must be a recognized Officer who would encourage both free and indentured labour. The recruiters must be under his control.

376. I think the Government should undertake to pay the expenses of the Agent, recouping itself by fees charged to the employers of labour.

377. In case of free labour, I think the Government might well encourage this class to some extent by the grant of free passages as well as by a subsidy to the Steamer Company.

378. I was employed in the Negapatam steamers when the Government was paying the subsidy of \$35,000.

379. I think increased wages will improve importation of labour.

380. I do not believe the planting community in the Province can do without indentured labour.

381. Tamil coolies, I know, prefer to go to Ceylon and Burma. The former is not far off and is much like their own country, and the latter is a good field during the paddy harvest. I do not think that this Colony is sufficiently advertized across in India.

382. I think the Central Depôt should be in Madras if it could be made the last port of call.

383. The Central Depôt should have feeders or sub-depôts in certain populous parts of the interior.

384. The class of coolies sent down from the depôt at Negapatam is generally fair. I have had to complain on some occasions in regard to the inferior physique of the coolie. On an average, I consider about 5 per cent. of those sent over were unfit for labour on sugar estates.

EVIDENCE TAKEN AT A MEETING HELD IN THE GOVERNOR'S
OFFICE, PENANG, ON 20TH MAY, 1896.

Mr. W. A. Greig, of Messrs. BOUSTEAD & CO., is examined and states:—

385. I have been for twelve years employed in the firm of Messrs. BOUSTEAD & CO. Half of this period I have been in Singapore and the other half in Penang.

386. I employ about 100 Tamils in our godown, in connection with the removal, &c. of tin slabs. I cannot get Chinese, as I find they would not work with Europeans. It seems to me that Chinese coolies generally attend to removal of rice, and the Klings that of tin.

387. I find there is sufficient supply of coolies for the tin work, and they are easily got.

388. I think the coolies are paid from 20 cents to 25 cents a day. It depends on the kind of work done. I do not pay coolies directly.

389. We pay the contractors at about 4 cents a pikul, and they pay the coolies about 35 cents each per diem.

390. I think the coolies employed in this business are a special class of men, as I have seen the same men working for the last ten years.

391. I think there is certainly a great want of men in the boat labour, which is causing serious inconvenience.

392. I think this deficiency is accounted for by the great demand in the adjacent countries and Native States.

393. The pressure among the boatmen is worse this year than last year.

394. There is not very active competition by any means, and I think the improved wharf scheme will in some way remedy matters, as it will be the first duty of those concerned in it to improve labour.

395. I think the appointment of an Agent in India is a good plan if it will so improve labour as to stop the present pressure as to want of boatmen.

396. In any case I am of opinion that it is essential that the supply of labour should be increased by whatever means it can best be done.

397. I think the future of the Straits as an agricultural centre is great, but it will depend on a more abundant supply of Indian labour.

398. I think the money value of our firm's business in tin and agricultural products is about the same, but I certainly think business in agricultural products is more remunerative.

399. I think it is the duty of Government to assist in bringing a large number of coolies by giving free passages or otherwise. I think it will pay the Government to do so, as it will increase trade, and as a consequence increase the prosperity of the country.

Mr. R. Pierce, Municipal Engineer, states:—

400. I have been over four years as Municipal Engineer. I employ about 400 Tamil labourers, rising to 600 or 700.

401. I engage Tindals and they pick coolies where they can, Tindals act as contractors in recruiting gangs, but not in paying them. We pay coolies direct, the coolies on the permanent works remain long.

402. I have about 250 road coolies at 20 cents a day and free quarters, and about 150 scavenging coolies at 18 cents a day and no quarters.

403. We had difficulty in getting, latterly, scavenging coolies. They are of very bad physique and are seldom found anywhere but in scavenging gangs. They are never paid less than 18 cents and when they are absent or in hospital for a couple of days they get their pay all the same.

404. I have not increased the wages since I have been in Penang.

405. I have not experienced deficiency of more than 4 or 5 per cent., but the pressure is now beginning. The best and energetic of my coolies go over for higher wages for works at Weld Quay. The deficiency has not inconvenienced me in any way. Annually I recruit about 50 men at the very outside, for ordinary gangs and 100 or 150 for special works, such as laying water pipes and making bridges.

406. The coolies we get do not come through the estates in any way.

407. I do not give Sunday pay. Coolies are paid by the day. Head coolies get about \$5 a month and scavengers under \$5 a month.

408. The tindals get monthly pay and he gets coolies, and he might get something from coolies for the trouble of finding them work.

**EVIDENCE TAKEN AT A MEETING HELD AT CALEDONIA ESTATE,
PROVINCE WELLESLEY, ON 21ST MAY, 1896.**

Mr. R. C. Grey, Acting District Magistrate, Krian, is examined and states:—

409. There is no coffee in the district, the sugar cultivation is 15,913 acres; almost all is owned by Chinese proprietors. I do not know how many Klings are employed. A great many Klings are employed especially on the larger estates. Only one Chinese employer, KOH BU ANN, has statute immigrants. The area has doubled within five years. In 1892, 7,913 acres were under cultivation. There is a large amount of land still available.

410. I have had no experience of Chinese working indentured immigrants.

411. The Public Works Department employs Indians on the roads, obtained in the open market.

412. The total sugar exported from Krian, in 1895, is 219,696 pikuls, valued last year at \$644,091. This was calculated at the average of \$2.60 per pikul for export purposes, the market value was considerably greater, the *ad valorem* duty was fixed for one year, it is 1 per cent., the limit is 2½ per cent., agriculture provides the revenue in Krian. That is all Krian has to look forward to.

Dr. Foston, re-called, states:—

413. In the Southern District of the Province, two Chinese-owned estates employ contract Indian coolies. One, KOH BU ANN'S, is a large estate, it is now falling off.

414. This estate got last year sixty Indian coolies; for nearly two years they got no Indians. I have always been of opinion that the indentured immigrants on this estate have not been fairly treated. The system is not satisfactory. There is no European to look after the interest of the coolies, and it is a question whether under such circumstances Indian coolies under indenture should be allowed on a Chinese estate. The Indians do not complain of ill-treatment, but of getting their pay cut. I have personal knowledge from the working of the convalescent gang, that their work was not fairly entered. "Task-work" was for this reason stopped by the Indian Immigration Department on KOH BU ANN'S estate.

415. Two batches of coolies came down—one for Byram (European management) and one for a Chinese estate. It was found by the Immigration Agent that the former earned as much in a week as the latter in a month. I have never met with these abuses on European-managed estates; this refers to BU ANN'S only. On "Val d'or" the other Chinese estate, they are more liberal. The complaint by the coolies that they did not get their full rate of wages was chronic.

416. The coolies do not save much, sometimes a coolie has redeemed himself from his savings, but he is often defrauded by the people with whom he deposits them.

**EVIDENCE TAKEN AT A MEETING HELD IN THE GOVERNOR'S
OFFICE, PENANG, ON 22ND MAY, 1896.**

Mr. J. H. Calloott, Acting Deputy Colonial Engineer, examined and states:—

417. I employ about 600 coolies in the Public Works Department in Penang, Province Wellesley and the Dindings, living in lines provided for them, and have probably about 350 under contract. If there is any special work going on, this number will be increased.

418. I pay half of my coolies at 20 cents a day and the other half a little more—cents to 23 cents for different kinds of work. The hill coolies get 25 cents, and at the reclamation 27 cents as special work. I do not pay my coolies less than 20 cents.

419. I get the coolies, but I do not know from where. I do not recruit from India.

420. There is a difficulty in getting labourers at present, worse than it used to be, especially for work at the Dindings.

421. My coolies are paid by the day's work, and they can go and come whenever they like. I pay them monthly, but for every day's work. They are constantly changing. On enquiry some years ago, I found a good many men come from India of their own accord to find any employment they can get here. They paid their own passages out.

422. There will be no objection to Government assisting in improving the labour supply. I should like to see the supply of coolies more abundant.

423. I received no complaint from employers of labour that their coolies are employed by me.

424. I have been told that Penang is the recruiting ground for coolies for the Native States.

Mr. Lim Leng Cheak examined and states:—

425. I employ at my Rice Mills in Kedah only Chinese. For my tapioca estate and mills, the coolies are mostly Chinese, but there are some Klings. I pay the wages to contractors and they pay the coolies.

426. I employ Kling labour in Kulim (in Kedah) on my tapioca and coffee estates, about 500 or 600 men and women. I pay each \$6 a month.

427. I get my coolies from Penang or Province Wellesley. I do not care where I get them from. No one prevents their coming to Kulim. I find sufficient coolies.

428. I pay my coolies 20 cents a day, and I give them Sunday pay after working six clear days. If he works on Sundays, I pay 20 cents extra. I tried to recruit from India, but I cannot get coolies. Chinese are better coolies, but the Klings are cheaper. I keep three kinds of labourers—Javanese, Klings and Chinese—to prevent serious results in case of a strike.

429. My coolies can leave on a day's notice.

430. Sometimes I find sufficient coolies and sometimes there is a slight deficiency, but it was just like that before.

431. I have opened a shop at Kulim and the coolies can get provisions from it, if they like.

432. There are other estates in Kulim, but the same wages are paid to coolies.

433. I find it necessary to get Klings for tapioca work; Chinese and Javanese cannot stand the work and heat.

434. I supply coolie lines for my coolies.

435. With the new mill opened, I find coolies are insufficient.

436. About half of my coolies have remained with me long, and the others come and go. I would be glad if I can be allowed to get indentured coolies, as being more fitted for factory work.

437. I wish to open another mill (5,000 acres), but have had to stop for want of Indian labour.

438. In regard to commercial arrangement, Kulim is as part of Penang. There is no other road except the one that leads to Province Wellesley; the same holds good as to Alor Star.

439. My gross output of tapioca, sago and flour is \$272,000 a year; coffee about \$35,000, and rice \$500,000 a year.

440. Only a little Indian labour is employed on the rice mill.

441. I have about 3,000 or 4,000 acres of land in Alor Star, but cannot plant them without labour, and I think the Sultan of Kedah is anxious to see Indian labourers coming in.

442. I hope the result of this enquiry will be to open Kedah to importation of coolies, as there is not at present an abundant supply of labour.

Messrs. Neo Chye and Boon Tat are examined and state:—

443. General merchants. We employ Klings and Chinese. The Chinese clean pepper and Klings carry and remove pepper. A Kling coolie is paid sometimes as much as 40 cents. We pay direct to coolies. If there is plenty of work, we sometimes employ 30 to 40 men. We do not find the supply of labour insufficient. As to tong-kang men, there is a slight deficiency. We get coolies through Tindals. If a Tindal gets ten men we pay him wages for eleven men, but we pay direct. No contract.

444. They are paid by the week or fortnight or a month according to convenience.

445. We find Indian coolies are better workmen in this work, as they stand the heat better than Chinese.

Mr. A. Huttenbach is examined and states:—

446. I am not a direct employer of Indian labour.

447. I had to think about this question on account of the steamer line to Negapatam. I was the first to start regular steam communication with the Coromandel Coast. I have been connected with that line since its commencement.

448. I still consider Negapatam to be the best port of embarkation for coolies to the Straits.

449. I condemn the present system by indenture *in toto*. I believe it is the source of all our troubles. It is a standing abuse of law. It makes it possible for a few to induce ignorant coolies to pledge themselves to work much below the market value of labour. That abuse, I think, is the main cause of the insufficiency in quantity and quality of our labour supply.

450. I think if things had always been allowed to take their natural course, we would have had since a long time, and would have now, plenty of Indian labour and at moderate wages.

But for the meddling and the artificial self-created obstacles, no other place would so attract the Indians desirous of emigrating than the Malay Peninsula. These attractions, left to their merits, would have been bound to lead to a large supply of labour, and the large supply would have regulated wages on a healthy basis.

451. The indenture system has given the Straits and the States a bad name. The statute coolie sooner or later always discovers that he has been deceived. His bitter complaints—and I for one believe that as regards pay, they are in most cases justified—reach India in all sorts of lights and channels. There, they are often still exaggerated. They have given the place a bad name and odour all round.

452. It is to this that I mainly attribute the difficulties about Indian labour. It is true most immigrants ultimately do well. So they do in other countries. But the bad reputation attached to the statute system is peculiar to, and sticks to, the Straits only, and more than counteracts the good we offer in common with other countries. I cannot help thinking that this is the main cause of the evil.

453. I think the remedy is very simple. It seems to me to consist in leaving things severely alone. To do away with everything artificial. To allow things to take care of themselves and find their own level. To put things at last on a thoroughly natural basis. To do away with all recruiting and contracts made in India. To do away with the whole indenture system. To make it impossible that poor natives can be deceived any further under the protection of the law into accepting work at too low wages. These low wages I do not think are necessary to the existence of our sugar industry. Even our highest wages in the open market compare favourably with the cost of labour paid by the sugar industry in the West Indies, while we have in addition cheaper freights and other advantage.

454. If things were left to themselves, if immigration was made entirely free, and only free immigration allowed, we would, I think, soon have a sufficient supply of labour to meet any likely demand. I admit that, at first, wages would probably rise. But that, I think, would only be temporarily. We should be willing to face the temporary trouble and extra expense to get hereafter a permanent healthy labour market.

455. I think wages would rise temporarily, because scarcity of labour in a country always means that there is capital seeking employment.

Capital wanting employment always manifests itself in scarcity or dearness of labour. That capital, evidently so waiting here, would then come out. It would create for the time being an extra demand for labour. But just that demand—if honest wages are offered—I count upon to attract the still larger supply, sure to lead in time to the levelling of wages.

456. The Government, as a Government, I think should have nothing to do whatsoever or in any shape or way with procuring labour. It is no part of their business.

But I think the Governments of the Straits and Native States, who have such great interests at stake in the question, should support anything likely to promote free immigration. Such Governments, as are employers of labour, would, I think, not only be justified but under obligations to join and become partners in any legitimate organisation which has as its object to stimulate free immigration.

457. I think the flow of free immigration could, in many kinds and ways, be promoted and stimulated by an Association formed solely and exclusively for that purpose by those interested to see an adequate supply of labour. I mean by the planters and the various Governments. The Association would find plenty of useful work both here and in India. It would be difficult to lay down hard and fast rules as to procedure and organisation, but time and experience would settle that.

458. Agents could, for instance, be appointed all over India. They would spread correct notions about the Straits. They would in time restore the good name of the Straits. They would advise, assist and help emigrants. They should be in a position to offer every one in want of work a passage to the Straits, and a free passage back if he cannot find employment. That would be an attraction and inducement to go and see the place and once on the spot, there are very few, I think, who would not stay.

459. On arrival these men could look around and make their own bargain as to wages. Those engaging them should repay their passage and other expenses to the Association. If they are not engaged they would have to go back to India, but they would be sent back free. I believe the British India would agree, in order to encourage this, but I cannot guarantee it to give these return passages free.

460. There would be no odium attached to working as Agent for such work in India. The Agents would get so and so much for each man who was induced by them to go, provided he does accept work in the Straits. I should think the Indian Government would be glad to assist an Association with such aims.

461. Of course, the Association would require some capital to start with, and perhaps a guarantee fund. But it could be so organised as to be self-supporting.

462. No legislation would be required for such an Association. It would be a private measure. Legislation might, in other respects, hereafter be required, because the circumstances would have changed, to protect differently the giver and taker of labour on the altered basis. That would depend on the alterations.

463. I have not heard of passengers having had to be shut out from the Negapatam steamers for want of space. On the contrary, on the whole we cannot fill the passenger space. It can happen that there is a sudden rush which cannot be foreseen and can then not be provided against. But our Company will only be too glad to have always ample accommodation for all requirements. The more steamers they can employ the better.

464. The increased demands of the recruiters in India, I would likewise attribute to the present system. The recruiter knows that he is a medium to get for the employer labourers below their value. He wants to get his share of the spoil, made out of the coolie, knowing that the planter is still apparently a gainer.

465. I think agriculture will be the only permanent future of the Peninsula. Mining cannot last for ever. What is once taken out of the ground will never come back again; that is the justification for the high royalty on minerals. Agriculture alone can be lasting.

Already at present about six parts out of every ten of the trade of the Straits rests on agriculture.

466. I think badly of any further patching of the Ordinance. It has been for some time—is at present, and I believe will always be—not only a dead letter, but evaded all round.

At present, nobody acts up to the Ordinance, except a few. And these few care for it only because it is the means of their getting labour below its value.

1. Do you advocate bringing into force the whole or any part of Ordinance XVI of 1892, and if so, what parts? Have you any additions or amendments to propose?
2. Do you approve of the proposed substitution of *tasks* for *days' work*; and would you extend the system to *piece-work* covering more than a day's work?
3. Are you in favour of 726 tasks being held equivalent to a three-years contract?
4. Are you opposed to any shorter maximum term of contract than three years? If so, why?
5. Is your supply of labour sufficient? And if insufficient, what, in your opinion, are the causes of, and remedies for, the deficiency?
6. Would you wish to see the immigration freed from all legal restrictions, and the "free labour" system adopted? As connected with this:—
 - (a) Should recruiting in India be free to all?
 - (b) Is the Negapatam Dépôt worth maintaining and extending?
 - (c) What fresh dépôts would you suggest?
7. Are there any points you can suggest for improving the present condition of the immigrant labourer? *i. e.* :—
 - (a) Section 11 Ordinance 1884—Should this be abolished or modified?
 - (b) " 24 Do. Do.
 - (c) " 27 Do. Do.
 - (d) " 47 Do. Do.
 - (e) Penang Circular of 1887, Do.
8. Is a 14 cents minimum rate of wages sufficient? Do you advocate the fixing of any rate, or would you prefer the rate being left to be settled by agreement between coolie and employer?
9. Would an offer of increased wages, or a shortened term of contract, be more likely to attract labourers?
10. Do any of your coolies re-engage? What percentage?
11. What losses have you experienced from crimping? Do you advocate the "discharge ticket" system?
12. Are you in favour of establishing in the Madras Presidency an Immigration Agent for the Straits, recognised by the authorities, to assist recruiters and the recruiting of labour? How should the expenses of this Agent be met?
13. Do you advise the direct importation of labour by Government, and by the Municipalities, to meet their own requirements?
14. Is the increase in the rate recently charged by recruiters due to increased demand for labour, to coolies having now to remit their savings at a worse exchange to the action of the recruiters at Negapatam and their agents, or to some other cause?
15. What prospects are there, in your opinion, of the future of the Straits and Native States being largely agricultural, and how far is a more abundant supply of Indian labour essential to carry out this future?

		<i>Page.</i>			<i>Page.</i>
1.	The Hon'ble J. M. Vermont,	i	14.	Mr. J. Gibson,	xxii
2.	Mr. J. Sargent,	ii	15.	" E. A. B. Brown,	xxiii
3.	" A. Stewart,	iii	16.	Dr. E. C. Foston, 2nd Colonial	
4.	" A. L. de Mornay,	iv		Surgeon, Province Welles-	
5.	" J. Bruce,	iv		lev,	xxiv
6.	" A. Crawford,	v	17.	Mr. W. A. Greig,	xxv
7.	" J. Y. Kennedy,	v	18.	" R. Pierce,	xxv
8.	" D. Logan,	vi	19.	" R. C. Grey, District Magis-	
9.	" E. G. Broadrick, Acting Assist-			trate, Kaitia,	xxvi
	ant Protector of Immigrants,	vi	20.	Dr Foston, recalled,	xxvi
10.	Captain Menzell,	xiii	21.	Mr J. H. Odeott, Acting De-	
11.	Mr. E. V. Carey,	ix		puty Colonial Engineer,	xxvi
12.	" A. Huttenbach,	xxviii	22.	Mr Lam Leng Choo,	xxvii
13.	" A. D. Neubronner,	xxii	23.	Messrs. Neo Choo and Boon Tat,	xxviii

				<i>Page.</i>					<i>Page.</i>
24.	Mr. T. Gibson,	...	...	xi	28.	Mr. C. E. Spooner, State En-			
25.	„ L. Dougal,	...	...	xii		gineer, Selangor,...			xv
26.	„ T. Heslop Hill,	...	...	xiii	29.	„ A. G. Watkins, Resident			
27.	„ H. N. Ridley, Director of					Engineer, Railways,	...		xvi
	Forests,	...	...	xv	30.	„ J. P. Rodger, Acting Brit-			
						ish Resident, Selangor,			xvii

		<i>Page.</i>			<i>Page.</i>
31.	Mr. H. M. Darby, ...	xix	33.	Mr. F. St. G. Caulfield, State Engineer, Perak, ...	xx
32.	„ E. W. Birch, Acting British Resident, Perak, ...	xx	34.	C. R. Hanson, Resident Engineer, Railways, ...	xxi

INDEX TO PRINCIPAL EVIDENCE TAKEN.

<i>Subjects.</i>	<i>See Evidence by the Witnesses as numbered (on List).</i>
Ceylon methods, ...	11, 24 and 25.
Depôt at Negapatam, ...	1, 2, 15 and 16.
Free labour, ...	10, 11, 12, 24, 25, 26, 28, 31 and 33.
Indentured labour, ...	1, 2, 3, 9, 15, 26 and 31.
Government as employer of labour, ...	3, 7, 15, 21, 28, 29, 30, 32 and 33.
Ordinances of 1884 and 1892 (as to amendments required), ...	1, 2, 9, 11 and 30.
Recruiting in India (personal experience), ...	5, 6, 10 and 11.
Restrictions on immigrants, ...	5, 6, 9, 11 and 26.
Supply of labour in Straits &c., ...	1, 2, 3, 7, 13, 17 and 26.
Do., for future requirements, ...	10, 11, 27, 30 and 32.
Wages in Penang, ...	1, 2, 15, 17, 18, 21, 22 and 23.
Do. Kedah, ...	88 and 187.
Do. in Native States, ...	3, 24, 26, 28, 29 and 33.

**Recommendations
of Commission,**

	Paragraphs in Report.
{ As to making Straits attractive,	{ 1. Term of contract, ... 13
	{ 2. Amount of wages, ... 14
	{ 3. Free labour, ... 15
{ As to improvements in recruiting,	{ 1. Agent in India, ... 42
	{ 2. Depôt at Negapatam, 17
	{ 3. Subsidy to coasting steamers, ... 52
	{ 4. Bounty for free passages from India, 46

— xxxii —

Appendix C.

**MINUTE BY SOLICITOR-GENERAL ON THE PROPOSAL TO FREE THE CONTRACT
FROM LEGAL RESTRICTIONS.**

In order to free the contract of the Indian immigrant from all legal restrictions under "The Immigration Ordinance 1884," it would be necessary to amend "The Indian Immigration Ordinance 1884, as amended by Ordinance XVI of 1892, as follows:—

- (a) To repeal section 27, by which all immigrants are to be informed that no contract is valid unless made in accordance with the Ordinance.
- (b) To amend section 28, so as to read "detained under section 25 (1) hereof", instead of "detained under section 25 hereof". This is in order to enable the detention of immigrants, who have received free passages under promises to enter into contracts under the Ordinance, to be enforced if required.
- (c) To amend section 30, by substituting the words "detained under section 25 hereof" for the words "who has received a free passage from India." This will make the penalty for crimping applicable where coolies have received a free passage from India.
- (d) To repeal section 36, whereby no contract for agricultural labour is valid unless made under the Ordinance. The effect of this repeal would be that contracts with immigrants would become subject to the provisions of "The Labour Contracts Ordinance 1882." Immigrants' contracts would, therefore, not be entirely free from all legislative interference, but the labour of immigrants would be subject only to the same legal restrictions as all other labour in the Colony.

In considering this question, I have considered it as if the amending Ordinance XVI of 1892 had been brought into force, although that has not yet been done.

J. A. HARWOOD,
Solicitor-General.

Penang, 22nd May, 1896.