

Public (189) ^① Department.

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ORDINARY MS.

G.O., No. 932-933

DATED 28-8-96

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[Despatch Abstract.]

Ordering that a letter be addressed to the Govt. of India stating that this Govt has no objection to ~~the~~ emigration to Sarawak being legalized and strongly pressing for a reduction in the maximum term of contract and for an increase in the minima of wages.

7/3/8

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Department of Revenue and
Agriculture.
(Emigration)

In continuation of the correspondence ending with this Department's endorsement No. 5191/59-7, dated the 17th December 1894, I am directed to forward for the information of the Governor in Council, a copy of a letter from the Government of the Straits Settlements, enclosing an Ordinance.

nance passed by the Government of Sarawak for regulating Indian immigration into that State and of the reply which I have been directed to send him.

2. It will be seen that the appointment of an Immigration Agent and the arrangements for the Medical inspection both of the immigrants before leaving India and of the immigrant population periodically, have not yet been definitely settled; but I am to say that the Government of India propose, if the Government of Madras see no objection, to legalise emigration to the State as soon as these matters have been satisfactorily arranged.

8. With reference to paragraph 2 of the letter from the Straits Government, I am to inquire the address to

which

DENZIL IBBETSON, Esq., C.S., C.S.I.,
Offg. Secretary to the Government of India,

The Secretary to the
Government of Madras.

Simla, the 19th June 1896.

non-arrival, required by Section 40
of the Ordinance, should be forwarded.

I have the honour to be,

Sir,

Your most obedient servant,

Offg. Secretary.

Letter from the Government of India, Department of Revenue
and Agriculture, to the Honourable the Colonial Secretary, Straits
Settlements, No. 1007/46-5, dated 17th June 1896. B

I am directed to acknowledge the receipt of your letter No.
3489/96, dated the 14th May last, forwarding copies of an Ordinance passed by the Government of Sarawak for regulating Indian immigration into that State.

2. It appears from the correspondence enclosed with your letter that although His Highness the Raja has agreed to the Medical inspection of the immigrants as desired by the Government of India, no Officer has yet been nominated for that duty. Moreover the qualifications of Mr. Sands, whom it is proposed to appoint as Immigration Agent during Mr. Jeffrie's absence have not been stated. If he is not a duly qualified Medical man it will be necessary, as already intimated, to arrange with a Medical Officer for the inspection of the emigrants before they leave India. The Governor General in Council will therefore await the receipt of the information which has been asked for in your letter No. 3489, dated - May 1896 to the address of His Highness the Raja of Sarawak, before taking steps to legalize emigration to Sarawak from India.

3. The Ordinance as passed meets the wishes of the Government of India but I am to point out that in section I the title is given as the "Indian Immigration Enactment 1894" whereas in Schedule B at page 21 it is referred to as the Enactment of 1896. This appears to be a mere clerical error which will doubtless be corrected.

4. I enclose as requested a complete list of the Countries, Colonies and States to which emigration from India is lawful;

and

communication will be addressed to you with reference to the inquiry in paragraph 2 of your letter which has been referred to the Government of Madras.

(True copy)

Arduces

Registrar,

Department of Revenue and Agriculture.

(123)

ESTATE.

(Section 61.)

Return of Statute Immigrants for six Months ending

Number of Statute Immigrants employed on	Number of Arrivals from	Number discharged by Expiration of Contract.	Number discharged by Redemption of Contract.	Number discharged by mutual Consent.	Number in Hospital on the	Number admitted from	Number remaining in Hospital on the	Number of Births among Statute Immigrants.	Number of deaths among Statute Immigrants.	Number of unlawful Absences from	Number of Desertions from	Number of Arrests from	Number of Statute Immigrants remaining on the

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STATE OF SARAWAK.

An Enactment for the Protection of Indian Immigrants.

WHEREAS it is expedient to make provision for the protection of natives of India to be employed in the State of Sarawak as labourers;

It is hereby enacted by His Highness the Rajah in Council, as follows:—

PART I.

Preliminary.

1. This enactment may be cited as "The Indian Immigration Enactment, 1894." Short title.

It shall come into operation at such time as His Highness The Rajah in Council may direct.

2. In this Enactment 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.

"Immigrant" means a native of India.

"Immigrant."

"Certificated Immigrant" means an Immigrant who has received a certificate in the form prescribed under this Enactment that he is not a labourer or of a labouring class. "Certificated Immigrant."

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

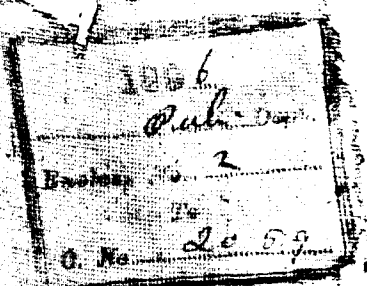
"Contract under this Enactment" means a contract entered into by an Immigrant in accordance with the provisions of this Enactment to labour on an estate where agricultural operations are carried on or to labour elsewhere at such works as shall from time to time be specified by The Rajah in Council under the power in that behalf given by section 33 hereof. "Contract under this Ordinance."

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

"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."

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

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



"Advances."

"Advances" means money paid to or expended on behalf of an Immigrant on account of any of the purposes mentioned in section 38 hereof.

"Magistrate."

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

"Medical Officer."

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

3. This Enactment is divided into parts, as follows:—

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

PART II.

Immigration Officers.

Appointment of Officers.

4. There shall be appointed by His Highness The Rajah an Officer to be styled the Indian Immigration Agent for the purposes of this Enactment, and such appointment shall be subject to the approval of the Governor of the Straits Settlements who may also cancel such approval if he thinks fit so to do.

It shall be lawful for the Rajah to appoint such other Officers as may be necessary for carrying into effect the provisions of this Enactment.

Agent to have Magisterial power.

5. The Indian Immigration Agent shall have the powers of a Magistrate so far as may be necessary to enable him to perform the several duties imposed on him by this Enactment. In his absence the duties shall be performed by the Chief Civil Officer of the district or by an Assistant Immigration Agent, who shall for that purpose have all the powers hereby conferred on the Immigration Agent.

Rules and Orders.

6. The Rajah in Council may from time to time frame Rules and Orders for the conduct of the duties of the Officers under this Enactment.

PART III.

Certificated Immigrants.

7. Every Immigrant holding an unexpired certificate to the effect stated in section 8 hereof issued by the proper authority in British India, shall have all the immunities given in this Part to Immigrants holding certificates issued in the State. Certificate issued in India.

8. Any Immigrant in the State may apply to the Indian Immigration Agent for a certificate declaring that the person named and described therein is not a labourer or of a labouring class. In the State.

9. The Indian Immigration Agent shall, if he is satisfied that the applicant is not a labourer or of a labouring class, issue forthwith under his hand and seal, free of charge, a certificate in the form or to the effect of Schedule A hereto. Issue of certificate.

10. Every certificate issued under this Enactment shall contain the names of the holder thereof and of his or her father, and shall specify his or her place of abode in India age sex religion caste (if any) and calling. A general description of the holder of such certificate and of any marks on the portions of the body ordinarily unclothed by which he or she may be more certainly known shall also be written therein. Particulars to be entered in it.

11. The certificate shall be dated on the day of its issue and shall have force until the holder enters into a contract under this enactment. Available till holder enters into a contract.

12. A Certificated Immigrant shall upon production of his certificate, be wholly exempted from every restriction imposed upon Immigrants by this Enactment. Certificated Immigrant exempt from restrictions.

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

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

15. If the Governor of the Straits Settlements shall at any time with the consent of the Government of India declare that any class of Immigrants is not a labouring class, and that any person belonging thereto is entitled to a certificate without enquiry, any person belonging to such class shall be entitled to a Certificate without enquiry; and if the Governor of the Straits Settlements shall at any time with the consent aforesaid declare that any class of Immigrants is a labouring class and that persons belonging thereto are not entitled to certificates, no person belonging to such last mentioned class shall be entitled to a certificate. Special classes may be exempted.

PART IV.

Arrival and Departure of Immigrants.

Exemption.

16. Nothing in this part shall apply to,—
 (a) Certificated Immigrants.
 (b) First class cabin passengers.
 (c) Second class cabin passengers arriving or departing in ships in respect of which the Governor of the Straits Settlements has made declaration by notification in the *Government Gazette* of the Colony of the Straits Settlements that second class passengers by such ships shall be exempted from the operation of the fourth part of Ordinance V. of 1884 of the Colony of the Straits Settlements.
 (d) Menial servants in actual service.
 (e) Seamen, firemen and other persons serving on board a ship.

Port at which Immigrants may be landed.

17. No Immigrant shall land in the State at any Port other than at the capital (Kuching) whence if required they will be dispatched to other stations. Any Master causing or permitting any Immigrant to land contrary to the provisions of this section shall be liable to a fine not exceeding fifty dollars for each Immigrant so landing. A master from whose ship an Immigrant shall land contrary to the provisions of this section shall in the absence of proof to the contrary be deemed to have caused or permitted him so to land.

Arrival of ships to be signalled.

18. Ships having any Immigrants on board embarked at a port in India or Singapore shall, on arrival at the port of Kuching, hoist the signal "D. K.W." together with a flag or flags denoting the number of Immigrants on board and shall keep the same flying until the arrival on board of an Officer of the Immigration Department. No Immigrant will be allowed to leave the ship until it has been visited by the Immigration Officer. The Master of the ship will be held responsible for the above being done at the authorized port of disembarkation. A Master omitting to comply with the provisions of this section shall be liable to a fine not exceeding two hundred and fifty dollars.

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

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

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

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

A Master who shall not on application deliver to the Indian Immigration Agent any such passenger list as aforesaid shall be punished with simple imprisonment for a term which may extend to one month or with a fine which may extend to \$250 or with both, and a Master delivering an incorrect passenger

list to the Indian Immigration Agent shall be punished with simple imprisonment for a term which may extend to six months or with a fine which may extend to \$500 or with both.

21. It shall be lawful for His Highness The Rajah to establish an examination depot at the authorised port of dis-embarkation for the examination and detention of Immigrants, and also to license depôts for the detention of Immigrants, and to frame Rules for the management and regulation of such depôts, and to frame tables of fees and charges to be paid for the use thereof and for the maintenance of Immigrants detained therein.

22. On the ship being boarded as prescribed in section 19 the Indian Immigration Agent shall require every Immigrant to go to an examination depot, where he shall be examined by a Medical Officer and it shall be ascertained whether he has received advances or not.

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

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

Such expense, whatever the amount, may be recovered from the employer in any Court at the suit of the Indian Immigration Agent whose certificate of the amount thereof shall be sufficient *prima facie* evidence that the sum named therein is the sum recoverable.

25. The Indian Immigration Agent shall explain to every Immigrant brought to an examination depot that no contract for such labour as in section 33 hereof is mentioned or referred to is valid unless made in accordance with Part V. of this Enactment.

26. Any Immigrant who omits to go to an examination depot or to a depot licensed under this Enactment after having been lawfully required by an Officer of the Indian Immigration Agent's Department to do so.

And any Immigrant leaving such depot without the written permission of the Indian Immigration Agent, shall be liable to

a fine not exceeding fifty dollars, or imprisonment of either description for a period not exceeding three months,

and any Immigrant detained under section 23 hereof who refuses to enter into a contract under this Enactment or to re-pay his advances with such smart-money as aforesaid within seven days from the time of his entering such depot,

shall be liable to a fine not exceeding twenty dollars, or imprisonment of either description for a term not exceeding one month, and if on the expiration of any sentence of imprisonment imposed for such refusal he shall still persist in such refusal as aforesaid he shall be liable to a further fine not exceeding thirty dollars, or a further period of imprisonment not exceeding two months.

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

Immigrant absconding.

27. Any Immigrant unlawfully omitting or refusing to go to a depot or unlawfully leaving the same may be arrested by any Police Officer or by any Officer of the Department of the Indian Immigration Agent and taken before a Magistrate to be dealt with according to law.

Penalty.

28. Any person who shall induce or attempt to induce any Immigrant whose advances shall not have been re-paid to go to any place other than a depot established under this Enactment or who shall entice or attempt to entice away from any such depot any such Immigrant, shall be liable to a fine not exceeding fifty dollars for each Immigrant in respect of whom such offence shall have been committed or attempted to be committed.

Immigrant not to leave the State.

29. No Immigrant shall depart from the State except to go to a Colony, Country, or State, to which Indian Emigration is authorised by the Government of India or to British India.

To what countries or states Indian Emigration lawful.

30. If the Governor of the Straits Settlements from time to time, with the consent of the Government of India, declares by notification in the *Government Gazette* of the Colony that Indian Emigration is authorised to any Countries, Colonies or States such declaration while it remains in force shall be sufficient proof that Indian Emigration is authorised to such Countries, Colonies or States.

Penalty for assisting Immigrant to leave the State.

31. Any Immigrant unlawfully departing or attempting to depart from the State of Sarawak in breach of the provisions of section 29 hereof shall be liable to a fine not exceeding twenty dollars and may be arrested without warrant by any Police Officer; and any person abetting an offence under this section shall be liable to a fine not exceeding fifty dollars for each offence. The Master of a ship in which an Immigrant shall unlawfully depart from the State of Sarawak shall until the contrary be proved be deemed to have abetted such unlawful departure.

PART V.

Contracts of Immigrants.

Immigrant of 16 years may contract.

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

33. Every contract promise or engagement made or entered into after the coming into operation of this Enactment 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 in accordance with the provisions of this Enactment. Contract must conform with this Enactment.

The Rajah in Council 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 Enactment.

34. Except as hereinafter mentioned in section 35 hereof every contract made by an Immigrant under this Enactment must be made before the Indian Immigration Agent. If the employer is unable to attend the contract must be executed on his behalf by an agent duly authorised by power of attorney. Before the Immigrant executes the contract the Indian Immigration Agent shall personally explain it to him and shall after the same has been executed by all parties certify at the foot thereof that he has personally explained it to the Immigrant. Execution of by Immigrant.

35. Any contract under this Enactment with an Immigrant other than one made on his first arrival in Sarawak may be made before a Magistrate or Justice of the Peace, provided that it be confirmed with three months of its execution by the Indian Immigration Agent, 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. By Statute Immigrant.

36. Every contract under this Enactment shall be in writing or in print or partly in writing and partly in print and shall be executed in duplicate, the one part being in English and the other in the vernacular language of the Immigrant by whom it is executed, and shall be in the form provided by Schedule B hereto, or in such other form not inconsistent with the provisions of this Enactment as may from time to time be sanctioned by the Governor of the Straits Settlements. Form and contents.

Every such contract shall be liable to a fee of one dollar, which fee shall be paid by the employer, and any contract or agreement for payment thereof either directly or indirectly by the Immigrant shall be void.

37. The English part of the contract shall when executed be given to the employer or to his agent and the vernacular part 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 Indian Immigration Agent and shall be initialled as correct by the Immigration Agent. Custody of contract.

38. The amount of any advances made to the Immigrant by or for the employer either in India, in the Straits, or in the State shall be entered in the contract under the following head:— Analysis of advances.

1. Maintenance in India.
2. Cost of conveyance to port of embarkation.
3. Clothes.

4. Cash given in India.
5. Passage-money.
6. Maintenance on board ship.
7. Maintenance in depot after arrival.
8. Cash given in the Colony of the Straits Settlements.
9. Cash given in the State.

Maximum sum which may be legally exacted.

39. The maximum sum which an Immigrant shall by any contract under this Enactment be bound to repay shall not exceed twenty dollars and not more than one dollar in respect thereof shall be deducted from his wages in any one month. But the Governor of the Straits Settlements may by notification in the *Government Gazette* of the Colony alter from time to time such maximum sum in such manner as he shall on consideration of the cost of immigration or other circumstances deem to be equitable.

Immigration Officer to satisfy himself that advances were really made.

40. The Officer before whom the contract is made shall not enter therein any part of the amount alleged to have been advanced without having first satisfied himself that it has been actually received by the Immigrant or paid on his behalf with his consent, and that no charge be made for a longer detention at any depot than was in the opinion of the said officer absolutely necessary for the purposes of this Ordinance, unless the Immigrant was at the time of such detention in receipt of his monthly wages under his contract, or unless such detention was caused by the fault or default of the Immigrant himself.

Term of contract.

41. The contract may be made for a definite term not exceeding three years or for an indefinite term terminable by either employer or Statute Immigrant on a month's notice, but any such 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 and returning from a Court in or about a case in which he shall be convicted of an offence;
- (c) Every period in respect of which an endorsement has been made on the contract by the Indian Immigration Agent under sections 55 and 91 hereof;
- (d) Every whole day during which the Statute Immigrant shall without reasonable excuse neglect to labour.

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

Immigrant to labour until advances repaid.

42. If the sum repayable by the Statute Immigrant be not paid at the end of the definite term, or in the case of a contract made for an indefinite term, at the end of the month's notice which may have been given by the Statute Immigrant, he may be required to labour until such sum has been paid in full, provided that in no case is such period to exceed three years.

Time of payment of wages.

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

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

14 cents per day during the first year;
For an adult male, 16 cents per day during the second and subsequent years.

10 cents per day for the first year;
For a female or for a boy under 16, 12 cents per day for the second and subsequent years.

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

45. No Statute Immigrant shall be bound to work on more than six days in one week or more than six consecutive hours or more than nine hours in any one day. He shall for one day in each week receive wages without working on that day, provided that he has worked six full days in that week, and provided also that the cleansing of houses and ground surrounding the houses in which the Immigrants reside shall not be considered as work under this section. If he shall work more than six full days in any one week he shall be paid for any work that he may do on the seventh day extra wages at the contract rate.

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

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

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

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

PART VI

Treatment of Statute Immigrants on Estates.

Provision to be made by employer. 49. The employer of a Statute Immigrant shall so long as the contract is in force provide for him subject to the provisions of this and the following section:

- (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 accommodations.
- (g) Medical attendance.
- (h) A sufficient quantity of medicines of good quality.

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

In accordance with Rajah's directions. 50. The Rajah shall from time to time by notification 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 distance of the estate from the nearest Government Hospital.
- (c) The description of medical attendance to be provided in accordance with sub-section (g) of the preceding section.
- (d) The kinds and quantities of medicine to be kept on the estate by the employer.

Powers of Indian Immigration Agent. The Indian Immigration Agent may with the sanction of the Rajah from time to time prescribe:—

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

Cooked rations. 51. A Medical Officer may at any time require the employer of a Statute Immigrant to provide for him, in lieu of uncooked rations, cooked rations which shall be in accordance as to quantity and quality with the scale for native patients for the time being in force in Government Hospitals.

Immigrant in hospital. 52. If a Statute Immigrant be received for medical treatment in a Government Hospital the expenses attending the feeding and medical care of such Immigrant shall be paid for by his employer at such rate as the Rajah may from time to time prescribe by notification. Such expenses whatever the amount shall be recoverable from the employer in any

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Court at the suit of the Indian Immigration Agent and the certificate of the Indian Immigration Agent shall be sufficient *prima facie* evidence that the amount therein specified is due from the employer.

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

54. Any Statute Immigrant who is declared by a Medical Officer to be incapacitated for work by sickness or by 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. Temporary incapacity.

55. If such incapacity extends over a period amounting in all to fifteen days in any one year and is certified by a Medical Officer to be the direct result of the Statute Immigrant's intemperance immorality or other fault the Indian Immigration Agent may make an endorsement on the contract to that effect. Of more than 15 days.

PART VII.

Localities Unfit for Residence and Employment of Statute Immigrants.

56. If the Indian Immigration Agent shall at any time have reason to believe that any estate or portion of an estate on which Statute Immigrants are living or employed is from any cause unfit for their residence or employment, he shall report his opinion in writing to a Magistrate. Committee of Enquiry.

A magistrate to whom such a report has been made shall forthwith summon a Committee of Enquiry.

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

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

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

The Rajah may declare an estate unfit for residence or employment of Immigrants.

58. The Rajah may by notification declare any estate or portion of estate unfit for the residence or employment of Statute Immigrants without the appointment of any such Committee, or notwithstanding any report of such Committee to the contrary, if the number of Statute 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 Statute Immigrants residing or employed thereon during such period than seven per centum; or if the average annual number of Statute 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 Statute 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.

The Rajah may cancel notification.

59. On subsequent proof being made to the satisfaction of the Rajah that an estate or portion of estate found or declared unfit under sections 57 and 58 hereof has been altered or improved in its sanitary condition and has again become fit for the residence or employment of Statute Immigrants, the Rajah may publish a declaration to the effect, whereupon the estate or portion of estate may be used again for the residence or employment of Statute Immigrants.

Epidemics not to be taken into account.

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

PART VIII.

Indian Immigration Agent's Inspection and Report.

Inspections.

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

61. Every employer shall in the months of January and July in each year make out in writing and deliver to the Indian immigration Agent in such forms as the Governor of the Straits Settlements may from time to time prescribe a return of the number of Statute Immigrants employed by such employer during the preceding six months and a return of the sickness, births, deaths, unlawful absences, desertions and arrests among them during the same period; and copies of all such returns shall be forwarded to the Governor of the Straits Settlements.

Penalty for omission to furnish report or for incorrect report.

62. 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 Indian Immigration Agent stating that such return has not been sent, or is incorrect, shall be sufficient prima facie evidence of the truth of the facts stated in such certificate.

Periodical inspection of labourers to be

63. The Indian Immigration Agent 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

11
3
by the Rajah and when required by the Governor of the Straits Settlements visit all estates on which any Statute Immigrants shall reside or be employed and inspect every house, hospital, tent, camp or building in any way used by any Statute Immigrants, and inquire into the condition of such Statute Immigrants, and investigate the books of account of their wages; and

For such purpose the Indian Immigration Agent may require the employer to produce before him any Statute Immigrant together with his contract and the books of account of his wages, and to answer such questions relating thereto as the Indian Immigration Agent may think proper to ask.

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

Notice shall be given by the Indian Immigration Agent to the employer of every entry in such book affecting Statute Immigrants employed by him.

65. The Governor of the Straits Settlements and the Government of Madras shall have power respectively to depute an Officer from time to time to examine and report the condition of Immigrants in the State and such Officer may exercise under this enactment all or any of the powers of entry inspection enquiry and investigation which are hereby conferred on the Indian Immigration Agent.

66. If any employer or other person wilfully obstructs or impedes any entry, inspection, enquiry or investigation made under this Enactment, he shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to \$250 or with both.

Reports.

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

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

PART IX.

Offences Committed by Statute Immigrants.

Neglect to Labour and Disobedience.

69. Any Statute Immigrant who shall without reasonable

excuse neglect to labour as required by the employer, such labour being reasonable and proper, shall be liable to a fine not exceeding fifty cents for each day during which such neglect shall continue; such fine to be paid to his employer; and in case such neglect shall have continued for seven consecutive days or in case such Immigrant shall have been already convicted of a like offence within a period of three months, such Immigrant may be furthermore sentenced, at the request of the employer, to imprisonment of either description for any period not exceeding fourteen days.

Disobedience of orders and refusal to work.

70. Any Statute 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 any period not exceeding one month.

Unlawful Absence.

Unlawful absence.

71. 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.

72. Provided that upon the commission by a Statute Immigrant of any of the offences described in sections 69, 70 and 71 hereof 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 cases of disobedience to a lawful order half a day's wages may be deducted.

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

Desertion.

Desertion.

73. Every statute Immigrant who deserts 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 which may extend to three months.

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.

74. Ill-treatment of any 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. Defined. Proviso in case of ill-treatment or breach of contract.

Arrest and Charge of Deserters and Absentees.

75. If any Statute Immigrant deserts 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 53 hereof without leave from the officer in charge of such Hospital, his employer or any other person acting in his behalf may without warrant and without the assistance of any Police Officer (who nevertheless shall be bound to give such assistance if called upon to do so) apprehend such Statute Immigrant wherever he may be found and take him back to the estate or to the hospital or to a Police Station at once, provided that Absentees may be apprehended without warrant.

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

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

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

Malingering.

77. 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 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. Immigrant disabling himself.

Selling Rations.

78. Any Statute Immigrant who without the consent of his employer sells barter or disposes of for profit any ration cooked or uncooked purchased by him from his employer under section 49 hereof shall be liable to imprisonment of either description for a period not exceeding seven days; and Penalty for Immigrant selling food.

Ditto for re-
ceivers.

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

Imprisonment.

Portion of sen-
tence may be
cancelled on ap-
plication of em-
ployer.

79. 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 Enactment a Magistrate may at any time previous to the expiration of such imprisonment, if he see good cause, order such Statute Immigrant to be released and given up to his employer, and in that case the Magistrate shall endorse on the contract a memorandum signed by him of such order and send a copy thereof to the Indian Immigration Agent.

Conviction to be
endorsed on con-
tract.

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

Disposal of Sta-
tute Immigrant
after release.

81. 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.

Cancellation and Transfer of Contract.

Contract may be
cancelled for re-
peated deser-
tions on request
of the employer.

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

Immigrant to la-
bour on public
works.

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

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

Agent may trans-
fer contracts.

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

PART X.

Offences committed against Statute Immigrants.

Separating Families.

84. Any person separating or abetting 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 him by the Indian Immigration Agent. Penalty for separating families.

85. Any employer who shall cause or permit any Statute Immigrant to reside or labour upon any such estate or portion of an estate as under the provisions of sections 57 or 58 hereof has been found or declared to be unfit for the residence or employment of Statute Immigrants with knowledge of such finding or declaration and whilst such finding or declaration remains in force, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment of either description for a period not exceeding six months. Penalty for permitting Immigrant to reside in unhealthy locality.

86. Any employer who omits to comply with such request as is mentioned in section 47 hereof or with any of the provisions of section 49 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 non-compliance with secs. 47 and 49.

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

Complaints by Statute Immigrants.

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

Procedure by Indian Immigration Agent.

89. Whenever the Indian Immigration Agent receives such notice in writing as aforesaid, or whenever any complaint of personal ill usage or breach of any provision of this Enactment is made to him by any Statute Immigrant against his employer, or any person acting for such employer, or when the Indian Immigration Agent has other reasonable grounds for believing that any such personal ill-usage or breach of any Indian Immigration Agent how to proceed on receipt of notice.

provision of this Enactment as aforesaid has been suffered by a Statute Immigrant, the Indian Immigration Agent shall so soon as conveniently may be proceed to the estate and make full enquiry into the matter complained of.

Proceedings.

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

Penalty for obstructing service of, or disobedience of summons.

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 shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to \$250 or with both.

If complaint is untrue or frivolous.

91. If upon any such inquiry made on the complaint of a Statute Immigrant the Indian Immigration Agent is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint, and a short statement of the ground of his opinion respecting it, and in such case he shall endorse on the contract of such complainant the number of days during which such complainant has been absent from work in consequence of such enquiry, and may impose on the complainant a fine not exceeding fifty cents, which may be deducted from the Statute Immigrant's wages and retained by his employer.

If complaint is well founded.

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

Right of hearing.

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

Cancellation of Contract.

Contract cancelled if employer is convicted.

93. If any employer or any person placed in authority over any Statute Immigrant by such employer shall be convicted before a Judge of the Supreme Court of any offence against the person or property of such Statute Immigrant; or If any such employer or other person as aforesaid shall be a second time convicted before a Magistrate of any such offence; or

Ill-usage or forced labour.

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

Cancellation of contract.

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

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

Court Fees.

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

PART XI.

General.

Notice of Deaths, &c.

95. Notices of deaths of Statute Immigrants and births of children of Statute Immigrants shall in the case of deaths be given by the person in whose service the Statute Immigrant may have been at the time of his death or in whose premises he may 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. Such Notices shall be sent, within fourteen days after any birth and two days after any death, to the Indian Immigration Agent.

Any person without reasonable excuse making default under this Section shall be liable to a penalty not exceeding ten dollars.

96. All convictions and penalties for offences under this Enactment may be had and recovered before a Magistrate or a Court of two Magistrates on complaint by any person aggrieved or by the Indian Immigration Agent or any person authorised by him in that behalf.

Passed 27th April, 1896.

(Sd.) CHARLES S. PEARSE,
Recorder of Supreme Council.

SCHEDULE A.

I hereby certify that the person herein named and described is not a labourer or of a labouring class.

Signed _____

*Indian Immigration Agent.**State of Sarawak.*

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

SCHEDULE B.

FORM OF CONTRACT.

This contract made the _____ day of _____ A.D. 18____ under here-
 "The Indian Immigration Enactment, 1896" between _____
 under 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 Witnesseth that it is hereby mutually agreed by and between
 the said parties hereto as follows:—

1. The labourer will labour for the Employer as _____ in the
 State of Sarawak _____ from the date hereof for the term of _____
 months or until this contract is determined by one calendar month's
 notice on either side.

2. The Labourer will repay to the Employer the sum of \$ _____ being
 moneys advanced to or expended on behalf of the Labourer by the Employer
 the particulars whereof are specified hereunder, and the Employer may
 deduct from the Labourer's wages a sum not exceeding \$1 a month until
 the said sum be thereby repaid.

3. The Employer will pay to the Labourer so long as this contract
 shall remain in force wages payable monthly at the rate of _____ cents
 a day (during the first twelve months of such period; and afterwards
 if and when the said sum of \$ _____ shall be repaid or tendered, at the rate
 of _____ cents a day).

4. This contract is subject to the provisions of the said Enactment so
 far as the same are applicable and shall be construed as though such
 provisions were expressly incorporated herein.

In witness, &c.

Particulars of Advances.

- | | | |
|---|-----|----|
| 1. Maintenance in India, ... | ... | \$ |
| 2. Cost of Conveyance to port of embarkation, ... | ... | " |
| 3. Clothes, ... | ... | " |
| 4. Cash given in India, ... | ... | " |
| 5. Passage money, ... | ... | " |
| 6. Maintenance on board ship, ... | ... | " |
| 7. Maintenance in depot after arrival, ... | ... | " |
| 8. Cash given in the Colony of the Straits Settlements, ... | ... | " |
| 9. Cash given in the State of Sarawak, ... | ... | " |

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

† This clause must be struck out in the case of a contract with an immigrant who is not under advances.

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Description of Labourer

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

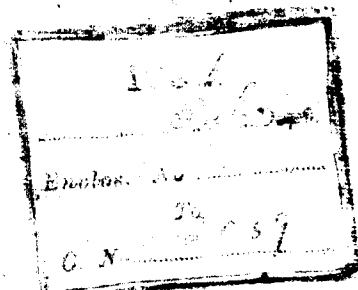
Endorsement to be made by Indian Immigration Agent:

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

Signed _____

Indian Immigration Agent.

State of Sarawak.



16 8
Letter from the Government of the Straits Settlements, to the Government of India, Department of Revenue and Agriculture, No. 5489/96, dated 14th May 1896.

Referring to your letter No. 5190/59 of 17th December 1894, on the subject of Indian Emigration to Sarawak, I am directed to transmit 49 copies of an Enactment passed by the State Council of Sarawak, to meet the views expressed in your letter abovementioned, also copy of a letter from Rajah Brooke to Governor Sir Charles Mitchell, G.C.M.G., on the same subject, together with copy of His Excellency's reply thereto.

2. If the Enactment meets the views of the Government of India, I am to enquire to what Department in India notifications of non-arrival should be sent under section 20, and I am also to ask for a complete list of the Countries, Colonies and States to which Indian Emigration is authorized, for notification in the Gazette of this Colony under section 30.

Letter from His Highness the Rajah of Sarawak, G.C.M.G., to the Governor Sir C. Mitchell, G.C.M.G., Singapore, dated 27th April 1896.

I have the honour to forward, by this opportunity, fifty copies of the Sarawak Enactment on Indian Immigration scheme, with the alterations required by the Indian Government - I trust that they will be found correct.

Mr. Jeffreys is at present on leave for a year, during which time a gentleman named Sands, who is conversant with the Tamil language, will be appointed Officer to superintend the coolies on their arrival and during their residence in this country.

country. The Medical man will also be required regularly to make the necessary inspection and attend to the sick when needed.

Letter from His Excellency Sir C. Mitchell, G.C.M.G., Governor, etc., Singapore, to His Highness the Rajah of Sarawak, G.C.M.G., dated May 1896, No. 5489/96.

I have the honour to acknowledge Your Highness' letter of the 27th ultimo, giving cover to 50 copies of the Sarawak Enactment on Indian Immigration, which I have duly transmitted to the Government of India.

2. I have the honour to enquire what previous training and experience is possessed by Mr. Sands, whom you propose to appoint as Acting Indian Immigration Agent in the State during Mr. Jeffreys' absence; whether he is thoroughly conversant with the Tamil language, and whether he holds any Medical qualifications.

3. I should also be glad to be placed in position of the name and qualification of the Medical man whom you propose to detail for regular inspection duty in Sarawak.

4. I should also be glad to have five copies of any rules and orders you make from time to time under section 6.

5. I enclose, for use in Your Highness' State, forms under section 61, of a half-yearly return showing. -

No. of Statute Immigrants employed.

Details of sickness.

Births.

Deaths

Unlawful absences.

Desertions.

Arrests.

6.

17
I have the honour to invite your attention to the absence of that assurance on your part which was invited in the 5th paragraph of the letter of the Government of India of 17th December, 1894, as to your acceptance of the arrangements for medical inspection of immigrants before embarkation in India, referred to in the 4th paragraph of that letter, and I request that the name and qualification of the Medical man selected by Your Highness, for duty at Negapatam, may be notified to me for the information of the Government of India.

7. I have also to enquire what arrangements Your Highness proposes to make for licensing recruiters in India.

8. In section 25, line 2, by inadvertence, the word "Ordinance" has been suffered to remain instead of "Enactment".

9. I should be glad to have five copies of the Enactment for reference in this Colony, if Your Highness can spare me so many.

Letter from the Government of the Straits Settlements, to the Government of India, Department of Revenue and Agriculture, No. 5489/96, dated 19th May 1896.

In continuation of my letter of the above number dated the 14th instant, I am directed to forward herewith 50 copies of a form, which has been prepared under section 61 of the Sarawak Indian Immigration Enactment.

(True copies)

A. H. M. C.
Registrar,
Department of Revenue and Agriculture.

C. No. 2030.

Part III

In 1907, Sarawak, a protected native state in North Borneo, complained Indian coolies from Ceylon, and the Govt. of India pointed out that this was illegal. (G.O. Nos. 135 & 131, dated 27th Jan. & 2nd April 1907)

In the following year the Raja of Sarawak applied for the formal importation of Indian labour in that country, and the Straits Govt. supported the proposal on the understanding that the arrangements for the control of emigration to the protected native states in the Malay peninsula should be adopted by the Sarawak State. This was agreed to (G.O. No. 1, dated 27th Jan. 1908).

In 1901 the Govt. of India issued a proclamation placing Java under (G.O. No. 1, dated 15th June 1901) on the same footing as the native states in the Straits Settlements. Since then continued, and a draft ordinance prepared on the plan of that adopted for the native states in Malaya.

has now been conditionally approved by the Govt. of India.

It does not embody any of the amendments in the Straits ordinance XVI of 1892, but follows closely that of 1884 as adapted for Native States.

The appointment of the Agent is liable to be confirmed and ~~submitted~~ by the Govt. of the Straits Settlements.

(sect 4)

It is submitted that there is no apparent reason why the concurrence of this Govt. to Enugu: to Sarawak being legalised shd. be withheld. The draft enactment follows the existing Ordinance [VI of 90] for the Straits Settlements very closely. The only fundamental difference is that it gives the Statute fixing a higher wages than his brother in the Straits. vide para: 44 and § 46 of the Ordinance. The increase of the latter is however, under consideration. Para: 55 varies from § 58 of the Ord. but seems to be unobjectionable. The penalty attached to para 95 is new - but seems reasonable. The letter of Tanjore did receive the reports referred to para 3 of the current. § 91 & 92 referred to is not yet in force. Submitted to India accordingly.

no - we cannot well object, but should press for the revision of the law in favour of the Indian. Grant suggested by Mr. Dames in this letter other note & should repeat what we said before as to its not being to the interest of India to do anything to encourage emigration to these foreign countries.

MS
21/7/96

Section 55 of the draft enactment is more liberal than sec. 58 of the Ord. inasmuch as it provides for the unemployed being fed & clothed while in hospital at his employer's expense. This is a good provision.

Section 55 of the draft enactment is more liberal than sec. 58 of the Ord. inasmuch as it provides for the unemployed being fed & clothed while in hospital at his employer's expense. This is a good provision.

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Submitted that the enactment is little better than a legalisation of slavery. But in this aspect it does not materially differ from the Ordinance for the Straits Settlements.

2. The minimum wages are indeed higher than in the Straits, viz. 14 cents a day for a man & 10 cents for a woman, against 12 & 8 cents respectively. But in this connection please see para 4 of my note about emigration to Perak.

MS
18/7/96

[G.]
24.
1,000-15-11-95.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 2059

of 1896, dated 19th Jan, from the Govt of India, Res. & Agr. Dept.

" "

" 189 , " "

" "

" 189 , " "

ORDER. N^o 932. D 28th August 1896.

Ordered that the following letter be addressed to the Govt of India.

N^o 933.

Letter to

The Secy to the Govt of India
Dept of Res. & Agr.
(Emigration)

Sir,

I am directed to ^{acknowledge the receipt of} ~~reply to your~~ letter N^o 1031 ^{of 14th 19th Jan last} forwarding an Ordinance passed by the Govt of Sarawak for regulating Indian immigration ⁱⁿ that state and stating that, when certain minor matters have been satisfactorily arranged, the Govt of India propose if the Govt of Madras sees no objection, to legalize Emigration to ^{Sarawak} that state.

I am to request a
reference to my letter N^o 931, Feb,
of this date in regard to the
Brak Order in Council for the
regulation of immigration
and to say that in the case of
Sarawak also this Govt would
strongly press for a reduction
in the maximum term of
contract, viz, three years,
and for an increase in the
minimum wages notwithstanding the fact that they are
higher than those at present in
force in the Straits ^{Settlements} under

Ordinance of 1889.
The Colls. of Baltimore did receive
reports referred to in par.
other lands - nos. 8

75k
21-9-56

note. Under Ord: V. 84 - 12 cents per day for first year and 14 cents for second & subsequent years. Under Sarawak order the minima are increased to 14 & 16 cents respectively. The new Ord: 201.92 lays down a minimum of 14 cents for the Straits & I para 6 of letter 936. Pub d/14.11.95 this Govt told India that that sum would be sufficient.