

Public (1897) Department.

ORDINARY MS.

G.O., No. 1201

DATED 14. 9. 97.

INDEXED.

[Despatch Abstract.]

*Recording Copy of the St. Lucia
Immigration Ordinance No. 4
of 1891.*

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Public (1897) Department.

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Forwarding a copy
of the St. Lucia Immi-
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FURTHER PAPERS.

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S. A

NOTE FOR THE UNDER SECRETARY.

This file has
just been completed, some
of the old G.O.'s which were
called for from Madras
having been received today

J. H.
13/4/97

US

May the papers be
recorded please?

For letter N° 257
Recd of 17.4.94 please
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C. S.
18/4/97



I assent,
WALTER HELY-HUTCHINSON,
Governor.
20th February, 1891.

SAINT LUCIA.

No. 4 of 1891.

AN ORDINANCE to amend the Law relating to Immigration. A. D. 1891.

[20th March, 1891]

BE it enacted by the Governor with the advice and consent of the Legislative Council of Saint Lucia, as follows:—

Preliminary.

1. This Ordinance may be cited as the Immigration Ordinance, 1891. Short title.
2. The Immigration Ordinance, 1880, is hereby repealed. No. 8, 8th September 1880 repealed.
3. In this Ordinance, unless the context otherwise requires,—
“Protector of Immigrants” includes any Assistant Protector of Immigrants: Interpretation of Terms.
“Magistrate” includes any Justice of the Peace having authority to act in the matter:
“the Magistrate of the District” and “the Magistrate” mean the Stipendiary Magistrate appointed to act for the District:
“Police Constable” includes a Rural Constable:
“Ship” includes a sea-going vessel of any description:
“Estate” includes any sugar or cacao estate in cultivation,

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or any two or more such estates if adjacent to each other and managed as one estate, or any other piece of land in cultivation under one management of the extent of at least five acres, and also any cattle or sheep farm, or any wood-cutting establishment, or any Sugar Factory:

"Employer" includes the proprietor or lessee of any estate, or the attorney of such proprietor, and the manager for the time being of such estate:

"Manager" includes the person for the time being having the personal charge or superintendence of an estate, and any overseer acting under his authority:

"Immigrant" includes any person introduced into the Colony either wholly or in part at the expense of the Immigration Fund, and the children of such immigrant:

"Indenture" and "Indentured" indicate a contract of service registered under this Ordinance, and a person subject to such contract respectively:

"Adult" means an immigrant of or above the age of fifteen years:

"Minor" means an immigrant under the age of fifteen years and of or above the age of ten years:

"Infant" means an immigrant under the age of ten years:

"Adult," "Minor" and "Infant" respectively include an immigrant of uncertain age, who has been estimated by the Protector of Immigrants to be an adult, minor or infant, as the case may be:

"Excessive Death Rate" is when the annual death rate of an estate for two years exceeds six per cent, or when the mean annual death rate of such estate for two years exceeds by one per cent the mean death rate of the indentured immigrants of the district in which the estate is situated, or when the number and causes of death at any time prove the estate to be unhealthy or unsuitable for the residence of Indian immigrants:

"Habitual Idler" means an immigrant in good health, who absents himself from work twenty days in any one month or in two months in succession.

Forms—Schedule.

4. (1.) The several Forms contained in the schedule to this Ordinance shall be used for and in respect of the several matters in this Ordinance upon which reference is made to them in the margin by the respective numbers of such Forms.

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(2.) The Protector of Immigrants may, with the approval of the Governor-in-Council, from time to time cause such Forms to be varied or altered, and also any additional Forms to be framed, as occasion may require, for the purpose of carrying out the provisions of this Ordinance, and such varied, altered, or additional Forms shall have the same force and effect as if they were contained in the schedule to this Ordinance: Provided that every such Form shall be first published in the Gazette, and that copies thereof shall be sent by the Protector of Immigrants to all persons who may be required by this Ordinance under penalties to fill up and use any Form for which such Form may have been substituted.

5. The Governor-in-Council may at any time pass such Regulations as may be deemed necessary for the efficient carrying out of the provisions of this Ordinance, and may in such Regulations provide for a penalty not exceeding fifty pounds in respect of the breach or neglect of any such Regulations. Regulations authorised.

6. All Officers to be appointed under this Ordinance shall hold office during pleasure; but nothing herein contained shall invalidate the appointments of any such Officers now employed, or shall be held to require them to be reappointed. Tenure of Office of Officers.

PART I.

Immigration and Emigration Departments.

7. (1.) The Governor may from time to time appoint some fit and proper person to be Protector of Immigrants. Appointment, Salary, &c., of Protector of Immigrants.

(2.) The Protector of Immigrants shall receive such salary and such allowance for travelling expenses, as may be assigned to him by the Governor with the consent of the Legislative Council.

(3.) The Protector of Immigrants shall give such security, in such an amount and in such manner as may be determined by the Governor-in-Council, for the faithful performance of his duties, and for the due accounting for and paying over of all sums of money received by him.

8. The Protector of Immigrants shall keep a Register, in which he shall insert the names of all immigrants who have been and who may be hereafter introduced into this Colony at the public expense, and shall register each of such immigrants by a par- General Duties of Protector of Immigrants.

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ticular number, commencing with the number 1, and proceeding by regular numerical progression, and shall distinguish therein, under different heads, the number, name, age, and sex, of every such immigrant, and the time when, and the place from which, and the vessel in which such immigrant shall have arrived, the original and subsequent assignments of such immigrant, and also the amount of money, if any, which may have been advanced to such immigrant previous to his embarkation, and which is to be repaid by such immigrant out of his wages in this Colony.

(2.) The Protector of Immigrants shall likewise record in other Registers the births and deaths occurring amongst all such immigrants and such particulars in respect of such births and deaths as may be necessary.

(3.) It shall be the duty of the Protector of Immigrants, subject to the control of the Governor, once in every three months, upon some day of which he shall have given previous notice to the manager, to visit every estate upon which there may be any immigrants under indenture, to receive and take cognisance of the complaints of immigrants, and thereupon to give advice, to conduct investigations, and to institute prosecutions, as the circumstances may require; to assist the Magistrate if required, in the estimation of wages; and to exercise and perform such other functions and duties relating to immigration matters as are prescribed in this Ordinance or may be intrusted to him by the Governor.

Powers of the Protector of Immigrants as to Visiting Estates, Hospitals, &c.,

9. (1.) The Protector of Immigrants may at any time enter into and upon any estate on which immigrants may be employed, and inspect the state, condition, and general treatment of the immigrants thereon, and the state and condition of their dwelling-houses and yards, and may order any sick immigrant to the Hospital, and may inquire into any complaint which the employer may have to make against any immigrant, or which any immigrant may have to make against the employer, or which may be reported to him by the Medical Officer, or otherwise brought to his notice, and may, either before or after such inquiry, lay an information or make a complaint in his own name, on behalf of any such immigrant, against the employer or against any other person, before the Magistrate of the District, or make such complaint in any other Court of Justice of the Colony, other than that of the Magistrate of the District, having jurisdiction

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to hear, try, and determine the offence or other matter charged against such employer or other person.

(2.) The Protector of Immigrants shall watch the proceedings on any such information or complaint on behalf of such immigrant, or shall defend in any action or complaint or appeal brought against any immigrant, or may, if necessary, carry the same for review by way of appeal before any Superior Court having jurisdiction in the case, and may in such Superior Court retain the service of counsel, and may in all respects act on behalf of such immigrant as if he himself were the principal in the cause; and he shall report the course of such proceedings from time to time, and the final result thereof, to the Governor.

(3.) It shall be the duty of the Protector of Immigrants to visit and inspect all hospitals in which indentured immigrants are treated.

10. (1.) The Governor may from time to time appoint Assistant Protectors of Immigrants, Clerks, Interpreters, or other Officers residing within the Colony, as may be necessary for the performance of the ordinary duties of the Immigration Department.

Appointment & Salaries of Subordinate Officers.

(2.) Any such Officer shall receive such salary as may be assigned to him by the Governor with the consent of the Legislative Council.

11. (1.) The Protector of Immigrants shall, subject to the control of the Governor, have authority over the several Assistant Protectors of Immigrants, Clerks, Interpreters, and other persons employed in his office, and shall assign to each his duties, and may delegate to an Assistant Protector of Immigrants the exercise or performance of any of his functions or duties, but without diminution of his own responsibility, and may, when conducting any investigation on an estate, require the presence and assistance of the District Medical Officer, and may also employ such persons as he may deem necessary as interpreters or judges of work, and may award any such person for his services a sum not exceeding one pound for each day on which he is so employed.

General Powers of Supervision of Subordinate Officers.

(2.) All expenses so incurred by the Protector of Immigrants, or by his subordinates under his directions, shall be paid as hereinafter provided.

12. Every person who annoys, molests, hinders, or opposes the Protector of Immigrants, or any Medical Officer appointed under

Punishment of persons molesting &c.

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Protector of Immigrants or Medical Officer.

this Ordinance, in the due execution of his duty or in the exercise of any of the powers or authorities conferred upon him by this Ordinance, shall, on being convicted thereof, be liable to imprisonment, with or without hard labour, for any term not exceeding six months, or to a penalty of twenty pounds.

Appointment and Salary of Emigration Agent.

13. (1.) Her Majesty may from time to time appoint some fit and proper person to be Emigration Agent for this Colony, to superintend the emigration of labourers from any of the ports or places from which immigrants may be introduced into this Colony.

(2.) The Governor shall from time to time pay to such Emigration Agent such salary or other remuneration as may be granted to him by Her Majesty: Provided, however, that the amount of such salary or remuneration shall be subject to the approval of the Governor-in-Council.

Accounts & Expenses of Emigration Agent.

14. (1.) Every Emigration Agent shall transmit his accounts to the Protector of Immigrants in this Colony, with proper vouchers, at such times as the Governor may direct.

(2.) The amount of all necessary expenses incurred by such Emigration Agent in the collection, maintenance, medical attendance, and inspection of emigrants, and for their conveyance to this Colony, and of all just and reasonable expenses incurred by him in or incidental to the sending back to their homes of any emigrants who may be rejected at the port of embarkation, or in or incidental to the sending back to the port from which they sailed of any immigrants entitled to free return passages under this Ordinance, which shall be attested by proper vouchers, shall be paid as hereinafter provided.

PART II.

Medical Department.

Colonial Surgeon, to be Chief Immigration Medical Officer.
His salary.

15. (1.) The Colonial Surgeon shall *ex officio* be Chief Officer of the Medical Department for Immigration purposes.

(2.) The Colonial Surgeon shall, as Chief Officer of the Medical Department for Immigration purposes, receive such salary as may be assigned to him by the Governor with the consent of the Legislative Council.

General Duties of Chief Immigration Medical Officer.

16. The Colonial Surgeon shall, as Chief Officer of the Medical Department for Immigration purposes, supervise the District

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Medical Officers hereinafter mentioned in the performance of their duties under this Ordinance; he shall, once at least in every half-year, visit all Hospitals in which indentured immigrants are received, and shall make a report to the Governor on the condition and management of such Hospitals; and he shall at any time when specially so required by the Governor, or the Protector of Immigrants, visit any estate for the purpose of investigating, and shall, after such visit, report specially upon any matter affecting, the sanitary condition of the immigrants on such estate.

17. (1.) The Governor may from time to time appoint such duly qualified medical practitioners as may be necessary, to be Medical Officers of Districts for Immigration purposes, and may assign to each of such Officers a district, and each such Officer shall receive such salary as may be assigned to him by the Governor with the consent of the Legislative Council.

Appointment, Salaries and Duties of District Medical Officers.

(2.) Every District Medical Officer shall be liable to be removed from one district to another, as the Governor may from time to time deem expedient.

(3.) Every Medical practitioner so appointed shall act as Medical Officer to the estates on which there are indentured immigrants, and as Medical Attendant to the indentured immigrants admitted to the hospital or hospitals within the district assigned to him, and shall furnish medicines when required to the sick immigrants on estates.

(4.) It shall be the duty of every District Medical Officer to keep in each hospital a Register Book, and also a Case Book and an Official Visitors' Book; and such Register Book and Case Book shall at all times be duly entered up, and shall be open to the inspection of the Protector of Immigrants.

Schedule. Form No. 1.
Schedule. Form No. 2.

(5.) Every District Medical Officer shall, within fourteen days after the termination of every half-year, transmit to the Colonial Surgeon, to be by him forwarded to the Protector of Immigrants, a report on the condition of the dwellings of immigrants on the estates in his district, and of the yards and grounds about the same, together with a tabular statement of all cases treated in the hospital by him during the same period, and the result of such treatment.

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PART III.

Fiscal Provisions.

Reestablishment of
Immigration Fund.

18. All moneys payable under this Ordinance by way of Indenture fees or otherwise, except as regards the expenses of immigrants in hospital, shall be carried by the Treasurer to a separate account, to be called the "Immigration Fund."

Expenses charged
upon Immigration
Fund.

19. (1.) The salaries of Emigration Agents and other persons employed without the limits of this colony, and any other expenses incurred without such limits, the expenditure incurred in the hiring, employing, and licensing of any vessel for bringing any immigrants into this Colony, in providing for the maintenance and clothing of any such immigrants during their passage or otherwise, in employing on board any such vessel a Surgeon, and such other just expenditure as may be caused by and be necessarily incidental to such immigration, and for sending back any immigrants to the place from which they may have been brought or sent into the Colony, and for bounty in lieu of return passage, shall be paid out of the Immigration Fund.

Expenses charged
upon General Re-
venue.

(2.) The salary of the Protector of Immigrants, Assistant Protector of Immigrants, and other persons employed in connection with immigration within this Colony, the salaries of the Colonial Surgeon, as Chief Officer of the Medical Department for Immigration purposes, and of the District Medical Officers for Immigration purposes, and all expenses incurred by the Protector of Immigrants or under his authority in discharging the duties of his office, shall be a charge on the General Revenue.

Expenses of Immi-
grant in Hospital
charged to Em-
ployer.

20. A sum at the rate of eight pence per diem for each indentured immigrant admitted into the General Hospital, or any District Hospital, or Poor or other Asylum, shall be paid by the employer to the Treasurer, upon presentation to such employer of a claim for the same, made up to the 31st day of December of each year, and certified by the Colonial Surgeon; and all such sums, when paid, shall be carried by the Treasurer to the credit of General Revenue: Provided that no employer shall be called upon to pay in any one year more than three pounds for any one indentured Immigrant admitted into the General or a District Hospital or Poor or other Asylum, whose illness is not caused by an accident for which an employer would be ordinarily liable.

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21. (1.) The Treasurer shall, on behalf of the Colony, sue for and recover by summary or other process all debts, which may at any time be due and payable to the Immigration Fund, or for the expenses of immigrants in the General Hospital or a District Hospital, or Poor or other Asylum, and

Recovery of sums
due Immigration
Fund, and prefer-
ent lien on Estates.

(2.) Shall in respect of all sums of money due to the Immigration Fund or for Hospital or Asylum expenses, on account of any immigrants indentured on an estate, have and hold for the same a privileged or preferent lien on such estate over and above all liens, claims, charges and mortgages, except the liens and preferent rights of the Crown and such as have been allowed or created by any statute: Provided that no such privileged or preferent lien shall exist as against third parties, unless such sums of money are sued for within twelve months from the time the same became due and payable respectively: Provided also that in the case of an estate under lease, when the consent of the lessor has not been given to the lessee's application for the immigrants in respect of whom such preferent lien is claimed, the estate shall not be subject thereto, except to the extent of the interest of the lessee.

PART IV.

Applications for Immigrants.

22. Every employer desirous of obtaining an allotment of immigrants shall, on or before the first day of March, or such other day in each year as may be from time to time fixed by the Governor, send in to the Protector of Immigrants an application in writing, specifying the number of immigrants of each nationality required, the name and situation of the estate to which he wishes such immigrants to be assigned, and the name of the proprietor or lessee of such estate; and stating whether or not such property is subject to any mortgage; and the Protector of Immigrants shall register every such application in the Register of Applications for Immigrants.

Making applica-
tions for Immi-
grants.
Schedule Form
No. 3.

23. (1.) Every application made by, or on the part of, any lessee of an estate shall be accompanied by the consent in writing of the proprietor, or, in default of such consent, the lessee shall show, to the satisfaction of the Protector of Immigrants, that he is

Application of Les-
see or Mortgageor.

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prepared to pay in cash on allotment the full amount of indenture fees payable in respect of all immigrants so applied for.

(2.) If any such application is made by or on the part of, the proprietor of an estate under mortgage, and the mortgagee or his representative objects in writing to such application being complied with, it shall be the duty of the Protector of Immigrants to refuse such application, unless such proprietor satisfies him that he is prepared to pay in cash on allotment the full amount of indenture fees payable as aforesaid.

Subsistence of application notwithstanding death, &c.

24. No application shall be rendered invalid, or be in any way affected, by reason of the death, insolvency, or absence of the employer by whom such application was made, or by reason of the sale of the estate in respect of which such application has been made; and no application duly made and not refused may be withdrawn without the permission of the Protector of Immigrants.

Application by Head of Public Department.

25. The Head of any Department of the Public Service may, with the sanction of the Governor, apply for the allotment of such immigrants as may be required for the service of the Colony in his department, and shall be considered, for the purposes of this Ordinance, as the employer of such immigrants as may be allotted in consequence of such application.

Power to refuse application.

26. Nothing in this Ordinance shall be held to interfere with the power of the Protector of Immigrants, subject to the control of the Governor, to refuse any application for allotment, in case he sees reasonable grounds for such refusal; but every such refusal and the grounds thereof shall be communicated to the employer upon the receipt of his application or as soon thereafter as possible, and also to the Governor.

Application barred by Excessive Death rate.

27. No application shall be entertained by the Protector of Immigrants for an allotment of immigrants to any estate on which the death rate has been excessive, or the estate deemed unsuitable for the residence of immigrants.

Applications granted by Governor-in-Council.

28. When the applications for immigrants for the following season have been completed, a list of such applications shall be submitted by the Protector of Immigrants to the Governor, and the question how far and in what proportions they can be complied with shall thereupon be considered and determined by the Governor-in-Council.

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PART V.

Proceedings on the Allotment of Immigrants.

29. On the arrival in this Colony of any ship having Immigrants on board, the Protector of Immigrants, assisted by the Colonial Surgeon, shall inspect the ship and the immigrants, and shall report to the Governor the condition of such ship and immigrants, and shall transmit with such report the Surgeon Superintendent's return of births and deaths, and a certificate of performance by the owners of the covenants and conditions of the charter-party, and also a certificate of the amount due for freight to such owners, and shall likewise require and transmit the report of the Colonial Surgeon.

Inspection of Immigrants on arrival

30. The Protector of Immigrants shall, with the assistance of the Colonial Surgeon and the Surgeon Superintendent of the ship, examine the sick, if any, among the immigrants on board, and shall cause such of them as may require it to be sent to the General Hospital, and shall transmit with them a list, signed by the Colonial Surgeon and the Surgeon Superintendent, stating the name, sex, age, disease, and length of time under treatment of every immigrant so sent, and the number by which he was designated on board ship; and if there be any immigrants suffering from leprosy, lunacy, epilepsy, or any serious mental or physical disability, by which they will be rendered permanently unable to perform service under indenture, the Protector of Immigrants shall reserve them to be sent back to India or to be otherwise disposed of under the direction of the Governor.

Disposal of sick Immigrants.

31. Every immigrant arriving in the Colony—

- (1.) Shall be allotted on board the ship in which he arrived, and
- (2.) Every immigrant not immediately allotted shall be provided with food and lodging until he is provided with the means of earning his subsistence; and the amount of any expenditure so incurred shall be a charge upon the Immigration Fund.

Disposal of other Immigrants.

32. No immigrants shall be allotted to any estate until the Protector of Immigrants and the Colonial Surgeon or a Colonial Assistant Surgeon shall have certified that there exists on such estate sufficient and suitable accommodation for such immigrants;

Estate to be certified ready for Immigrants.

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that the dwellings are ready for the reception of the immigrants; and the yards and neighbourhood in a satisfactory condition.

Order and conditions of allotment. 33. (1.) Allotments shall be made of immigrants to the several employers who have made application, in such order as the Governor may from time to time direct, and, subject to any such direction, in such manner as the Protector of Immigrants may determine.

(2.) In making allotments, husbands shall not be separated from their wives, nor minors and infants from their parents or natural guardians, and, so far as may be possible, members of the same family and neighbours from the same village, and persons who may agree in representing themselves as friends and associates, shall not be separated from each other.

Indenture Fee for immigrants not able-bodied. 34. In any allotment the Protector of Immigrants shall, with the assistance of the Colonial Surgeon, or, in his absence or inability to act, of some other Medical Officer to be deputed for that purpose by the Governor, distinguish every immigrant who in his opinion, is not able-bodied and not capable of performing service as an agricultural labourer; and the indenture fee payable in respect of any such immigrant shall be such part of that which would have been payable in respect of such immigrant if he had been an able-bodied immigrant as the Protector of Immigrants may, with the approval of the Governor, think proper; or such immigrant may be indentured without payment of any indenture fee.

Mode of payment of Indenture Fee. 35. Every employer, to whom any immigrant is allotted, shall pay to the Treasurer, in respect of each immigrant allotted to him, the indenture fee hereafter mentioned, at the times and in the manner following, that is to say, one fifth part thereof before allotment, and one fifth part thereof at the commencement of the second, third, fourth and fifth years respectively of the term for which such immigrant shall be indentured, with interest at the rate of six per cent per annum from the date of allotment, such interest payable with each instalment: Provided that the Governor may in any case specially require the whole of any indenture fee to be paid at the time of allotment.

Amount of Indenture Fee payable. 36. (1.) The indenture fee payable in respect of each adult immigrant shall be the sum of sixteen pounds or such other sum not exceeding sixteen pounds as may be from time to time fixed by the Governor-in-Council.

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(2.) The Indenture fee payable in respect of each minor immigrant shall be one-half that which would have been payable in respect of such immigrant if he had been an adult.

(3.) When any immigrant is allotted to any Department of the Public Service, such Department shall pay to the Immigration Fund the same sum in respect of such allotment as would be payable by any private employer.

37. The immigrants allotted to each employer shall be delivered to each employer immediately on, but not until, the production of the Treasurer's receipt for the payment of the first instalment of the indenture fees in respect of such immigrants: Provided that if any employer to whom an allotment is made does not produce such receipt, and take away the Immigrants so allotted to him, he shall pay to the Treasurer, to be carried to the Immigration Fund, a sum at the rate of one shilling for every adult immigrant and six pence for every minor immigrant, for every day that such immigrant remains in the Protector's hands.

38. (1.) On the completion of every allotment or other disposition of immigrants on introduction, the Protector of Immigrants shall register every immigrant included in such allotment or disposition in the General Register of Immigrants introduced into the Colony, distinguishing, to the best of his ability, such as are adults, minors, and infants respectively, and shall number therein each of such immigrants by a particular number, commencing from the last number borne on such Register and proceeding by regular numerical progression; and shall deliver to the employer or his representative an Indenture List signed by all the adult and minor immigrants allotted to him; and shall transmit to the Treasurer a Return showing the number of immigrants included in such allotment and the sums payable by way of indenture fees or otherwise in respect of such immigrants, and shall deliver to every adult or minor immigrant included in such allotment a Certificate of Indenture.

(2.) Every employer and immigrant shall thereupon be and be taken to be bound by such indenture accordingly; and every such indenture list, and every extract from such Register, signed by the Protector of Immigrants, shall be receivable in evidence of any indenture or allotment therein specified, without further proof.

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Annual Publication
of arrivals and
allotments.

39. The Protector of Immigrants shall, as soon as possible after the first day of April in every year, publish in the *Gazette* a list of all ships, if any, which have arrived with immigrants, and of the allotment and distribution of such immigrants, during the year.

PART VI.

Indentures of Immigrants on Introduction.

Right of Immigrant
to enforce previous
contract.

40. If any immigrant is introduced into the Colony under a previous contract entered into with any Emigration Agent, or other Officer of the Emigration Office of this Colony, in the country from which he may have emigrated, or with any employer or agent of an employer, such contract shall be valid and enforceable in every respect as against the Colony or the employer, as the case may be, and, in so far as the rights of such immigrant shall exceed or vary from those rights which he would have enjoyed under this Ordinance if he had not entered into such contract, he shall be entitled to the benefit of such contract: Provided that no statement of wages agreed upon between an immigrant and any recruiter, which was registered before any Magistrate in India previous to the first day of January, one thousand eight hundred and ninety, shall be taken to be a contract for the payment of such wages on the part either of the Colony or of the Officer making such statement.

Invalidity of previ-
ous contract against
Immigrants.

41. No previous contract, except by permission of Her Majesty's Government previously had and obtained, entered into with any immigrant from any part of India, or from any part of the African Continent, or from any island adjacent to the coast of the African Continent and inhabited by the negro race, shall be valid as against such immigrant.

Validity of previ-
ous contract against
Immigrants.

42. Every previous contract entered into with any immigrant from any other British Possession in the West Indies, or from any part of the North American Continent, shall be valid as against such immigrant: Provided that such contract shall have been signed by him, if within Her Majesty's dominions, in the presence of a Justice of the Peace residing in the place or district wherein such contract was entered into, and, if within the dominion of a Foreign Power, in the presence of a Consul or other Consular Officer appointed by Her Majesty and acting in such dominions: Provided, also, that such Justice or Consular Officer, as the

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case may be, shall certify that the signature of the immigrant so contracting was voluntarily made, and that the contents of such contract had been fully explained to him, and had, to the best of such certificant's belief, been fully understood by such immigrant; and the signature purporting to be that of such Justice or Consular Officer, as the case may be, shall be admitted in evidence of such contract without further proof.

43. (1.) The indenture of immigrants arriving in the Colony from any part of Her Majesty's dominions in the East Indies, or being liberated Africans, shall be for the term of five years from the date of their respective allotments. Term of Indenture
of different Immi-
grants.

(2.) In the absence of any previous contract made out of the Colony in that behalf, the indenture of male immigrants arriving in this Colony from any part of China shall be for the term of five years; and the indenture of immigrants arriving in the Colony from any part of the North American Continent from which immigration may be permitted by Her Majesty's Government, or from the Cape de Verde Islands, or from any British possession in the West Indies, (Barbados excepted), shall be for the term of three years; and the indenture of immigrants arriving in the Colony from the Island of Madeira or from any island in the Azores or the Canary Islands, shall be for the term of two years, from the date of the allotments respectively.

44. (1.) On the indenture of any immigrant, who is introduced under any such previous contract, a copy of such contract shall be preserved in the office of the Protector of Immigrants, and other copies of such contract shall be appended to the certificate of indenture given to such immigrant and to the indenture list given to the employer; and the indenture shall be subject to such contract in so far as such contract is enforceable under this Ordinance. Copies of previous
contracts preserved
&c.

(2.) No minor nor infant immigrant shall be bound by any such previous contract, whether the same is alleged to have been entered into by himself or on his behalf. Minors and infants
not bound by
previous contracts.

45. No infant immigrant shall be indentured, or shall be compelled to perform any service whatever, upon any estate: Provided that every infant, on reaching the age of ten years, and every minor, on reaching the age of fifteen years, shall be entitled to be indentured as a minor or adult respectively, for any time not exceeding the unexpired time of its parent. Infants becoming
Minors, to be
indentured, &c.

The Immigration Ordinance, 1891.

Infants and Minors
rights & privileges.

46. Every minor or infant of an indentured immigrant residing on an estate, and every immigrant indentured as other than an able-bodied immigrant, shall be entitled to the same rights, privileges, and immunities, as able-bodied immigrants under indenture are entitled to under this Ordinance.

PART VII.

Transfer and Determination of Indentures.

Protection of
Female Immigrant
from her husband.

47. (1.) Upon information laid before any Magistrate by the manager of any estate, or by any female Indian immigrant, or by any other person on her behalf, that the husband of such female immigrant, or her betrothed or reputed husband according to the custom of their country, or any Indian immigrant with whom she cohabits, has unlawfully threatened to murder, wound, beat, or ill-treat her, and that from any such threats she apprehends, or has reason to apprehend, any bodily harm or injury, the Magistrate shall forthwith issue his warrant for the apprehension of the immigrant alleged to have used such threats, and any immigrant using such threats may be arrested and detained by any constable, until a warrant can be obtained, and such immigrant shall, on being convicted thereof, be liable to imprisonment for any term not exceeding one month.

(2.) In any such case, whether the immigrant accused is convicted or otherwise, if it appears that any threats used by such immigrant were occasioned by jealousy of any other person employed on the estate, in regard to such female immigrant, it shall be lawful for the Magistrate, in his discretion, to make an order for the removal from the estate of any such person being an indentured immigrant, or of any such female immigrant threatened, or of any immigrant using such threats who is indentured to such estate, whatever may, in his judgment, be most expedient.

(3.) The Magistrate may direct any immigrant so ordered to be removed, to be detained in custody until his or her transfer to some other Estate; and he shall forward a copy of any such proceedings to the Protector of Immigrants, and the Protector of Immigrants may, with the sanction of the Governor, transfer the immigrant to any other employer who may be willing to accept his or her services.

The Immigration Ordinance, 1891.

48. If at any time it appears to the Governor expedient, on sufficient ground shown to his satisfaction, that all or any of the immigrants indentured to any estate should be removed therefrom, it shall be lawful for him to transfer the indentures of such immigrants, for the remainder of their respective terms of service, to any other employer who may be willing to accept their services.

Power of Governor
to transfer indenture
at any time.

49. Every lessee of an estate, whose term of lease expires before the termination of the indenture of any immigrant indentured to him on such estate, shall be entitled to have such immigrant transferred for the unexpired remainder of his term of service to any employer, approved of by the Protector of immigrants, who may be willing to accept his services.

Right of Lessee to
have transfer.

50. In every case of a transfer under either of the last three preceding sections, the liability of the previous employer for all the remaining instalments of indenture fees for the transferred immigrant shall be transferred to the new employer, and the latter shall recoup to the previous employer a part of the instalment paid by him at the commencement of the current year proportioned to the period of such year then unexpired.

Rights of Transfer-
or and Transferee.

51. In the event of any estate on which an immigrant may be under indenture being sold, either by private contract or at judicial sale, or being leased or devolving by inheritance, devise, or otherwise, such immigrant shall render the same service to the purchaser, lessee, devisee, heir, or other new employer, his heirs, executors, or assigns, and for the same term, as he would have been bound to render to his original employer.

Subsistence of
Indenture in case
of sale, &c., of
Estate.

52. The Protector of Immigrants may, at the request of any employer, if sufficient ground is shown to his satisfaction, and with the approval of the Governor, allow all or any of the immigrants indentured to such employer on any estate to be removed to any other estate in the possession or under the management of the same employer, or may allow such immigrants to be temporarily transferred, for any term not exceeding six months, to any estate the owner of which may desire or be willing to accept their services, and during such term such immigrants shall be deemed to be indentured to such employer for all purposes of this Ordinance: Provided that such removal or transfer shall in no way affect any lien of the Colony in respect of such immigrants upon

Permissible re-
moval & temporary
transfer.

The Immigration Ordinance, 1891.

the original estate, or, in the case of transfer to another employer, any pecuniary liability of the original employer to the General Revenue or the Immigration Fund, as the case may be. Any employer making such removal or transfer without the consent of the Protector of Immigrants shall on conviction be liable to a penalty of ten pounds.

Determination of
indenture for ill-
usage of Immigrant

53. Upon report made by any Magistrate of a conviction by him under this Ordinance of any employer or any person acting under his authority for ill-usage of any indentured immigrant or for the unlawful withholding of wages from any immigrant, the Protector of Immigrants shall have power, subject to the approval of the Governor, to declare the indenture of such immigrant determined, and may thereupon re-indenture such immigrant for the remainder of the term of service to any other employer who may be willing to accept services.

Certificate of Deter-
mination of Indent-
ure.
Schedule.
Form No. 7.

54. When any indenture is determined by the Protector of Immigrants under this Ordinance, the Protector of Immigrants shall give a certificate thereof to the employer and to the immigrant; and such certificate, signed by the Protector of Immigrants, shall be received in all Courts of Justice as conclusive proof that the indenture therein mentioned was duly determined at the time therein specified.

Re-indenture on
transfer or deter-
mination of Indent-
ure.

55. Except as in this Ordinance provided, no indenture shall be determined or transferred either by agreement between the employer and immigrant or otherwise, and the Protector of Immigrants shall record every determination or transfer, other than a temporary transfer, in the General Register of Immigrants introduced into the Colony, and shall deliver to the employer to whom any immigrant is transferred a new indenture list, and to the immigrant transferred a new certificate of indenture, and in the event of any immigrant refusing to set his mark to the indenture list, the Protector of Immigrant shall sign for him; and such employer and immigrant shall thereupon be and be taken to be bound by such indenture accordingly.

Estimating dura-
tion of Indenture.

56. (1.) The indenture of an immigrant shall not determine by effluxion of time, unless the immigrant has fulfilled the legal obligations imposed on him by such indenture.

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(2.) Every indenture of an immigrant, although it may purport to be for a fixed period of time, is hereby declared to be for a term of actual service equal in duration to the period of time for which the immigrant has become bound to serve under the indenture, and every such indenture shall continue in force until the immigrant has performed service thereunder for such term.

57. Every immigrant who is under an indenture when this Ordinance comes into force, or who is then liable to have his indenture prolonged or renewed, shall be bound to perform service under such indenture for a term equal in duration to the period of time for which the indenture then remains unexpired, or for which the indenture has been or is lawfully prolonged or renewed, and the indenture of every such immigrant shall determine when such immigrant has performed such service.

Duration of exist-
ing Indentures.

58. In reckoning the term of service of any immigrant under indenture, for the purpose of ascertaining the time when such indenture determines, all periods of time shall be excluded during which such immigrant has been absent from his work for any or all of the following causes, that is to say,—

Exclusion of cer-
tain periods of time
in estimating dura-
tion of Indenture.

(1.) Imprisonment: Provided that imprisonment shall not, for the purposes of this section, include detention in respect of any trial which results in the acquittal or discharge of the prisoner, whether from want of prosecution or from any other cause;

(2.) Desertion; and

(3.) Absence from work without lawful excuse:

Provided that no Immigrant under indenture shall be deemed to have been absent from his work, within the meaning of this section, on account of any desertion or absence from work without lawful excuse, unless such immigrant has been duly convicted of such desertion: Provided, also, that this section shall not apply to any imprisonment, desertion, or absence from work without lawful excuse which may have commenced or occurred before this Ordinance comes into force, or to any imprisonment to which such immigrant may be sentenced after this Ordinance comes into force for any crime or offence committed before such time, or to any imprisonment, desertion, or absence from work without lawful excuse which was not duly recorded (after conviction) in the Register of Defaulters, required to be kept by the manager of the estate.

The Immigration Ordinance, 1891.

PART VIII.

Dwellings and Gardens.

Assignment of
Dwellings and Gar-
dens.

59. (1.) The employer shall, upon the allotment or indenture to him of any immigrant, assign to him a suitable dwelling upon the estate, and shall at all times keep such dwelling in sufficient repair and the roof of it water tight, and shall keep the yard and grounds for a sufficient space round such dwelling well drained and the drains clean and in good order, and the yard and grounds and neighbourhood free from bush and weeds and rubbish of every description.

(2.) The employer shall also assign to each immigrant who may apply for it at least one quarter acre of good provision garden land.

Size of Dwellings.

60. No dwelling which is in the opinion of the Protector of Immigrants, the Colonial Surgeon, or District Medical Officer, unfit for habitation, shall be assigned to any indentured immigrant, and no greater number of immigrants shall be assigned to any dwelling or separate apartment, except with the special permission of the Protector of Immigrants, Colonial Surgeon, or District Medical Officer, than at the rate of one adult to every fifty feet of superficial space, or of three single men, or one man and his wife with not more than two children to every one apartment of not less than one hundred and twenty feet of superficial space.

Register of Dwell-
ings to be kept.

61. (1.) Every manager shall keep a Register of all such dwellings on his estate as are, or are intended to be assigned to indentured immigrants for habitations, and shall from time to time enter on such Register the names of all the indentured immigrants in each house or apartment.

(2.) Such Register shall be open to the inspection of the Protector of Immigrants, the Colonial Surgeon, and District Medical Officer, and any one of such Officers shall mark therein under his signature such dwellings as he may from time to time consider to be unfit for habitation, or in need of repairs, and also such dwellings as he may have permitted to be occupied in excess of the scale authorised by this Ordinance, with his reason for such permission, and shall also make therein such requisitions as he may deem necessary for ensuring the sanitary fitness of such

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dwellings for habitation, and every such requisition shall be complied with by the employer.

62. (1.) The Protector of Immigrants shall, with the assistance of the Colonial Surgeon, from time to time make such regulations as may seem necessary for the proper construction, arrangement and drainage of the dwellings and yards and neighbourhood of indentured immigrants. Regulations in respect of Dwellings.

(2.) All such regulations shall be subject to the approval of the Governor-in-Council, and shall when so approved be published in the Official Gazette, and copies of the same shall be sent to the manager of each estate on which there may be indentured immigrants.

63. (1.) Every employer who—

(a.) Fails to provide any immigrant indentured to him with a suitable dwelling, and one quarter acre of good provision garden land (if applied for); or

(b.) In any respect neglects or refuses to comply with the provision of this Ordinance or with the regulations for the proper construction, arrangement and drainage of such dwellings or yards or neighbourhood, or in respect of the Register of dwellings,

Penalty on Em-
ployers for failing
in his duty respect-
ing Dwellings and
Gardens.

shall, on conviction on the complaint of any immigrant thereby aggrieved, or of the Protector of Immigrants, be liable to a penalty of five pounds.

(2.) Persistence in any of the offences, or frequent repetition of them will expose the employer to the loss of the immigrants. Their indenture will be determined, and they will be removed.

64. (1.) Every immigrant under indenture shall reside on the estate to which he was allotted. Failing to do so, the immigrant shall, on conviction at the suit of the employer, pay a fine not exceeding two pounds if a male, or one pound if a female.

Penalty on Immi-
grant for non-
residence on his
Estate.

(2.) Any employer habitually failing to enforce this provision will be liable to prosecution by the Protector of Immigrants, and be subject to a penalty of two pounds.

Penalty on Em-
ployer for not
enforcing the Im-
migrant's residence

65. (1.) Every indentured immigrant who—

(a.) Keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health; or

(b.) Refuses or neglects, within a reasonable time after

Penalty on Immi-
grant for filthy
dwelling and yard.

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being ordered by the manager to remove any nuisance or substance which he may have caused or placed in the immediate proximity of his own or any other dwelling; or

(c.) Commits any nuisance upon any dam or common thoroughfare of the estate, shall on conviction at the suit of the manager, be liable to a fine of one pound.

Penalty on Employer not enforcing cleanliness.

(2.) The manager shall himself be liable as in the last preceding section to an equal penalty, if he fail to enforce this provision.

PART IX.

Rationing of Immigrants.

Rationing newly arrived immigrants

66. (1.) Every employer to whom immigrants may be allotted shall, from and after the date of delivery to him of the immigrants included in any allotment, provide for every such immigrant good food rations and fuel in lieu of a portion of his wages according to a scale and tariff to be fixed from time to time by the Governor-in-Council, who shall also fix the price of the food rations and fuel, and the portion of wages for which such rations and fuel shall be issued, and the times at which such rations and fuel are to be issued.

Penalty for not supplying Rations.

(2.) Any neglect or refusal to comply with this provision by the employer or manager shall subject him to prosecution and a fine of five pounds, or the lot of immigrants may be removed, and their indentures cancelled: Provided that at the expiration of nine months after the arrival of every such immigrant, the Protector of Immigrants may order such food rations and fuel to be discontinued, and the whole of his wages to be paid to such immigrant in money, if the Protector of Immigrants is satisfied that such immigrant is in good health, and is earning wages more than the cost of his rations and fuel. Such order shall be subject to revocation, if, at any subsequent time it is found that such immigrant is earning less than the cost of his rations and fuel, owing to bad health, or for such other cause as to the Governor-in-Council shall seem fit.

Penalty for bad Rations.

(3.) Rations, judged to be of bad quality by the Protector of Immigrants or Immigration Medical Officer, shall be condemned, and shall subject the manager, on conviction, to a penalty of two pounds.

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67. (1.) Every immigrant rationed under this Ordinance, who shall sell or barter any ration or part of a ration furnished under this Ordinance, shall on conviction at the suit of the manager of the estate, be liable to be imprisoned for any term not exceeding fourteen days. Penalties respecting buying and selling or bartering Rations.

(2.) Every person who shall take by way of purchase or barter from any immigrant rationed under this Ordinance, any such ration or part of a ration, shall on conviction at the suit of the manager of the estate, be liable to a penalty of two pounds.

(3.) If the manager habitually neglect or refuse to prosecute, for the violation of this provision, he shall be liable on conviction at the suit of the Protector of Immigrants, to a penalty of two pounds.

PART X.

The Labour Law.

68. (1.) The employer shall provide every indentured immigrant with sufficient work for a full day's labour on every day on which field work is not rendered impossible by reason of bad weather, or its being a Sunday or an authorised holiday, and shall pay him wages, either by the task or by the day, weekly, on the same day in every week, unless such day falls on a Sunday or an authorised holiday, in which case the payment shall be made on the previous juridical day. Providing work and paying Wages.

(2.) Every employer who fails on any day to provide an indentured immigrant with work for a full day's labour in terms of this section, shall on conviction on the complaint of the Protector of Immigrants for every such offence, be liable to a penalty of two pounds, and shall further for every day's default pay into Court by way of compensation to such immigrant, if a male, the sum of one shilling, and if a female the sum of ten pence.

69. (1.) The employer may require any indentured immigrant to perform either by way of task work or time work, any work for which he is not physically unfit; but all work whether in the building or otherwise, which requires the co-operation of more than two labourers at once in such a fashion that the indolence of one or more may prevent another from earning the full amount of wages which otherwise he might have earned in the pay, shall be paid by the day, not by the task. Assignment of work.

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(2.) The employer shall inform every labourer upon the assignment to him of any task or time work, whether he is to be paid wages for it by the task or day respectively.

Duration of Time work.

70. (1.) Subject to the provision as to leave of absence hereinafter contained, every indentured immigrant shall be present at the work assigned him on every day except Sundays, authorised holidays, and days on which work is rendered impossible by reason of bad weather in the field and in the buildings for nine hours (irrespective of two clear hours allowed for the mid-day meal when working in the field): Provided also that after any immigrant has earned by task or extra work in any week six shillings, or if a woman, five shillings, he shall not be compellable to be again present at work during that week.

(2.) Any manager who causes any indentured immigrant to work beyond the number of hours fixed by this section, except for extra wages, shall on conviction for each offence be liable to a penalty of two pounds.

Limit of Task work per diem.

71. No task shall be of greater extent than can be performed by the labourer to whom it is assigned within one working day of seven hours without extraordinary exertion.

Rate of wages for time work.

72. (1.) The employer shall pay to every indentured immigrant employed in time work, day wages at the rate, for each day during which he has been present at work for the full time prescribed by this Ordinance, of not less than one shilling, if he has been indentured as an able-bodied male adult immigrant, and not less than ten pence, if she has been indentured as an able-bodied female adult immigrant. Minors and adults not able-bodied, shall be paid according to the work they can perform.

(2.) The employer shall keep a Pay List in the prescribed form.

Pay List. Schedule. Form No. 8.

Penalty for withholding wages.

73. (1.) If any employer, manager or officer of an estate unlawfully withholds any wages earned by an indentured immigrant, he shall on conviction for each offence be liable to a penalty of two pounds.

(2.) The Magistrate shall order any such wages to be paid, and shall report to the Protector of Immigrants every conviction under this and other sections, together with such circumstances of aggravation or extenuation as to him shall seem noteworthy.

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74. Save as hereinafter otherwise provided, all wages duly earned by an indentured immigrant, shall be paid in money, without any deduction; and every stoppage of wages, or part of wages duly earned by any such immigrant, and every postponement of payment of such wages beyond the next pay day after such wages shall be due, and any payment of wages in kind, and any stoppage of wages for goods supplied on credit by any manager to his indentured immigrant, shall be taken to be an unlawful withholding of wages. Stoppage of wages and payment in kind prohibited.

75. The rate of wages for any description of task work shall not be less than that ordinarily paid for the same description of work to the Creole and other unindentured labourers working on the same estate, and in case there are no such labourers, or they are paid less than the average rate paid for the same description of work to such labourers on neighbouring estates, then not less than such average rate; and if there are no such labourers performing the same description of work on neighbouring estates, then it shall not be less than that ordinarily paid for the same description of work to indentured labourers upon neighbouring estates: Provided that the wages agreed upon for a task shall in no case be less than one shilling for a man, or ten pence in the case of a woman. Rate of wages for task work.

76. If the immigrant is dissatisfied with the amount of wages tendered for any task or time work assigned to him by the employer, he may after performance of the task work in question proceed in a summary manner before the magistrate of the district to recover any deficiency by which the wages so tendered fall short of a fair remuneration of the work performed or may lay an information, or make a complaint against the employer for the unlawful withholding of wages duly earned; and any such information or complaint may be turned by the Magistrate into such proceedings for recovery, if he shall be of opinion, after hearing the case, that there exist grounds for further inquiry before estimating the amount of such wages. Recovery of wages short paid.

77. (1.) In any proceedings for the recovery of wages by an indentured immigrant, it shall not be necessary for such immigrant to take out a summons against the employer, or to lay or make any formal information or complaint therefor; but the Magistrate may, upon receiving from such immigrant any verbal Procedure for recovery of wages short paid.

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statement or complaint, require of the manager a statement of the work in question performed by such immigrant, and of the wages paid therefor, together with any material facts or documents.

(2.) If the matter at issue appears to be such as should be tried upon the complaint for the unlawful withholding of wages, the Magistrate shall forthwith issue, free of cost, a summons to the employer to appear and answer such complaint and shall proceed thereupon as if the immigrant had in the first place made such complaint, and shall give notice to the immigrant accordingly; but if the rate of wages is the subject of dispute, the Magistrate shall forthwith proceed to estimate to the best of his ability what is a fair remuneration for the work in question.

Estimating such wages, and order for payment.

78. (1.) In making such estimate whether for task or day work, the Magistrate shall have regard in the first place to the rule laid down in this Ordinance for determining the rate of task wages, and in the second place to the rates paid to indentured immigrants on neighbouring estates for descriptions of work the most nearly similar to that in question; and it shall be lawful for him to summon witnesses skilled in the valuation of labour, and to allow such witnesses their travelling expenses and payment for their time at a rate not exceeding one pound a day for a manager, two shillings a day for a day labourer, and eight shillings a day for any other person.

(2.) The Protector of Immigrants shall at his request supply such Magistrate with any information in his possession which may assist him in forming a decision, and if necessary shall hold an investigation upon the spot of the circumstances material to the question, and report to the Magistrate the result thereof.

(3.) The Magistrate shall make such order in the premises as to him may seem just, and shall direct by whom and in what proportions the cost of such proceedings shall be paid, and shall specify in such order the grounds of his decision, and shall forward a copy thereof to the Protector of Immigrants.

(4.) Every such order shall be enforceable and every payment directed thereby shall be recoverable in the same manner as in the case of any order made in the exercise of the ordinary summary jurisdiction.

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79. If any employer, manager, or officer of an estate, assaults or in any way ill uses the person of an indentured immigrant on such estate, he shall on conviction be liable to be imprisoned with or without hard labour for a term not exceeding two months, or to a penalty of two pounds, and the Protector of Immigrants may, with the approval of the Governor, require the dismissal of such manager or officer of the estate, and, in default of such dismissal, may remove the ill used immigrant or the whole lot of indentured immigrants, if there is aggravation; and such convicted manager or other officer of the estate shall not, without the permission of the Governor, be allowed to be a responsible officer on that or any other estate having indentured immigrants.

Punishment for ill using Immigrant.

80. Every indentured immigrant who—

- (1.) Without lawful excuse is absent from work; or
- (2.) Is guilty of wilful indolence during working hours; or
- (3.) Without lawful excuse refuses to begin or finish any particular work assigned to him,

Punishment of Immigrant for absence from work, &c.

shall on a first conviction be liable to a penalty of one pound, and on a second or subsequent conviction shall be liable to a penalty two pounds: Provided that no female immigrant convicted under this Ordinance for absence, wilful indolence or non-appearance at work, shall be sentenced to the payment of a penalty on first conviction exceeding ten shillings; and Provided that no female immigrant shall be convicted for refusal to work, absence from work, or failing to show ordinary diligence while at work, where it appears to the Magistrate before whom she is tried, after taking a Medical Officer's opinion, that such refusal to work, absence from work, or want of ordinary diligence was caused by pregnancy, or other physical cause peculiar to women.

81. Every indentured immigrant who without reasonable excuse refuses or neglects to amend any work duly thrown out for an improper performance, shall on the first or any subsequent conviction be subject to the respective penalties provided for such conviction in the preceding section, and shall further forfeit any such portion of the wages which may be due for such work, as the convicting Magistrate shall think proper, and the manager may suspend the payment of any such wages pending any proceedings which he shall have taken against such immigrant for such refusal or neglect: Provided that no work shall

Punishment of Immigrant for not amending bad work

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be taken to have been duly thrown out for improper performance, except by the manager taking down the work on the spot the same day, or the next day after such work has been done, nor unless such manager has informed the immigrant upon the spot that his work is thrown out, or in case he be absent, so soon afterwards as is possible, and has specified the ground or matter of his objection to the work done, and has required him to amend the same.

Punishment of
Immigrant for
various offences

82. Every indentured immigrant who—

- (1.) Is drunk while employed in any work; or
- (2.) Uses to his employer or to any person by him placed in authority on the estate any abusive or insulting language or gesture; or
- (3.) By negligence, carelessness, or any other improper conduct, damages or causes to be damaged any property of his employer; or
- (4.) Through negligence or carelessness suffers any property of his employer to be damaged; or
- (5.) Hinders or molests any other indentured immigrant in the performance of his work; or
- (6.) Persuades or attempts to persuade any other indentured immigrant unlawfully to refuse to work, absent himself from work, or desert from work; or
- (7.) Is guilty of any fraud or wilful deception in the performance of his work;

shall, on a first conviction, be liable to a penalty of two pounds, and on a second or any subsequent conviction be liable to a penalty of five pounds.

Exemptions from
punishments in
certain cases.

83. (1.) Any indentured immigrant who, having been refused a pass by his employer, absents himself from work, in order on reasonable grounds to lay an information or make a complaint against the employer or manager before the Magistrate, or to make any reasonable complaint of his treatment to the Protector of Immigrants and to ask counsel of him, shall be entitled to receive from such Magistrate or the Protector of Immigrants a certificate that such absence was for reasonable cause; and no immigrant possessing such certificate shall be liable to conviction for absence from work upon the day on which such certificate was granted or within such time before or after as shall be necessary to allow of his free going and returning.

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(2.) No indentured immigrant shall be convicted under this Ordinance for wilful indolence or non-performance of work assigned him in respect of any work for which he was at the time physically unfitted, or which was of such a description or extent, or which was assigned in such manner or for such a rate of wages, as to contravene any provision of this ordinance, or which was unduly thrown out, or for which any wages was unlawfully withheld.

84. (1.) An indentured immigrant may bind himself by agreement with his employer, terminable on the next weekly pay day, to work extra time in the field: Provided the description of work to be assigned to him during such extra time be expressly stipulated beforehand. Agreement for extra work.

(2.) An indentured immigrant may bind himself by agreement with his employer, terminable on the next weekly pay day, to work extra time in the buildings, and the employer may assign him during such extra time any work in the buildings which he is physically competent to perform; but no indentured immigrant shall be compellable under any such agreement to work on any one day for more than six hours of extra time, or to perform work of a different description from any such as he may by his agreement have expressly stipulated for.

(3.) In the absence of previous agreement to that effect, an indentured immigrant employed in the buildings may be on any day required to work extra time not exceeding three hours: Provided that that intention be communicated to him at least one hour before the expiration of the ordinary time, and that if he then give notice of his refusal to continue longer at work, he shall be entitled to leave work one hour after the expiration of the ordinary time.

85. All extra time work shall be paid for by the hour at a rate not less than that at which ordinary time work is paid for, and the same provisions, remedies and penalties in respect of the due performance and payment of wages shall apply to extra time work and to service as a watchman, whether under agreement or otherwise, as are contained in this part of the Ordinance with reference to ordinary work. Rate of payment for extra work.

86. (1.) In the absence of agreement to that effect, an indentured immigrant shall not be required to serve as a watchman Agreement to serve as Watchman.

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against his will; but he may bind himself by agreement to serve as a watchman on the estate for any term not longer than one month, and from month to month; and unless he gives notice of his refusal to serve any longer as a watchman at least ten days before the expiration of any month's service, he shall be compellable to serve for one other month.

(2.) Every indentured under indenture who, after having agreed to serve as a watchman,—

(a.) Unlawfully neglects his duty as such watchman; or

(b.) Unlawfully neglects to serve as a watchman during the period for which he has agreed to serve, or for which he is bound to serve,

shall be guilty of an offence and shall on being convicted be liable to a penalty of two pounds.

(3.) It shall be necessary, before any such immigrant can be convicted for any offence under this section, to prove that such immigrant had previously agreed to serve as a watchman. The charge for offence under this section may be in the form No. 9 in the Schedule.

Schedule.
Form No. 9.

Reduced task of
feeble Immigrant.

87. (1.) When an indentured immigrant is physically incapable of performing a task or a full day's work, it shall be lawful for his employer to assign him a half or three quarter task or day's work, provided he first receive a certificate to this effect from the District Medical Officer.

(2.) No immigrant who has obtained from the District Medical Officer a certificate of such inability shall be compelled to perform a full task or day's work.

PART XI.

Leave and Desertion.

Leave of absence
demandable.

88. (1.) Every indentured male adult immigrant who has earned five shillings and every indentured female or minor immigrant who has earned four shillings and two pence, in each of any two consecutive weeks, shall be entitled to demand of his or her employer a free pass or ticket of leave, good for a period of one day and night, for each of such fortnightly earnings of ten shillings or eight shillings and four pence respectively: Provided that no immigrant shall be entitled to demand, and no employer, except for special cause, to be stated in such pass, shall be entitled

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to give leave to any indentured immigrant for more than seven days at any one time or more than twenty-six days in any one year; and no pass extended for special cause shall be given for more than twenty-six days at any one time, or more than once to the same immigrant in any one year.

(2.) Any employer who gives a pass in excess of such limits, or who states in such extended pass any frivolous, or pretended cause for such extension, shall, on being convicted thereof, on the complaint of the Protector of Immigrants, be liable to a penalty of five pounds.

89. (1.) If any indentured immigrant without leave absents himself from the estate, or is absent from roll call and work, for seven days, he shall be taken to have deserted such estate; and the manager shall thereupon proceed to make a complaint against him in that behalf before the Magistrate of the District, and to take out a warrant for his apprehension.

(2.) Such warrant shall be granted free of all cost, and shall be directed to all members of the Police Force or Constables; and a copy of such warrant shall be forwarded by the Magistrate to the Chief of Police, and any copy thereof, certified under the hand of the Chief of Police, shall be executable in the same manner as the original warrant, and shall be sent to each police station.

(3.) Any manager who fails to make such complaint and take out such warrant within forty-eight hours after any such immigrant has become a deserter, shall, on being convicted thereof, on the complaint of the Protector of Immigrants, be liable to a penalty of five pounds, and shall, in addition to such penalty, be liable to an absolute accumulating penalty of one shilling for every day during which such default continues.

(4.) If the deserter voluntarily return to his estate, the manager shall at once report such return to the nearest Police Station; and failing to do so for seven days after the deserter's return to his estate shall be liable, on complaint of the Chief of Police, to a penalty of one pound.

90. Every immigrant under indenture who deserts his estate shall, on first conviction, be liable to a penalty of two pounds, and on a second or subsequent conviction shall be liable to a penalty of five pounds.

Deserter recovered
by Warrant.

Deserter punished;

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- Form of charge against a Deserter.**
Schedule.
Forms No. 10 & 11.
91. Every complaint or charge against an immigrant under indenture for desertion, and every warrant for the apprehension of an immigrant under indenture who shall have deserted from his estate, shall be in the Forms Nos. 10 and 11 in the Schedule respectively.
- Punishment of Habitual Idler.**
92. Every indentured immigrant, convicted of being a Habitual Idler, shall be imprisoned for any term not exceeding three months.
- Immigrant suspected of absence without leave.**
93. (1.) Every Police Officer may, without warrant, stop any immigrant whom he may have cause to suspect of being absent from his Estate without leave, and may require him to show his certificate of exemption from labour, or a pass signed by his employer.
(2.) If any such immigrant does not produce such certificate or pass, the Police Officer may thereupon take him into custody, and conduct him, if elsewhere than in Castries, to the nearest Police Station, and if in Castries, to the Office of the Protector of Immigrants, and if such immigrant shall be found to be under indenture to any employer, the Police Officer shall communicate with such employer, and shall detain the immigrant until he can be charged before the Magistrate of the District in which his estate lies, or until he shall give security for his appearance to answer such charge. Provided that if the employer shall so require, the Police Officer shall cause such immigrant to be re-conducted to his estate.
- Punishment of Immigrant refusing information as to identity.**
94. If any immigrant, on being brought to the Protector of Immigrants, or to any Police Station, by any Police Officer, refuses to give his name and the name of the ship in which he was introduced into the Colony, and any other information that may be required by the Protector of Immigrants or by the Officer in charge of such Station, for purposes of identification, he shall, on conviction, on the complaint of the Protector of Immigrants or Chief of Police, be liable to a penalty of one pound.
- Punishment for absence without leave.**
95. Every immigrant under indenture, convicted of being absent from his estate without leave, shall be liable to a penalty of one pound.
- Illegal employment or harbouring Indentured Immigrant.**
96. (1.) Every person not being entitled to the services of any immigrant under this Ordinance, who employs or knowingly harbours any immigrant under indenture, or induces or attempts

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to induce any such immigrant to leave off work or to quit his estate against the will of his employer, shall on conviction be liable to a penalty of two pounds, and shall, in case of employment, in addition to such penalty, pay to the employer entitled to the services of such immigrant, by way of damages, at the rate of four shillings for every day such immigrant may have been so employed.

(2.) In case such employment has been on an estate, it shall be sufficient to support a conviction under this section to prove that such immigrant has been employed thereon while the person charged was the manager of such estate.

97. (1.) If any employer states upon oath before any Justice of the Peace that he has reasonable cause to suspect that any of his indentured immigrants, is harboured or employed on the premises of any person, the Justice may grant a warrant to search for such immigrant and bring him and the person by whom he may be harboured, concealed, or employed, before him, to be dealt with as provided by law.

Warrant to search for harboured Immigrant.

(2.) In any case arising under this section, the *onus* of proof that the defendant had no knowledge that the immigrant was under indenture shall be on the defendant, not on the complainant or person aggrieved.

98. (1.) Every manager of an estate on which immigrants are indentured, shall keep a Register of all Cases under this Ordinance in which he is concerned before the Magistrate.

Registers of Proceedings before Magistrates, Desertions, and Absences on leave.

(2.) Every manager of an estate on which immigrants are indentured, shall keep a Register of Desertions and Absences on Leave, and shall enter therein every desertion of an indentured immigrant from such estate, and every pass granted by him to an indentured immigrant, with the date and period and the cause of extension, if any, of such pass, and also any leave of absence granted verbally to any such immigrant which shall extend over the night.

Schedule Forms Nos. 17, 18 and 19.

(3.) Neglect to enter up the offences in the several registers, and to keep the record of convictions by Magistrates written up to date, will result in the forfeiture of all claim for lost time against any indentured immigrant.

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PART XII.

Sick Immigrants:—Estates and Hospitals.

Medical Officers' Visits to Estates.

99. (1.) The District Medical Officer, shall visit each estate in his district, upon which there may be immigrants under indenture, at least twice in every month and oftener when so directed by the Governor, and when summoned by the employer or manager to attend any immigrant suffering from severe sickness or from an accident which prevents him from being immediately sent to Hospital, or when specially required to do so by the Protector of Immigrants, and shall at every visit sign his name with the date of such visit in the Official Visitors' Book.

(2.) He shall at such visits inspect the dwellings of the immigrants and the yards thereof, and shall order every indentured immigrant on the estate, whom he may find suffering from sickness, or whom the manager may produce before him for treatment, either to be sent to the Hospital of the District in which the estate is situated, or to be treated on the estate, as the case may require, and shall report to the Protector of immigrants every case of neglect on the part of the manager to produce before him any indentured immigrant requiring treatment, or to send to Hospital any immigrant ordered by him or by the Protector of Immigrants to be sent to Hospital, and he shall send to the Governor a report of every such visit.

Muster Roll regularly inspected by Medical Officer and called over every three months.

100. The District Medical Officer shall, once in every three months, inspect the Muster Roll Book, and have the Roll called over.

Recording of treatment of patient in case book

101. The District Medical Officer shall in the case of every patient brought to him for treatment or ordered by him to be treated on the estate, record in the Case Book any disease or injury under which such patient may appear to be suffering, with the remedies prescribed and diet ordered in each case, and he shall inform the patient of the remedies and diet prescribed.

Duty of Manager to send Sick Immigrant to Hospital.

102. Whenever the employer or manager of an estate, upon which there are indentured immigrants, has reasonable grounds for believing that any immigrant is suffering from sickness or bodily injury, he shall cause such immigrant to be sent, and if necessary conveyed, forthwith to the District Hospital at the expense of the estate.

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103. Any person seeing any immigrant in a condition of sickness or distress on any road or other place, may send him to the nearest hospital, or give notice to the nearest police station, to have him removed to the nearest hospital, and if the immigrant be under indenture to an estate, the cost of his removal to hospital shall be included in the bill of charges for treatment in hospital.

Sick Immigrant on Road.

104. Every employer shall keep on his estate for the use of the immigrants such supply of medicines and appliances as may be directed by the Colonial Surgeon with the approval of the Governor.

Supply of Medicines on Estates.

105. Every employer or manager who—

Sundry penalties on Employers for neglect of sick Immigrants.

- (1.) Refuses or neglects or unreasonably delays to send or cause to be sent to the Hospital any indentured Immigrant, whom he has reason to believe to be sick or suffering, or whom the District Medical Officer, or the Protector of Immigrants has ordered to be sent to Hospital; or
- (2.) Fails at any visit of the District Medical Officer to produce before him any such immigrant who may require medical care or treatment; or
- (3.) Refuses or neglects or unreasonably delays to procure or administer the remedies prescribed, or to supply the diet ordered, in the Case Book; or
- (4.) Upon whose estate any immigrant shall be found by the Protector of Immigrants or District Medical Officer to be suffering from Yaws; or
- (5.) Fails to keep on the estate the medicines and appliances as directed,

shall on conviction on the complaint of the Protector of Immigrants be liable to a penalty of ten pounds.

106. Every indentured immigrant who—

Sundry penalties on sick Immigrants.

- (1.) After being sent to Hospital by the manager, is found beyond the limits of such Hospital, before he has been duly discharged; or
- (2.) Refuses or neglects to appear at any time when required so to appear before the Protector of Immigrants or a District Medical Officer; or
- (3.) Resists any lawful order for his conveyance to Hospital, or production before a District Medical Officer; or

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- (4.) Breaks any of the Hospital Rules or Regulations; or
 (5.) Behaves himself in a disorderly or refractory manner while in Hospital,
 shall on conviction on the complaint of the Protector of Immigrants or a District Medical Officer be liable to a penalty of one pound.

PART XIII.

Certificate of Exemption from Labour.

Granting Certificate of Exemption from Labour.
 Schedule.
 Form No. 12.
 Schedule.
 Form No. 13.

107. (1.) Every immigrant who may have completed, or who shall hereafter complete, any term of service under indenture, whether entered upon before or after the coming into force of this Ordinance, shall be entitled to receive from the Protector of Immigrants, free of charge, a Certificate of Exemption from Labour.

(2.) The Protector of Immigrants shall register every such certificate in the General Register of Certificates of Exemption from Labour, and any certificate of discharge heretofore granted to and remaining in the possession of any immigrant shall have in all respects the force of such Certificate of Exemption from Labour under this Ordinance, and shall be exchangeable for such certificate.

(3.) Every such Certificate of Exemption from Labour or of discharge, and every extract from such Register, signed by the Protector of Immigrants, shall be receivable in evidence of the facts therein specified, without proof.

Man. or to endorse Certificate of Exemption from Labour.

108. The manager of every estate about to be officially visited by the Protector of Immigrants for the purpose of giving Certificates of Exemption from Labour, shall give previous notice of every such intended official visit to the immigrants on such estate, and shall, on every such visit, produce before the Protector of Immigrants every immigrant who has, since the last of such visits, completed his term of service, or will in the course of time within three months thereafter complete the same, and the Protector of Immigrants shall deliver to every such immigrant a Certificate of Exemption from Labour, and shall, if necessary, endorse such certificate with the word "Provisional," and with the date at which such certificate will in the course of time become due; and whenever such certificate shall, either in the

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course of time or otherwise, have become due, the immigrant may call upon the employer to endorse the same, and, in case of refusal or neglect so to do, the employer shall, on being convicted thereof, be liable to a penalty of two pounds, and, in addition to such penalty, the employer shall pay to the immigrant through the Court, an absolute accumulating sum of one shilling for every day of default to endorse the certificate.

109 Except as hereinafter otherwise provided, every immigrant who has obtained a certificate of exemption from labour shall be at liberty to hire or dispose of his services, or to change his residence, in the same manner as any other labourer, not being an Indian, Chinese, or African Immigrant.

Immigrant free to dispose of his services.

110. Every Indian Immigrant who has obtained a Certificate of Exemption from Labour, or who has completed his term of ten years' residence in the Colony, shall be entitled to the supervision and protection of the Protector of Immigrants.

Rights of certificated Immigrant.

PART XV.

Passports and Return Passages.

111. Every Indian immigrant who has obtained or become entitled to a Certificate of Exemption from Labour, and who is desirous of quitting the Colony, shall apply to the Protector of Immigrants for a passport; and thereupon the Protector of Immigrants may, within one week from the date of such application, deliver to him free of charge, a passport, good for one Calendar month from the date thereof, and shall register such passport in the Register of Certificates of Exemption from Labour, and shall detain the immigrant's Certificate of Exemption from Labour till his return to the Colony: Provided that the Protector of Immigrants may, for good and sufficient reason, subject in each case to the approval of the Governor, refuse to grant such passport.

Passport Regulations.

112. (1.) Every immigrant who attempts to quit the Colony without a passport shall on conviction on the complaint of the Protector of Immigrants be liable to a penalty of ten pounds.
 (2.) Every owner, master or person in charge or purser of any ship, or agent of any steamer who receives or harbours on board such ship or elsewhere any immigrant who has not

Penalty for breach of Passport Regulations.

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obtained a passport, or whose passport has expired, with intent to carry such immigrant out of the colony, and every owner or master or person in charge of any ship who carries such immigrant out of the colony shall on conviction be liable to a penalty of twenty pounds for every immigrant so received or harboured or carried out of the Colony, and such ship shall be liable or executable for the amount of such penalties.

Right of Immigrant
to Return passage.

113. (1.) Every Indian immigrant who has completed a continuous residence of ten years in the Colony and has during that time obtained or become entitled to a Certificate of Exemption from labour, shall be entitled to be provided at the expense of the Colony with a passage back to the port whence such immigrant sailed from India, for himself, his wife, and his children under the age of fifteen years.

(2.) Every Immigrant who, being so entitled, is detained in the Colony contrary to his wish after claiming such back passage, shall, on his embarkation, receive from the Immigration Fund the sum of one pound for every six months of such detention: Provided that every immigrant, who shall at any time before the expiration of ten years from his arrival quit the colony without a passport, or having quitted the colony with a passport, shall remain out of the colony beyond the term fixed in such passport without reasonable cause, shall thereby forfeit all claim to a back passage at the expense of the colony; Provided, also, that whenever any such immigrant is willing to forego his right to a free passage back to such port as aforesaid, on condition of a sum of money being paid to him, the Governor may pay to such immigrant such sum by way of bounty as may be settled by the Governor-in-Council.

(3.) Upon such payment being made to him, the right of such immigrant to such free back passage as above mentioned shall cease.

Bounty or Grant of
Land in lieu of
Return Passage.

114. (1.) When any Indian immigrant desires to commute his right to a free passage back to India for a piece of land, and the Governor shall see fit to grant to such immigrant a piece of land out of the Crown lands of the Colony, then such immigrant shall have the piece of land in lieu of his right to a free back passage.

(2.) The land shall be granted to him free of all costs and encumbrances.

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(3.) Upon such grant of land being made to him, the right of such immigrant to a free back passage shall cease.

115. The Protector of Immigrants may grant to any immigrant, who shall at any time be in his opinion permanently disabled and unfit to perform service under indenture, and who shall produce a certificate from the Colonial Surgeon or any other Immigration Medical Officer to that effect, a Certificate of Exemption from Labour, and the Governor may order any such Indian immigrant, if he shall so desire, to be provided at the expense of the Immigration Fund with a return passage to the port in India whence he emigrated.

Right of disabled
Immigrant to
Return Passage.

116. Malingers and Habitual Idlers, from whom their employers have not exacted "lost time", shall forfeit their claims to free back passages or bounties, unless in the meantime they make up their lost time by re-indenture service. But immigrants who have completed three fourths of their original term of indenture, or the wives of fairly industrious husbands, or any others by special order of the Governor shall be exempted from the penalty of this provision.

Malingers and
Habitual Idlers
forfeit Return
Passages.

117. In order to facilitate the return of immigrants who shall be entitled to back passages at the expense of this Colony, it shall be lawful for the Governor when there shall not be any convenient opportunity of providing such back passages from this Colony direct to the port from which such immigrants have sailed, to arrange with the Governor of any neighbouring Colony from which there may be a convenient opportunity, for the return of such immigrants by way of such Colony to such port.

Special provision
for Return Immigrant
Ship.

118. (1.) Previous to the departure of any ship hired at the expense of the Colony, having returning immigrants on board, the Protector of Immigrants, assisted by the Colonial Surgeon, shall inspect the ship and immigrants, and ascertain whether the arrangements made for passage and for the treatment of the people on board are in conformity with the law, and

Inspection, &c., of
Return Immigrant
Ship.

(2.) The Protector of Immigrants shall make out a list of the immigrants on board such ship who are entitled to a back passage at the expense of the Colony, and shall deliver the list to the Surgeon Superintendent for the use of himself and the master of such ship, and shall certify upon such list the total number and description of immigrants embarked, together with the state and

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condition of such immigrants and that they have all been provided with clothing suitable and sufficient for the voyage.

PART XV.

Enlistment and Deportation of Immigrants.

Deportation of
Immigrants pro-
hibited.

119. (1.) Subject to the proviso contained in this section, no person shall by threat, promise, representation, or any other means induce or attempt to induce any Indian immigrant to agree to leave this Colony with intent to induce or compel such immigrant to do any work, labour, or service in any place beyond the limits of this Colony: Provided that the prohibition of this section shall not apply to any person who in pursuance of a licence under the hand of the Governor induces or attempts to induce Indian immigrants to leave the Colony in order to do work, labour, or service in a place beyond the limits of this Colony to which emigration from British India is permitted.

(2.) Every person who contravenes this section shall be guilty of a misdemeanour, and on conviction thereof before the Royal Court may be fined in any sum not exceeding five hundred pounds, and either in lieu of or in addition to any such fine may be imprisoned with or without hard labour for any term not exceeding two years.

Penalty for deport-
ing or aiding to
deport Immigrant
against his will.

120. Any one who removes or aids or assists in removing from this Colony any Indian immigrant, contrary to the will of such immigrant, shall be guilty of a misdemeanour, and on conviction thereof before the Royal Court, may be imprisoned with or without hard labour for any term not exceeding two years.

Penalty for deport-
ing Immigrant
consenting to be
removed.

121. When any Indian immigrant has agreed to leave this Colony, having been induced to enter into such agreement contrary to the prohibition of this Ordinance, every person who removes from, or aids, abets, or assists in enabling to leave this Colony, any such immigrant, knowing or having reasonable ground to believe that such immigrant has been induced to agree as aforesaid, contrary to the prohibition of this Ordinance, shall be guilty of a misdemeanour, and on being convicted thereof before the Royal Court may be fined in any sum not exceeding one hundred pounds and either in lieu or in addition to any such fine, may be imprisoned with or without hard labour for any term not exceeding two years.

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122. In the preceding three sections, prosecution may be commenced at any time, though it exceed the six months' limit for prosecutions for other offences.

PART XVI.

Registers, Returns, and Certificates.

123. The Superintendent, Keeper or other Officer in charge of any Prison, Hospital, Asylum or other public institution of the Colony shall, on or previous to the fourteenth day of January and the fourteenth day of July in every year, make out and transmit to the Protector of Immigrants a return of all immigrants who may have died while inmates of such Prison, Hospital, Asylum or institution during the six months previous to such months of January and July respectively, and shall transmit therewith a summary of the disposal of any money or other valuables found on such immigrants or handed over to him for safe keeping by the immigrants.

Returns of Deaths
from Public Insti-
tutions.

124. (1.) Every manager of an estate on which any immigrant may be under indenture, shall keep Register books supplied by the Protector of Immigrants at the cost of the employer.

(2.) Such Registers shall be at all times open to the inspection of the Protector of Immigrants, the Colonial Surgeon and the District Medical Officers, and shall be produced in Court if the Magistrate or Protector of Immigrants shall so require in all proceedings taken under this Ordinance by or against any immigrant under indenture on such estate, and

Registers to be kept
on Estates.

(3.) Shall include the following Registers:—

- (a.) The several Indenture Lists received by the manager on allotment of immigrants, or after his entering into contracts of service with any immigrants, or any copies of such indenture lists which shall have been certified by the Protector of Immigrants.
- (b.) A Register of Births occurring on the estate, Schedule Form No. 14.
- (c.) A Register of Deaths occurring on the estate, Schedule Form No. 15.
- (d.) A Register of Marriages occurring on the Estate, Schedule Form No. 16, contracted according to Christian rites or under the provision of any Ordinance now or hereafter to be in force in respect of Marriages of heathen immigrants, or otherwise.

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- (e.) A Register of Dwellings on such Estate,
- (f.) A Register of Absences on Leave,
- (g.) A Register of Proceedings before Stipendiary Magistrates,
- (h.) A Register of Deserters,
- (i.) A Muster Roll Book,
- (j.) An Official Visitors' Book,
- (k.) A Case Book,
- (l.) Pay List Books,

and all or any other Register named in this Ordinance or that may hereafter be ordered by the Governor to be kept.

125. Every manager who—

- (1.) Makes any false entry in any register or pay list, required to be kept or made by him under this Ordinance; or
- (2.) Who fails to keep any such register or pay list in the form prescribed by this Ordinance; or
- (3.) Who neglects to keep any such register or pay list carefully noted up; or
- (4.) Refuses or neglects to send any register to the Protector of Immigrants when required by him so to do,

shall on conviction, on the complaint of the Protector of Immigrants, be liable to a penalty of two pounds.

126. (1.) Every immigrant whose Certificate of Exemption from Labour may be lost or destroyed, shall be entitled, on proving to the Protector of Immigrants that he is then entitled to such certificate, and that such certificate has been lost or destroyed, and on payment of one shilling, to receive a copy of such certificate; and

(2.) Every employer shall at any time be entitled to a copy of any indenture list of immigrants delivered to him on payment of one pound, or of five pence per immigrant if less than fifty; and every employer and immigrant shall be entitled to receive a certified extract from any register kept by the Protector of Immigrants on payment of five pence for every line of such extract.

(3.) Every such duplicate or certified extract shall be received in evidence of any fact therein recorded, without further proof.

127. If any immigrant uses or attempts to use any certificate of exemption from labour or any pass signed by an employer, not being the immigrant to whom such certificate or pass was granted, he shall on conviction be liable to a penalty of two pounds.

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128. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing such to be forged or altered, any Certificate of Exemption from Labour or other document mentioned in this Ordinance, or any endorsement provided by this Ordinance to be made thereon, with intent to defraud, shall be guilty of a felony, and, being convicted thereof before the Royal Court, shall be liable to be imprisoned, with or without hard labour for any term not exceeding three years.

Penalty for forging Certificates.

129. Any person who forges, alters, disposes of, or puts off, knowing such to be forged or altered, any passport or pass mentioned in this Ordinance, with intent to defraud, shall on conviction before the Royal Court be liable to be imprisoned with or without hard labour for any term not exceeding one year.

Penalty for forging Passports, &c.

PART XVII.

Miscellaneous.

130. (1.) The manager of every estate on which there are indentured immigrants, shall keep a book to be called a "Muster Roll Book," which shall contain in alphabetical order the names of all the indentured immigrants on such estate, and shall be in such form as may be fixed by the Protector of Immigrants.

Muster Roll Book, Schedule, Form No. 20.

(2.) The manager shall order every immigrant to attend daily at such time and place as he shall appoint for that purpose, and then and there shall call over the names of all the immigrants of the estate, and shall note on such Muster Roll those who are present and those who are absent, and shall ascertain and record the cause of absence in each case.

Daily Roll Call.

(3.) Every manager who fails to comply with any of the above provisions of this section, or who makes a false entry on the Roll, shall on conviction on the complaint of the Protector of Immigrants be liable to a penalty of five pounds.

(4.) Every immigrant who without lawful cause absents himself from such Roll Call, shall on conviction, on the complaint of the manager, be liable to a penalty of two pounds.

131. (1.) No Ganja shall be imported into or grown in this colony.

Prohibition of Ganja.

(2.) All Ganja imported into or grown in this colony shall be forfeited.

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(3.) Every person who imports or is concerned in the importing of Ganja into this colony, or has Ganja in his possession, and every person who plants or cultivates Ganja in this colony, shall on conviction, be liable to a penalty of one hundred pounds.

(4.) Every person who sells or gives Ganja to any immigrant shall, on conviction, be liable to a penalty of one hundred pounds.

(5.) The Governor may award any portion not exceeding one moiety of any penalty under this section, when recovered, to any person who may have afforded such information as had led to a conviction.

Prohibition of dole of Rum.

132. (1.) No dole of rum or food shall be given to any indentured immigrant by the employer or by the manager of the estate to which such immigrant is indentured.

(2.) Every employer or manager who contravenes the above provision of this section shall, on conviction, be liable to a penalty of two pounds.

Prohibition of shop on Estate.

133. (1.) No shop shall be kept by the owner, manager, overseer, or other employé of any estate having indentured immigrants, either upon such estate or within three miles thereof: Provided that this section shall not apply to any shop kept in any town or village.

(2.) If any shop is so kept by or for the profit of any such owner or manager, or by or for the profit of any of his subordinate officers with his permission, connivance, or knowledge; such owner or manager shall on conviction on the complaint of the Protector of Immigrants, be liable to a penalty of ten pounds, and every other officer to a penalty of five pounds; and to a further penalty of one pound for every day thereafter during which such shop shall so be kept open.

Prohibition of borrowing money from Immigrant.

134. (1.) No employer, manager, or other officer of an estate having indentured immigrants shall, without the sanction in writing of the Protector of Immigrants, borrow money from any of such immigrants.

(2.) Any officer of an estate violating this provision of the Ordinance, shall on conviction, the Protector of Immigrants complaining, be liable to a penalty of Five pounds.

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135. (1.) Subject to the control of the Governor, the Protector of Immigrants shall make provision for every child bereft of both parents, either by giving him away to some trustworthy person willing to adopt him under written conditions, or by paying a suitable person for his care and maintenance till other provision can be made for him, and charging the cost to the Immigration Fund.

Provision for maintenance of Orphans.

(2.) Such orphans shall have no claim on the Immigration Fund, either for a free passage to India or the commutation for bounty or land.

136. On arrival from India, all immigrants who shall satisfy the Protector of Immigrants that they have, during the voyage, made marriages according to Indian custom, shall be recorded as man and wife; and subsequently, all marriages contracted in the Colony according to Indian custom, and duly attested and recorded in the Register of the Immigration Office, at the time of the celebration, shall be valid.

Validity of Marriages according to Indian Rites.

137. Immediately on the occurrence of any Birth or Death on an estate having indentured immigrants, or in a hospital or other public institution, the responsible Officer of the estate or public institution shall send a report of it to the Protector of Immigrants.

Immediate reporting of Births and Deaths.

138. (1) In every case in which a sentence of imprisonment is recorded against an indentured immigrant, the Registrar of the Royal Court or the Clerk of the District Court, shall, as soon as convenient, notify the Protector of Immigrants and the employer, of the name of the immigrant, his estate, his offence and his term of imprisonment.

Early reporting of sentences of imprisonment.

(2.) And no claim for the lost time of such imprisonment shall be valid unless the manager of the estate to which the immigrant was assigned, make the entry of it at the time of its occurrence.

139. When an immigrant, indentured or otherwise, dies on an estate on which he has been working, it shall be the duty of the proprietor of the estate to bear the expense of his burial.

Burials at cost of Estates.

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PART XVIII.

Procedure.

Procedure to be summary.

140. Every information laid or complaint made under any provisions of this Ordinance shall be laid or made before the Magistrate of the District in which the offence was committed or the cause of complaint arose, and the procedure shall, unless otherwise provided by this Ordinance, be that provided by any Ordinance for the time being in force for the regulation of procedure in the District Courts. Provided that any such information or complaint against an indentured immigrant shall be laid or made within one month from the date of such offence or cause of complaint; and every citation, summons or other process in behalf of such indentured immigrant shall be furnished by the clerk of the District Court free of charge. Provided further that if the Protector of Immigrants shall, on behalf of any indentured immigrant see fit to carry any summons, conviction or order of any Magistrate in any case of summary jurisdiction under this Ordinance to an Appeal Court, he may make his application at any time within one month after the hearing.

Protector may represent immigrant.

141. Every information which may be laid or complaint which may be made under this Ordinance by an immigrant, may be laid or made by the Protector of Immigrants on his behalf.

Employer as Plaintiff not bound to attend.

142. In any proceedings taken by an employer or manager against an immigrant under this Ordinance, it shall not be necessary for the complainant to attend in person, unless the complainant be a material witness on the part of such immigrant, in which case the hearing may be postponed.

Evidence of Documents admissible.

143. Every indenture, contract, document, or other proceeding, or any copy thereof, or any extract from any Register directed to be kept by the Protector of Immigrants, certified by or purporting to bear the signature of the Protector of Immigrants, or any employer, shall be received as *prima facie* evidence of the original, and of the truth of the contents thereof, without further proof.

Evidence of Defendant admissible.

144. The defendant in all proceedings under this Ordinance shall be entitled to be sworn and to tender his evidence on oath; and every heathen immigrant shall make such oath or affirmation

The Immigration Ordinance, 1891.

as he shall declare to be binding on his conscience, and shall be liable in case of falsehood to be convicted and punished as for perjury.

145. In any proceedings taken by or against an employer, in which it is necessary to state the ownership of any property belonging to or in the possession of the proprietors of any estate, it shall be sufficient to name any one of such proprietors, or the attorney of such proprietors, and to state such property to belong to the person so named and another or others, as the case may be.

Only one proprietor need be named.

146. Every immigrant under indenture who is imprisoned by virtue of any conviction under this Ordinance, shall be imprisoned with hard labour, and every such immigrant imprisoned in any prison for which a scale of task work has been sanctioned by the Governor, shall fulfil such sentence of imprisonment by the performance in such prison of a number of tasks equal to the number of days for which he has been imprisoned; and he shall not be discharged till he has performed such tasks, except by the special order of the Governor.

Conditions of imprisonment of immigrant.

147. (1.) Every inquest upon the body of an Asiatic or other immigrant known or registered to be such within the meaning of this Ordinance, shall be held by a Magistrate without the intervention of a jury, who shall sum up the evidence and make and sign an order thereupon; and every such order shall be equivalent in all respects to a verdict signed by a Coroner's jury and countersigned by a Coroner.

Inquest on Immigrant.

(2.) Every such Magistrate shall, on transmitting the inquisition to the Governor, transmit to the Protector of Immigrants a statement of such particulars in respect to the identity of the immigrant and the cause of his death, as he may be able to ascertain on such inquest.

148. It shall be the duty of the Protector of Immigrants to collect and take possession of the property of any immigrant who may die in the Colony without making a will and without a relation in the Colony, and with the sanction of the Governor, to convert the said property into money and pay the proceeds into the Colonial Treasury, in order that it may be remitted to the person or persons in India or elsewhere who may be entitled thereto.

Property of intestate deceased immigrant.

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Mode, time, &c., of
Legal Proceedings.

149. All legal proceedings under this Ordinance shall, where it is not otherwise provided, be taken in the name of the Treasurer: Provided that every prosecution for a penalty under this Ordinance shall be commenced within six months after the commission of the offence by reason of which such penalty has been incurred, unless otherwise provided: Provided also that no fees shall be required by any public officer from the Treasurer in respect of any proceeding instituted under this Ordinance.

Passed the Legislative Council, this 4th day of February, 1891.

T. F. MEAGHER,

Acting Clerk of Councils.

The Immigration Ordinance, 1891.

Schedule.

FORM No. 1.

Section 17 (4).

HOSPITAL REGISTER.

Date	Name	Age		Race *	Result	Date	Remarks †
		M	F				

* In the case of an East Indian Immigrant, specify the Province to which he belongs, as Bengal, Madras, &c.

† In the column of Remarks, state how often each patient has been in Hospital, if more than once during the quarter.

FORM No. 2.

Section 17 (4).

CASE BOOK.

Date	Name	Age		Disease.	Diet	Remedies, Directions, Medical Comforts.
		M	F			

FORM No. 3.

Section 22.

REGISTER OF APPLICATIONS FOR IMMIGRANTS.

Number of Application.	Date of Application.	Name of Applicant.	Description of Applicant.	Name of Estate.	Consents or Objections.	Number of Immigrants applied for.						Total.	Observations.
						Calcutta Indians.	Madras Indians.	Chinese.	Africans.	Madagascar.	C. de Verdians.		
					As of Lessor or Mortgage								(As, if indenture fee to be paid in cash; if allotment to be made at any special time of the year; if application refused with grounds and date of refusal.)

The Immigration Ordinance, 1891. •

Section 38.

FORM No. 4

GENERAL REGISTER OF IMMIGRANTS INTRODUCED INTO THE COLONY.

Year of Introduction.	Name of Vessel and place of Embarkation.	Number.	Name of Immigrant.	Father's Name.	Sex.	Age.	Height.	Bodily Marks.	Caste or Trade.	Name of Native Place.	Date of Allotment.	State on which allotted.	If indentured as able bodied or otherwise, under contract of residence &c.	If married on introduction, number of or husband.	Observations.	
																Whether Indenture terminated, commuted or cancelled, and if transferred, to whom &c.

The Immigration Ordinance, 1891.

Section 38.

FORM No. 5.

INDENTURE LIST OF ALLOTMENTS.

This Indenture List sheweth that the (*number, race*) immigrants, whose names and register numbers are hereunder written, have been duly allotted to (*name*) to serve as labourers or reside upon *Estate* District, from the dates and upon the terms of Indenture, contract of Residence or otherwise, herein specified for each of them, and according to the Immigration Ordinance 1891, (but subject to such special contract as hereto appended, as the same is valid under the said Ordinance.)

Year of introduction.	Name of Vessel & place of Embarkation.	No. in General Register.	Name of Immigrant.	Father's name.	Sex.	Age.	Height.	Bodily marks.	Date of Allotment.	Whether indentured under contract of residence or indent'd	Amount of fee payable on indenture.	Numbers of wife, husband, children &c.	Signature or mark of Immigrant.

(Signed)

Protector of Immigrants.

FORM No. 6.

Section 38.

CERTIFICATE OF INDENTURE.

This is to certify that the (*race*) Immigrant whose name and register number are hereunder written, has been duly allotted to (*name*) to serve as an Indentured labourer upon *Estate* District from the date herein specified, and according to the Immigration Ordinance 1891, (but subject always to such special contract as hereto appended, so far as the same is valid under the said Ordinance.)

Year of introduction.	Name of Vessel and place of embarkation.	Number in General Register.	Name of Immigrant.	Father's Name.	Sex.	Age.	Height.	Bodily marks.	Caste or Trade.	Native Place.	Date of Allotment.	Signature of Employer.

(Signed)

Protector of Immigrants.

Section 54.

FORM No 7.

CERTIFICATE OF DETERMINATION OF INDENTURE.

IMMIGRATION DEPARTMENT, ST. LUCIA.

I, Protector of Immigrants, do hereby
 certify that, with the written sanction of the Governor, I have this
 day of 189 , determined the Indenture, bearing
 date the day of 189 , of the
 Immigrant male years on arrival
 No. ex 189 late under Indenture of service
 to Estate in the District of the Colony of St. Lucia.

[illegible]

Sections 72 (2)
and 124 (3, 4).

FORM No. 8.

PAY LIST OF _____ ESTATE FOR WEEK ENDED _____

[illegible]

In Weather table, W.—wet, V. W.—very wet, Sh—showery, F.—Fine.
In main columns S—Sick, H.—in Hospital, G.—in Goal, A.—Absent with-
out leave.

The Immigration Ordinance, 1891.

FORM No. 9.

Section 86, (3):

COMPLAINT AND CHARGE FOR AN OFFENCE BY WATCHMAN.

The complaint and charge of
Estate in the District, St. Lucia, the Manager of
acting as the Stipendiary Magistrate of the said District this undersigned
male 18 who saith that the Immigrant day of
years on arrival, No. 18
then being under Indenture to the said Estate, and having bound himself by
a certain agreement to serve as a watchman on the said Estate, and being then
bound so to serve for a period then unexpired on the day of
18, and whilst he was so bound as aforesaid, did
unlawfully neglect his duty as such watchman by (here state how)
or to serve as a watchman on the said Estate, contrary to the form of the
Ordinance in such case made and provided.

A. B.

Manager of

Exhibited and sworn before me, this day of 18 , at

C. D.

Stipendiary Magistrate.

FORM No. 10.

Section 91.

COMPLAINT OR CHARGE AGAINST A DESERTER.

CHARGE AGAINST A DESERTER.

No. Estate
The complaint and charge of the Manager of
Estate in the District, St. Lucia, taken on oath before me the under-
signed Stipendiary Magistrate of the said District this day of
18 male 18 , who saith that the Immigrant years on arrival, No. ex
Bodily marks in height
denture, dated the day of day of being then under in-
did on the day of 18 , to the said Estate,
absent self from the said Estate, and did continue so to absent without leave
from the said Estate for the period of seven days then next following, by means
whereof he the said then became and now is a Deserter
from the said Estate, contrary to the form of the Ordinance in such case made
and provided; and thereupon the said makes appli-
cation that the said may be apprehended and
dealt with according to law.

A. B.

• Manager of

Estate.

Taken and sworn before me this

day of

18 at

C. D.

Stipendiary Magistrate:

The Immigration Ordinance, 1891.

Section 91.

FORM No. 11.

WARRANT TO APPREHEND A DESERTER.

TO ALL MEMBERS OF THE POLICE FORCE IN THE COLONY OF ST. LUCIA.

No. _____ of the year _____
 Whereas a complaint and charge in writing hath this day been laid before me the undersigned _____ Esquire, one of Her Majesty's Stipendiary Magistrates in and for the Colony of Saint Lucia, at _____ in the _____ District of the said Colony by _____ Manager of the _____ Estate in the said District, on oath, for that the Immigrant _____ male _____ years on arrival, No. _____ 18 _____ in height, Bodily Marks _____ then being under indenture dated the _____ day of _____ 18 _____ to the said Estate, did without leave on the _____ day of _____ 18 _____ absent self from the said Estate for the period of seven days then next after, by means whereof he then became and now is a Deserter from the said Estate, contrary to the form of the Ordinance in such case made and provided. These are therefore to command you, or either or any of you, forthwith to apprehend the said _____ and bring h _____ before me, or the then acting Stipendiary Magistrate of the said District, to be further dealt with according to law.
 Given under my hand at _____ on the _____ day of _____ 18 _____
 C. D.
 Stipendiary Magistrate.

Section 107.

FORM No. 12.

CERTIFICATE OF EXEMPTION FROM LABOUR.

This is to certify that _____ Immigrant, whose name and register number are hereunder written, from and after this Certificate shall in course of time or otherwise be due, is exempt from all legal liability to labour under the Immigration Ordinance 1891.

Number in General Register.	Name.	Description.	Date of Allotment.	Date when Certificate was issued.	Date when Certificate will fall due in course of time.	Whether at present indentured on an Estate (name) or free: whether returning to Colony after absence on passport: whether paying for renewed cost; whether exempted for disability.	Endorsement of Employer.

(Signed)

Protector of Immigrants,

The Immigration Ordinance, 1891.

FORM No. 13.

Section 107 (2)

GENERAL REGISTER OF CERTIFICATES OF EXEMPTION FROM LABOUR.

Number in General Register.	Name.	Date of Allotment.	Date when Certificate was issued.	Date when Certificate will fall due.	Name of Estate on which last indentured, and if on allotment or otherwise, or if returning to Colony, or if exempted from disability for service.	If any, number of last certificate issued.	If any, date of passport.	Observations.	Date of Claim for Return Passage.

FORM No. 14.

Section 124 (1) and (3) (b)

REGISTER OF BIRTHS.

Name.	Sex.	Date of Birth.	Description of Father.				Description of Mother.			
			Name.	Country.	Ship in which introduced.	Year of arrival.	Name.	Country.	Ship in which introduced.	Year of arrival.

FORM No. 15.

Section 124 (1) and (3) (c).

REGISTER OF DEATHS.

Name of Deceased.	Sex.	Age at time of death.	Country.	Ship in which introduced and number.	Year of arrival.	Date of death.	Cause of death.	Remarks.

FORM No. 16.
REGISTER OF MARRIAGES.

[illegible]

FORM No. 17.

REGISTER OF CASES OR PROCEEDINGS BEFORE STIPENDIARY
MAGISTRATE.

[illegible]

Sections 98 (2)
and 124 (1) and
(3) (h).

[illegible]

Sections 98 (2)
and 124 (1) and
(3) (f).

No. herein.	Name of Immigrant.	Date of allotment or of reindenture.	Sex.	No. in General Register.	Name of Vessel and place of embark- ation.	Year of Introduction.
Verbally or by a pass.	Date of grant of leave.	Period of leave.		If pass extended.		REMARKS.
		From.	To.	To what date	Cause.	

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The Immigration Ordinance, 1891.

Section 130.

FORM No. 20.

MUSTER ROLL of Estate for the Month of 18.....

Description of Immigrants	Register Numbers	Names.	REMARKS.
			1st
			2nd
			3rd
			4th
			5th
			6th
			7th
			8th
			9th
			10th
			11th
			12th
			13th
			14th
			15th
			16th
			17th
			18th
			19th
			20th
			21st
			22nd
			23rd
			24th
			25th
			26th
			27th
			28th
			29th
			30th
			31st

Department of Revenue and Agriculture.
Emigration.

SIR,

With reference to the correspondence ending with your letter No. 73 dated the 30th January 1895, I am directed to forward for record, a copy of the St. Lucia Immigration Ordinance No. 4 of 1891, copies of which have recently been furnished to the Government of India by the Colonial Emigration Agent at Calcutta.

I have the honour to be,

Sir,

Your most obedient servant,

E. Macnochie

Offg. Under-Secretary.

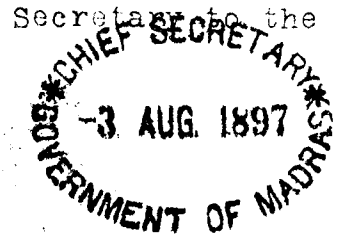
FROM

E. MACNOCHIE, Esq., I.C.S.,

Offg. Under-Secretary to the Government of India,

TO

The Secretary to the Government of Madras.



Simla, the 28th July 1897.

No. 1148
58-3

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

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.