

Public (1897) Department.

ORDINARY MS.

G.O., No. 360

Dated 1- 4- 97

INDEXED.

[Despatch Abstract.]

Recording a case from India forwarding
correspondence with the Secy of State rela-
tive to the adoption of measures in view to
prevent or restrict the emigration of Indians
to the Colony of Natal.

BACK PAPERS.

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

FURTHER PAPERS.

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

Public (1897) Department.

CURRENT No. 1152

From Govt Dept. of R & A

Order N^o. 36071-4-97.

Recorded in Contn:
Pub
No. 218/d/ 6.3.97.

No. $\frac{351}{3-15}$

10/3/97

31/3/97

Dated 16
Received 20
Registered 23 } - 3-97

Enclosures 1 (with 15 Spare Copies)

Spare copies

The Protector of Emigrants
with copy of N^o. $\frac{218 \text{ Pub}}{6.3.97}$

Despd
9/4/97

SUBJECT.

Forwarding for information
Copy of despatch from
the Secy of State to 15th day
11-2-97. & enclosures. regarding
the measures that might
be taken in order to arrest
or restrict the emigration
of Indians to Natal.

No. 15, Public (Emigration), dated India Office, London, the 11th February 1897.

FILE No. 3 OF
1897.
SERIAL No. 15.

*From—Her Majesty's Secretary of State for India,
To—The Government of India.*

I FORWARD, for the information of your Government, copies of two letters * received from the Colonial Office, suggesting that all practicable measures might be taken in India to arrest or restrict the emigration of Indians to the Colony of Natal.

* Dated 14th and 16th January 1897, and enclosures.

2. While these letters were under consideration I received Your Excellency's telegram of the 20th January on the same subject. I at once caused a copy of this, as well as of my reply, dated the 21st, to be forwarded to the Colonial Office. Since then I have received your telegram of the 26th ultimo, and, besides communicating it to the Colonial Office, I have addressed a further letter† to that Office, a copy of which I now enclose for the information of your Excellency's Government.

I have etc.,
GEORGE HAMILTON.

Dated Colonial Office, the 14th January 1897.

*From—The Under Secretary of State for the Colonies,
To—The Under Secretary of State for India.*

I AM directed by Mr. Secretary Chamberlain to transmit to you, to be laid before Lord Mr. Mitchell, to Under Secretary of State, 9th December. George Hamilton, copies of the documents specified in the margin on the subject of the immigration of British Indians into Natal.

2. Mr. Chamberlain is anxious to learn to what extent it may be possible for the Indian Government under the existing law to restrict the immigration of inhabitants of British India to Natal from Bombay and other ports in the manner desired by the Government of that Colony.

3. If a large immigration to Natal continues to take place, there is a danger that the Colonial Government will be called upon by a strong body of local opinion to adopt special legislation against British Indians as such.

4. Mr. Chamberlain is himself very much opposed to any such legislation specially directed against persons of a particular race or colour, though he would not have the same reasons for objecting to local legislation imposing restrictions upon the immigration of indigent or ignorant persons, on the ground that they were liable to become a charge upon the Colony, or that they were being induced to emigrate without sufficient knowledge.

5. He would, therefore, be glad of any observations with which Lord George Hamilton could favour him and of any suggestions which the experience of the India Office in such matters may enable him to offer for dealing with the question raised by the Natal Government.

6. I am to add that the question is one of pressing importance.

No. 751, dated Calcutta, the 9th December 1896.

*From—ROBERT W. S. MITCHELL, Esq., C.M.G., Emigration Agent for Natal,
To—The Under Secretary of State for the Colonies.*

I HAVE the honour to submit, for the information of the Right Honourable the Secretary of State for the Colonies, a copy of a Despatch, No. 729 of the 5th instant, to the Governor of Natal, on the subject of the introduction from Bombay of Indian emigrants as ordinary third class passengers by direct steamers plying between Bombay and that Colony.

2. It is evident from the numbers proceeding to Durban in this manner, that they cannot be all required as domestics, and it would appear from the statement made by the writer to *The Natal Mercury* to which I have referred, that Indian emigrants are being imported into Natal, and afterwards placed under contract as ordinary labourers on the plantations.

3. Such a trade is not only opposed to the spirit of the Indian Emigration Act, but must tend to bring legitimate emigration under Government supervision into disfavour here while it accentuates the feeling of hostility manifested in the Colony by a certain section of the inhabitants.

No. 729, dated Calcutta, the 5th December 1896.

*From—R. W. S. MITCHELL, Esq., C.M.G., Government Emigration Agent for Natal,
To—C. BIRD, Esq., Government Secretary, Natal.*

I HAVE the honour to submit, for the information of His Excellency the Governor, the accompanying extract from the weekly edition of *The Natal Mercury* of 23rd October last

page 6627, from which it would appear that emigrants are being recruited here for the Colony in a manner not prescribed by the Act.

2. Not long ago, I observed in one of the Colonial papers that some 550 emigrants left Bombay by steamer in September last, paying their own passages to Natal.

3. It is possible that the emigrants referred to by the writer under the head of "Sugar and Tea" above referred to, are the persons described as paying their own passages from Bombay, who are imported and employed afterwards as ordinary labourers in the Colony.

4. I have thought it proper to bring this matter to His Excellency's notice before taking any action here.

5. Should my surmise be correct, the Government of India would, I am sure, at once put a stop to this trade in the interests both of the Colony and the individual emigrant.

6. The Indian Emigration Act, XXI of 1883, as modified up to the 1st December 1890, at paragraph 6, defines—

"(1) 'Emigrate' and 'Emigration' to denote the departure by sea out of British India of a native of India under an agreement to labour for hire in some country beyond the limits of India other than the Island of Ceylon or the Straits Settlements:—

"Provided that a domestic servant when accompanying his employer, shall not be deemed to emigrate within the meaning of the above definition.

"(2) 'Emigrant' means any native of India who emigrates, or has emigrated within the meaning of the above definition, or who has been registered under this Act as an emigrant and includes any dependent of an emigrant."

It might be argued that such persons having left India without making any specific contract, do not come within the purview of the Act, but I am inclined to think the Government of India would take a much wider view of the interpretation of these clauses, otherwise they would be inoperative in such cases.

7. I need hardly mention the risk of introducing the plague from Bombay through the importation of emigrants who have not been examined and passed by properly constituted medical authorities.

P.S.—Since writing the above, I have heard that a steamer arrived lately at Durban from Bombay with 593 emigrant passengers.

Extract from "Natal Mercury," weekly edition, dated 28rd October 1896, page 6627.

SUGAR AND TEA.

"WHILE the planter strongly maintains that Indian labour immensely benefits the Colony, he is equally at one with those who object to the importation of the free Indian. This, says the planter, is the man doing the mischief, and from whom no real benefit is derivable, and agrees that, if possible, means should be adopted to check them. He not only competes but fails to distribute his profits in the Colony. In connection with the free Indian imports, I may mention an important feature which came to my knowledge.

"Those Agents who are importing these men are actually offering them as labourers to the planters at a less rate and at lower wages than have to be paid for those obtained through the Indian Immigration Department. Thus it will be seen that by private enterprise Indian labourers are being brought to this Colony in competition with the Official Department. They are offered to the planters on an agreement for a certain number of years, such agreement to be ratified before a Magistrate. Of course there is no authority over such men, the Protector would have nothing to do with them, and only the common law of the Colony would affect them or their employer. It is only fair to say that despite lower wages, the planters are looking askance at these men—How will they be affected, if at all, by the new Indian Immigration Law? That law provides for re-indenture, return to India, or a penalty. How are those conditions to be applied? If there is no application, it is probable there will be coming in boat loads of 300 to 500 to cover all the Indian labourers employed on estates, farms, etc. In that way the difficulty may perhaps be met, but the alternative may be to drive these men to enter the competing ranks of shopkeepers and small traders.

"Any way this phase of the question is a new and interesting one."

Telegram dated the 9th January 1897.

From—The Governor of Natal,

To—The Secretary of State for the Colonies.

8th January. Following telegram sent to Viceroy, India—*Begins*: Emigration Agent for Natal at Calcutta calls attention to recruiting of emigrants for Natal in manner not prescribed by the law. Emigrants are being sent to Natal paying their own passages and making no specific contracts. He also calls attention to risk of introducing bubonic plague from Bombay through importation of Indians who have not been examined and passed by properly constituted Medical Department. The grave attention of Ministers has been already directed to danger of introducing bubonic plague from Bombay. Very strong agitation attended by popular demonstration is going on in Natal against influx of free Indians. I

therefore at request of Ministers have the honour to ask if your Government can assist Ministers in coping with the situation by making use of any powers which it may possess or which it may acquire in order to arrest emigration to Natal of free Indians from Bombay or other Indian ports.—*Ends.*

Dated Colonial Office, the 16th January 1897.

From—The Under-Secretary of State for the Colonies,

To—The Under-Secretary of State for India.

WITH reference to my letter of the 14th instant, I am directed by Mr. Secretary Chamberlain to transmit to you, to be laid before Lord George Hamilton, copies of two further telegrams from the Governor of Natal on the subject of the emigration from India of free Indians to that Colony.

Government telegram, dated 15th January 1897.
Government telegram, Confidential dated 15th January 1897.

In view of the excited state of local feeling, Mr. Chamberlain would urge that the Government of India should be requested by telegraph to take such steps as are in its power to prevent as far as possible further emigration to Natal of free Indians pending legislation by the Natal Legislature which does not meet till March.

I am to state that in Mr. Chamberlain's opinion the Natal Government will be compelled by public opinion in the Colony to restrict Indian immigration. Mr. Chamberlain is in communication with them as to the terms of this legislation, and it is most undesirable that public opinion should be unduly excited in the meantime by agitation and possible riot in connection with further cargoes of free or nominally free Indians.

Mr. Chamberlain hopes therefore that steps may be taken to arrest emigration from India to Natal, more particularly by a strict enforcement of the Indian Emigration Law which, as it would appear, must probably have been evaded by a large number of the emigrants who have recently come from Bombay, or by those who have recruited them.

Telegram, dated the 15th January 1897.

From—The Governor of Natal,

To—The Secretary of State for the Colonies.

15th January. Referring to my telegram of 8th January. Following telegram sent to Viceroy, India—*Begins*:—14th January. Referring to my telegram of 8th January am requested by Ministers to inform you that on 18th December steamers *Naderi* and *Courland* arrived here from Bombay with 611 free Indian passengers and were quarantined. Released from quarantine 10th January got pratique 11th January, agitation referred to in my telegram of 8th January, had spread and become intensified and large and unanimous European demonstration had been organised to prevent landing. Owners hesitated to bring steamers into harbour, but they were eventually brought in on 13th January about noon. About 5,000 people had gathered at landing wharf under the leadership of organizing committee to protest against disembarkation of Indians. Attorney General, however, who as head of Police Department had proceeded to Durban to take charge of arrangements for landing passengers without disturbance, addressed crowd and persuaded them to disperse. Indian passengers were then quietly landed without resistance. Ministers regret that in one instance violence was employed towards an individual who by his action as agitator had made himself specially obnoxious, but was not however seriously hurt. This incident did not occur at ordinary landing place, but within the municipal limits of Durban, in which the Government is not responsible for control of police arrangements. Ministers think it important that Government of India should be informed that in the interests of order it is desirable that emigration from India of free Indians should be arrested.—*Ends.*

Paraphrase of a telegram received in Cypher from the Governor of Natal, 3.25 p. m., dated 15th January 1897.

Confidential, January 15th.

Referring to my telegram to-day and to your telegram of January 13th, the Prime Minister of Natal has promised me that full consideration shall be given to your wishes. Ministers are anxious, he says, to bring in and carry measures which would be certain to be assented to by the Crown; but they have a strong public opinion to reckon with, which increases in force every day, and in controlling which they may find the greatest difficulty.

With reference to the last paragraph in my telegram to the Viceroy, the 600 Indians have been successfully landed by Ministers, without show of force or disturbance. It is to be feared, however, that the agitation will be renewed, and that it will not be possible to keep it in hand without an exhibition, if not a use of force, should any more considerable shipments of free Indians arrive. I submit, therefore, that it deserves consideration whether Indian Government could not do something promptly, to restrict if not to arrest the immi-

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gration of free Indians to this country, as Emigration Agent at Calcutta has suggested. Early in March is the time when it is likely that Parliament will meet. A despatch follows by mail.

No. J. & P. 97, dated India Office, London, the 9th February 1897.

From—The Under-Secretary of State for India.

To—The Under-Secretary of State for the Colonies.

In continuation of my letters of the 2nd, 28th, and 30th ultimo, I am now desired by Lord George Hamilton to submit some further observations in reply to your letters of the 14th and 16th idem.

Mr. Chamberlain desired to be informed, in the first place, how far it may be possible for the Government of India, under the existing law to restrict the immigration of British Indians into Natal. As indicated in the Viceroy's telegram of the 20th ultimo, the Indian Statute book contains nothing to prevent a native, who is absolutely free from any engagement to labour for hire, from taking his departure for any foreign country. It is only when, by having incurred such an obligation, the Indian ceases to be a free agent, that the Legislature has empowered the Executive to interpose, and to stop his embarkation unless the provisions of the Act have all been complied with, in order to protect him from possible oppression on the part of an alien employer. On the other hand the law expressly prohibits the recruitment of Indians for labour in countries beyond the sea, except under the license and control of the Protector of Emigrants. In these circumstances it is of importance to ascertain whether, as suggested by the Emigration Agent for Natal at Calcutta, the provisions of the Indian Emigration Law have been, or are being, evaded.

Mr. Mitchell bases his suggestion on certain statements made by an anonymous correspondent of a Natal newspaper, and so far there seems to have been no attempt to verify the statements. If, however, it is true that upwards of 500 Indians of the labouring class have proceeded to Natal by one vessel, there seems to be some ground for suspecting that the law has been violated. And the recent action of the Government of Natal in regard to Indian immigrants increases the probability that emigration may be going on surreptitiously. According to the revised conditions under which Indian labourers are officially recruited for Natal, they are compelled to execute an agreement binding themselves to return to India as soon as their final indentures come to an end; and failure to return renders them liable under the recent Act to a penalty tax of £3 per annum. These conditions cannot be acceptable to the emigrants, and a scheme for privately assisted emigration may have been devised as a simple means of evading both the covenant to return and the tax by which its performance was thought to be secured.

It is essential, however, that the actual facts should be ascertained before the Indian Government can take any action, and no enquiry made in India can be complete in regard to emigrants who have already left the country. The Indian authorities will know how many Indians embarked on a particular vessel, and it may be possible to ascertain for what purpose, and even on what terms, they were ostensibly proceeding to Natal; but there ought also to be a careful investigation in the Colony as to how these labourers were able to pay their passages and on what terms they were offered, or offered themselves to the planters. The Government of India will then be in a position to judge whether any offence has been committed; and if they find that the law has been infringed, there can be no doubt that they will take steps to vindicate it by the prosecution of any offender who may still be within their jurisdiction, or who may hereafter return to it.

In regard to the future the instructions conveyed to the Government of India in Lord George Hamilton's telegram of the 21st ultimo should be sufficient to secure a vigilant attitude against emigration of a doubtful character. Indeed the telegrams from Natal would have placed the local authorities on the alert, if they had not started by conceding the essential points that the emigrants had paid their own passages and were free from any contractual engagement.

As regards the bubonic plague I am to request that Mr. Chamberlain's attention may be drawn to the statement recently made by Lord George Hamilton in the House of Commons and to the published telegrams from the Government of Bombay. There is a rigorous inspection of all persons leaving Bombay by road, rail or sea, and no one appearing to be infected with the disease would be allowed to embark. In the case of healthy emigrants, the length of the voyage to Natal, and the quarantine imposed there, seem, as the Government of India contends, to afford ample protection.

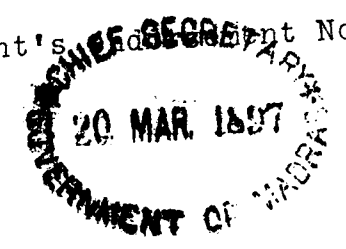
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GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE AND AGRICULTURE.
(Emigration)

Calcutta, dated the 16th March 1897.

Forwarded to the Government of Madras, for information, in continuation of this Department's despatch No. 177/3.14 dated the 9th February 1897.



By order,

Handwritten signature

Under-Secretary to the Government of India.

List of Papers forwarded.

Despatch from the Secretary of State No. 15 dated the 11th February 1897 and enclosures.

15 copies of despatch by post

1-4-71
given for copying

Special

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1897

MAIN G.O., No.
189

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