

Amended by Ord. 42 of 1829

CHAPTER 208.

IMMIGRATION.

[XVIII of 1891.]

[1st November, 1891.]

PRELIMINARY.

Short title.

1.—(1) This Ordinance may be cited as the Immigration Ordinance.

Not to apply to Chinese.

(2) Notwithstanding anything in this Ordinance contained it shall not apply to any native of China or the descendant of any native of China.

Interpretation.

2.—(1) In this Ordinance, unless the context otherwise requires,—

“the Agent General” means the Immigration Agent General and includes any immigration agent acting under his authority;

“ship” includes a sea-going vessel of any description;

“season” means the period between and inclusive of the first date in any year on which emigrant ships for this colony may lawfully leave India, and the corresponding date in the following year;

“plantation” means any sugar, cacao, coffee, cotton, rice, or plantain estate in cultivation, or any two or more estates if they are 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 includes any cattle or sheep farm or any woodcutting establishment;

“employer” means the proprietor or lessee of a plantation or the attorney of the proprietor, and includes the manager for the time being in charge of the plantation;

“manager” means the person for the time being having the personal charge or superintendence of a plantation and includes any overseer acting under his authority;

“immigrant” means any person introduced into the colony either wholly or in part at the expense of the immigration fund, and includes the children

- of an indentured immigrant; but this definition shall not affect the special definition of the term contained in part ten;
- “ indenture ” and “ indentured ” mean respectively a contract of service registered under this Ordinance and a person subject to that contract;
- “ 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 Agent General to be an adult, minor, or infant, as the case may be;
- “ dependant ” of an immigrant means any immigrant or descendant of an immigrant who is an orphan and has been adopted by the first-mentioned immigrant;
- “ return passage ” means a passage back to India, provided for an immigrant free of cost or at a reduced cost to him;
- “ Asia ” includes any island adjacent to the continent of Asia.

(2) Reference to forms is made to the forms contained in the schedule of forms hereto annexed.

3. This Ordinance is divided into parts as follows:—

- PART I.—The Immigration Department :
- PART II.—Fiscal provisions :
- PART III.—Arrival and allotment :
- PART IV.—Indenture :
- PART V.—Dwellings :
- PART VI.—Rations :
- PART VII.—Hospitals :
- PART VIII.—Labour and wages :
- PART IX.—Leave and desertion :
- PART X.—Marriage and divorce :
- PART XI.—Transfer and determination of indentures :
- PART XII.—Certificates of exemption from labour :
- PART XIII.—Passports and return passages :
- PART XIV.—Registers, returns, and certificates :
- PART XV.—Procedure :
- PART XVI.—Miscellaneous provisions.

Arrangement
of the
Ordinance.

Forms :
schedule :

4.—(1) The forms shall respectively be used for and in respect of the several matters in this Ordinance upon which reference is made to them in the margin by their respective numbers.

(2) The Agent General may, with the approval of the Governor and Legislative Council, from time to time cause the forms to be varied or altered, and also additional forms to be framed, as occasion may require, for the purpose of carrying out the provisions of this Ordinance, and the varied, altered, or additional forms shall have the same force and effect as if they were incorporated in the schedule :

Proviso.

Provided that every form shall be first published in the Gazette, and copies thereof sent by the Agent General to all persons required under penalties by this Ordinance to fill up and use any form for which a form has been substituted.

Naming of
places of
emigration.

5. The Governor may by proclamation, by the advice and with the consent of the Legislative Council, name the ports or places in Asia from which immigration is permitted to the colony under this Ordinance.

PART I.

THE IMMIGRATION DEPARTMENT.

The Agent General.

Appointment
and salary.

6. His Majesty may appoint some fit and proper person to be Agent General, who shall receive a salary at the rate of not more than one thousand five hundred pounds per annum.

General
duties.

7. The Agent General—

(a) shall be the head of the immigration department, and shall be responsible to the Governor for the efficient performance of the duties of its officers (but not of the duties of the medical officers) and for the proper carrying out of the provisions of this or any other Ordinance, whether passed before or after the commencement hereof, relating to immigration ;

(b) shall also keep the registers of the department and exercise and perform any other functions and duties in relation to immigration prescribed by

- this or any other Ordinance, whether passed before or after the commencement of this Ordinance, or entrusted to him by the Governor;
- (c) shall be secretary to the Governor for immigration matters.

8.—(1) The Agent General may at any time enter into and upon any plantation whereon immigrants are employed, and inspect the condition and general treatment of the immigrants and the condition of their dwellings, and of the yards and grounds about the dwellings, and of the hospital accommodation, and may inquire into any complaint which the employer has against an immigrant, or which an immigrant has against the employer, or which is reported to him by the Surgeon General or be otherwise brought to his notice, and may require any immigrant to be brought before him on a visit and, either before or after the inquiry, make a complaint or lay an information in his own name, on behalf of an immigrant against the employer, or against any other person, before the magistrate of the district, or in any other court of justice of the colony, other than that of the magistrate of the district, having jurisdiction to hear, try, and determine the offence or other matter charged against the employer or other person.

General
powers.

(2) The Agent General shall watch the proceedings on the complaint or information on behalf of the immigrant, and may, if necessary, bring them for review by way of appeal before any superior court having jurisdiction in the cause, and in that court retain the services of counsel, and in all respects act on behalf of the immigrant as if he himself were the principal in the cause; and he shall report to the Governor the course of the proceedings from time to time and the final result thereof.

The Senior Immigration Agent.

9. The Governor may appoint some fit and proper person to be Senior Agent, who shall receive the salary and allowances for the time being assigned to him by the Legislative Council.

Appointment
and salary.

10.—(1) The Senior Agent shall be stationed at the immigration office in Georgetown and shall act as assistant generally to the Agent General in the performance of his duties.

General
duties.

(2) In the absence of the Agent General, anything which may by law be done or suffered by him may be done or suffered by the Senior Agent.

Immigration Officers.

Appointment,
duties, and
salaries.

11.—(1) The Governor may appoint so many fit and proper persons to be immigration agents, clerks, interpreters, and other officers respectively residing in the colony as may be necessary for the performance of the ordinary duties of the immigration department, who shall receive the salary and allowances for the time being assigned to them by the Legislative Council.

(2) The Governor may assign to any officer a district or place within which to act in the performance of his duties, and may at any time remove him from one district or place to another.

Medical Officers.

Inspection by
the Surgeon
General.

12.—(1) The Surgeon General may at any time visit any plantation on which there are immigrants, and inspect the dwellings of the immigrants, the yards and grounds about the dwellings, and the hospital and all books and registers kept in connection therewith.

General
duties of the
medical
inspector.

(2) He shall, once at least in every six months, visit every plantation on which there are indentured immigrants, and inspect the hospital and the dwellings of the immigrants and the yards and grounds about the dwellings, and shall ascertain whether the provisions of this Ordinance and of any regulations in that behalf have been duly observed.

(3) Within one month after the visit, he shall make a report in writing, in duplicate, to the Agent General of the condition and management of the hospital, and of the condition of the dwellings of the immigrants on the plantation and of the yards and grounds about the dwellings, and of the performance by the government medical officer of the district of that officer's duties under this Ordinance in relation to the plantation.

13. The Surgeon General may appoint any government medical officer to exercise or perform any or all of the powers, functions, or duties conferred or imposed on him by this Ordinance, and the appointment may be either general or for a particular time, or may be limited to a particular plantation or part of the colony.

14. Every government medical officer to whom a medical district is assigned shall act as medical officer for all plantations within his district on which there are immigrants, and as medical attendant at all the hospitals certified under this Ordinance within his district.

Duties of government medical officer in immigration matters.

15. Whenever it appears necessary to the Agent General to require, under the provisions of this Ordinance, that any special visit shall be made to a plantation, or to require the presence and assistance of a government medical officer in conducting any investigation under the provisions of this Ordinance on a plantation, he may make a requisition to the Surgeon General for the services of a government medical officer for that purpose, and the Surgeon General shall thereupon cause the services to be rendered.

Requisition for special visit of government medical officer.

Work of the Department.

16.—(1) Subject to the control of the Governor, the Agent General shall have authority over the several agents, clerks, interpreters, and other persons employed in the immigration office, and shall, subject to the provisions of the next succeeding section, assign his duties to each of them, and may delegate to an agent the exercise or performance of any of his functions or duties, but without diminution of his own responsibility, and may also employ the persons he deems necessary as interpreters or judges of work under the provisions of this Ordinance and award to any of those persons for the services a sum not exceeding five dollars for each day on which the person is so employed.

Supervision by the Agent General.

(2) All expenses so incurred by the Agent General, or by any subordinate officer under his directions, shall be paid from the immigration fund.

17. It shall be the duty of every Agent, once in every six months, and oftener if so required by the Agent General, upon some day of which he shall give previous notice to the manager, to visit every plantation whereon there are indentured immigrants to receive and take cognizance of any complaints of immigrants, and thereupon to give advice, to conduct investigations, and to institute prosecutions, as the circumstances may require and, if required, to assist the magistrate in the estimate of wages.

Visiting of plantations by Immigration Agent.

18.—(1) The Agent General may summon anyone as a witness whose evidence he considers necessary for the proper

Summoning witness on inquiry;

determination of any inquiry held by him under this Ordinance.

form 1.

(2) The summons shall be served in the same manner as a summons issued by a magistrate is required to be served.

Penalty.

(3) Everyone on whom the summons has been duly served who, without any reasonable excuse, refuses or neglects to attend at the time and place mentioned in the summons shall be liable to a penalty not exceeding twenty-four dollars.

Administra-
tion of oath
on inquiry ;

19.—(1) The Agent General may require every statement given by anyone at any inquiry held by him under this Ordinance to be given upon oath, and for that purpose he is hereby authorised to administer that oath.

form 2 ;
form 3.

(2) Everyone who when thereto required refuses to be so sworn shall be deemed to have hindered the officer holding the inquiry in the execution of his duty and shall be liable to be punished accordingly.

(3) Everyone who after being so sworn wilfully makes a false statement as to anything material to the proper determination of the matter then in question shall be deemed guilty of perjury, and shall be liable to be indicted and, if convicted, to be punished accordingly.

Taking of
evidence on
inquiry.

20.—(1) The Agent General shall, when holding any inquiry under this Ordinance, take down in writing the material portions of the statements made by the employer, by the immigrant, or by any witness, and may require the employer or witness to sign his statement, if it has been taken down directly.

(2) Every employer or witness who, when required to do so by the officer holding the inquiry, refuses to sign, or, if he is unable to write, to put his mark to, the statement made by him, if it has been taken down correctly, shall be deemed to have hindered that officer in the execution of duty and shall be liable to be punished accordingly.

Production
of labour
books.

21.—(1) The employer of an indentured immigrant shall be bound, whenever required to do so and as often as may be required, to produce to the Agent General each and every book of accounts kept by him in any way relating to the labourers employed on the plantation or in any way showing the wages paid to the labourers or to any of them, and to permit the Agent General to make copies thereof or of any portion thereof.

(2) Any employer who refuses or neglects to do so when thereto required shall be deemed to have hindered the Agent General in the execution of his duty and shall be liable to be punished accordingly.

22. Everyone who molests, hinders, or opposes any officer acting under this Ordinance in the execution of his duty, or in the exercise of any of the powers or authorities conferred upon him by this Ordinance, shall be liable to a penalty not exceeding ninety-six dollars or to imprisonment, with or without hard labour, for any term not exceeding six months, or to both the penalty and the imprisonment.

Molesting or opposing officer in execution of duty.

Penalty.

23. All travelling expenses incurred by any officer of the immigration department or by the Surgeon General in the performance of his duties, and attested by proper vouchers, shall be paid from the immigration fund.

Travelling expenses.

Emigration Agencies.

24. The Governor may appoint some fit and proper person to be emigration agent to superintend the emigration of labourers from any port or place in Asia from which immigrants may be introduced into the Colony, who shall receive the salary and allowances for the time being assigned to him by the Legislative Council.

Appointment and salary of emigration agent.

25. The Governor may, upon the recommendation of the emigration agent in any of those ports or places, appoint the necessary fit and proper persons as clerks and interpreters, or otherwise, to be employed there in the work of the emigration office of the colony who shall receive the salary and allowances for the time being assigned to them by the Legislative Council.

Appointment and salaries of emigration agent's officers.

26.—(1) Every emigration agent shall transmit his accounts to the Agent General, with proper vouchers, at the times directed by the Governor.

Accounts and expenses of emigration agent.

(2) The amount of all necessary expenses, attested by proper vouchers, incurred by an emigration agent in the collection, maintenance, medical attendance, and inspection of emigrants and for their conveyance to the 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 are rejected at the port of embarkation, or in or incidental to the sending back to the port from which they sailed of any emigrants entitled to free return passages under this Ordinance, shall be paid from the immigration fund.

PART II.

FISCAL PROVISIONS.

Establishment of immigration fund.

27. For the purposes of this Ordinance there shall be a fund, to be called the immigration fund, which shall be administered by the Colonial Treasurer, subject to the control of the Governor.

Formation of and charges upon the fund.

28. The fund shall be credited with all sums received on account of indenture fees, on account of the acreage tax levied by any Tax Ordinance for the time being in force, on account of any vote in aid of immigration for the time being made by the Legislative Council, and on account of all other matters, and shall be debited with the whole annual cost of immigration under this Ordinance.

Indenture fee.

29.—(1) The indenture fee payable by an employer to the fund in respect of each adult immigrant allotted to him shall be the sum from time to time fixed by resolution of the Governor and Legislative Council; and the indenture fee payable in respect of each minor immigrant shall be one-half that which would have been payable if he had been an adult.

(2) When any immigrant is allotted to any department for the public service of the colony, the department shall pay to the fund in respect of the allotment the same sum that would have been payable by a private employer.

Mode of payment of indenture fee :

30. Unless the Governor specially requires the indenture fees on any allotment to be paid in cash, payment thereof shall be made in the following manner :—One-tenth shall be paid in cash forthwith, and for the balance five promissory notes shall be given, bearing date the day of the arrival of the ship in which the immigrants were introduced, the first for one-tenth of those fees, payable, with interest at

the rate of five per centum per annum, at the end of one year from the date thereof, and the remaining notes, each for one-fifth thereof, payable respectively, with interest at the same rate, at the end of each of the four years then next ensuing :

Provided that—

Proviso.

- (a) if the employer refuses or neglects to pay, within six days after his account has been rendered to him by the Colonial Treasurer, either wholly in cash, or partly in cash and partly in promissory notes, as provided by this Ordinance, the amount of indenture fees payable in respect of the allotment, the whole shall thereupon fall due and become payable in cash; and
- (b) on any allotment made to an employer in respect of any plantation held by him as a mortgagor, to which the mortgagee has objected in writing, or as a lessee for a term of years of which less than five years are unexpired, the indenture fees shall be paid in cash.

31. The Colonial Treasurer shall, in respect of all promissory notes payable and sums of money due to the fund on account of any immigrants indentured on a plantation, have and hold for them on behalf of the colony a preferent lien on that plantation over and above all liens, claims, charges, and mortgages, legal and conventional, except liens and preferent rights of the Crown, and those allowed or created by any Ordinance; but, in the case of a plantation under lease, where the consent of the lessor has not been given to the lessee's application for the immigrants in respect of whom the preferent lien is claimed, the plantation shall not be subject thereto, except to the extent of the interest of the lessee in his lease.

Preferent
lien for debts
due to the
fund.

32.—(1) Where any plantation in respect of which promissory notes have been given by an employer under this Ordinance is sold by private contract, or at execution sale, or by the Official Receiver, or devolves by inheritance, devise, or otherwise, the preferent lien of the Colonial Treasurer upon that plantation for the amount of the promissory notes, with interest, shall subsist and continue, notwithstanding the sale and notwithstanding any transport or letters of decree executed in consequence of the sale, and notwithstanding the devolution.

Subsistence
of lien, not-
withstanding
sale, etc., of
plantation.

Personal
responsi-
bility of
purchaser
to the fund.

(2) Immediately upon the sale, the purchaser shall be bound to make out and deliver to the Colonial Treasurer on behalf of the colony, in lieu of any outstanding promissory note, a new promissory note payable at the same date as the outstanding note, with interest thereon as from the day of sale.

(3) If the purchaser refuses or neglects, on demand made by the Colonial Treasurer, to make out and deliver as aforesaid any new promissory note, the whole of the outstanding promissory notes shall immediately fall due and become payable in cash.

(4) The provisions of the two last preceding subsections shall apply, with the necessary modifications, to the sale of any portion of a plantation.

Manner of
proof on
suit for
recovery.

33. In any proceeding taken for the recovery of the amount of any promissory note payable, or of any sum of money due, to the fund in respect of any immigrant allotted to or indentured on a plantation, it shall not be necessary to show that the person who signed the promissory note on the allotment to him of the immigrant, or to whom the immigrant was duly allotted or indentured, was the employer or other person entitled under this Ordinance to have the immigrant allotted or indentured to him in respect of the plantation from which that amount or sum is sought to be recovered, but it shall be sufficient to show that the immigrant was duly allotted or indentured, as the case may be, to perform service on that plantation.

Application
of payments
by employer
indebted on
promissory
notes.

34. All sums of money received by the Colonial Treasurer in respect of immigrants to which an employer who has given any outstanding promissory notes under this Ordinance is entitled, shall be applied, in the first place, to the payment of those promissory notes, whether they have at the time become due and payable or not, and in the order in which they fall due, and any accrued interest shall be paid before the principal, and the balance of those sums shall be paid in cash to the employer entitled thereto.

Recovery of
debts due to
the fund.

35. The Colonial Treasurer, on behalf of the colony, shall sue for and recover, by summary or parate execution against any plantation, all promissory notes at any time payable and all sums of money at any time due to the fund in respect of the plantation.

PART III.

ARRIVAL AND ALLOTMENT.

Application.

36.—(1) Every employer who desires to obtain an allotment of immigrants shall, on or before the fifteenth day of January, or any other day in each year from time to time fixed by the Governor, send in to the Agent General an application in writing specifying the number of immigrants of each nationality required, the name and situation of the plantation to which he wishes them to be assigned, and the name of the proprietor or lessee of the plantation; and the Agent General shall register each application in the register of applications for immigrants.

Application
for
immigrants ;

form 4.

(2) If an application is made by or on the part of any lessee of a plantation, it shall be accompanied by the consent in writing of the proprietor, or, in default of that consent, the lessee shall show, to the satisfaction of the Agent General, that he is prepared to pay in cash on allotment the full amount of indenture fees payable in respect of the immigrants for whom application is made.

Application
by lessee.

(3) If an application is made by or on the part of the proprietor of a plantation under mortgage, and the mortgagee or his representative objects in writing to compliance with the application, it shall be the duty of the Agent General to refuse the application, unless he is satisfied that the proprietor is prepared to pay in cash on allotment the full amount of indenture fees payable in respect of the immigrants applied for.

Application
by
mortgagee.

37. 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 it was made, or by reason of the sale by private contract, or at execution sale, or by the Official Receiver, of the plantation in respect of which it has been made; and no application duly made may be withdrawn without the sanction of the Agent General.

Continued
validity of
application.

38. The head of any department of the public service may, with the sanction of the Governor, apply for the allotment of immigrants required for the service of the colony in his department, and shall be considered, for the purposes of this Ordinance, as the employer of the immigrants allotted in consequence of the application.

Application
by head of
department.

Refusal of application.

39. Nothing in this Ordinance shall be held to interfere with the power of the Agent General, subject to the control of the Governor, to refuse any application for immigrants, or to refuse to deliver immigrants applied for on their arrival, if he sees reasonable grounds for refusal, but every refusal and the grounds thereof shall be communicated to the employer as soon thereafter as possible and also to the Governor.

Determination of number of immigrants to be introduced.

40. When the applications for immigrants have been completed in any year, a list of the applications shall be submitted by the Agent General to the Governor, and the question how far and in what proportions they can be granted shall thereupon be considered and determined by the Governor and Legislative Council.

Arrival.

Inspection of ship with immigrants on arrival.

41. On the arrival in the port of Georgetown of any ship having immigrants on board, the Agent General, assisted by the Surgeon General, or, in case of his absence or inability to act, by the health officer of the port, shall inspect the ship and immigrants, and ascertain whether there has been compliance with the provisions of the following Acts of Parliament, namely, the Chinese Passengers Act, 1855, and the Passengers Act, 1855, and of any other statute in that behalf now or hereafter to be in force, so far as they may be applicable, and shall report to the Governor the condition of the ship and immigrants and transmit with the report the surgeon superintendent's return of deaths and births and 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 the owners, and shall likewise require and transmit the report of the medical officer who has assisted him in the inspection.

18 & 19 Vict.,
c. 104;
18 & 19 Vict.,
c. 119.

Disposal of sick immigrant on board ship.

42. The Agent General shall, with the assistance of the Surgeon General, or, in his absence or inability to act, of the health officer of the port, and of the surgeon superintendent of the ship, examine any sick among the immigrants on board, and shall cause those of them that need it to be sent to the colonial hospital, and shall transmit with them a list, signed by the medical officer who has assisted him in the inspection, 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.

43. Every immigrant arriving in the colony shall be provided with food and lodging in the immigration depôt, until he is allotted and delivered to an employer :

Board and lodging of immigrant on arrival: Proviso.

Provided that if an immigrant in the opinion of the Agent General is incapable of performing service under indenture, he may be detained at the depôt until he can be returned to the port or place whence he came or until he is otherwise dealt with by the Agent General.

Allotment.

44. Allotment shall, in the first place, be made to the head of any department of the public service of those immigrants for whom he has applied, and afterwards to the several employers who have made application, in the order from time to time directed by the Governor, as and in the manner determined by the Agent General.

Order of allotment.

45. The Agent General may allot immigrants under this Ordinance for domestic or other service when all the approved applications for immigrants have been granted, or when any particular immigrants are, in his opinion, by their physical condition or previous occupation, more fitted for employment in domestic or other service than for agricultural labour; but that allotment shall not be made without the consent of the immigrant proposed to be so allotted.

Allotment for domestic service.

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

Conditions of allotment.

47. In any allotment the Agent General shall, with the assistance of the Surgeon General, or, in case of his absence or inability to act, of the health officer of the port, distinguish every immigrant who is, in his opinion, not able-bodied and not capable of performing service as an agricultural labourer; and the indenture fee payable in respect of that immigrant shall be the part of that which would have been payable in respect of the immigrant if he had been

Indenture fee payable in respect of immigrant not able-bodied :

an able-bodied immigrant, which the Agent General thinks proper, or the immigrant may be indentured, without payment of any indenture fee :

Proviso.

Provided that the classification on arrival as able-bodied or otherwise shall not be regarded as applying to the whole period of indenture if the circumstances in any case otherwise require.

Mode of indenture ;

form 5 ;

form 6.

48.—(1) On the completion of every allotment or other disposition of immigrants on introduction, the Agent General shall register every immigrant included in the allotment or disposition in the general register of immigrants introduced into the colony, distinguishing, to the best of his ability, those who are adults, minors, and infants respectively, and shall number therein each of the immigrants by a particular number, commencing from the last number borne on the register and proceeding by regular numerical progression, and shall deliver to the employer an indenture list, signed by himself ; and a duplicate of that list shall be signed and delivered by the employer to the Agent General.

(2) On the delivery of the list, every immigrant mentioned therein shall become bound by the indenture.

(3) The Agent General shall also transmit to the Colonial Treasurer a return showing the number of immigrants included in the allotment, and the sums payable by way of indenture fees or otherwise in respect of those immigrants.

Detention of immigrant after allotment at the depôt.

49. If any employer to whom an allotment is made does not take away the immigrants allotted to him within four days after receiving notice that they are ready for delivery, or if the Agent General deems it necessary to detain them at the depôt on account of satisfactory accommodation not having been provided for them at the plantation to which they are allotted, or for any other cause which, in the opinion of the Agent General, renders their detention necessary, the employer shall pay to the immigration fund at the rate of sixteen cents for each adult immigrant and eight cents for each minor and infant immigrant for every day whereon that immigrant remains at the depôt.

Annual publication of list of ships and of allotment of immigrants.

50. The Agent General shall, as soon as possible after the first day of April in every year, publish in the Gazette a list of all ships which have arrived with immigrants, and a statement of the allotment and distribution of those immigrants, during the preceding season.

PART IV.

INDENTURE.

51.—(1) If an immigrant is introduced into the colony under a previous contract made with any emigration agent or other officer of the emigration office of the colony in the country from which he has emigrated, or with any employer or agent of an employer, that 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 the immigrant may exceed or vary from the rights which he would have enjoyed under this Ordinance if he had not entered into that contract, he shall be entitled to the benefit of the contract.

Right of immigrant to enforce previous contract made with him.

(2) Except by permission of his Majesty's Government previously had and obtained, no previous contract entered into with any immigrant from any part of India shall be valid as against that immigrant.

Case of previous contract made with Indian immigrant.

52. The indenture of any immigrant arriving in the colony from any part of his Majesty's dominions in the East Indies, and, in the absence of any previous contract made out of the colony in that behalf, of any male immigrant arriving in the colony from any other part of Asia, shall be for the term of five years from the date of his allotment :

Term of indenture :

Provided that, for the purposes of labour under part VIII, the indenture of a female immigrant shall be for the term of three years only from the date of her allotment; and in their application to that immigrant the provisions of this Ordinance shall be subject to this enactment; but this enactment shall not apply to female immigrants already under indenture at the commencement of this Ordinance or to female immigrants arriving in the colony subsequently to its commencement and being indentured before the first day of July, eighteen hundred and ninety-five.

Proviso.

53. Upon the indenture of any immigrant introduced under any previous contract, a copy of that contract shall be preserved in the immigration office, and another copy of the contract shall be appended to the indenture list given to the employer; and the indenture shall be subject to that contract in so far as it is enforceable under this Ordinance.

Special provisions respecting previous contracts.

Previous contract made with minor.

54. No minor or infant immigrant shall be bound by any previous contract, whether it is alleged to have been entered into by himself or on his behalf.

Exemption of infant immigrant :

55.—(1) No infant immigrant shall be indentured or shall be compelled to perform any service whatever upon any plantation :

Proviso.

Provided that where any immigrant is under the age of ten years on introduction into the colony, he shall, on attaining that age, be deemed to be under indenture until the expiration or determination of the indenture of the relative or friend under whose charge he has been introduced, and shall be deemed to be under indenture to the employer to whom that relative or friend is indentured until the event aforesaid.

(2) At the expiration or determination of the indenture of the relative or friend, every immigrant who has been introduced under the age of ten years shall be entitled to a certificate of exemption from labour, whether he has been indentured or not.

Provision as to minor immigrant.

56. Every indentured minor immigrant shall, on attaining the age of fifteen years, become an indentured adult immigrant.

Rights of minor immigrant residing on plantation.

57. Every minor or infant immigrant residing on a plantation, 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.

School-teaching of minor immigrants.

58. A minor immigrant shall not be indentured to any employer who has not previously made all available provision, to the satisfaction of the Governor, for his instruction in reading, writing, and the elements of arithmetic.

PART V.

DWELLINGS.

Information as to dwellings.

59. No immigrants allotted to a plantation shall be delivered to the employer until the employer has furnished the Agent General with any information required by him with regard to the dwellings to be assigned to those immigrants.

60. Every employer shall at all times provide an immigrant under indenture upon his plantation with a suitable dwelling and keep the dwelling in sufficient repair and its roofs water-tight, and shall keep the yard and grounds for a sufficient space round about it well drained and the drains clean and in good order, and the yard and grounds free from bush and from weeds and rubbish of every description, except as hereinafter provided.

Provision of suitable dwelling.

61. No dwelling which, in the opinion of the Surgeon General, is 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 Surgeon General, than at the rate of one adult to every fifty feet of superficial space, or of three single men, or of one man and one woman with not more than two children, to every one apartment of not less than one hundred and twenty feet of superficial space.

Assignment and superficial capacity of dwellings.

62.—(1) Every manager shall keep a register of all the dwellings on his plantation that are, or are intended to be, assigned to indentured immigrants for their habitation, and shall from time to time enter on the register the names of all the indentured immigrants in each house or apartment.

Register of dwellings: schedule; form 7:

(2) The register shall be at all times open to the inspection of the Agent General, the Surgeon General, and the government medical officer, and the Surgeon General shall mark therein, under his signature, the dwellings he from time to time considers to be unfit for habitation, and also those he has permitted to be occupied in excess of the scale authorised by this Ordinance, with his reasons for the permission.

(3) The Surgeon General shall report to the Agent General the requisitions he deems necessary for ensuring the sanitary fitness of dwellings for habitation, and a copy of every requisition shall be transmitted by the Agent General to the employer; and every requisition shall be complied with by the employer:

Provided that if the employer considers a requisition unreasonable, he may make the representation hereinafter provided in the case of requisitions in the hospital register.

Proviso.

63.—(1) The Agent General may, with the assistance of the Surgeon General, make regulations seeming necessary for the proper construction, arrangement, drainage, and

Regulations in respect of dwellings.

maintenance in a sanitary condition, of the dwellings of the indentured immigrants, and also as to the drainage and sanitary condition of the dwellings of other labourers on a plantation occupying any dwellings provided by the owners thereof and adjoining or near the dwelling of an indentured immigrant, and of the yards and grounds about those dwellings.

(2) The regulations shall be subject to the approval of the Governor and Legislative Council, and copies thereof shall be sent to the manager of every plantation on which there are indentured immigrants.

Default of
employer in
respect of
dwelling.

64. Every employer who—

- (a) fails to provide any immigrant indentured to him with a suitable dwelling; or
- (b) in any respect refuses or neglects to comply with the provisions of this Ordinance, or with the regulations made under it, in respect of the repair, occupation, arrangement, and drainage of the dwellings, or in respect of the register of dwellings,

Penalty.

shall be liable, on the complaint of any immigrant thereby aggrieved, or of the Agent General, to a penalty not exceeding twenty-four dollars.

Default of
indentured
immigrant in
respect of
dwelling.

65. Every indentured immigrant or person occupying any dwelling on a plantation provided by the owner thereof and adjoining or near the dwelling of an indentured immigrant, who—

- (a) refuses or neglects to keep the yard and the drain, if any, at the front and the back of his dwelling, for a space not exceeding twenty feet on either side, free from bush and from weeds and rubbish of every description; or
- (b) keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health; or
- (c) refuses or neglects, within a reasonable time after being thereto required by the manager, to remove any nuisance or substance injurious to health from his dwelling, or to remove the nuisance or substance which he has caused or placed in the immediate proximity of his own or of any other dwelling; or

- (d) commits any nuisance on any dam or common thoroughfare of the plantation or in the vicinity of any dwelling on the plantation; or
- (e) wilfully causes any obstruction to any drain or trench on the plantation; or
- (f) wilfully fouls any fresh-water pond or trench of the plantation,

shall be liable to a penalty not exceeding five dollars or to imprisonment for any term not exceeding fourteen days. Penalty.

PART VI.

RATIONS.

66. Every employer to whom any immigrants are allotted shall, for three months from and after the first date of delivery to him of the immigrants included in the allotment, provide and distribute daily and every day to every immigrant, being an adult, the rations of food specified in the schedule to this Ordinance, or in any varied or other scheme from time to time put forth by the Agent General, with the sanction of the Governor and Legislative Council, and to every immigrant, being a minor, one-half of those rations, and to every immigrant, being an infant, one-third of those rations, and may, week by week, deduct the cost of his rations for the week from any wages earned by the immigrant during the week, in the case of an adult at the rate of eight cents, and in the case of a minor at the rate of four cents, for every day's rations furnished to the immigrants respectively; but no deduction shall be made by or allowed to any employer in respect of rations supplied to an infant immigrant or in respect of rations furnished in any previous week :

Rations for
three months
after allot-
ment :

form 8 :

Provided that no immigrant who, before being allotted, has been resident in the colony or in any place in the West Indies for a period of twelve months at any time preceding the allotment shall be required to receive those rations unless he himself so desires.

Proviso.

67. Every manager shall keep a muster-roll of all immigrants allotted to the plantation within the then next preceding twelve months, and the muster-roll shall, on some stated day in every month, be called over in the presence of the government medical officer, when every immigrant whose name is therein inscribed shall be produced by the manager and his state of health and sanitary condition ascertained by the officer.

Muster-roll
of newly-
indentured
immigrants.

Placing of
other
immigrant
on rations :

68. The Agent General may, on the recommendation of the government medical officer, or, in any case of emergency, that officer may, subject to the approval of the Agent General, direct any indentured immigrant to be placed in the receipt of daily rations, either for a certain period or until further direction; and that immigrant shall thereupon be inscribed on the muster-roll and be in all respects subject to the provisions of this Ordinance in respect of new-comers therein inscribed :

Proviso.

Provided that—

- (a) the immigrant shall not remain inscribed on the muster-roll beyond the space of six months without a fresh order; and
- (b) while he remains on the muster-roll, he shall be considered other than an able-bodied immigrant.

Prohibition
of sale and
purchase of
rations.

69.—(1) Every immigrant rationed under this Ordinance who sells or barter any ration, or part of a ration, which has been furnished under this Ordinance, shall be liable to imprisonment for any term not exceeding fourteen days.

Penalty.

(2) Every person who takes, by way of purchase or barter, from any immigrant rationed under this Ordinance any ration or part of a ration shall be liable to a penalty not exceeding twenty-four dollars or to imprisonment for any term not exceeding one month or to both the penalty and imprisonment.

PART VII.

HOSPITALS.

Hospital
accommoda-
tion for
immigrants
on
plantation.

70.—(1) No immigrant shall be allotted to or indentured on any plantation upon or for which there is not or are not a hospital or hospitals, certified or hereafter to be certified under this Ordinance, capable of affording accommodation for all immigrants on the plantation at the rate of at least ten beds for not more than fifty immigrants, fifteen beds for from fifty to one hundred immigrants, and five for every hundred immigrants after the first hundred, and affording separate accommodation for male and female immigrants.

(2) No joint hospital for any two or more plantations, and no hospital which is not situate upon the plantation

for which it is intended, shall be allowed without a certificate in its favour from the Surgeon General, and that certificate shall not be given without the special permission of the Agent General.

71.—(1) The Surgeon General shall, on the request of any employer, inspect the site and examine the plans for any building proposed to be erected or altered as a certified hospital under this Ordinance, and shall direct to be made therein the alterations and changes in his opinion necessary for ensuring the proper construction, ventilation, and drainage of the hospital, and shall certify any building erected in compliance with those directions and with the provisions of this Ordinance, or which has been altered so as to comply therewith, as a certified hospital for the purposes of this Ordinance, and shall state in the certificate the number of patients which the hospital is capable of accommodating.

Certifying hospital.

(2) Except as provided in the certificate, no part of any certified hospital, or of the space under it, shall be used for any purpose except the accommodation and treatment of patients.

(3) No structural alteration shall be made in any certified hospital unless it has been approved by the Surgeon General.

72. Any lessee of a plantation who, in accordance with any requisition of the Surgeon General, provides a new hospital or additional hospital accommodation for immigrants under indenture on that plantation shall be entitled to receive the compensation therefor from the lessor, on the termination of his lease, awarded to him by two arbitrators to be appointed by himself and the lessor respectively, or by an umpire appointed by the arbitrators.

Right of lessee in certified hospital.

73.—(1) If at any time the accommodation afforded in any certified hospital falls short of that required by this Ordinance as aforesaid, or if any certified hospital appears to the government medical officer to be for any reason unfitted for the purpose of, and improper to be used as, a certified hospital, the government medical officer shall make a report in writing of the matter to the Surgeon General, who shall, at his next regular visit, or sooner in case of urgency, examine into the matter, and, after conferring thereon with the employer and the government

Withdrawal of certificate of hospital:

medical officer, report to the Agent General as he thinks necessary and proper.

(2) If the Surgeon General reports that the hospital ought not to continue any longer to be a certified hospital, the Agent General may, subject to the approval of the Governor, withdraw the certificate of that hospital; and if the employer does not, within twelve months after the withdrawal of the certificate, or within any further period allowed by the Governor, provide some other building proper to be certified as a hospital under this Ordinance, the Agent General may remove all or any of the indentured immigrants from that plantation and transfer any of them for the unexpired remainder of their terms of service to any other employer willing to accept their services and to pay the commutation money:

Proviso.

Provided that any hospital from which the certificate has been so withdrawn shall, notwithstanding the withdrawal, continue to be regarded as a certified hospital with respect to all matters connected with the maintenance of discipline and the enforcement of the hospital regulations under this Ordinance.

Hospital regulations and dietary.

74.—(1) The Surgeon General may make any regulations he thinks fit for the proper arrangement and management of certified hospitals, and shall specify therein the furniture, medicines, and appliances, and the quantities of each, which are to be kept supplied in each hospital for its use, and shall also frame the dietary which is to be used in those hospitals.

(2) The regulations and every dietary shall be subject to the approval of the Governor and Legislative Council, and shall, when approved, be published in the Gazette, and copies thereof, with translations thereof, or the parts thereof affecting the rights and obligations of immigrants the Agent General selects, into the several languages of the immigrants residing in the colony, shall be transmitted by the Agent General to the manager of each plantation on which there is a certified hospital, and shall be at all times so kept suspended within the hospital as to be generally legible.

Equipment of hospital:

75.—(1) The employer shall at all times keep the hospital properly furnished with the bedding, utensils, and other furniture, and the dispensary thereof supplied with the medicines, medical stores, and surgical appliances, required by the hospital regulations, and shall provide for

the continual supply to the hospital, in sufficient quantities, of all articles of food comprised in the dietary, and also of any extras specially prescribed by the government medical officer, and shall also provide a case book and a hospital register, to be kept in the hospital, and record in the case book any failure of the government medical officer to visit the hospital at the times and in the manner directed by this Ordinance.

form 9 ;
form 10.

(2) The case book and hospital register shall be at all times open to the inspection of the Agent General, the Surgeon General, and the government medical officer, and shall be produced in any court, if the presiding judge or magistrate so requires, in any proceeding taken under this Ordinance by or against an immigrant.

76.—(1) The employer shall employ in the hospital and pay at least one qualified dispenser or principal sick nurse, and shall also, if and whenever the government medical officer so requires, employ any additional assistants necessary for the proper care of the patients in the hospital, and shall, if there are female patients, provide a female as well as a male sick nurse.

Employment
of dispenser
and
assistants
for hospital.

(2) If at any time the government medical officer is of opinion that any person employed in the hospital as a dispenser or assistant is, by reason of misconduct or incapacity, unfit to be so employed, he shall make an entry to that effect in the hospital register, and shall immediately report the entry to the Surgeon General, and, if the Surgeon General so directs in writing addressed to the employer, the employer shall without delay remove that person and appoint some other fit and proper person in his place.

77.—(1) The dispenser or principal sick nurse shall constantly reside on the premises of the hospital, and shall have charge of all furniture, medicines, stores, and appliances belonging thereto, and shall draw upon and account to the employer for all stores supplied to the patients by way of diet or otherwise, and in all matters affecting the health or comfort of the patients be subject to the orders of the government medical officer, and shall, subject to those orders, attend the patients, make up and administer the medicines, and serve out the diets as the government medical officer directs, and report to him any badness in the quality or defect in the quantity of the furniture, medicines, stores, and appliances, and shall enter in the

Duties of
dispenser.

case book the name and description of every immigrant brought to the hospital and in the hospital register the name and description of every patient admitted by the government medical officer, with the date of his admission and of his discharge, the nature of his disease or injury, and the result of the case, and shall keep an account of all stores expended in the service of the hospital and of the prices paid for all the stores he is himself authorised by the employer to purchase.

(2) That account shall be at all times open to the inspection of the Agent General, the Surgeon General, and the government medical officer, and shall be produced in any court if the presiding judge or magistrate so requires, in any proceeding taken under this Ordinance by or against any immigrant.

Visits of
government
medical
officer.

78. The government medical officer shall visit each plantation in his district upon which there are any indentured immigrants at least once in every forty-eight hours, Sundays excepted, and oftener in cases of emergency, or if specially summoned by the manager in any case, or if specially required by the Surgeon General, and shall on each visit sign his name with the date and hour of the signature in the case book; and shall, from time to time and as directed by the Surgeon General, visit the dwellings of the immigrants and the yards and grounds about them and order every indentured immigrant on the plantation whom he considers to require medical treatment to be treated either as an in-patient or out-patient, as the case may require, and shall report to the Surgeon General every case of neglect on the part of the manager to send to hospital or to produce before him any indentured immigrant who should be so sent or produced.

Treatment of
patients by
government
medical
officer.

79. The government medical officer shall, in the case of every patient brought to him for treatment or treated by him on a plantation, record in the case book any disease or injury from which the patient appears to be suffering, with the remedies prescribed and the diet ordered in each case, and whether he is treated as an in-patient or out-patient, and shall inform every in-patient of the diet prescribed for him, and whether stimulants and other extras are to be given with the diet; and, in case of complaint, shall ascertain whether the diet and extras have been duly given.

80.—(1) The government medical officer shall see that the hospital, with all bedding, utensils, and other furniture belonging thereto, is at all times kept clean and in proper order, and that there is at all times a sufficient supply of the medicines and food required by the hospital regulations and dietary.

Responsibility of government medical officer for hospital.

(2) He shall note in the hospital register any badness in the quality or defect in the quantity of the furniture, medicines, stores, and appliances of the hospital and any other neglect or violation of the provisions of this part or of the hospital regulations and dietary by the employer or any officer or servant of the plantation, and any omission or delinquency on the part of the hospital dispenser or principal sick nurse, not amounting to ground for his dismissal, and shall require the employer to provide the remedy for the evil, or to take the precautions against it, which in his opinion are necessary.

81.—(1) The government medical officer may require the manager by an entry made in the hospital register to remove to any public hospital any immigrant patient in a certified hospital whose case seems to him to be serious and attended with danger to life and to require the removal, or any other case in which the Surgeon General previously approves of the removal.

Removal of patient to a public hospital:

(2) The employer of any indentured immigrant admitted into any public hospital, either upon the requisition of the government medical officer, or when sent thither by the Agent General, or otherwise, shall pay to the Colonial Treasurer the sum of twenty-five cents for each day whereon that indentured immigrant remains in the hospital, and also, if he dies there, the expense of his burial:

Provided that—

Proviso.

- (a) the Governor may at any time, upon the recommendation of the Surgeon General, by notice in the Gazette, suspend the operation of this section as regards either of those hospitals for any necessary term; and
- (b) if the medical officer of either of those hospitals certifies, as to any immigrant patient, that he is labouring under incurable insanity or leprosy, the liability of the employer under this section shall, in respect of that immigrant, absolutely cease and determine; and

- (c) if an immigrant patient in a public hospital under the provisions of this section is suffering from leprosy or insanity and at the expiration of twelve months from the date of his admission to the hospital the Surgeon General or other medical officer in charge of the hospital certifies that by reason of the leprosy or insanity he is unfit to return to labour, the liability of his employer for his maintenance in the hospital and for his burial (if he dies) under this section shall absolutely cease and determine.

Requisitions
for hospital.

82.—(1) The Surgeon General and the government medical officer shall respectively make in the hospital register any requisitions they deem necessary in relation to the hospital.

(2) Every requisition shall be obeyed by the employer, and the Surgeon General or the government medical officer shall report every case of non-compliance or of unnecessary delay in complying with a requisition to the Agent General.

Appeal
against
requisition
of medical
officer.

(3) If any employer represents to the Surgeon General that any requisition made by the government medical officer is unreasonable, or that the course of treatment pursued by the government medical officer is in any respect injudicious or extravagant, or that he has any other just cause of complaint against the government medical officer in respect of the management of the hospital or the treatment of the patients, the Surgeon General shall cause full inquiry to be made into the matter, and may require the government medical officer to annul the requisition or may give any other directions or instructions in the matter to the government medical officer he thinks necessary.

(4) Every employer and every medical officer shall be bound by the decision of the Surgeon General, subject to the approval of the Governor.

Default of
employer in
respect of
hospital
arrange-
ments.

83. Every employer who in any respect refuses or neglects to comply with the provisions of this Ordinance, or of the hospital regulations and dietary, in respect of the arrangement and management of any certified hospital or of the treatment of patients, or with any requisition made in pursuance thereof in the hospital register by the Surgeon General or the government medical officer, or with any requisition of the dispenser or principal sick nurse made in carrying out any prescription or diet order entered by

the government medical officer in the case book, shall be liable, on the complaint of the Agent General, to a penalty not exceeding forty-eight dollars.

Penalty.

84. Every employer who—

- (a) refuses or neglects to send to hospital any indentured immigrant on the plantation who is in need of medical care or treatment in hospital; or
- (b) fails, at any visit of the government medical officer, to produce that immigrant before him; or
- (c) refuses or neglects to provide that immigrant with the medicines, medical comforts, and diet ordered for him while under treatment by the government medical officer,

Default of employer in respect of treatment of sick immigrant.

shall be liable, on the complaint of the immigrant, to a penalty not exceeding twenty-four dollars.

Penalty.

85. Every indentured immigrant who,—

- (a) after being sent to the hospital by any duly authorised person, or after having voluntarily gone to the hospital, is found beyond its limits before he has been discharged by the government medical officer; or
- (b) refuses or neglects to go to the hospital when ordered by his employer to do so; or
- (c) refuses or neglects to appear at any time when required to do so before the government medical officer; or
- (d) resists any lawful order for his conveyance to the hospital or his production before the government medical officer; or
- (e) contravenes any of the hospital regulations; or
- (f) behaves himself in a disorderly or refractory manner while in the hospital,

Misconduct of indentured immigrant in respect of hospital.

shall be liable to a penalty not exceeding five dollars or to imprisonment for any term not exceeding fourteen days.

Penalty.

86. Everyone admitted into the hospital of a plantation for treatment on his own request or with his own consent, or without that consent in case of inability to express consent, shall be bound by the hospital regulations in the same manner as an indentured immigrant.

Obligation of hospital regulations on other than indentured immigrant.

PART VIII.

LABOUR AND WAGES.

Provisions relating to Indentured Immigrants.

Providing
work and
payment of
wages.

87.—(1) The employer shall provide every indentured immigrant on his plantation with sufficient work for a full day's labour on every day (except Sundays and authorised holidays) when field work is not rendered impossible by reason of bad weather, and shall pay him wages, either by the task or by the day, weekly, on the same day in every week, unless the day falls on an authorised holiday, when payment shall be made on the previous business day.

(2) If any indentured immigrant who is willing and able to work, is not provided with work on any working day, he shall be entitled to his full day's wages for every day on which work is not so provided for him.

Assignment
of work.

88.—(1) The employer may require an indentured immigrant to perform, by way either of task or time work, any work for which he is not physically unfit; but all work, whether in the buildings 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 a day shall be paid for by the day and not by the task.

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

Duration of
time work
and of task
work :

89. Subject to the provisions for leave of absence from the plantation hereinafter contained, every indentured immigrant shall be present at the work assigned to him on every day, (except Sundays and authorised holidays) in the field for seven hours and in the buildings for ten hours :

Proviso.

Provided that no immigrant employed in field labour who has been present at the work assigned to him for forty-two hours and has earned one dollar and fifty cents wages during the week shall be compelled to be present at work again during that week.

Limit of
task work
per diem.

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

91.—(1) The employer shall pay to every indentured immigrant employed in time work day wages at the rate, for each day during which the immigrant has been present at work for the full time prescribed by this Ordinance, of not less than twenty-four cents if he is indentured as an able-bodied adult male immigrant, and not less than sixteen cents if he is indentured as other than an able-bodied adult male immigrant :

Rate of wages for time work :

Provided that if any indentured immigrant is, in the opinion of the government medical officer, physically incapable of earning the minimum amount at the ordinary rates of wages, the government medical officer may direct that his name be placed on a list to be called the Invalid List, and any immigrant whose name is entered on that list shall receive daily rations and be given work suitable to his condition and be paid the wages proportionate to the work approved by the Agent General, or the Agent General may, if he thinks fit and with the consent of the employer, cancel the indenture of that immigrant and provide the immigrant, if he so desires, with a return passage to the port or place whence he came.

Proviso.

(2) The employer shall keep a pay list of all wages paid to indentured immigrants on his plantation.

Schedule ;
form 11 ;
A and B.

92. The rate of wages for any description of task work performed 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 plantation ; and if there is none of those labourers, or if they are paid less than the average rate paid for the same description of work to labourers of that kind on neighbouring plantations, then not less than that average rate ; and if there is none of those labourers performing the same description of work on neighbouring plantations, then it shall not be less than that ordinarily paid for the same description of work to indentured labourers upon neighbouring plantations :

Rate of wages for task work :

Provided that the wages agreed upon for a task shall in no case be less than the minimum amount of day wages payable for time work.

Proviso.

93. An indentured immigrant who is dissatisfied with the amount of wages tendered for any time or task work assigned to him by the employer, may, after performance of the time or 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

Proceedings by immigrant for recovery of wages short-paid.

fair remuneration for the work so performed, or may make a complaint or lay an information against the employer for the unlawful withholding of wages duly earned; and the complaint or information may be turned by the magistrate into proceedings for recovery, if he is of opinion, after hearing the case, that there exist grounds for further inquiry before estimating the wages.

General procedure for recovery of wages.

94.—(1) In any proceeding for the recovery of wages by an indentured immigrant, it shall not be necessary for him to take out a summons against the employer, or to make or lay a formal complaint or information therefor; but the magistrate may, upon receiving from him any verbal statement of complaint, require of the manager a statement in writing of the work in question performed by him, and of the wages paid therefor, together with any other material facts or documents.

(2) If the matter at issue appears to be such as should be tried upon a complaint for the unlawful withholding of wages, the magistrate shall forthwith issue, free of cost, a summons to the employer to appear and answer that complaint, and shall proceed thereupon as if the immigrant had in the first place made that complaint, and shall give notice to the immigrant accordingly; but if the rate of wages is the subject-matter 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.

Making estimate of wages, and order thereon.

95.—(1) In making the estimate, whether for time or task work, the magistrate shall have regard, firstly to the rule hereinbefore laid down for determining the rate of task wages, and secondly, to the rates paid to indentured immigrants on neighbouring plantations for descriptions of work most nearly similar to that in question; and the magistrate may summon witnesses skilled in the valuation of labour and allow them their travelling expenses and payment for their time, at a rate not exceeding five dollars a day for a manager, forty-eight cents. a day for a day labourer, and two dollars a day for any other person.

(2) The Agent General shall, on his request, furnish the magistrate with any information in his possession which may assist him in forming a decision, and shall, if necessary, 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 any order in the premises to him seeming just, and shall direct by whom and in what proportions the cost of the proceedings shall be paid, and shall specify in the order the grounds of his decision and transmit a copy thereof to the Agent General.

(4) The 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; and the order shall be final and without appeal.

96. An employer, a manager, or an officer of a plantation who assaults, or in any way ill-uses, an immigrant indentured on the plantation shall be liable to a penalty not exceeding forty-eight dollars, or to imprisonment with or without hard labour for any term not exceeding two months, or to both the penalty and the imprisonment.

Assault on indentured immigrant.

Penalty.

97.—(1) Any employer, manager, or officer of a plantation who unlawfully withholds or causes to be withheld any wages earned by an indentured immigrant shall be liable to a penalty not exceeding forty-eight dollars.

Unlawful withholding of wages.

Penalty.

(2) The magistrate shall order the wages to be paid, and shall report to the Agent General every conviction under this or the last preceding section, together with any circumstances of aggravation or extenuation to him seeming noteworthy.

98.—(1) Except as hereinafter provided, all wages duly earned by an indentured immigrant shall be paid in money without any deduction; and every stoppage of wages duly earned by him and every postponement of payment of wages beyond the next pay-day after they are due, and any payment of wages in kind, shall be taken to be an unlawful withholding of wages.

Prohibition of stoppage of wages and of payment in kind.

(2) No manager who supplies goods on credit to his indentured immigrant shall be entitled to stop the price thereof out of any wages thereafter earned by the immigrant.

99. Every indentured immigrant who, without reasonable excuse, refuses or neglects to amend any work duly thrown out as improperly performed shall, on the first conviction, be liable to a penalty not exceeding two dollars and forty cents, and, on a second or any subsequent conviction, to a penalty not exceeding ten dollars, and shall

Refusal or neglect of indentured immigrant to amend work improperly performed :

further forfeit any portion of the wages due for the work the magistrate thinks proper, and the manager may suspend the payment of the wages, pending any proceedings which he has taken against the immigrant for the refusal or neglect :

Proviso.

Provided that no work shall be taken to have been duly thrown out as improperly performed, unless the manager has taken down the work on the spot the same day or the next day after it has been done, nor unless the manager has informed the immigrant upon the spot that his work is thrown out, or, if he is absent, so soon after as is possible, and has specified the ground or matter of his objection to the work done and required him to amend it.

Agreement for extra time in field or in buildings.

100.—(1) An indentured immigrant may bind himself by agreement with his employer made in the presence of two witnesses and terminable on the next weekly pay-day, to work extra time in the field, but the description of work to be assigned to him during the extra time shall be expressly stipulated beforehand.

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

Requiring performance of extra work :

(3) In the absence of any previous agreement to that effect, an indentured immigrant employed in the buildings may on any day be required to work extra time not exceeding six hours :

Proviso.

Provided that the intention to require extra time shall be communicated to him at least one hour before the expiration of the ordinary time, and if he then gives notice of his refusal to continue any longer at work, he shall be entitled to leave work one hour after the expiration of the ordinary time.

Payment for extra time work.

101. 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 of work and

payment of wages, shall apply to service as a watchman and to extra time work whether under agreement or otherwise, as are contained in this part with reference to ordinary work.

102.—(1) No indentured immigrant shall be bound to serve as a watchman, but he may bind himself by an agreement with his employer made in the presence of two witnesses to serve as a watchman on the plantation for any term not longer than one month or from month to month, and, unless he gives notice of his wish not to serve any longer as a watchman at least seven days before the expiration of any month's service, he may be compelled to serve for the next month. Service as watchman;

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

- (a) unlawfully neglects his duty as watchman; or form 12.
- (b) unlawfully neglects to serve as a watchman during the period for which he has agreed or is bound to serve,

shall be liable to a penalty not exceeding two dollars and forty cents. Penalty.

(3) It shall be necessary, before an immigrant can be convicted for any offence under this section, to prove that he had previously agreed to serve as a watchman.

103.—(1) Every indentured immigrant who—

- (a) without lawful excuse absents himself from work: or Absence from or refusal to do work;
- (b) having been directed by some duly authorised person to attend at a specified time and place for the performance of any particular work, refuses or neglects so to attend; or form 13.
- (c) refuses or neglects to begin or to finish any particular work which he has been directed by some duly authorised person to perform,

shall be liable to a penalty not exceeding two dollars and forty cents. Penalty.

(2) It shall be sufficient for the purposes of this section if any direction in this section mentioned is given on the afternoon or evening of the day before or on the same day on which the work is required to be performed.

Excuse of physical incapacity for absence from work, etc.

(3) No immigrant shall be convicted under this section if he was at the time physically unfitted to perform work or to perform the work assigned to him, or if the work assigned to him was of a description or extent, or was assigned in a manner or for a rate of wages, contrary to any provision of this Ordinance, or if the work has been unduly thrown out, or if any wages due on account of the work have been unlawfully withheld, or if he is entitled to the benefit of the proviso to section eighty-nine of this Ordinance.

Minor offences by indentured immigrant; form 14.

104.—(1) Every indentured immigrant who—

- (a) is drunk in or about the buildings of the plantation, or while employed on any work; or
- (b) is drunk during any time in which he is required to be at work; or
- (c) uses to his employer, or to any person placed by him in authority on the plantation, any abusive or insulting word or gesture,

Penalty.

shall be liable to a penalty not exceeding five dollars or to imprisonment for any term not exceeding fourteen days.

(2) Every indentured immigrant who is guilty of any fraud or wilful deception in the performance of his work shall be liable to a penalty not exceeding five dollars.

Penalty.

More serious offences by indentured immigrant; form 15.

105. Every indentured immigrant who—

- (a) uses to his employer, or to any person placed by him in authority on the plantation, any threatening word or gesture; or
- (b) by negligence, carelessness, or other improper conduct, endangers, damages, or causes or suffers to be endangered or damaged, or sells, any property of his employer (and in any proceeding for a breach of this provision it shall not be necessary to state or prove the name of the employer); or
- (c) hinders or molests any other immigrant in the performance of his work; or
- (d) persuades or attempts to persuade any other immigrant unlawfully to refuse, absent himself from, or desist from, work,

Penalty.

shall be liable to a penalty not exceeding twenty-four dollars.

106. Every manager of a plantation whereon there are indentured immigrants shall keep a register of all causes under this Ordinance in which he is concerned before the magistrate.

Cause register ;
form 16.

Provisions with regard to Immigrants not under Indenture.

107. No one shall employ any immigrant not under indenture until he has produced his certificate of exemption from labour, and everyone who receives into employment that immigrant before indorsing on the certificate of exemption from labour produced by the immigrant his name and the day when the certificate was so produced shall be liable to a penalty not exceeding twenty-four dollars, one moiety whereof shall be paid to the informer.

Employment of immigrant not under indenture.

Penalty.

108.—(1) Every manager of a plantation shall be bound to enter in a book to be kept by him the name and description of every immigrant not under indenture employed on the plantation, and the amount of wages earned by each in each week, and shall pay to each the wages due to him for the work performed by him on the plantation.

Duties of manager of plantation where immigrants not under indenture are employed.

(2) Every manager of a plantation who contravenes this section, and every manager of a plantation on which any immigrant not under indenture performs any work for the benefit of the proprietor of the plantation before the name and description of the immigrant have been entered in the book, or before the certificate of exemption from labour held by the immigrant has been duly indorsed by the manager, shall be liable to a penalty not exceeding twenty-four dollars for each immigrant who so performs any work, one moiety whereof shall be paid to the informer.

Penalty.

109. The hiring, whether verbal or in writing, of any immigrant possessed of or entitled to a certificate of exemption from labour shall be subject to and governed by the provisions of any Ordinance now or hereafter to be in force regulating the hirings of servants in husbandry and other labourers, not being immigrants within the meaning of this Ordinance :

Other hirings of free immigrants :

Provided that no contract of that immigrant shall be taken to be an indenture within the meaning of this Ordinance, or to be a contract for more than twelve months certain from the time of entry into service any express or implied agreement to the contrary notwithstanding.

Proviso.

PART IX.

LEAVE AND DESERTION.

*Leave.*Obligation
of residence.

110. Every indentured immigrant shall be bound to reside on the plantation whereon he is under indenture.

Unlawful
absence
from
plantation ;
form 17.

111. Every indentured immigrant who—

(a) absents himself without leave from the plantation during the time in which he is required to be at work; or

(b) absents himself without leave from the plantation in a manner or for a time constituting a breach of the obligation of residence,

Penalty.

shall be liable if a male to pay a fine not exceeding ten dollars, and if a female to pay a fine not exceeding five dollars.

Right of
immigrant
to leave of
absence
after certain
amount of
work done :

112.—(1) Every indentured immigrant who has earned wages at the rate of at least one dollar and fifty cents per week during two consecutive weeks shall be entitled to leave of absence from the plantation at the rate of one day and night for every undivided period of two weeks, and the employer shall on his request furnish him with a free pass accordingly for as many days as he requires and is entitled to be on leave of absence :

Proviso.

Provided that no immigrant shall be entitled to leave of absence, and no employer, except for special cause to be stated in the pass, shall be entitled to give leave to any indentured immigrant, for more than seven days at any one time, or for 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) Every employer who—

(a) refuses a pass to which any immigrant is entitled; or

(b) gives a pass in excess of the limits allowed by this Ordinance; or

(c) states in any pass extended as aforesaid a false, frivolous, or pretended cause for extension,

Penalty.

shall be liable, on the complaint of the Agent General, to pay a fine not exceeding twenty-four dollars.

113.—(1) Any indentured immigrant who, having been refused a pass by his employer, absents himself from his plantation in order on reasonable grounds to make a complaint or lay an information against the employer or manager before the magistrate, or to make any reasonable complaint of his treatment and to ask counsel of the Agent General or of any immigration agent, shall be entitled to receive from the magistrate, the Agent General, or the immigration agent, a certificate that the absence was for reasonable cause; but the certificate shall not be given, nor if given be valid, if the immigrant—

Leaving plantation for purpose of making complaint.

form 18.

(a) has absented himself from the plantation with any weapon or any agricultural implement; or

(b) has absented himself from the plantation in company with more than five other immigrants.

(2) No immigrant who possesses the certificate and who, on his return to the plantation, produces it to his employer, shall be liable to be convicted under section one hundred and eleven of this Ordinance in respect of the day on which it was granted, or in respect of the time before and after necessary to allow of his free going and returning.

(3) Where the magistrate, Agent General, or immigration agent, is of opinion that the complaint is ill-founded or frivolous, he shall so certify in writing to the employer.

Desertion.

114.—(1) Any indentured immigrant who without leave absents himself for seven days from the plantation whereon he is under indenture shall be taken to be a deserter from the plantation; and the manager may thereupon prefer a charge against him in that behalf before the magistrate and apply for a warrant for his apprehension.

Desertion ;

forms 19, 20.

(2) The warrant shall be granted free of cost and be directed to all constables.

(3) A copy of the warrant shall be transmitted by the magistrate to the Inspector General of Police within seven days from the day on which the charge is made, and any copy thereof, certified under the hand of the Inspector General of Police, may be executed in the same manner as the original warrant.

(4) Every manager who does not prefer a charge before a magistrate against a deserter shall report the fact of the desertion to the agent of the district.

Default by manager in preferring charge against deserter.

115.—(1) Every manager who does not prefer a charge in the proper form before the magistrate against an indentured immigrant who has deserted, or report the fact of the desertion to the immigration agent, as the case may be, within fourteen days after the immigrant has become a deserter, shall be liable, on the complaint of the Agent General, to pay a fine not exceeding twenty-four dollars, and shall, in addition to that fine, pay an absolute accumulating fine of twenty-four cents for every day of default.

Penalty.

(2) No entry shall be made in the register of defaulters in respect of any desertion of any immigrant where the manager has not preferred a charge against the immigrant for desertion, or reported the fact of the desertion to the immigration agent of the district, within that time.

Penalty on deserter.

116. Every indentured immigrant who deserts from his plantation shall be liable to a penalty not exceeding two dollars and forty cents for the first offence.

Recovery of penalties under certain sections.

117. Penalties inflicted under sections ninety-nine, one hundred and two, one hundred and three, sub-section (2) of one hundred and four, one hundred and five, and one hundred and sixteen, shall be payable by weekly instalments not exceeding one-third of the average weekly wage of the immigrant, the first instalment to be payable at the expiry of a week from the order, and in the event of failure to pay any instalment the entire amount shall be recoverable in the first instance by distress, and the provisions relating to the infliction of those penalties are subject to the provisions of the Summary Jurisdiction (Procedure) Ordinance.

Chapter 14.

Supplemental Provisions.

Loss of original document charging desertion.

118. If the document containing the original charge for desertion made against an indentured immigrant is lost or mislaid, the magistrate may proceed to deal with the case on the original warrant or on any copy thereof certified by the Inspector General.

Registers of absences on leave and desertions.

119.—(1) The manager of a plantation on which there are indentured immigrants shall keep a register of absences on leave, and shall enter therein every pass granted by him

to an indentured immigrant and every leave of absence granted verbally to an indentured immigrant which extends over the night.

Schedule ;
forms 21 and
22.

(2) He shall also keep a register of desertions and enter therein every desertion of an indentured immigrant from the plantation.

120. The Agent General or any immigration agent may cause to be detained any immigrant suspected by him to be a deserter or absent from his plantation without leave, or who refuses to return to his plantation when ordered to do so by the Agent General or immigration agent; and he shall, if in Georgetown, be taken to the immigration depôt, or if elsewhere than in Georgetown, to an immigration agent, or if he is detained at night, to the nearest police station.

Apprehen-
sion of
immigrant
suspected
of being
absent
without
leave.

121. Any immigrant who, on being brought to the Agent General, or to an immigration agent, or to a police station by any police constable, wilfully refuses to give his name or the name of the ship in which he was introduced into the colony, or any other information reasonably required by the Agent General, or the immigration agent, or by the police constable in charge of the police station, for purposes of identification, shall be liable to a penalty not exceeding five dollars or to imprisonment, with or without hard labour, for any term not exceeding fourteen days.

Refusal of
immigrant
apprehended
to give
information.

122. Any indentured immigrant who, while an inmate of the immigration depôt, without leave absents himself therefrom for seven days, shall be taken to be a deserter, and the Agent General may thereupon prefer a charge against him in that behalf before the magistrate and apply for a warrant for his apprehension, which shall be granted in the same manner as is hereinbefore provided with respect to a deserter from a plantation.

Absence
from depôt
without
leave.

123.—(1) Everyone who, not being entitled to the services of an immigrant under this Ordinance,—

(a) employs or knowingly harbours any indentured immigrant; or

(b) induces or attempts to induce any indentured immigrant to leave off work, or to quit his plantation against the will of his employer,

shall be liable to pay a fine not exceeding forty-eight dollars, and, in the case of employment, in addition to the

Employment
of indentured
immigrant
by person
not entitled
to his
services.

Penalty.

fine, to pay to the employer entitled to the services of the immigrant, by way of damages, at the rate of one dollar for every day on which the immigrant has been so employed.

(2) If the person charged is the manager of a plantation, it shall be sufficient to support a conviction under this section to prove that the immigrant has been employed thereon in the service of that manager.

Disposal of indentured immigrant on release from custody :

124. When an indentured immigrant who has been arrested by a police constable or imprisoned is entitled to be discharged from custody or from prison, he shall without delay be conveyed by a police constable to the plantation whereon he is under indenture; and he may be kept in custody while he is being so conveyed and until he can be so taken to the plantation :

Proviso.

Provided that, if required by the Agent General or any immigration agent, he may be taken to the immigration office or to the office of any immigration agent.

Certificate as to indentured immigrant brought in custody to plantation ; form 23.

125. When any indentured immigrant is brought to the plantation whereon he is under indenture by any police constable, the manager of the plantation shall be bound to give to the police constable a certificate, stating the time when the immigrant was so brought, and every manager who refuses or neglects to give that certificate shall be liable, on the complaint of the Inspector General or an inspector of police, to pay a fine not exceeding five dollars.

Penalty.

Report of indentured immigrant's voluntary return to plantation.

126. When an indentured immigrant who has deserted from the plantation whereon he is under indenture voluntarily returns to the plantation, the manager of the plantation shall report the fact to the police constable in charge of the police station nearest to the plantation, and every manager who neglects to do so for seven days after the return shall be liable, on the complaint of the Inspector General or an inspector of police, to pay a fine not exceeding five dollars.

Penalty.

Report of indentured immigrant's release from prison.

127. The superintendent of the penal settlement and the keeper of every prison shall report in writing to the Agent General when any immigrant who was under indenture at the time of his arrest for the crime or offence of which he

has been convicted is discharged from any cause before the time when his sentence would have expired, or when he is imprisoned for a longer period of time than that mentioned in his sentence in consequence of his not completing the proper number of tasks, or otherwise; and the superintendent or keeper shall transmit the report as soon after the event as practicable.

128.—(1) The Agent General or the immigration agent in each district shall keep a separate register of defaulters for each plantation whereon there are any indentured immigrants. Register of defaulters ;

(2) The name and description of every indentured immigrant on the plantation who is sentenced to imprisonment, or who is convicted of desertion on a charge preferred in due time, shall be entered in the register. form 25.

129. Whenever any employer alleges that an indentured immigrant has been imprisoned or has deserted, and produces to the Agent General or to an immigration agent a certificate, signed by the magistrate or other proper officer, that the immigrant has been sentenced to imprisonment or has been convicted of desertion on a charge preferred in due time, then, (but in no other case,) the Agent General or an immigration agent shall make an entry in the register of defaulters of the facts stated in the certificate, and shall date the entry with the date when it was made by him, and shall sign or initial it, and shall also so date and sign or initial the certificate so produced, and thereafter return it to the employer : Entries in register :

Provided that the Agent General or an immigration agent may, before making the entry, require proof as to the identity of the immigrant referred to in the certificate. Proviso.

130. The Agent General or an immigration agent shall, from time to time and as often as may be necessary, correct the entries in the register of defaulters, so that they shall accurately state all the periods to be excluded in reckoning the term of service of each immigrant under indenture : Correction of register :

Provided that the Agent General or an immigration agent shall not obliterate any previous entry made in the register either by himself or any other person, and shall date every entry with the date when it was made, and shall sign or initial it. Proviso.

PART X.

MARRIAGE AND DIVORCE.

Interpreta-
tion of
"immigrant"
in this part.

131. In this part, unless the context otherwise requires, "immigrant" means any person introduced or coming into the colony from Asia, whether directly or indirectly, and whether wholly or in part at the expense of the immigration fund or otherwise, and includes any descendant of that person.

MARRIAGE.

Register of
married
immigrants
arriving in
the colony;
form 26.

132. The Agent General shall keep a register of immigrants found to be married at the time of their arrival in the colony, wherein the number of any registration shall be the same for the husband and the wife and which shall be continued in regular sequence.

Registration
of married
immigrants
on arrival;

form 27.

133.—(1) On the arrival in the colony of a ship with immigrants on board, the Agent General shall inquire whether any of them stand in the relation of husband and wife to each other; and if he is satisfied, by the statements of the parties themselves and by any other information he is able to procure, that the parties ought to be regarded and dealt with as husband and wife, he shall thereupon cause an entry to be made accordingly in the register mentioned in the last preceding section, and at the same time deliver to each of the parties a certificate of marriage.

(2) The persons so registered as husband and wife shall be deemed to be married, unless it is shown that they are so nearly related by blood that a marriage between them was unlawful.

(3) The provisions of this and the last preceding section shall apply, with the necessary modifications, to the case of a male immigrant and a female immigrant arriving in the colony in different ships and alleging that they were married before their arrival.

Exemption
from fee for
registration.

(4) No fee shall be payable for the registration of any marriage under the provisions of this section or for any certificate granted under it.

Register of
marriages of
immigrants
contracted
in the
colony;
form 28.

134. The Agent General shall keep a register of marriages of immigrants contracted in the colony, wherein the number of any registration shall be the same for the husband and the wife and which shall be continued in regular sequence.

135. With reference to the marriage of Christian immigrants the following provisions shall have effect:—

Marriage of
Christian
immigrants.

- (a) an immigrant who, at the time of his or her arrival in the colony, professes Christianity shall, immediately upon arrival; and
- (b) an immigrant who, at any time after his or her arrival in the colony, is converted to Christianity shall, immediately upon conversion,

as to capacity or incapacity to contract marriage, and the conditions subject to which, and the manner in which marriage may be contracted, be subject to the general law of the colony.

136. No marriage shall be contracted under this Ordinance (and if it is so contracted and registered, it shall be null and void ab initio), where it is shown that either of the parties has, or had at the time of the contracting and registration, a wife or husband alive, or where either party is directly descended from the other, or where the female is a sister of the male, either by the full or the half-blood, or where the male is a brother of the female, either by the full or the half-blood.

Prohibition
of certain
marriages.

137.—(1) Where a male immigrant, not being under fifteen years of age, and a female immigrant, not being under ~~thirteen~~^{fourteen} years of age, wish to contract a marriage, they may signify that wish to the magistrate of the district in which they reside.

Notification
of intended
marriage;

See Ord. 42
of 1929

(2) The magistrate shall thereupon call upon the parties to produce a certificate signed by the Agent General, to the effect that there does not appear from the records of the immigration department to be any impediment to the intended marriage.

form 29.

(3) If that certificate is produced, the magistrate shall call upon the parties to sign a notice, which shall be furnished to them free of charge by the magistrate and contain a declaration by the parties that, to the best of their belief, there exists no lawful impediment to their marriage, and, if the female is under fifteen years of age, that the consent of her father, if alive and in the colony, or, if he is dead, of her mother, if alive and in the colony, or, if her father and mother are both dead or absent from the colony, of the Agent General, has been obtained.

(4) The magistrate shall thereupon give public notice of the intended marriage by posting up the notice for three weeks in a conspicuous place at the court house nearest to the place of residence of the parties or of one of them, and by publicly reading the notice upon each day during the three weeks upon which he holds a court at that court house; but if the court is held more than once a week, it shall be sufficient if the notice is read on one day during each of the three weeks.

(5) If the parties reside in different judicial districts the proceedings mentioned in this section shall be taken in each district.

Grounds of objection to proposed marriage.

138. No objection shall be admitted to any marriage proposed to be contracted under this Ordinance unless it is shown to the satisfaction of the magistrate that either of the parties thereto has a wife or a husband still living; or that the parties stand in any of the degrees of relationship within which it is hereinbefore declared to be unlawful for persons to perform marriage; or, in the case of a male, that he is under fifteen years of age, or, in the case of a female, that she is under ~~thirteen~~ ^{fourteen} years of age, or, if she is under fifteen years of age that the consent mentioned in the last preceding section has not been obtained.

Ord. 42 of 1927

Making and decision of objection to proposed marriage.

139.—(1) Anyone who desires to object to an intended marriage of which notice has been given as hereinbefore provided, must do so to the magistrate before the expiration of the aforesaid period of three weeks.

(2) If any objection is made, the magistrate shall, immediately on the expiration of the period of three weeks, fix a day for the hearing of the objection, and shall cause notice thereof to be given to the parties who have given the notice of marriage; and at the hearing the person making the objection shall be bound to prove the existence of the alleged impediment to the marriage.

(3) If either party makes application for a review of the decision on the objection, the magistrate shall not grant the certificate hereinafter mentioned until the review has been disposed of in due course of law.

Marriage after publication of notice;

140.—(1) Within six months after the publication aforesaid has been made and not afterwards, and if no valid objection is pending or has been allowed to the intended marriage, the parties may appear before the magistrate

or either of the two magistrates in whose districts publication has been made, as the case may be, who shall, on being satisfied of the parties' identity and that publication of notice of their intended marriage has been duly made, declare the parties to be husband and wife and deliver to each of them a certificate of marriage. form 30.

(2) Within twenty-four hours after delivering that certificate, the magistrate shall transmit a copy thereof to the Agent General, and in default of his so doing he shall be liable on the complaint of the Agent General to a penalty not exceeding forty-eight dollars.

(3) On receipt of the copy of the certificate, the Agent General shall cause an entry of the marriage to be made in the register of marriages of immigrants contracted in the colony.

141.—(1) When an immigrant desires to be married by a minister of the Christian religion after publication of banns, he or she shall cause to be delivered to the minister a certificate, signed by the Agent General, to the effect that there does not appear from the records of the immigration department to be any impediment to the intended marriage, and the minister shall not publish the banns until he receives the certificate. Marriage after publication of banns :

(2) The minister shall retain the certificate and, within twenty-four hours after the marriage has been solemnised, indorse thereon the date and place of marriage, with the signature thereto, and transmit the same to the Agent General.

(3) Every minister who offends against the provisions of this section shall be liable to a penalty not exceeding forty-eight dollars :

Provided that no complaint shall be brought for the recovery of the penalty without the sanction in writing of the Agent General. Proviso.

142.—(1) A marriage contracted after the commencement of this Ordinance between a male immigrant, not being under fifteen years of age at the date of the marriage, and a female immigrant, not being under ~~thirteen~~ ^{fourteen} years of age at the date of the marriage, both of whom, at the date of the marriage, are free from any disability mentioned in section one hundred and thirty-six of this Ordinance, profess the same religion, not being the Christian religion, and are subject to the same personal law, shall, if contracted according to the religion and Marriage according to religion and personal law :
See Ord. 49
1929

personal law of those immigrants and registered under this Ordinance, be deemed to be valid as from the date of such marriage :

Proviso.

Provided that, before the marriage is contracted, the parties thereto shall first obtain a certificate, signed by the Agent General, to the effect that there does not appear from the records of the immigration department to be any impediment to the intended marriage; and the marriage shall not be deemed to have been duly contracted unless that certificate has been first obtained.

(2) If the marriage referred to in the certificate is not contracted within three months from the date of the certificate, the certificate shall on the expiration of that period become null and void.

Registration of marriage contracted according to religion and personal law ; form 31 ;

143.—(1) Within seven days after the celebration of a marriage contracted according to religion and personal law, the parties to the marriage, or one of them, shall deliver a ^{certification} certificate thereof to the immigration agent for the district in which they reside. *which may be in English or Urdu*

(2) If default is made in delivering the ^{certification} certificate within the time aforesaid, each of the parties to the marriage shall be liable to a penalty not exceeding twenty-four dollars.

*Ord. 429
1929*

(3) The ^{certification} immigration agent shall forthwith transmit the certificate to the Agent General.

(4) On receipt of the ^{certification} certificate, whether within the time aforesaid or otherwise, and on satisfying himself—

(a) that the requirements of the last preceding section have been complied with; and

(b) that, in the case of a female under fifteen years of age, the person acting as guardian was entitled so to act,

the Agent General shall cause an entry of the marriage, with the necessary modifications of the particulars of the entry, to be made in the register of marriages contracted in the colony, and shall forthwith transmit to each of the parties a certificate of the registration.

form 32.

Inquiry as to contracting of marriage.

144. Whenever the Agent General issues a certificate under section one hundred and forty-two of this Ordinance and does not, within three months and seven days thereafter, receive from or on account of the parties mentioned therein, or one of them, the ^{certification} certificate mentioned in the last preceding section, it shall be his duty to make inquiry

*certification
Ord 429 1929*

into the matter, and, if necessary, to make a complaint against the parties who have made default in respect of the last mentioned certificate. *withfialion*

Ch 427 (1914)

Property of Married Immigrants.

145.—(1) If any female immigrant is deserted by her husband, being an immigrant, the magistrate of the district where she resides shall, on application made by her or on her behalf, and on being satisfied of the fact of the desertion and that it was without reasonable cause and that she is maintaining herself by her own industry or property, give to her an order protecting her earnings and property acquired since the commencement of the desertion from her husband and from all creditors and persons claiming under him, and those earnings and property shall belong to the wife as if she were a single woman.

Protection of property of woman deserted by her husband.

(2) The magistrate shall cause a notice of the order to be posted up for fifteen days in a conspicuous place at the court house nearest the place where the woman resides, and the husband or anyone claiming under him may, during that time, apply to the magistrate to annul the order, and if the application is made the magistrate shall hear it and make any just order thereon.

146.—(1) If a female immigrant deserts her husband, being an immigrant, and cohabits with another man, the magistrate of the district where the husband resides shall, on application made to him by or on behalf of the husband, summon the woman and the alleged adulterer before him and, on being satisfied of the fact of the desertion, and cohabitation, give to him an order protecting his earnings and property acquired since the commencement of the desertion from his wife and from all creditors and persons claiming under her, and those earnings and property shall belong to the husband as if he were single.

Protection of property of man deserted by his wife :

(2) The woman shall forfeit from the date of the order all movable property given to her by her husband, and shall further forfeit all right (if any) to the community of property resulting from her marriage, and the husband shall not be liable for any debt which she may contract during the desertion :

Provided that, if the desertion is afterwards condoned by the husband, any order made under the provisions of this section shall thereupon ipso facto become annulled and the community of property shall take effect and subsist anew from the date of the condonation.

Proviso.

Division of
property of
married
immigrants.

147.—(1) Where a male immigrant and a female immigrant who are married to each other, or who have cohabited together, cease to cohabit and either of them desires that the property to which they or either of them are or is entitled should be divided, the magistrate of the district where those immigrants reside, or either of them resides, on application made to him by or on behalf of either of them, may summon them before him and any witnesses they desire, or either of them desires, to be examined, and make any just order for the division of the property.

Penalty.

(2) Anyone, being a party to the proceedings, who refuses or neglects to comply with the terms of the order shall be liable to imprisonment, with or without hard labour, for any term not exceeding one month.

(3) If, after the order is made, anyone aforesaid refuses or neglects to comply with the terms thereof, that refusal or neglect for a period of seven days shall be deemed a fresh offence, and so on toties quoties.

(4) Where a male immigrant and a female immigrant have cohabited together, without having been married, and one of them dies intestate during the period of cohabitation, the Agent General, in the case of the death of an indentured immigrant, or of an immigrant not under indenture dying in any hospital, asylum, prison, or other public institution of whatever kind, and being in possession of movable property not exceeding in value the sum of ten dollars, may assign to the survivor for his or her absolute use and benefit any share, not exceeding one-half, of all the movable and immovable property belonging to the estate of the deceased immigrant acquired by their joint earnings, or to the acquisition of which the survivor has contributed, which after due inquiry and consideration appears just.

(5) Every decision under the last preceding sub-section shall be final, and the Agent General shall have full power and authority to do all things necessary, including the power to convey immovable property, for putting the survivor in possession of the share of the property so assigned.

Protection of Immigrants' Wives.

Apprehen-
sion and
punishment
of male
immigrant
threatening
his wife.

148.—(1) Where a male immigrant threatens to murder, wound, beat, or ill-treat his wife or any woman with whom he has cohabited or desires to cohabit, a magistrate or justice of the peace, on being informed thereof and being satisfied that there is reason to suppose that bodily injury

may be inflicted on the woman, shall forthwith issue his warrant for the apprehension of the immigrant alleged to have used the threats.

(2) Any immigrant who uses any of those threats may be forthwith arrested by a police or rural constable and detained in custody until a warrant can be obtained for his apprehension.

(3) Every immigrant who uses any of those threats shall be liable to imprisonment, with or without hard labour, for any term not exceeding one month, and, on a second or any subsequent conviction, to imprisonment with or without hard labour, for any term not exceeding six months.

149.—(1) Where it is proved to the satisfaction of a magistrate, that there is reason to suppose that an immigrant on a plantation may, from motives of jealousy, inflict bodily injury on any woman, and that it is expedient, on account of the jealousy, to remove from a plantation an immigrant under indenture on that plantation, the magistrate may direct that the last-mentioned immigrant shall be removed to some other plantation and the indenture transferred.

Transfer of immigrant in case of danger from jealousy.

(2) Every immigrant so ordered to be removed may be detained in custody until his transfer to some other plantation.

150.—(1) Where a magistrate is informed, or where in any proceeding whatever it appears to a magistrate, that there is reason to suppose that an immigrant may inflict bodily injury on a woman, he may, if he thinks fit, forthwith issue his warrant for the apprehension of that immigrant, and shall, whether he issues the warrant or not, make full investigation as to the circumstances of the case.

Proceedings where injury to woman is feared.

(2) The magistrate may order the immigrant to be detained in custody until the Agent General can take any necessary action.

(3) The Agent General may at any time, for the reason above-mentioned and whether after or without any proceeding taken by a magistrate, order any indentured immigrant to be removed from a plantation, and the order shall be deemed to authorise the detention in custody of the immigrant until he can be removed and his removal in custody, but no immigrant shall be detained under this section for more than fourteen days.

Punishment
for enticing
away wife
of immigrant
or harbouring
her :

151. Everyone who entices away or cohabits with the wife of an immigrant, or unlawfully harbours the wife of an immigrant who has left her husband without just cause, shall be liable to a penalty not exceeding twenty-four dollars or to imprisonment, with or without hard labour, for any term not exceeding three months, or to both the penalty and imprisonment, and, on a second or any subsequent offence, shall be deemed guilty of a misdemeanour and be punishable accordingly :

Penalty :

Proviso.

Provided that no one shall be convicted under this section for cohabiting with the wife of an immigrant if he establishes to the satisfaction of the magistrate or court before whom he is tried, that the wife was deserted by her husband, or that the husband compelled her to leave his house, or that the cohabitation was with the knowledge and consent of the husband.

Copy of
proceedings
for the
Agent
General.

152. In any matter arising under either of the last four preceding sections the magistrate shall, as soon as the proceedings are concluded, or sooner if he thinks fit, transmit a copy thereof to the Agent General, who shall thereupon take such action as the circumstances of the case may allow and require.

Divorce.

Proceedings
for divorce of
immigrants.

153.—(1) Where immigrants are married and one of them is guilty of misconduct entitling the other to a divorce, the spouse so entitled to a divorce may apply to a magistrate for an order dissolving the marriage.

(2) The magistrate shall, on receiving the application, summon before him the parties and any witnesses whom they desire to be examined, and any persons whom the magistrate thinks it expedient to examine, and the magistrate shall reduce to writing the statements on oath of the parties and the witnesses and transmit the application and statements to the Registrar of the Supreme Court in order that they may be laid before the Chief Justice for his decision.

(3) When the application and statements are laid before the Chief Justice, if it appears to him that the party applying for divorce is entitled thereto, he may deal with the application in a summary way and make an order dissolving the marriage.

(4) The Chief Justice may require the magistrate to take further evidence on the application and transmit it

to the Registrar, or may require the parties to appear before him and produce any necessary evidence.

(5) On the application and statements being laid before the Chief Justice, he shall have the same powers as the Supreme Court in its civil jurisdiction would have in an action therein for the dissolution of the marriage, and may make any order and on the same terms and with the same conditions, the said Court might have made.

(6) Every order dissolving a marriage made under this section shall have the same incidents and the same effect as a judgement of the Court.

(7) The fee payable in respect of the proceedings shall be the sum of twenty-four dollars, and that fee shall include all charges in the registry of court and be payable on making the application to the magistrate, but nothing in this section shall affect the right of any person to apply to be allowed to sue as a pauper.

(8) The provisions of this section shall only apply to marriages contracted or registered under the provisions of Ordinance No. X of 1860 or of this Ordinance.

154. Immediately an order under the last preceding section is made the Registrar shall transmit a copy thereof to the Agent General, who shall cause it to be entered in a register of divorces of immigrants to be kept by him.

Register of divorces of immigrants; form 33.

Offences.

155. Everyone who knowingly and wilfully inserts, or causes or permits to be inserted, in any register kept under this part a false entry of any matter relating to a marriage or divorce shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Punishment for making false entry in register.

156. Everyone who makes, signs, or attests any declaration or certificate ^{or certificate} by this part required or authorised to be made or given containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Punishment for signing false declaration or certificate.

Ord. ce 2 of 1929

Punishment for forging certificate.

(S. 420)
1929

157. Everyone who forges or alters in any material particular, or offers, utters, disposes of, or puts off, knowing it to be forged or altered in any material particular, any certificate ^{or registration} by this part required or authorised to be given, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Supplemental Provisions.

Proof of marriage or divorce.

158. An entry, whether purporting to be an original entry or not, in any register kept under this part shall be conclusive evidence, until the contrary is proved, of the marriage or divorce of the parties to whom the entry relates, and also of the date of the marriage or divorce if it is specified in the entry.

Use as evidence of entry in register and of certificate.

159.—(1) Where an entry is by this part required to be made in a register, primâ facie evidence may be given of the entry in any court of justice and in any legal proceeding by production of a writing purporting to be certified by the Agent General to be a true copy of the entry.

(S. 421)
1929

(2) Where any certificate ^{or registration} is by this part required or authorised to be given, primâ facie evidence thereof may be given in any court of justice and in any legal proceeding by production of a certificate ^{or registration} apparently in accordance with, and purporting to be signed as required by, this part.

(3) No proof shall be required of the handwriting or official position of the person signing the certificate ^{or registration}.

(4) Every certificate ^{or registration} given under this part shall be primâ facie evidence of any fact therein certified.

(5) The provisions of this section shall be deemed to be in addition to, and not in derogation of, any powers of proof under any existing law.

Appeal where registration is refused.

160. If the Agent General refuses to register any marriage or divorce under this part, any person aggrieved by the refusal may apply by petition to the Chief Justice to have the registration made, and if on the application it appears that the registration ought to be made, the Chief Justice shall order the Agent General to make the registration and may make any order as to costs seeming just.

Cancellation of registration.

161. Where registration under this Ordinance has been made of a marriage or divorce, anyone aggrieved by the registration may apply to the Chief Justice to have it

cancelled, and if on the application it appears that the registration ought not to have been made, the Chief Justice shall order the Agent General to cancel it, and may make any order as to costs seeming just.

162.—(1) An application to the Chief Justice under this part and the subsequent proceedings thereupon shall be as prescribed by any general orders made by the Chief Justice under this part, or, if those orders are not made, and subject thereto, if any, the application shall be by motion and subsequent proceedings shall be in accordance with the usual practice of the Supreme Court on motions.

Procedure on application to the Chief Justice.

(2) All general orders made by the Chief Justice under this section shall be published in the Gazette.

(3) The production of a copy of the Gazette purporting to contain any such orders shall be primâ facie evidence that they were duly made and of the tenor thereof.

163. Every order of a magistrate made under this part shall be subject to the review provided by the Summary Jurisdiction Ordinances.

Right of appeal from magistrate's order.

164. Any person, on the production of a receipt for the sum of one dollar from the Treasury, may have a true copy, certified under the hand of the Agent General, of any entry made in a register kept under this part, but a public officer shall not be required to pay for a certified copy required by him in his capacity as a public officer.

Furnishing of certified copy of entry in register.

165. During a period of twelve months after the commencement of this Ordinance and subject, so far as they can be made applicable, to the provisions of this part, the Agent General may register any marriage contracted in the colony between immigrants according to their religion and personal law before the commencement of this Ordinance; and the provisions of this part shall, with any necessary modifications, apply to any marriage so registered in the same manner as if it had been contracted after the commencement of this Ordinance.

Registration of existing marriages contracted according to religion and personal law.

PART XI.

TRANSFER AND DETERMINATION OF INDENTURES.

166. The commutation money payable under this Ordinance on the determination or transfer of the indenture of an immigrant shall be calculated at the rate, for every

Computation of commutation money:

Sec. 43 279 1/2

year or portion of a year remaining unexpired of the indenture, of one-fifth of the indenture fee which has been paid by the employer in respect of the indenture, together with interest thereon at the rate of five per centum per annum since the commencement of the indenture; and all the commutation money shall be paid into the immigration fund, and be payable thereout to the employer :

Proviso.

Provided that if an immigrant wishes to determine his indenture within one year after arrival he shall pay the whole cost of his introduction.

Commutation by husband or wife.

167. An indentured immigrant who is married to a wife or husband indentured on another plantation shall be entitled, upon giving three months' notice to the employer, to determine his or her own indenture on payment of the commutation money; and if the employer of that wife or husband on the request of the commuting immigrant advances the commutation money, the commuting immigrant may be re-indentured to that employer for a period equal to the unexpired remainder of the indenture so commuted.

Commutation by mother of minor.

168. On the termination of the indenture of any female immigrant, whether by expiration of time, by commutation, or otherwise, she shall be entitled to remove with her from the plantation her minor and infant children, on payment of the commutation money for any of them under indenture in respect of whose indenture the employer has paid any indenture fee; and if the female immigrant so removes in order to become indentured to a new employer, and that employer on her request advances the commutation money of the minor immigrant, the minor may be re-indentured to that employer for a period equal to the unexpired remainder of the indenture so commuted.

Determination of indenture by the Agent General on payment of commutation money :

Proviso.

169. The Agent General may, with the sanction in writing of the Governor, at any time determine the indenture of any immigrant on paying to the employer of the immigrant the commutation money :

Provided that the Agent General may, with the like sanction, indenture the immigrant to any other employer who may be willing to accept his services for a term equal to the period of time of the previous indenture remaining unexpired when it is determined.

170.—(1) If at any time it appears to the Governor in Council, on sufficient ground shown to his satisfaction, that all or any of the immigrants indentured on a plantation should be removed therefrom, he may in his discretion cancel their indentures and grant them certificates of exemption from labour, or cancel their indentures and re-indenture them, with or without payment of commutation money, to some other employer, for the remainder of their respective terms of service, the other employer, if required, paying therefor in cash or by promissory notes as the Governor in Council directs.

Transfer of immigrants.

(2) The transfer shall not cancel the obligation of the original employer to pay the promissory notes given in respect of those immigrants, but he shall be entitled to the commutation money if paid as provided in sections one hundred and sixty-six and one hundred and eighty hereof.

171. Every lessee of a plantation whose term of lease expires before the determination of the indenture of an immigrant indentured to him on that plantation shall be entitled to have the immigrant transferred for the unexpired remainder of his term of service to any employer approved by the Agent General, who is willing to accept his services and to pay the commutation money; but, of any of those employers, the first option of having the transfer made to him shall lie with the lessor of the plantation.

Transfer of immigrant on determination of lease.

172. If any plantation whereon an immigrant is under indenture is sold, either by private contract or at execution sale, or by the Official Receiver, or, if it is leased, it devolves by inheritance, devise, or otherwise, the immigrant shall render the same service to the purchaser, lessee, devisee, heir, or other new employer, his heirs, executors, administrators, or assigns, and for the same term, as he would have been bound to render to his original employer.

Transfer of services of immigrant on sale or devolution of plantation.

173. Other provisions relating to the transfer of immigrants are contained in parts VII and X.

Other provisions as to transfer. Parts VII and X.

174. The Agent General may,—

(a) on the request of an employer, allow all or any of the immigrants indentured to that employer on any plantation to be removed to any other plantation in the possession or under the management of the same employer; or

Permissible removal, temporary transfer, and determination.

(b) allow the immigrant to be temporarily transferred for any term, not exceeding twelve months, to any plantation the owner whereof is willing to accept his services, and during that term he shall be deemed to be indentured to the other employer for all the purposes of this Ordinance; or

(c) on the joint request of an employer and his intended immigrant allow the indenture of that immigrant to be determined, with or without the payment of commutation money;

but the removal, transfer, or determination, shall not in any manner affect any lien of the colony upon the original plantation, or the pecuniary liability of any employer to the immigration fund.

Determina-
tion of
indenture
for ill-treat-
ment.

175. Upon report made by a magistrate of his conviction of an employer under this Ordinance for ill-usage of an indentured immigrant, or for unlawfully withholding the wages of an indentured immigrant, the Governor may declare the indenture of the immigrant determined and thereupon direct the Agent General to re-indenture the immigrant for the remainder of his term of service to any other employer willing to accept his services, and the other employer shall, if required, pay to the immigration fund, by way of indenture fee, the sum which would have been paid by the immigrant if he had commuted, and that sum shall be paid thereout to the former employer if the Governor so orders.

Computation
of duration
of indenture.

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

(2) Every indenture of an immigrant, although purporting 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 shall continue in force until the immigrant has performed service thereunder for that term.

Exclusion
of certain
periods in
computation
of term of
indenture :

177. In reckoning the term of service of an immigrant under indenture for the purpose of ascertaining the time when the indenture determines, all periods of time shall

be excluded during which the immigrant has been absent from his work from any of the following causes, that is to say,—

- (a) imprisonment; but imprisonment shall not for the purposes of this section include detention in respect of any proceeding which results in the acquittal or discharge of the prisoner, whether from want of prosecution or from any other cause; and
- (b) desertion; but no indentured immigrant shall be deemed to have been absent from his work, within the meaning of this section, on account of any desertion unless he has been duly convicted of the desertion :

Provided that this section shall not apply to any imprisonment or desertion not duly recorded in the register of defaulters.

Proviso.

178. Except as in this Ordinance provided, no indenture shall be transferred or determined either by agreement between the employer and the immigrant or otherwise.

Prohibition of other transfers, or determination.

179. The Agent General shall record every transfer, other than a temporary transfer, and every determination of an indenture, 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 the employer and immigrant shall thereupon be and be taken to be bound by that indenture accordingly.

Record of transfers and determinations.

180.—(1) Notwithstanding anything contained in this Ordinance, where any indentured immigrants who were allotted at one and the same time to one employer are transferred to another employer, the new employer may, with the sanction of the Governor, give to the Colonial Treasurer promissory notes for the amount of the indenture fees due for the portion of the term of indenture which is unexpired at the date of the transfer in respect of the immigrants so transferred.

Financial arrangements on transfer of party of indentured immigrants from one employer to another.

(2) The promissory notes so given shall be payable, with interest at the rate of five per centum per annum, at the same dates as the promissory notes given by the former employer in respect of the immigrants so transferred and subsisting at the date of the transfer, and shall, mutatis

mutandis, have the same effect to all intents and purposes as promissory notes given under this Ordinance on an original allotment of immigrants.

(3) When the transfer has been made and the promissory notes given the liability of the former employer and the lien on his plantation in respect of any promissory notes given by him on account of the immigrants so transferred shall be pro tanto discharged.

(4) The former employer shall, as soon as practicable after the transfer is made, pay to the Colonial Treasurer the amount due for the expired portion of the term of indenture for which promissory notes have been given, together with interest thereon to the date of the transfer.

PART XII.

CERTIFICATES OF EXEMPTION FROM LABOUR.

Grant of certificate of exemption from labour; form 34.

181. Every immigrant who has completed or who hereafter completes any term of service under indenture, whether entered upon before or after the commencement of this Ordinance, or whose indenture has been duly determined or is hereafter determined under this Ordinance, shall be entitled to receive from the Agent General, free of charge, a certificate of exemption from labour, which the Agent General shall record in the general register of immigrants introduced into the colony.

Grant of provisional certificate.

182. The manager of every plantation about to be officially visited by the Agent General shall give previous notice of the intended official visit to the immigrants on the plantation and on every visit produce before the Agent General every immigrant who, since the last of those visits, has completed his term of service under indenture, or who will, in the course of time within one month thereafter, complete it, and the Agent General shall deliver to each of those immigrants a certificate of exemption from labour and, if necessary, indorse the certificate with the word "Provisional," and with the date at which the certificate will in the course of time become due.

Indorsement of provisional certificate by employer.

183.—(1) So soon as any provisional certificate of exemption from labour has either in the course of time or otherwise become due, the immigrant may call upon his employer to indorse the same.

(2) Every employer who refuses or neglects to indorse the certificate when it is due and when he is called upon to do so, shall be liable to pay a fine not exceeding ten dollars, and in addition to the fine shall pay to the immigrant an absolute accumulating sum of twenty-four cents for every day of the default.

Penalty for default.

184. The Agent General may grant to any immigrant who is at any time, in his opinion, permanently disabled and unfit to perform service under indenture and is certified to be so by the medical inspector, a certificate of exemption from labour, and the cause of disability shall in every case be specified in the certificate of the medical inspector.

Grant of certificate to disabled immigrant.

PART XIII.

PASSPORTS AND RETURN PASSAGES.

185. Every Indian immigrant who has obtained or become entitled to a certificate of exemption from labour and wishes to quit the colony, shall apply to the Agent General for a passport; and the Agent General shall, within one week from the date of the application, deliver to him free of charge a passport available for fourteen days from the date thereof and register the passport in the register of passports; and the certificate of exemption from labour of the immigrant or his right to receive that certificate, as the case may be, shall thereupon be suspended.

Grant of passport to Indian immigrant;

form 35;
form 36.

186. No immigrant shall quit or attempt to quit the colony unless he has previously obtained a passport from the Agent General, and every immigrant who contravenes this section shall be liable to a penalty not exceeding twenty-four dollars.

Quitting the colony without passport.

Penalty.

187. No passport shall be granted to any indentured immigrant, and no passport, except with the special permission of the Governor, shall be granted to any immigrant introduced into the colony at the expense, either wholly or in part, of the colony or of the immigration fund who has not resided in the colony for at least five years after his introduction, unless he pays to the Agent General a sum equal to the entire cost of his introduction, and that sum shall be ascertained and determined by the Agent General.

Limitations of right to passport.

Receiving immigrant on board ship without passport with intent to take him out of the colony ;

188.—(1) Every owner, master, or person in charge of a ship who receives or harbours on board the ship or elsewhere an immigrant who has not obtained a passport or whose passport has expired, with intent to take that immigrant out of the colony, shall be liable to a penalty of one hundred dollars for each of those immigrants whom he has so received or harboured, and, in default of payment of the penalty, to imprisonment, with or without hard labour, for any term not less than three months and not more than six months.

(2) The ship shall be liable and executable for the amount of the penalty imposed by the magistrate on the owner, master, or person in charge, and that amount, with costs, may be recovered and realised by the sale of the ship, her tackle, apparel, and furniture, by the same process in execution as that by which a judgement of the Supreme Court in its civil jurisdiction against the owners of the ship would be enforced, commencing with a summons, to be issued by the Registrar, directed to the person convicted and the owners of the ship, without naming the owners, requiring them to pay the amount.

form 37.

(3) The charge for any offence under this section may be preferred by any person within two years after the commission of the offence.

Aiding departure of immigrant without passport. Penalty.

189.—(1) Everyone who aids or abets the departure from the colony of any immigrant who has not obtained a passport, or whose passport has expired, shall be liable to a penalty of one hundred dollars for each immigrant whose departure he has so aided or abetted, and, in default of payment of the penalty, to imprisonment, with or without hard labour, for any term not less than three and not more than six months.

(2) A moiety of a penalty recovered under the provisions of this or the last preceding section shall be paid to the informer.

Extension of privilege of quitting the colony under passport.

190. Notwithstanding anything contained in this Ordinance, the Agent General may, in any passport granted by him under this part, direct that the passport shall hold good during any period not exceeding six months he thinks fit, and the passport shall have effect accordingly.

Provision by employers for return passages of future immigrants.

191.—(1) The employers to whom during the season commencing in eighteen hundred and ninety-eight or any subsequent season Indian immigrants are or have been

allotted shall provide, in the manner from time to time determined by the Governor in Council, for the payment of any part of the cost of the return passages of the immigrants introduced in that season and who subsequently return to India which is not by law payable by those immigrants.

(2) If the provision is at any time to be made wholly or in part by means of promissory notes sections thirty-one, thirty-two, and thirty-three of this Ordinance shall apply to any promissory notes given for the purpose of making that provision as if those notes were specially mentioned therein.

(3) Nothing contained in any of the sections aforesaid shall be deemed in any way to affect the personal liability of the maker of any promissory note mentioned therein or in the preceding sub-section of this section.

192.—(1) Every Indian immigrant introduced during the season commencing in eighteen hundred and ninety-eight or any subsequent season, who completes a continuous residence of ten years in the colony and during that time obtains or becomes entitled to a certificate of exemption from labour shall, unless he surrenders as hereinafter provided his right thereto, be entitled to be provided with a return passage to the port in India whence he sailed to the colony, on payment by him if not destitute or disabled of the sum hereinafter specified, but if destitute or disabled then without any payment by him.

Right to
return
passage :

(2) The sum referred to in the preceding sub-section shall be in the case of any male immigrant one-half, and in the case of any female immigrant, one-third, of the passage money.

(3) Subject to the proviso hereinafter contained and without prejudice to any right to a return passage conferred by sub-section (1) of this section, everyone who is the child or dependant or wife of any immigrant mentioned in that sub-section shall, whatever may be the period during which that person has resided in the colony, be entitled without payment to be provided with a return passage or passage to the port in India to which his or her natural or adoptive parent or her husband returns in the same ship wherein he returns but not otherwise :

Provided that no person aforesaid shall be entitled to a return passage or passage to India without payment if that person—

Proviso.

(a) is an immigrant who, being an adult, was engaged in India and subsequently introduced on the

terms that he or she should contribute part of the cost of his or her return passage;

- (b) is an immigrant who has surrendered as hereinafter provided his or her right to a return passage;
- (c) having been born in the colony, has surrendered the right to a passage to India which he or she has acquired under sub-section (3) of this section;
- (d) being a child or dependent under the age of twelve years, the Governor deems it desirable in his or her interest that he or she should remain in the colony;
- (e) is under indenture upon which an indenture fee has been paid, and the commutation money has not been paid to his or her employer.

(4) Every immigrant who at any time quits or attempts to quit the colony without a passport shall thereby forfeit all claim to a return passage under this section.

(5) In the case of any immigrant who after his return to India is again introduced into the colony as an immigrant, his right to a return passage under this section shall be subject to any condition in his engagement in India, that those persons shall have no right to a return passage.

(6) The Agent General may, with the express sanction of the Governor in any particular case, for special cause relax any of the conditions contained in the proviso to sub-section (3), or the provisions of sub-section (4) of this section.

(7) Nothing in this section shall affect the rights of any immigrant introduced before the season commencing in eighteen hundred and ninety-eight, but the right of that immigrant to a return passage, unless he or she has surrendered as hereinafter provided his or her right thereto, shall be governed by section one hundred and eighty-nine of this Ordinance as if that section had not been repealed.

Surrender
of right to
return
passage.

193. Any 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, or anyone entitled to a free passage to India in the same ship with any immigrant may, in consideration of a grant or transport of land or of a money payment, or of all or any of those considerations, surrender his right under this or any other Ordinance to a return

passage; but no surrender of her right to a return passage or passage to India made by any female immigrant or woman who is married shall be valid unless her husband consents thereto.

194. Wherever land is granted or transported or money paid to a woman in lieu and satisfaction of her right to a return passage free of cost or at a reduced cost, the land or money shall be, notwithstanding any marriage then existing or thereafter contracted, at all times held, enjoyed, and disposed of by her as if she had never been married.

Exclusive right of female immigrants to consideration given in lieu of return passage.

195.—(1) Wherever anyone surrenders his right to a return passage in consideration wholly or in part of any grant or transport of land, a statement shall be inserted in the grant or transport that the land is granted or transported in complete or partial satisfaction (as the case may be) of that person's right to a return passage; and if the person be a female there shall also be inserted a statement that the land is to be at all times held, enjoyed, and disposed of by her notwithstanding any existing or future marriage, as if she had never been married.

Grants and transports of land in satisfaction of rights to return passages.

(2) The husband of a woman to whom any land is to be granted or transported in satisfaction wholly or in part of her right to a return passage shall (unless he has previously consented in writing to her surrender of her right), be made a party to and execute the transport, and shall in case of a grant (unless he has previously consented as aforesaid), sign a consent thereon to the surrender by the woman of her right to a return passage. The execution and signature or the consent in writing shall be conclusive evidence of his consent, and any consent in writing aforesaid shall be annexed to the transport or grant made to the woman.

196. The Agent General may order any Indian immigrant who has received a certificate of exemption from labour under section one hundred and eighty-four of this Ordinance to be provided, if he so desires, at the expense of the immigration fund, with a return passage to the port in India whence he sailed for the colony.

Grant of return passage to disabled Indian immigrant.

197. Before the departure of any ship hired at the expense of the colony with return immigrants on board, the Agent General, assisted by the medical inspector, or,

Inspection of ship with return immigrants.

in his absence or inability to act, by the health officer of the port, shall inspect the ship and the immigrants, and ascertain whether the arrangements made for the passage and for the treatment of the immigrants on board are in conformity with the law, shall make out a list of the immigrants on board the ship who are entitled to a return passage at the expense of the colony and deliver it to the surgeon superintendent for the use of himself and the master of the ship; he shall also certify upon the list the total number and description of the immigrants embarked, together with their state and condition, and that they have been provided with clothing suitable for the voyage.

Transmission of report of inspection to the Governor.

198. The Agent General shall transmit to the Governor his report on the inspection, and shall also require and transmit therewith the report of the medical officer who assisted in the inspection.

PART XIV.

REGISTERS, RETURNS, AND CERTIFICATES.

Half-yearly returns of deaths of immigrants in public institutions.

199. The superintendent, keeper, or other officer in charge of any prison, hospital, or other public institution of the colony shall, on or before the twenty-first day of April and the twenty-first day of October in every year, make out and transmit to the Agent General a return of all immigrants who have died while inmates of the public institution during the six months previous to the months of April and October respectively and transmit therewith any certificate given under this Ordinance found in the possession of any of those immigrants.

Registers to be kept on plantation.

200.—(1) Every manager of a plantation whereon any immigrant is under indenture or contract of service shall keep a register book or register books.

(2) The book or books shall be at all times open to the inspection of the Agent General, of the medical inspector, and of the government medical officer, and shall be produced in court, if the presiding judge or magistrate so requires, in all proceedings taken under this Ordinance by or against an immigrant under indenture or contract of service on that plantation.

(3) The book or books shall include the following particulars:—

(a) the several indenture lists received by the manager on allotment of immigrants, or any copies of

Form 6;

them which have been certified by the Agent General;

(b) registers of

- (i) dwellings of indentured immigrants; form 7;
- (ii) absences on leave; form 21;
- (iii) desertions; form 22;
- (iv) births of immigrants occurring on the plantation; and form 38;
- (v) deaths of immigrants occurring on the plantation. form 39.

201. Every employer of immigrants shall, on or before the twenty-first day of April and the twenty-first day of October in every year, make and send to the Agent General a return in writing of the number of each description of immigrants in his service on the last day of the preceding month, and the Agent General shall make an abstract of all those returns, and of the returns made by the officers in charge of public institutions, to be laid before the Governor and Legislative Council. Half-yearly returns by employer; form 40.

202. Every manager who—

- (a) makes any false entry in a register or half-yearly return required to be kept or made by him under this Ordinance; or Manager making false entry in register or return.
- (b) neglects to keep a register carefully noted up; or
- (c) neglects to make out and send in any half-yearly return within the time limited in that behalf,

shall be liable, on the complaint of the Agent General, to a penalty not exceeding twenty-four dollars. Penalty.

203. Every government medical officer shall, within one month after the end of each year, transmit to the Surgeon General a return of all the diseases entered in the hospital register within his district, and the medical inspector shall, in the month of June in every year, make out a statistical abstract of all those returns for the preceding year, with a report thereon; and a duplicate copy of the abstract and report shall be transmitted by the Surgeon General to the Agent General, to be laid by him, together with his own report, before the Governor and Legislative Council. Medical returns.

204.—(1) Every immigrant whose certificate of exemption from labour has been lost or destroyed shall be entitled, on proving to the satisfaction of the Agent Loss of certificate of exemption from labour;

certified
copies of
registers.

General that he is then entitled to the certificate and that it has been lost or destroyed, and on payment of twenty-four cents, to receive a duplicate of the certificate; but the Agent General may, if he thinks fit, grant a duplicate certificate without payment of any fee.

(2) Every employer shall at any time be entitled to a duplicate of any indenture list of immigrants delivered to him on payment of five dollars or of ten cents per immigrant if the immigrants are less than fifty in number.

(3) Every employer and every immigrant shall be entitled to receive a certified extract from any register kept by the Agent General on payment of twenty-four cents for every extract.

Use by one
immigrant
of certificate
or pass of
another.

Penalty.

205. Any immigrant who uses or attempts to use any certificate of exemption from labour or any pass signed by an employer, not being the immigrant to whom that certificate or pass was granted, shall be liable to a penalty not exceeding twenty-four dollars or to imprisonment, with or without hard labour, for any term not exceeding two months, or to both the penalty and imprisonment.

Forgery of
certificate of
exemption
from labour.

206. Everyone who forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any certificate of exemption from labour mentioned in this Ordinance or any indorsement provided by this Ordinance to be made thereon, with intent to defraud, shall be guilty of felony, and on conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

Forgery of
passport
or pass.

207. Everyone who forges or alters, or offers, utters, disposes of, or puts off, knowing it to be forged or altered, any passport or pass mentioned in this Ordinance with intent to defraud shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding one year.

PART XV.

PROCEDURE.

Procedure
and appeal:

208.—(1) Every complaint made and every information laid under any of the provisions of this Ordinance shall be made or laid before the magistrate of the district in which

the offence was committed or the cause of complaint arose, and the procedure for the recovery of any fine or penalty or the enforcement of any imprisonment under the provisions of this Ordinance shall, unless otherwise provided hereby, be that provided by the Summary Jurisdiction Ordinances, and shall be subject to the appeal thereby prescribed :

Provided that

Proviso.

- (a) a complaint or information against an indentured immigrant shall be made or laid within one month from the date of the offence or cause of complaint, or, in case of desertion, within one week from the date at which the deserter is apprehended; and
- (b) if the Agent General, on behalf of any indentured immigrant, wishes to carry any summary conviction or order or other adjudication of a magistrate in a case of summary jurisdiction under this Ordinance to appeal before the court, he may appeal at any time within one month after the hearing.

(2) Every copy of grounds of appeal or of any other process required by the Agent General shall be furnished from the registry of court, or by the clerk to the magistrate, free of charge.

209. Every complaint which may be made and every information which may be laid under this Ordinance by an immigrant may be made or laid on his behalf by the Agent General.

Agent General may act for immigrant.

210. In any proceeding taken by the Agent General under this Ordinance, it shall not be necessary for him to attend in person unless he is a material witness, but he may authorise any officer of the immigration department to appear on his behalf.

Appearance of the Agent General.

211. In any proceeding taken by an employer against an immigrant under this Ordinance, it shall not be necessary for the complainant to attend in person unless the complainant is a material witness on the part of the immigrant, in which case the hearing may be postponed in order to his appearance.

Appearance of employer.

212. The defendant in any proceeding under this Ordinance shall be entitled to be sworn and to tender his evidence on oath; and every heathen immigrant shall make

Admissibility of evidence of defendant.

any oath or affirmation he declares to be binding on his conscience, and shall be liable in case of falsehood to be convicted and punished as for perjury.

Statement of ownership of property.

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

Proof of indenture list, certificate of exemption, or certified extract.

214. In any proceeding taken by or against an immigrant, any indenture list or certificate of exemption from labour, and any duplicate thereof signed by the Agent General, and every certified extract from any register kept by the Agent General, shall be received in evidence of any fact therein recorded without further proof.

Power of magistrate to order indentured immigrant before him to be conveyed to hospital.

215.—(1) Whenever, in any proceeding before a magistrate against an indentured immigrant, it appears to the magistrate that the immigrant requires medical care or to be medically examined, the magistrate may order him to be taken to the hospital of the plantation on which he is indentured, and thereupon he shall be conveyed by the police and admitted to that hospital.

(2) If a warrant has been issued for the apprehension of the immigrant as a deserter and he quits the hospital without being duly discharged, the warrant shall revive and be in full force immediately he does so.

(3) When the order is made, the magistrate may adjourn the proceeding to any time he thinks fit, or until after the immigrant is discharged from the hospital; and in the latter case the magistrate, before continuing the proceeding, shall cause proper intimation to be given to the parties of the time and place at which the proceeding will be continued.

Imprisonment of indentured immigrant.

216. Any magistrate who orders an indentured immigrant to be imprisoned by virtue of a conviction under this Ordinance may order him to be imprisoned either with or without hard labour.

Admission to bail in certain cases of immigrant sentenced to imprisonment.

217.—(1) Whenever any indentured immigrant is sentenced to be imprisoned under any summary conviction or order by a magistrate for any alleged offence under the

provisions of this Ordinance and the Agent General appeals against the conviction or order, the magistrate shall thereupon admit the immigrant to bail in his own recognizance, in a sum not exceeding ninety-six dollars, to render himself to prison according to the adjudication in case the adjudication is affirmed, and the adjudication, if affirmed, shall be enforced in the manner provided by the Summary Jurisdiction Ordinances. Form 41.

(2) If the immigrant has been committed to prison before the Agent General has appealed, then the magistrate of the district in which the prison is situate shall in every case admit the immigrant to bail as aforesaid on receiving notice in writing from the Agent General that he has appealed.

218.—(1) Every magistrate shall, on application made in that behalf, furnish to the Agent General, free of cost, a certified copy of any summary proceedings taken or had by the magistrate in respect of any matter arising out of the provisions of this Ordinance in which an immigrant is concerned, and the copy shall include a certified copy of the complaint or information, the evidence, and the conviction or order. Certified copy of proceedings before the magistrate.

(2) The magistrate shall furnish the copy within seven days from the day on which he receives the application of the Agent General therefor.

219. The keeper of every prison shall, on application made in that behalf, furnish to the Agent General free of cost a copy of the warrant of commitment or other authority by virtue whereof the keeper detains in custody any immigrant for an alleged breach of the provisions of this Ordinance. Copy of warrant of commitment of immigrant.

220.—(1) Whenever an indentured immigrant is convicted of any offence committed by him after the commencement of this Ordinance and is sentenced by a magistrate to pay a fine or penalty, or to be imprisoned with or without hard labour (or both), the magistrate shall state on the face of the warrant of commitment, if the immigrant is committed to prison, that the person therein named is an indentured immigrant, if the fact is known to him, and shall, free of cost, transmit to the employer of the immigrant, if the employer is known to him, or, if the employer is not known to him, then to the Agent General, a certificate, Notification by magistrate of conviction of indentured immigrant.

form 42.

signed by himself, stating that the immigrant has been so convicted and sentenced, and the time, if any, during which the immigrant was detained in custody while awaiting his trial before he was so convicted.

(2) In case of desertion, the magistrate shall also state in the conviction the date when the immigrant first quitted the plantation and the date when the charge was preferred against him for the desertion.

Notification
by magistrate
in case of
commitment
for trial.

form 43.

221. Whenever any indentured immigrant is charged with having committed any crime or offence after the commencement of this Ordinance and is committed by a magistrate for trial in the Supreme Court in its criminal jurisdiction, the magistrate shall attach to the depositions taken by him in the matter and transmit therewith a certificate stating the time during which the immigrant has been in custody in respect of the charge before he was committed for trial and whether or not the immigrant has been admitted to bail.

Certificate
of conviction
before
Supreme
Court.

form 44.

222. Whenever any indentured immigrant is convicted before the Supreme Court in its criminal jurisdiction of any crime or offence committed by him after the commencement of this Ordinance, and is sentenced to be kept in penal servitude or to be imprisoned, the registrar for the county or the clerk of the court shall give to the employer of the immigrant, on his application, the certificate transmitted by the magistrate with the depositions, and shall supply the employer, free of cost, with a certificate stating that the immigrant mentioned in the certificate of the magistrate was so convicted and sentenced, and shall state therein if the immigrant was admitted to bail, either before or after his trial, by any judge of the Supreme Court.

PART XVI.

MISCELLANEOUS PROVISIONS.

Property of Deceased Indentured Immigrants.

Mode of
dealing with
property of
deceased
indentured
immigrant.

223.—(1) Every immigration agent shall collect and take possession of all property of an indentured immigrant who dies in his district and, with the sanction of the Agent General, shall deliver or pay it to anyone who establishes a right thereto, or, in the absence of that person, shall convert it into money and pay over the amount realised to the Colonial Treasurer to be remitted to the persons abroad entitled to it.

(2) The Agent General shall keep a book wherein shall be recorded the particulars of any dealings with the property. Form 45.

224. No appeal to any court shall lie from any decision of the Agent General in respect of a claim made to or against the estate of any deceased indentured immigrant, and no action shall lie against the Agent General or against any immigration agent for any act done or omission made by him in the administration of the estate of any deceased immigrant aforesaid under the provisions of this Ordinance. Protection of officers, in relation to property.

225. Every manager of a plantation shall, without delay, notify in writing to the immigration agent of the district the decease of any indentured immigrant, and with the notification, transmit also a short inventory of all the goods, chattels, personal effects, wages, and other assets which belonged or were due to the deceased immigrant. Proceeding by manager on death of indentured immigrant.

226.—(1) When a male immigrant and female immigrant have cohabited together without having been married and one of them dies intestate during the period of cohabitation, and the estate of the one so dying is administered by the Official Receiver under the provisions relating to the administration of immigrants' small estates, the Official Receiver may assign to the survivor for his or her absolute use and benefit any share, not exceeding one half, of all the movable and immovable property of the estate of the deceased immigrant acquired by the immigrants' joint earnings, or to the acquisition whereof the survivor has contributed, which after due inquiry and consideration appears just. Division by official Receiver of immigrants' property in certain cases.

(2) Every decision under the preceding sub-section shall be final, and the Official Receiver shall have full power and authority to do all things necessary (including the power to convey immovable property) to put the survivor in possession of the share of the property so assigned.

Administration of immigrants' small estates.

227.—(1) The Official Receiver shall, in the manner hereinafter provided, administer the estate of every immigrant who (a) dies intestate, or (b) dies testate, but without Administration of small estate.

appointing an executor, or whose executor, if appointed, refuses, neglects, or is unable to act, where in his opinion that estate does not exceed in value two hundred and forty dollars.

Realisation
of small
estate.

(2) The Official Receiver, without any previous legal formality, shall enter into and take possession of the immigrant's estate and realise it.

Report by
employer of
death of
immigrant.

(3) The employer on whose plantation, or premises or in whose service, an unindentured immigrant labourer dies shall (a) without delay notify in writing the death of the labourer to the Official Receiver, and in default of so doing shall on conviction thereof be liable to a penalty of twenty-four dollars; (b) with the notification of the decease and under the like penalty in default, transmit to the Official Receiver a short inventory in writing, duly signed by him, of all the goods, chattels, personal effects, wages, and other assets, which to his knowledge belonged or were due to the deceased immigrant.

Penalty for
default.

Inventory.

Inquiry as to
property.

(4) The Official Receiver shall make inquiry whether the deceased immigrant possessed other effects or property of any kind, and, if they are discovered, prepare a short inventory thereof.

Sale of
movable
property.

228.—(1) The Official Receiver shall cause the goods, chattels, and effects belonging to an immigrant's estate to be sold in a summary way, and all sales may be made at any place deemed suitable and convenient, and either with or without previous notice, except in the case of articles of jewellery, or of gold or silver, apparently exceeding in value fifty dollars, which shall be sold after previous notice.

Sale of
immovable
property.

(2) Immovable property belonging to the estate shall be sold in the manner prescribed in the preceding subsection.

Disposal of
balance.

229. All balances belonging to the estates of immigrants shall be paid over forthwith by the Official Receiver to the Colonial Treasurer, and the Colonial Treasurer shall give notice thereof to the Agent General in order that the heirs of the immigrants may if possible be ascertained without delay.

230. Where an immigrant under indenture dies, the provisions in that behalf of this Ordinance or of any other Ordinances for the time being in force relating to Asiatic immigrants shall apply.

Case of indentured immigrants.

231.—(1) From and out of all moneys realised by the Official Receiver for or on account of any estate administered by him under the provisions of section two hundred and twenty-seven to two hundred and thirty-two hereof, he shall deduct a commission at the rate of eight dollars on every one hundred dollars received or realised, and no commission shall be payable on any sums disbursed or paid out.

Commission payable for administration of estate.

(2) The amount of all commissions received by the Official Receiver under this section shall be paid to the Colonial Treasurer for the use of the colony.

232.—(1) The provisions of sections two hundred and twenty-seven to two hundred and thirty-one hereof inclusive shall apply only to the estates of immigrants who die before they have become entitled to a return passage to India, or before they have surrendered their right to a return passage, under any Ordinance for the time being in force relating to the return passages of immigrants to India and the surrender of the right thereto.

Application of five last preceding sections limited to certain immigrants.

(2) A certificate purporting to be signed by the Agent General that any immigrant is entitled to a return passage as aforesaid, or has surrendered his right to a return passage, shall be *primâ facie* evidence of those facts and be so received in evidence in all courts without proof of the signature of the Agent General.

Exemption from provisions of this Ordinance.

233.—(1) Notwithstanding anything in this Ordinance contained, anyone born in the colony may make a declaration in writing, in the form in the schedule hereto, signed by him in the presence of the Agent General or any immigration agent, to the effect that he desires that the provisions of this Ordinance shall no longer apply to him :

Requisites :

Declaration : form 46 :

Provided that the person who makes the declaration shall not be under the age of twenty years and shall be able to read and write.

Proviso.

Certificate
of Agent
General;
form 47.

(2) On the production of the declaration to the Agent General the person who makes it shall be entitled to receive a certificate under the hand of the Agent General in the form given in the schedule hereto, and thereupon this Ordinance shall cease to apply to that person, and all his rights, duties, and liabilities under this Ordinance shall cease and determine, and he shall no longer be deemed to be an immigrant within the meaning hereof.

Application
for
certificate.

(3) The applicant for a certificate under the last preceding sub-section need not apply in person to the Agent General; it shall suffice if the application is made in writing and sent with the declaration by post or by another person to the Agent General.

Effect of
certificate
as to
marriage and
divorce:

(4) Part X of this Ordinance shall not apply to anyone who has received a certificate under this section, and from and after the date of the certificate he shall not be deemed to be an immigrant within the meaning of that part:

Proviso.

Provided that any marriage registered or contracted or divorce decreed, or any other matter or thing lawfully done under Part X before the date of the certificate shall be valid and effectual for all purposes whatsoever.

Care of Orphans.

Appointment
of guardian
of orphan
child of
immigrant.

234. The Agent General may commit the care and custody of any orphan child of an immigrant to anyone (hereinafter termed "the guardian") whom he thinks a fit and proper person to have the charge of the orphan child, and may change that guardian whenever he thinks fit.

Interference
with guardian
or removal
of orphan
from his
custody.

235. Everyone who—

(a) wilfully interferes with a guardian in any of the duties of his guardianship; or

(b) unlawfully removes or entices, or attempts to remove or entice, an orphan from the care and custody of his guardian,

Penalty.

shall be liable, on the complaint of the Agent General, to a penalty not exceeding forty-eight dollars or to imprisonment, with or without hard labour, for any term not exceeding three months.

Register of
orphans;
form 48.

236. The Agent General shall keep a register of orphans for the purposes of the last two preceding sections.

Government and Control of Festivals.

237.—(1) The Governor may make regulations for the government of the festivals of immigrants and the processions held by them in connection therewith, for defining the routes of the processions and preventing obstructions of the public highway by reason thereof, and for securing the due maintenance of the public peace and tranquillity during the festivals and processions.

Regulations for government of festivals.

(2) The regulations may be either general and apply to all plantations or public highways of the colony, or special and apply only to a particular plantation or public highway, to be set forth in the regulations.

Application.

(3) Everyone who contravenes a regulation shall be liable to a penalty not exceeding ninety-six dollars or to imprisonment, with or without hard labour, for any term not exceeding six months.

Contravention.

Penalty

(4) Prosecution for the contravention of a regulation may be made by any police constable.

Prosecution.

Questions as to Age.

238. Any question as to the age of an immigrant which may be raised under this Ordinance, other than a question in a court of justice, may be decided by the Agent General and his decision shall be final.

Decision of question as to age of immigrant.

General penalty.

239. Where no punishment is provided for the contravention of any of the provisions of this Ordinance, everyone guilty of the contravention shall be liable to a penalty not exceeding twenty-four dollars.

Penalty for contravention of the Ordinance not provided for.

SCHEDULE.

FORMS.

(Section 4.)

TABLE OF FORMS.

1. Summons on inquiry.
2. Oath on inquiry.
3. Affirmation on inquiry.
4. Register of applications for immigrants.
5. General register of immigrants introduced into the colony.
6. Indenture list.
7. Register of dwellings of indentured immigrants.
8. Scale of rations.
9. Case book.
10. Hospital register.

11. Pay list.
12. Complaint for an offence by a watchman.
13. Complaint for absence from work, etc.
14. Complaint for being drunk, etc.
15. Complaint for using threatening words, etc.
16. Register of cases before the magistrate.
17. Complaint for absence without leave.
18. Certificate that absence was for reasonable cause or the contrary.
19. Complaint against a deserter.
20. Warrant for apprehension of a deserter.
21. Register of absences on leave.
22. Register of desertions.
23. Certificate of return of indentured immigrant to plantation.
24. Complaint against an habitual idler.
25. Register of defaulters.
26. Register of married immigrants arriving in the colony.
27. Certificate of registration of marriage of immigrants arriving in the colony.
28. Register of marriages of immigrants contracted in the colony.
29. Notice of intention to contract marriage.
30. Certificate of marriage after publication of notice.
31. Certificate of marriage according to religion and personal law.
32. Certificate of registration of marriage of immigrants contracted in the colony.
33. Register of divorces of immigrants.
34. Certificate of exemption from labour.
35. Passport.
36. Register of passports.
37. Complaint against owner, etc., of ship for receiving immigrant who had no passport.
38. Register of births on plantation.
39. Register of deaths on plantation.
40. Half-yearly return by employer.
41. Recognizance in case of appeal.
42. Certificate of conviction of indentured immigrant by magistrate.
43. Certificate of committal of indentured immigrant for trial.
44. Certificate of conviction of indentured immigrant before the Supreme Court.
45. Register of property of deceased immigrants.
46. Register of orphans.
47. Declaration for exemption from Ordinance.
48. Certificate of exemption.

1.

(Section 18.)

Summons on inquiry.

To

of

Take notice that, under the provisions of the Immigration Ordinance you are required to attend before me at _____ in the county of _____ on _____ day, the _____ day of _____ 19____, at _____ o'clock _____ m., then and there to give evidence touching the matter of a certain inquiry, to be then and there lawfully held by me, on pain as the law directs.

Dated this _____ day of _____, 19____.

(Signed)

Immigration Agent.

5—(continued).

Amount of fee charged on partially non-effective immigrant.	Number in marriage register.	Indenture fee refunded.		Plantation to which transferred.	Commuted.	Certificate of exemption.		Sent to eleemosynary institution.	Number in obituary register.		Number and name of ship in which returned to India.	Year of departure.	Remarks.	
		Cause.	Amount.			No.	Year.		No.	Year.				
			\$											c.

6.

(Section 48.)

Indentured list of immigrants, ex ship 19 , allotted to plantation.

Register Number.	Name.	Father's name.	Sex.	Age.	Height.	Bodily marks.	Date of indenture.	Amount of fee.	Number of wife, husband or parent.	Remarks.

This Indenture witnesseth that from this date the immigrants scheduled above have been duly indentured by the Agent General to above to reside on plantation for five years, and to serve as labourers thereon, the male immigrants for five years and the female immigrants for three years, subject nevertheless in all respects to the Immigration Ordinance.

(Signed)

Immigration Agent General.
Proprietor [or as the case may be].

Dated this

day of

, 19

12.

(Section 102.)

Complaint for an offence by a watchman.

BRITISH GUIANA.

DISTRICT.

The complaint of _____ the _____ manager
of plantation _____ in the _____ judicial district in
the county of _____ taken [upon oath] before me, the
undersigned magistrate for the said judicial district, who saith that the
immigrant _____ male, _____ years on arrival, no.
ex _____ 19 _____, being then under indenture on the said
plantation, and having bound himself by a certain agreement to serve as a
watchman on the said plantation, and being then bound so to serve for a
period then unexpired, on the _____ day of _____ 19 _____, and
whilst he was so bound as aforesaid, at the said plantation, did unlawfully
neglect his duty as a watchman by [*here state how*] (or to serve as a watchman
on the said plantation) contrary to the form of the Ordinance in that case
made and provided.

(Signed)

Manager of plantation.

Taken (and sworn) before me this _____ day
of _____, 19 _____, at _____

(Signed)

Magistrate.

13.

(Section 103.)

Complaint for absence from work, etc.

BRITISH GUIANA.

DISTRICT.

The complaint of _____ the _____ manager
of plantation _____ in the _____ judicial district in
the county of _____ taken (upon oath) before me, the
undersigned magistrate for the said judicial district, who saith that the
immigrant _____ male, _____ years on arrival, no.
ex _____ 19 _____, being then under indenture on the said
plantation, on the _____ day of _____ 19 _____, at the said
plantation, did, without lawful excuse, absent himself from work, namely,
[*here describe the work*] (or after having been directed
by _____ being a duly authorised person, namely, [*here state
the capacity of the person*] on the said plantation, to attend at [*here state the
time*] at [*here state the place*] for the performance of certain work, namely,
[*here describe the particular work, as for instance, weeding one opening in*

field no. 6 on the said plantation] refuse [or neglect] to so attend)
 (or refuse to begin, or refuse to finish, or neglect to begin, or neglect to finish
 [as the circumstances of the case may require] certain work, namely, [here
 describe the particular work] which said work the said
 had been directed by _____ being a duly authorised
 person, namely, [here state the capacity of the person] on the said plantation
 to perform,) _____ contrary to the form of the Ordinance
 in that case made and provided.

(Signed)

Manager of plantation.

of Taken (and sworn) before me this _____ day
 , 19 _____ , at _____

(Signed)

Magistrate.

14.

(Section 104.)

Complaint for being drunk, etc.

BRITISH GULANA.

DISTRICT.

The complaint of _____ the _____ manager
 of plantation _____ in the _____ judicial district in
 the county of _____ taken (upon oath) before me, the
 undersigned magistrate for the said judicial district, who saith that the
 immigrant _____ male, _____ years on arrival, no.
 ex _____ 19 _____ , being then under indenture on the said
 plantation, on the _____ day of _____ 19 _____ , at
 was drunk in (or about) the buildings, while employed on certain work,
 namely, [here describe the work]
 (or was drunk during the time when he was required to be at work) (or was
 guilty of fraud (or wilful deception) in the performance of his work by [here
 describe the fraud or deception practised])
 (or did use to _____ his employer (or a person by his
 employer then placed in authority on the said plantation as overseer or as
 foreman) abusive (or insulting) words (or gestures)
 contrary to the form of the Ordinance in that case made and provided.

(Signed)

Manager of plantation.

of Taken (and sworn) before me this _____ day
 , 19 _____ , at _____

(Signed)

Magistrate.

15.

(Section 105.)

Complaint for using threatening words, etc.

BRITISH GUIANA.

The complaint of _____ the _____ manager
of plantation _____ in the _____ judicial district
in the county of _____ taken (upon oath) before me,
the undersigned magistrate for the said judicial district, who saith that the
immigrant _____ male, _____ years on arrival,
no. _____ ex _____ 19 _____, being then under indenture on the
said plantation, on the _____ day of _____ 19 _____, at
did use to _____ his employer (or a person by his employer)
then placed in authority on the said plantation as overseer or as foreman)
threatening words (or gestures)
(or did by negligence (or carelessness or improper conduct) endanger (or
damage, or cause to be endangered, or damaged, or suffer to be endangered
or damaged) certain property of his employer, the proprietor of the said
plantation, namely, [*here describe the property*])
(or did sell certain property of his employer, the proprietor of the said planta-
tion [*here describe the property*])
(or did hinder (or molest) one _____ an immigrant,
in the performance of his work)
(or did persuade (or attempt to persuade) one _____ an
immigrant, unlawfully to refuse (or absent himself from or desist from) work)
contrary to the form of the Ordinance in that case made and provided.

(Signed)

Manager of plantation.

Taken (and sworn) before me this _____ day
of _____, 19 _____, at _____

(Signed)

Magistrate.

16.

(Section 106.)

Register of cases before the magistrate.

Number herein.	Date of complaint.	Complainant.	Defendant.	Number, ship and year of arrival.	Charge.	How disposed of.	Date of disposal.	Punishment.	Remarks.

17.

(Section 111.)

Complaint for absence without leave.

BRITISH GUIANA.

The complaint of _____ the _____ manager
of plantation _____ in the _____ judicial district
in the county of _____ taken (upon oath) before me, the
undersigned magistrate for the said district, who saith that the immigrant
_____ male, _____ years on arrival, no. _____ ex
19 _____, being then under indenture on the said plantation, did unlawfully
absent himself from the said plantation without leave during the time in
which he was required to be at work, namely, [*here state the time and describe*
the work] _____ (or being then under indenture on the
said plantation, on the _____ day of _____, 19 _____,
(or and on _____ *days then next following, *if the absence continues*)
did unlawfully absent himself from the said plantation without leave, and
did thereby commit a breach of his obligation of residence on the said
plantation) _____ contrary to the form of the Ordinance
in that case made and provided.

(Signed)

Manager of plantation.

Taken (and sworn) before me this _____ day
of _____, 19 _____, at _____

(Signed)

Magistrate.

* *This number cannot be more than five, for if the immigrant has been so absent for more than five days in addition to the day specified, he becomes a deserter.*

18.

(Section 113.)

Certificate that absence was for reasonable cause or the contrary.

This is to certify that the immigrant _____ male,
no. _____ ex _____ 19 _____, came to me on the _____ day
of _____ 19 _____, to complain of [*here state the matter of*
complaint] and that I am of opinion he had reasonable grounds for so doing
(or that the complaint was ill-founded or frivolous).

Dated this _____ day of _____, 19 _____.

(Signed)

*Immigration Agent General, (or
Immigration Agent or Magistrate).*

19.

(Section 114.)

Complaint against a deserter.

BRITISH GUIANA.

DISTRICT.

No. plantation.

The complaint of the Manager
of plantation in the judicial district
in the county of taken (upon oath) before me, the
undersigned magistrate for the said judicial district, who saith that the
immigrant male, years on arrival,
no. ex 19 , in height, bodily marks
being then under indenture on the said plantation, did, on the day
of 19 , without leave absent himself from
the said plantation, and did continue so to absent himself from the said
plantation 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 plantation, contrary to the form of the Ordinance in
that case made and provided; and thereupon the said
makes application that the said
may be apprehended and dealt with according to law.

(Signed)

Manager of plantation.

Taken (and sworn) before me this day
of , 19 , at

(Signed)

Magistrate.

N.B.—*These complaints are to be numbered consecutively on each plantation in each year from the 1st January, to the 31st December.*

20.

(Section 114.)

Warrant for apprehension of a deserter.

BRITISH GUIANA.

DISTRICT.

To all constables of the colony.

No. 1

Whereas a complaint in writing has this day been made before me, the
undersigned magistrate for this colony, at in the
 judicial district in the county of
by manager of plantation in the said
judicial district (upon oath) for that the immigrant male,
 years on arrival, no. ex 19 ,
in height, bodily marks being then under indenture on the

said plantation, did, without leave, on the _____ day of _____ 19 _____, absent himself from the said plantation, and did continue so to absent himself from the said plantation, for the period of seven days then next following, by means whereof he then became and now is a deserter from the said plantation, contrary to the form of the Ordinance in that case made and provided:—These are, therefore, to command you, or either or any of you, forthwith to apprehend the said _____ and bring him before me, or the then acting magistrate for the said judicial district, to be further dealt with according to law.

Dated this _____ day of _____, 19 _____
at _____

(Signed) _____
Magistrate.

21.

(Section 119.)

Register of absences on leave.

Number _____ No. _____ plantation. 19 _____
Name _____ The _____ immigrant
male, no. _____ ex _____ 19 _____, indentured
to plantation _____ has this day been
Sex _____ granted leave of absence for _____ day
Number, ship, and year of arrival _____ verbally (or on pass).
Number of days' leave _____ (Signed)
Whether verbally or on _____
pass _____ *Manager.*

22.

(Section 119.)

Register of desertions.

Number.	Name of deserter.	Sex.	Country.	Number, ship, and year of arrival.	Date when last seen on the plantation.	Where supposed to be.	Remarks.

23.

(Section 125.)

Certificate of return of indentured immigrant to plantation.

This is to certify that the indentured immigrant
male, no. _____ ex _____ 19 _____, was this day brought to
this plantation by police constable no. _____ at _____ o'clock, m.

Dated this _____ day of _____, 19 _____

(Signed) _____
Manager of plantation.

24.

(Section 134.)

Complaint against an habitual idler.

BRITISH GUIANA.

DISTRICT.

The complaint of _____ the _____ manager
of plantation _____ in the _____ judicial district
in the county of _____ taken (upon oath) before me, the
undersigned magistrate for the said judicial district, who saith that the
immigrant _____ male _____ years on arrival,
no. _____ ex _____ 19 _____, being then under indenture on
the said plantation, was absent from work on the said plantation, without
lawful excuse, on _____ days in the month of _____ 19 _____,
(or in the two consecutive months of _____ and _____ 19 _____,
namely, on the _____) by means whereof the said
has become an habitual idler, contrary to the form of the Ordinance in that
case made and provided.

(Signed)

Manager of plantation.

Taken (and sworn) before me this _____ day
of _____, 19 _____, at _____

(Signed)

Magistrate.

25.

(Section 128.)

Register of defaulters.

Desertion.					Imprisonment.			
Name and description of immigrant.	Year.	From	To	Number of days.	Name and description of immigrant.	From	To	Number of days.

26.

(Section 132.)

Register of married immigrants arriving in the colony.

Number.	Date.	Name.	Country.	Number, ship and year of arrival.	Plantation to which allotted.

31.

(Section 143.)

Certificate of marriage according to religion and personal law.

We, *A.B.* and *C.D.*, severally declare as follows:—

1. We are both of the _____ religion and are subject to the same personal law.

2. We were duly married on the _____ day of _____ 19____, at _____ by _____ and we severally say that such marriage was well and truly effected according to the said religion and to the personal law to which we are subject.

(Signed)

A.B.
C.D.

We, *E.F.* and *G.H.*, severally declare that we are of the same religion and subject to the same personal law as *A.B.* and *C.D.*; that we were present at the ceremony of marriage between them; and that the statements contained in this certificate are true.

Dated this _____ day of _____, 19____.

(Signed)

E.F.
G.H.

See CD 42
7/19/29

If the female is under fifteen years of age, the following declaration must be added:—

I, _____ father [or as the case may be] of _____ do hereby declare that I consent to the marriage of the said _____ to _____

Dated this _____ day of _____, 19____.

(Signed)

J.K.

32.

(Section 143.)

Certificate of registration of marriage of immigrants contracted in the colony.

No. _____ Immigration Office, _____, 19____
Georgetown,

I hereby certify that the marriage of the immigrants hereunder named and described has been this day duly registered by me.

Names.	Country.	Number, ship and year of arrival.	Place of abode.	Date of marriage.

(Signed)

Agent General.

N.B.—The number and date of this certificate will correspond with the first two columns of the form No. 28.

33.

(Section 154.)

Register of divorces of immigrants.

No.	Date.	Name.	Country.	Number, ship, and year of arrival.	Date of marriage.	Number of divorce.	Date of divorce.

34.

(Section 181.)

Certificate of exemption from labour.

BRITISH GUIANA.

I hereby certify that the undermentioned immigrant has completed term of service under indenture on plantation.

Name of immigrant	...	...	_____
Father's name	...	...	_____
Sex	...	...	_____
Age on arrival	...	...	_____
Height	...	...	_____
Number, ship, and year of arrival	...	...	_____
Date of indenture...	...	...	_____
Bodily marks	...	...	_____
Number of certificate	...	...	_____
Date of issue	...	...	_____

Dated this day of , 19 .

(Signed)

Immigration Agent.

40.

(Section 201.)

Half-yearly return by employer of the descriptions of immigrants under indenture to, or residing on, plantation in the county of
for the half-year ending the day of , 19 .

	INDIANS.				CHINESE.		OTHERS.		TOTAL.	
	CALCUTTA.		MADRAS.		M.	F.	M.	F.	M.	F.
	M.	F.	M.	F.						
Number of immigrants under indenture at commencement of the half-year										
Number of immigrants allotted during the half-year										
Number of immigrants transferred from other plantations during the half-year										
Number of infant immigrants who came under indenture during the half-year										
Total (A)										
Number of immigrants whose terms of service expired during the half-year										
Number of immigrants transferred to other plantations during the half-year										
Number of indentured immigrants who died during the half-year										
Total (B)										
Total number of immigrants remaining under indenture (C)										
Total number of immigrants not under indenture, residing on the plantation										
Total number of children, under ten years, residing on the plantation										
Total (C)										

NOTE 1.—From total A subtract total B, the remainder (total C) shows the number remaining under indenture.

NOTE 2.—Immigrants under ten years of age are not indentured, and therefore must not be included amongst immigrants under indenture.

EXTRACT FROM REGISTER OF BIRTHS.

Name of infant.	Sex.	Date of birth.	Description of father. (See note 1.)			Description of mother. (See note 1.)		
			Name.	Country.	Number, ship, and year of arrival.	Name.	Country.	Number, ship, and year of arrival.

EXTRACT FROM REGISTER OF DEATHS—(See note 1).

Name of deceased.	Sex.	Age at time of death.	Country.	Number, ship, and year of arrival.	Date of death.	Cause of death.	Remarks.

N.B.—All certificates of deceased immigrants, issued by the immigration department, must be transmitted with this return.

(B) SPECIFICATION of indentured immigrants in the colonial hospital, alms house, lunatic asylum, or leper asylum, on 19 .

Name of immigrant.	Sex.	Country.	Number, ship, and year of arrival.	Date when sent.	Institution.	Remarks.

(B) SPECIFICATION of indentured immigrants absent by desertion on
19 .

No.	Name of deserter.	Sex.	Country.	Number, ship, and year of arrival.	Date of desertion.	Where supposed to be.	Remarks.

(B) SPECIFICATION of indentured immigrants absent by imprisonment on
19 .

No.	Name of immigrant imprisoned.	Sex.	Country.	Number, ship, and year of arrival.	Date of imprisonment.	Terms for which imprisoned.	Remarks.

NOTE 1.—*In the case of creoles of Indian or Chinese parentage, their date of birth, birthplace, and full description of parents must be given.*

NOTE 2.—*The specifications of absentees should only include those absent on the last day of the half-year.*

I hereby certify that the above return is, to the best of my knowledge and belief, in all respects true and correct.

Dated this day of , 19 .

(Signed)

Manager.

41.

(Section 217.)

Recognizance in case of appeal.

BRITISH GUIANA.

Be it remembered that on the _____ day of _____ in
 the year of Our Lord one thousand _____ hundred and _____
 the immigrant _____ male, no. _____ ex _____ 19 _____,
 came before the undersigned, one of His Majesty's magistrates for the said
 colony, and acknowledged himself to owe to our Sovereign lord the King
 the sum of ninety-six dollars, to be made and levied of his movable and
 immovable property, to the use of our said lord the King, his heirs and
 successors, if he, the said _____ fail in the condition indorsed.

Taken and acknowledged the day and year first above-mentioned.

(Signed)

*Magistrate.**Condition.*

The condition of the within written recognizance is such that whereas
 the said _____ was convicted before _____ for
 that he _____ and was thereupon
 sentenced by the said _____ to be _____ and
 whereas the Agent General having, on behalf of the said _____
 appealed against the said conviction, the said _____ is entitled to be
 released pending the determination of the appeal; if therefore the said
 conviction shall be confirmed and the said _____ shall surrender
 himself into the custody of the keeper of the prison at _____
 in the county of _____ and thereafter suffer the said
 imprisonment for his said offence, then this recognizance to be void, or else
 to stand in full force.

42.

(Section 220.)

Certificate of conviction of indentured immigrant by the magistrate.

BRITISH GUIANA.

DISTRICT.

This is to certify that the immigrant _____ male, no. _____
 ex _____ 19 _____, under indenture on plantation _____ in the
 _____ judicial district in the county of _____ was
 on the _____ day of _____ 19 _____, convicted of _____
 and was thereupon sentenced to _____

[*If to pay a fine add, which said fine was thereupon paid, or was not
 paid and the said immigrant was thereupon committed in default as the
 case may be.*]

[*If the immigrant was detained in custody before conviction, add, And
 that the said _____ was detained in custody for _____ day
 before his conviction while awaiting his trial.*]

[If the offence is desertion add also, This is to certify further that the said so convicted of desertion as aforesaid, was proved to have first quitted the said plantation on the day of 19 , and that the charge for that desertion was preferred against the said immigrant on the day of , 19 .]

Dated this day of , 19 .

(Signed)

Magistrate.

43.

(Section 221.)

Certificate of Committal of indentured immigrant for trial.

BRITISH GUIANA.

DISTRICT.

This is to certify that the immigrant male, no. ex 19 , under indenture on plantation in the county of accused of was on the day of 19 , committed for trial at the session of the Supreme Court in its criminal jurisdiction for the county of to be held on the day of 19 , and that the said immigrant has been in custody in respect of the said charge for days (or and that he was admitted to bail on the day of 19 , as the case may be).

Dated this day of , 19 .

(Signed)

Magistrate.

44.

(Section 222.)

Certificate of conviction of indentured immigrant before the Supreme Court.

BRITISH GUIANA.

This is to certify that male, the person mentioned and described in the certificate of esquire, magistrate, dated the day of , 19 , as the immigrant male, no. ex 19 , under indenture on plantation in the county of was on the day of 19 , convicted before the Supreme Court in its criminal jurisdiction, and sentenced to be kept to penal servitude (or to be imprisoned) for (and if admitted to bail for any cause, add, and that the said was on bail from the day of 19 , to the day of , 19 .)

Dated this day of , 19 .

(Signed)

Registrar (or Clerk of the Court).

45.

(Section 223.)

Register of property of deceased immigrants.

Number.	L. R. Number.	Description of deceased.						Description of	
		Name.	Sex.	Age.	Number, ship, and year of arrival.	Date of death.	Place of death.	Name.	Number, ship, and year of arrival.
Heirs.		Nature of property and value.			How realized.		How disposed of.		
Relationship.		Residence.							

46.

(Section 233.)

Form of declaration.

THE IMMIGRATION ORDINANCE.

I, _____ now residing at _____ an immigrant born in this colony hereby declare :—

1. That I desire that the Immigration Ordinance shall no longer apply to me and that I shall not be deemed to be an "immigrant" within the meaning of the said Ordinance for any purpose whatsoever.

2. That I hereby give up and for ever renounce all the rights and privileges that I may have under the said Ordinance, including the right to a return passage to India, and desire to be free from all the liabilities under the said Ordinance.

3. That I (*or my father or mother*) arrived in this colony in the ship _____ on the _____ day of _____ and was indentured to _____

Particulars of declarant.

- Full name
- Father's name
- Mother's name
- Date of birth
- Place of birth
- Height
- Colour
- Bodily marks
- Thumb print

Signature of declarant,

Signed and declared by the said _____ before me this _____ day of _____ 19 _____

Immigration Agent.

