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CHAPTER 20. No. 1.

IMMIGRATION (INDIAN).

Ordinance
Ch. 20. No. 1—
1940.

AN ORDINANCE RELATING TO THE IMMIGRATION OF INDIAN INDENTURED LABOUR.

Commence-
ment.

[25th August, 1916.]

Short title.

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

Interpreta-
tion.

2. In this Ordinance—

“ Protector ” means the Protector of Immigrants appointed under this Ordinance;

“ immigrant ” means any person introduced into the Colony either wholly or in part at the expense of the Immigration Fund or Planters (Immigration) Fund; but this definition shall not affect the special definition of the term contained in Part III. of this Ordinance;

“ adult ” means an immigrant of or above the age of eighteen years;

“ minor ” means an immigrant under the age of eighteen years and of or above the age of twelve years;

“ infant ” means an immigrant under the age of twelve years;

“ adult,” “ minor,” and “ infant ” respectively include an immigrant of uncertain age who has been estimated by the Protector to be an adult, minor, or infant, as the case may be;

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

3. (1) The forms set forth in the First Schedule hereto shall respectively be used for and in respect of the several matters in this Ordinance to which they refer. Forms.
1st Schedule.

(2) The Governor in Council may cause such forms to be varied or altered or dispensed with, and also additional forms to be framed, as occasion may require, for the purpose of carrying out the provisions of this Ordinance, and such varied, altered, or additional forms shall have the same force and effect as if they were incorporated in the said Schedule. Every such form shall be first published in the *Royal Gazette*.

PART I.

IMMIGRATION DEPARTMENT.

4. (1) The Governor, with the approval of the Secretary of State, may appoint some fit and proper person to be Protector of Immigrants. Appoint-
ment and
salary of
Protector.

(2) He shall receive such salary as may be assigned to him by the Legislative Council.

5. (1) The Protector shall be the head of the Immigration department established for the purposes of this Ordinance, and shall be responsible to the Governor for the efficient performance of its duties and for the proper carrying out of the provisions of this Ordinance. General
duties of
Protector.

(2) He shall also keep the Registers of the Immigration department, and shall exercise and perform such other functions and duties in relation to immigration as may be prescribed by this Ordinance, or as may be entrusted to him by the Governor.

6. (1) The Governor may appoint such and so many fit and proper persons to be clerks, interpreters, and other officers residing in the Colony respectively as may be necessary for the performance of the ordinary duties of the Immigration department. Appoint-
ment,
duties, and
salaries of
officers.

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

(3) Every such officer shall receive such salary and allowances as may for the time being be assigned to him by the Legislative Council.

Powers of supervision, etc., of the Protector.

7. Subject to the control of the Governor, the Protector shall have authority over the clerks, interpreters, and other persons employed in the Immigration department, and shall assign to each his duties.

Travelling expenses.

8. All travelling expenses incurred by any officer of the Immigration department in the performance of his duties, and attested by proper vouchers, shall be paid from the general revenue of the Colony: Provided that the expenses of travelling between the Immigration Office and the Immigration Depot shall be charged to the Planters (Immigration) Fund.

PART II.

FISCAL PROVISIONS.

Establishment of Planters (Immigration) Fund.

9. For the purposes of this Ordinance there shall be a fund to be called the Planters (Immigration) Fund, a separate account of which shall be kept by the Accountant General.

Formation of and charges upon fund.

10. The Planters (Immigration) Fund shall be credited with all sums received on account of the immigration tax levied by any Ordinance for the time being in force, and on account of other items which, in the opinion of the Director of Audit and subject to the approval of the Governor, should be properly credited to the account, and shall be debited with the whole annual cost of immigration under this Ordinance, other than the salaries and expenses which under the provisions of this Ordinance are directed to be paid out of the general revenue of the Colony or out of moneys to be voted by the Legislative Council, and other than that portion of the cost of the return passages of immigrants introduced subsequently to the 30th of September, 1902, which is not payable by such immigrants.

11. The cost of the return passages of immigrants introduced subsequently to the 30th of September, 1902, so far as the same is not payable by such immigrants, shall be charged to the Repatriation Fund established under the provisions of the Immigration Ordinance, 1916: Repatriation Fund.

Provided that if at any time the total cost of return passages of immigrants chargeable to the Repatriation Fund exceeds the sum then standing to the credit of the Repatriation Fund, such excess shall be a charge on the Planters (Immigration) Fund.

PART III.

MARRIAGE, DIVORCE, ETC.

12. In this Part of this Ordinance—

“immigrant” means—

(i) any Indian immigrant introduced into the Colony, British Guiana, or any British West Indian Colony for the purpose of being indentured; and

(ii) any descendant of an Indian immigrant so introduced;

“Chief Registrar” means the Registrar of Marriages appointed by the Marriage Ordinance;

“Registrar” includes the Chief Registrar and any District Registrar;

“Registrar of Marriages” and “District Registrar” have the same meanings as in the Marriage Ordinance;

“under age” means under the age of twenty-one years.

13. (1) This Part of this Ordinance shall apply to all marriages and divorces between immigrants contracted, effected, or registered between the 1st of July, 1881 and the commencement of this Ordinance, and also to all such marriages and divorces contracted or effected after the commencement of this Ordinance, and all the provisions of this Part of this Ordinance, except those which relate to Application of Part III.*

* Sections 13, 14 and 16 to 23 inclusive do not apply to immigrants who belong to the Muslim Faith or Religion, or to the Hindu Faith or Religion: see Ch. 29, No. 4, section 31, and Ch. 29, No. 5, section 27.

marriage and divorce, shall apply to all immigrants of whatever religion: Provided that nothing in this Ordinance contained shall be construed to prevent or disable any immigrant, whether professing Christianity or not, from contracting a civil marriage before the Registrar according to the provisions of the Marriage Ordinance.

Protector to be guardian of infants for purposes of the Marriage Ordinance.

(2) Where, under the provisions of the Marriage Ordinance, the consent of any person is required to the marriage of any party to an intended marriage who is under age, and there is no person who, under the provisions of such Ordinance, is entitled to give such consent in the case of an immigrant under age who is a party to an intended marriage, then and in every such case it shall be lawful for the Protector to give consent.

Registers. Forms Nos. 1 and 2.

14. For the purposes of this Part of this Ordinance, the Chief Registrar shall keep a Colonial Register of Indian Immigrants' Marriages and a Colonial Register of Indian Immigrants' Divorces, and each District Registrar shall keep a District Register of Indian Immigrants' Marriages and a District Register of Indian Immigrants' Divorces, and the Protector shall keep a Register of Indian Immigrants' Marriages and a Register of Indian Immigrants' Divorces.

Christian immigrants.

15. (a) An immigrant who, at the time of his arrival in the Colony, professes Christianity shall, immediately upon such arrival, and

(b) an immigrant who, at any time after his arrival in the Colony, embraces Christianity shall, immediately upon such change of faith,

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.

Abandonment of Christianity shall not affect the operation of this section.

Marriage of non-Christian immigrants.

16. A marriage contracted between immigrants, both of whom at the date of the marriage profess the same religion, not being the Christian religion, shall, if contracted according to the religion of such immigrants, and registered according to this Ordinance, be deemed to be valid, if a date

of marriage shall be specified in the register and at such date the man shall have been at least sixteen years of age and the woman at least twelve years of age, as from such date; and in all other cases, as from the date of registration:

Provided that no marriage shall be registered unless the parties shall be of such ages respectively at the date of registration:

Provided also, that for the purposes of any criminal prosecution, such marriage shall be deemed to be valid as from the date of the actual registration thereof and not from the date of marriage specified in the register.

17. Every application for the registration under this Ordinance of any marriage, not being a Christian marriage, shall be made to the Registrar of the district in which the marriage was effected, or of the district in which the parties have resided for a year immediately preceding such marriage, or to the Protector, by both parties to such marriage:

Application
to register
marriage.

Provided that if either of the parties to the marriage is under age and has a father or a guardian living and resident in the Colony, the application on behalf of such party shall be made by such father or guardian:

Provided also, that it shall be lawful for any Magistrate, on the complaint of either party to a marriage between immigrants contracted according to the religion of such immigrants that the other party or the parent or the guardian of either of the parties who is under age has not applied for the registration of such marriage or has not attended before the Registrar or the Protector and signed the register, to issue a summons calling upon such other party or parent or guardian in default to show cause before the expiration of fourteen days why an order should not be made directing the Registrar or the Protector to register such marriage notwithstanding the refusal or omission by such other party, parent, or guardian to apply for the registration of such marriage or to attend before the Registrar or Protector and sign the register; and if, after the expiration of fourteen days from the service of such summons, the said other party or parent or guardian shall not have appeared before such Magistrate or shall not have shown good cause for such refusal or omission as aforesaid, it shall be lawful for such Magistrate, by an order in writing

under his hand, to direct the Registrar or Protector to register such marriage on the application alone of the party applying, and the registration of such marriage in accordance with such order shall be as valid and effectual as if the other party or parent or guardian had duly attended and signed the register and applied for the registration of such marriage.

Divorce.

Divorce of
non-
Christian
immigrants.

18. A divorce effected between two immigrants both of whom, at the date of the marriage thereby dissolved, professed the same religion, not being the Christian religion, shall if effected according to such religion, and registered according to this Ordinance, be deemed valid for all purposes as from the date of divorce specified in the register, or, if no such date is specified, as from the day of registration.

Application
to register
divorce.

19. Every application for the registration under this Ordinance of a divorce shall be made to the Registrar of the district in which the divorce was effected or to the Protector, by one or both of the parties to the marriage dissolved.

Registration.

Conditions
of registra-
tion.

20. On application being made to a Registrar or to the Protector to register under this Ordinance any marriage or divorce, the Registrar or Protector shall—

(1) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(2) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected between them;

(3) in the case of any person appearing as parent or guardian, satisfy himself as to the right of such person so to appear.

If the Registrar or Protector is satisfied on the above points and not otherwise, he shall make an entry as follows:—

(a) Of a marriage, in the District Register of Indian Immigrants' Marriages or in the Register of Indian Immigrants' Marriages;

(b) Of a divorce, in the District Register of Indian Immigrants' Divorces or in the Register of Indian Immigrants' Divorces:

Provided that such registration shall not be made except in the presence of every person who by this Ordinance is required to sign the same or otherwise in accordance with this Ordinance.

21. The mode of registering a marriage under this Ordinance shall be as follows:—

Mode of
registering
marriage.
Form No. 1.

(1) An entry according to form 1 in the First Schedule hereto shall be made in the District Register of Indian Immigrants' Marriages or in the Register of Indian Immigrants' Marriages;

(2) Such entry shall be signed—

(a) by the Registrar or Protector, as the case may be; and

(b) by each of the parties to the marriage if not under age, or by the father or guardian of either of the parties who is under age; and

(c) by two witnesses present at the marriage ceremony.

22. The mode of registering a divorce under this Ordinance shall be as follows:—

Mode of
registering
divorce.
Form No. 2.

(1) An entry according to form 2 in the First Schedule hereto shall be made in the District Register of Indian Immigrants' Divorces or in the Register of Indian Immigrants' Divorces;

(2) Such entry shall be signed—

(a) by the Registrar or Protector, as the case may be; and

(b) in the case of Mahomedans of the Suni sect, by the party or parties who have effected the divorce, and by the witness or witnesses who identify such party or parties;

(c) in the case of persons other than Mahomedans of the Suni sect, by the party or parties who have effected the divorce, and by two witnesses of the same religion as the party or parties who have effected the divorce, such witnesses having immediately before, and in the presence of the

Form No. 3.

Registrar or Protector, made and signed a declaration according to form 3 in the First Schedule hereto.

Limit of time for registration.

23. (1) Registration under this Ordinance of any marriage may be made at any time within twelve months after such marriage: Provided that if at the time of the marriage the parties to it or either of them are, in the case of the man, under sixteen years of age, and, in that of the woman, under twelve years of age, such registration may be made at any time within one year of the man attaining the age of sixteen or of the woman attaining the age of twelve, whichever event shall last happen, and not later.

(2) Registration under this Ordinance of any divorce may be made within twelve months after such divorce and not later.

(3) Provided always, that notwithstanding anything in the two preceding subsections mentioned, it shall be lawful for any Magistrate or Judge of the Supreme Court to order the registration of any marriage or divorce after the expiration of the said period of twelve months if good cause be shown for the omission to register previously, or if in the opinion of such Magistrate or Judge registration is desirable to meet the justice of the case: Provided also, that every application to a Magistrate or Judge for an order under this section shall be made, heard, and determined in open court at some public sitting of the court held by the Magistrate or Judge to whom such application shall be made.

Appeal where registration refused.

24. Where, upon an application to register under this Ordinance any marriage or divorce, a Registrar or the Protector refuses to make such registration, the applicant or either of the applicants whose application is refused may apply to the Supreme Court to have such registration made, and upon such application, if it appears that the registration ought to be made, the Court shall order the Registrar or the Protector, as the case may be, to make such registration, and may make such order as to costs as seems just.

Cancelling registration.

25. Where registration under this Ordinance has been made of any marriage or divorce, any person aggrieved by

such registration may apply to the Supreme Court to have such registration cancelled, and upon such application, if it appears that the registration ought not to have been made, the Court shall order the Registrar or the Protector, as the case may be, to cancel such registration, and may make such order as to costs as seems just.

26. Every Registrar, not being the Chief Registrar, shall transmit to the Chief Registrar a copy of every entry of a marriage or divorce made by him in his District Register of Indian Immigrants' Marriages or his District Register of Indian Immigrants' Divorces within one week after such entry is made, and the Chief Registrar shall forthwith enter in the Colonial Register of Indian Immigrants' Marriages a copy of every entry of a marriage made by him in his District Register of Indian Immigrants' Marriages and of every copy of an entry of a marriage transmitted to him by any other Registrar pursuant to this Ordinance, and shall forthwith enter in the Colonial Register of Indian Immigrants' Divorces a copy of every entry of a divorce made by him in his District Register of Indian Immigrants' Divorces and of every copy of an entry of a divorce transmitted to him by any other Registrar pursuant to this Ordinance.

Entries in
Colonial
Register.

27. A copy of every entry of a marriage made in the Protector's Register of Indian Immigrants' Marriages or Register of Indian Immigrants' Divorces shall, within one week after such entry is made, be transmitted by the Protector to the Chief Registrar, who shall make a corresponding entry in the Colonial Register of Indian Immigrants' Marriages or Divorces, as the case may be.

Marriages
registered by
Protector.

Procedure.

28. Any application to the Supreme Court under this Part of this Ordinance, and the subsequent proceedings thereupon, shall be as prescribed by general orders made by the Chief Justice, with the concurrence of a Puisne Judge, under this Ordinance, or if no such orders are made, and subject to such orders (if any), the application shall be by motion and the subsequent proceedings shall be according to the usual practice of the Court on motion. The procedure

Procedure.

before a Petty Civil Court shall be in accordance with the Petty Civil Courts Ordinance, and the procedure in applications to a Magistrate shall be according to the Summary Courts Ordinance, except that the procedure before a Magistrate sitting as a Judge of a Petty Civil Court shall be according to the law for the time being in force regulating such Petty Civil Courts.

Publication
of general
orders.

29. All general orders made under the last preceding section shall not have any force or effect until they have been approved by the Governor and the Legislative Council, and when so approved shall have the same force and effect as if they were contained in an Ordinance, and may be disallowed by His Majesty in the same manner and with the same consequences as in the case of an Ordinance. All such general orders shall be published in the *Royal Gazette*.

Proof of
marriage or
divorce.

30. An entry, whether purporting to be an original entry or not, in any register directed by this Ordinance or by any other Ordinance relating to immigrants to be kept, shall be conclusive evidence till the contrary is proved of the marriage or divorce of the parties to whom the entry relates, and also, subject to the provisions of section 16, of the date of such marriage or divorce, if the same is specified in the entry, and no other evidence of a marriage or divorce between immigrants not effected under the Marriage Ordinance, or other general law of the Colony relating to marriage, shall be admissible in any proceedings, whether criminal or civil.

Proof of
entries in
registers and
certificates.

31. (1) Where any entry is required by this Ordinance to be made in any register, *prima facie* evidence may be given of such entry in all courts of justice and in all legal proceedings by production of a writing purporting to be certified by the person having the custody of such register to be a true copy of such entry.

(2) Where any certificate is by this Ordinance required or authorised to be given, *prima facie* evidence of such certificate may be given in all courts of justice and in all legal proceedings by production of a certificate apparently in accordance with this Ordinance and purporting to be signed as required by this Ordinance.

(3) No proof shall be required of the handwriting or official position of the person signing any certificate under this section.

(4) Every certificate given under this Ordinance shall be *prima facie* evidence of the facts 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 or Ordinance.

32. It shall be lawful for all persons at all reasonable times to search the entries in the Colonial or any District Register or the Protector's Register of Indian Immigrants' Marriages and in the Colonial or any District Register or the Protector's Register of Indian Immigrants' Divorces in the presence of the person in whose custody such registers respectively are, and to have true copies certified under the hand of such person of any such entries: Provided that before allowing any such search or furnishing any such certified copy, any such person shall be entitled to demand the following fees, that is to say:—

Right to
search
Registers.

For every search twenty-four cents,

For every certified copy twenty-four cents,

which fees shall be paid into the Treasury.

Offences.

33. Every person making, signing, or attesting any declaration or certificate by this Part of this Ordinance 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 misdemeanor, and may be imprisoned for five years.

Signing false
declaration
or certificate.

34. Any person who forges or alters in any material particular, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered in a material particular, any certificate by this Part of this Ordinance required or authorised to be given, shall be guilty of a misdemeanor, and may be imprisoned for five years.

Forgery of
certificates.

Offences by
Protector.

35. If the Protector—

(a) fails to enter forthwith in the Register of Indian Immigrants' Marriages or Register of Indian Immigrants' Divorces any marriage or divorce which he is required to enter therein, or

(b) fails to transmit to the Chief Registrar a copy of an entry of marriage or divorce made in the Register of Indian Immigrants' Marriages or Register of Indian Immigrants' Divorces within one week after the entry was made, or

(c) fails to cancel any entry of marriage or divorce within one week after the certified copy or order authorising such cancellation reaches or is produced to him,

he shall be liable to a fine of forty-eight dollars.

Offences
by Chief
Registrar.

36. If the Chief Registrar—

(a) fails to enter in the Colonial Register of Indian Immigrants' Marriages—

(i) a copy of any entry of a marriage made in his District Register of Indian Immigrants' Marriages immediately after such entry was made, or

(ii) a copy of any copy of an entry of a marriage transmitted to him pursuant to this Ordinance within one week after such copy reaches him, or

(b) fails to enter in the Colonial Register of Indian Immigrants' Divorces—

(i) a copy of any entry of a divorce made in his District Register of Indian Immigrants' Divorces immediately after such entry is made, or

(ii) a copy of any copy of an entry of a divorce transmitted to him pursuant to this Ordinance within one week after such copy reaches him,

he shall be liable to a fine of forty-eight dollars.

Offences by
Registrars.

37. If any Registrar—

(a) fails to register forthwith any marriage or divorce which he is by this Ordinance required to register, or

(b) fails to transmit to the Chief Registrar a copy of any entry of a marriage or divorce made in his District

Register of Indian Immigrants' Marriages, or in his District Register of Indian Immigrants' Divorces, pursuant to this Ordinance, within one week after such entry was made, or

(c) fails to cancel any entry of marriage or divorce within one week after the certified copy or order authorising such cancellation reaches or is produced to him,

he shall be liable to a fine of forty-eight dollars.

Betrothal gifts.

38. If any male immigrant shall have made to any female immigrant or to her parents or guardians or either of them any payment or gift of money, securities for money, jewelry, food, clothing, or other chattel in consideration of the betrothal or marriage or promise in marriage of such female immigrant, whether to himself or any other male immigrant, and such betrothal or promise has not been followed by actual marriage and by the registration of such marriage, it shall be lawful for such male immigrant to sue for and recover back in an action any such gifts or the value thereof and the amount of any money made or paid as aforesaid: Provided that where the value of such gifts and the amount of such money do not together exceed two hundred and forty dollars the proceedings shall be by action in any Petty Civil Court, and every Judge of such a Court is hereby authorised and required to entertain and adjudicate upon any claim brought before him under this section any law or Ordinance to the contrary notwithstanding.

Recovery of betrothal gifts.

PART IV.

CERTIFICATES OF EXEMPTION FROM LABOUR.

39. (1) Every immigrant who may have completed any term of service under indenture, whether entered upon before or after the commencement of this Ordinance, or whose indenture may have been duly determined or may hereafter be determined under this Ordinance, shall be entitled to receive, free of charge, a certificate of exemption from labour.

Granting of certificate of exemption from labour.

Form No. 4.

(2) The Protector shall record every such certificate in the General Register of Immigrants introduced into the Colony.

Loss of certificate of exemption from labour, etc.

40. (1) Every immigrant whose certificate of exemption from labour has been lost or destroyed shall be entitled, on proving to the satisfaction of the Protector that he is then entitled to such certificate and that such certificate has been lost or destroyed, and on payment of twenty-four cents, to receive a duplicate of such certificate.

(2) Every immigrant shall be entitled to receive a certified extract from any register kept by the Protector, on payment of twenty-four cents for every such extract.

Use by an immigrant of certificate or pass of another immigrant.

41. If any immigrant uses or attempts to use any certificate of exemption from labour, not being the immigrant to whom such certificate was granted, he shall be liable to a fine of twenty-four dollars, or to imprisonment for two months, or to both such fine and imprisonment.

Forgery of certificate of exemption from labour.

42. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any certificate of exemption from labour mentioned in this Ordinance or any endorsement provided by this Ordinance to be made thereon, with intent to defraud, shall be guilty of felony, and liable to imprisonment for two years.

PART V.

RETURN PASSAGES.

Right of immigrant to return passage.

43. (1) Every immigrant who arrived in the Colony before the 5th of August, 1898, and shall have completed a continuous residence of ten years in the Colony, and has during that time obtained or become entitled to a certificate of exemption from labour, shall, if such immigrant desires to return to the country in which he was recruited, be entitled to be provided with a passage back to the port whence such immigrant sailed for the Colony, on payment of one-fourth of the passage money in the case of males and of one-sixth thereof in the case of females, and the cost of the outfit for the voyage. And every immigrant who has or shall have

arrived after such 5th of August, 1898, and is otherwise entitled as herein specified, shall be entitled to such return passage on payment by him of one-half the passage money in the case of males and of one-third thereof in the case of females, the cost of outfit for the voyage being similarly paid by such returning immigrant:

Provided in either case as follows:—

(a) every such immigrant who is destitute or disabled shall be entitled to a free passage;

(b) the wife and every son and daughter of every such disabled or destitute immigrant, and any person being an immigrant or the descendant of an immigrant who is dependent on any such disabled or destitute immigrant shall be entitled to a free passage if such wife or son or daughter or other person sails from the Colony with her husband or his or her parent or with the person on whom he or she is dependent, as the case may be, but not otherwise;

(c) where any son or daughter of any immigrant is a child under the age of twelve years, the Governor may refuse a return passage to such child, if it appears that it is desirable, in the interests of the child, that the child should remain in the Colony.

(2) This section shall not affect the rights of immigrants who have been engaged on the terms of being entitled to a return passage wholly at the expense of the Colony.

(3) The right to a return passage in terms of this section shall be subject, in the case of every person who has previously proceeded to the Colony as an immigrant and has returned to the country in which he was recruited, to any condition made with him or her on his or her engagement that he or she shall have no right to a free or reduced return passage.

(4) Provided, however, that the Protector may, with the express sanction of the Governor, in any particular case and for special cause, relax any of the provisos of this section.

44. Before the departure of any ship chartered at the expense of the Colony having return immigrants on board, the Protector, assisted by a Government Medical Officer, Inspection, etc., of ship with return immigrants.

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, and shall make out a list of the immigrants on board such ship who are entitled to a return passage in accordance with the provisions of this Ordinance, and shall deliver the same to the Surgeon Superintendent for the use of himself and the master of such ship, and shall certify upon such list the total number and description of the immigrants embarked, together with the state and condition of such immigrants, and that they have been provided with clothing suitable for the voyage.

Report of inspection to be sent to Governor.

45. The Protector 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 VI.

PROCEDURE.

Procedure.

46. Subject to the express provisions of this Ordinance, every complaint made under any of the provisions of this Ordinance shall be laid or made before the Magistrate or a Justice 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 by this Ordinance, or in respect of any felony or misdemeanor, be that provided by the Summary Courts Ordinance.

Protector may act for immigrant.

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

Appearance of Protector.

48. In any proceeding taken by the Protector 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.

49. When an immigrant is punishable under this Ordinance, and also under some other Ordinance or at Common Law, he may be prosecuted and convicted under this Ordinance or under such other Ordinance or at Common Law, so that he is not twice punished for the same offence.

Immigrant may be dealt with under this Ordinance or some other Ordinance or at Common Law.

50. The defendant in any proceeding under this Ordinance shall be entitled to be sworn and to tender his evidence on oath; and every immigrant shall make such oath or affirmation as he may declare to be binding on his conscience, and shall be liable, in case of falsehood, to be convicted and punished as for perjury.

Evidence of defendant.

PART VII.

MISCELLANEOUS PROVISIONS.

Care of orphans.

51. (1) The Protector may commit the care and custody of any orphan child of an immigrant to any person (hereinafter termed "the guardian") whom he may think a fit and proper person to have the charge of such orphan child, and may change such guardian whenever he thinks fit.

Appointment of guardian of orphan.

(2) The Protector shall keep a Register of Orphans for the purposes of this section.

Form No. 5.

52. Every person 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,

Interference with guardian, etc.

shall be liable, on the complaint of the Protector, to a fine of forty-eight dollars, or to imprisonment for three months.

Regulation of festivals.

53. The Governor may make regulations for the government of the festivals of immigrants, and of the processions held by them in connection therewith, and for defining the route of such processions, and for preventing obstructions of the public highway by reason of such processions, and

Regulations* for government of festivals.

* For Regulations, see R.G. 13.11.1913.

for securing the due maintenance of the public peace and tranquillity during such festivals and processions. Every such regulation shall be published in the *Royal Gazette*.

Application of regulations.

54. Any such regulations may be either general and apply to every plantation or public highway of the Colony or special and apply only to a particular plantation or public highway, to be specified in the regulations.

Contravention of regulations.

55. Every person who contravenes any such regulation shall be liable to a fine of ninety-six dollars, or to imprisonment for six months. Any person offending against this section may be arrested without warrant by any constable within whose view the offence is committed and by him detained until he can be brought before a Magistrate or a Justice.

Prosecution for contravention.

56. Any prosecution for the contravention of any such regulation may be instituted by any constable.

Questions as to age, etc.

Decision of question as to age of immigrant.

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

Contraventions of Ordinance not provided for.

58. In any case where no punishment is provided for the contravention of any of the provisions of this Ordinance, every person who is guilty of such contravention shall be liable to a fine of twenty-four dollars.

Validation of entries in marriage registers.

59. Notwithstanding anything to the contrary contained in this Ordinance or in any of the Ordinances mentioned in the Second Schedule hereto, an entry of marriage made in the Register of Indian Immigrants' Marriages kept by the Protector shall be deemed to be and to have been at all times valid and conclusive evidence of the marriage of the parties to whom the entry relates, if a date of marriage shall be specified in the Register and at such date the man shall have been at least sixteen years of age and the woman at least twelve years of age, as from such date, and in all other cases as from the date of registration.

SCHEDULES.

FIRST SCHEDULE.

FORM No. 1.

THE IMMIGRATION (INDIAN) ORDINANCE.

Marriages Registered under the Ordinance.

Entry of Marriage.

(Sections 14 and 21.)

Consecutive Number.	Name and Address of the Bridegroom.	Name and Address of the Bride.	Whether the Bride is a Spinster, Widow, or Divorced, and whether she is adult or not.	* Name and Address of the Guardian of the Bridegroom and his relationship to the Bridegroom (if any).	† Name and Address of the Guardian of the Bride and his relationship to the Bride (if any).	Date of the Marriage.	Special conditions (if any).	House, Estate, or other place and Ward in which the marriage took place.	Date of Registration.

* This Column will be blank if the Bridegroom is not represented by a Guardian.

† This Column will be blank if the Bride is not represented by a Guardian.

FORM No. 3.

THE IMMIGRATION (INDIAN) ORDINANCE.

(Section 22.)

Declaration of Witnesses to a Divorce.

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

1. Each of us is of the same religion as *E.F.*, of, etc., and *G.H.*, of, etc., both of whom are now present, that is to say [of the Shiah sect of Mahomedans].

2. We were present on the _____ day of _____, 19____, at _____ when a divorce between the said *E.F.* and *G.H.* was effected in the following manner (that is to say) [*describe manner of effecting divorce*] and we severally say that such divorce was well and truly effected according to the religion [of the Shiah sect of Mahomedans].

3. We are aware that if the statements made by us respectively are false and if in making such statements we either know or believe them to be false or do not believe them to be true we are liable to imprisonment.

A.B.
C.D.

Before me,

F.H.F.

Registrar of the District of _____

FORM No. 4.

Certificate of Exemption from Labour.

(Section 39.)

TRINIDAD.

I hereby certify that the undermentioned Immigrant has completed term of service under indenture on plantation _____ and is exempt from labour under the provisions of the Immigration (Indian) Ordinance.

Name of Immigrant _____

Father's Name _____

Sex _____

Age on Arrival _____

Height _____

No., Ship, and year of Arrival _____

Date of Indenture _____

Bodily Marks _____

Number of Certificate _____

Date of Issue _____

Dated this _____ day of _____, 19____

(Signed)

Protector of Immigrants.

FORM No. 5.

(Section 51
(2).)

Register of Orphans.

No.	Name.	Sex.	Age.	No., Ship, and Year of Arrival.			Father.		
							Name.	No., Ship, and Year of Arrival.	

Mother.				Guardian		Date of Adoption.	Remarks.
Name.	No., Ship, and Year of Arrival.			Name.	Residence.		

(Section 59.)

SECOND SCHEDULE.

- The Immigrants' Marriage and Divorce Ordinance, 1881.
- The Immigrants' Marriage and Divorce Ordinance, 1891.
- The Immigration Ordinance, 1896 (No. 12 of 1897).
- The Immigration (Amendment) Ordinance, 1897.
- The Immigration Ordinance, 1899.
- The Immigration Ordinance (No. 161 of the 1905 Revised Edition of Ordinances).
- The Immigration Ordinance, 1916.