

No. 6.—1875.

1st April.

AN ORDINANCE to make certain Exemptions from
Port Dues.

(L.S.) HENRY T. IRVING.

6th April, 1875.

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

Exemptions
from port
dues.

Notwithstanding anything contained in any Ordinance, every vessel belonging to or employed in the service of Her Majesty, not carrying goods for hire, shall be exempt from all dues, rates and charges in respect of the entry into any port, or the use of any harbour in this Colony.

Passed in Council this first day of April, in the year of our Lord one thousand eight hundred and seventy-five.

A. C. ROSS,

Clerk of the Council.

No. 9.—1875.

1st May.

AN ORDINANCE to amend the law with regard to
Immigration.

(L.S.) HENRY T. IRVING.

8th May, 1875.

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

Preliminary.

1. This Ordinance shall be read and construed as one Construction. with the Ordinance number 13 of 1870, intituled "An Ordinance with regard to Immigration" in this Ordinance referred to as the principal Ordinance.

The principal Ordinance may be cited for all purposes as "The Immigration Ordinance 1870."

This Ordinance may be cited for all purposes as "The Immigration Ordinance 1875" and the principal Ordinance and this Ordinance together may be cited for all purposes as "The Immigration Ordinances 1870 and 1875."

2. In this and the principal Ordinance, Interpreta-
tion.
The term "Plantation" means any sugar or cocoa "Plantation." estate in cultivation, and any two or more estates adjacent to each other and managed as one estate.

The term "Manager" means any person in actual "Manager." charge of a plantation.

And in this Ordinance,

The term "Death-rate" means the proportion of "Death-
rate." deaths occurring in the period of a year amongst one hundred persons living at the beginning of such period.

Explanation.—Thus, if on the 1st October, 1869, there are 110 persons living, of whom only 100 are alive on the 1st October 1870, the death rate is 1 in 11 or 9·1 per cent. nearly, not 1 in 10, or 10 per cent.

The term "Death-rate Returns" means the returns of "Death-rate
returns." death rate published in the *Royal Gazette* pursuant to this Ordinance.

The term "New Immigrant" means an indentured "New immi-
grant." immigrant serving under his original indenture or under any extension by indorsement under the principal Ordinance or this Ordinance of such indenture.

The term "Task" means in the case of any planta- "Task." tion such quantity of piecework as is usually performed on such plantation in one day by a labourer not under indenture, or in case in the opinion of the Agent General of Immigrants

there is not on such plantation a sufficient number of unindentured task labourers to form a standard as is usually performed on plantations in the neighbourhood in one day by a labourer not under indenture.

Death-rate.

Computation
of death-rate.

3. The Agent General of Immigrants shall, as soon as may be after the thirtieth day of September in each year, make a return certifying in respect of each plantation the death-rate upon such plantation during the year ending on such thirtieth day of September, and also the mean death-rate, ascertained as in this Ordinance is mentioned, of such plantation.

The Agent General of Immigrants shall also make a return certifying, for the period of five years ending on the last preceding thirtieth day of September, the general mean death-rate among indentured immigrants throughout the Colony.

The Governor may, if he sees fit, exclude from the computation of any death-rate, deaths arising from the sentence of the law, murder, suicide, manslaughter, or unavoidable accident.

The returns mentioned in this section shall be published in the *Royal Gazette*. A copy of the *Royal Gazette* purporting to contain any such return shall be conclusive evidence of the contents of such return and of the facts certified in such return.

Mean death-
rate.

4. The mean death-rate of any plantation shall be ascertained as follows:—

1. In the case of a plantation upon which indentured immigrants have been employed for a period of not more than one year by taking the actual death-rate of such period among new immigrants;
2. In the case of a plantation upon which indentured immigrants have been employed for a period of more than a year but not more than five years by taking the mean annual death-rate for the whole of such period among new immigrants and

3. In the case of a plantation upon which indentured immigrants have been employed for a period of more than five years by taking the mean annual death-rate for the last five years of such period among new immigrants.

5. The death-rate of any plantation shall be deemed excessive under the following circumstances : Excessive death-rate.

1. In the case of a plantation as to which the last death-rate returns extend over a period of less than three years, where the mean death-rate of such plantation as shown by such returns exceeds six per cent. ; and

2. In the case of a plantation as to which the last death-rate returns extend over a period of not less than three years, where the mean death-rate of such plantation shown by such returns exceed by one per cent. or more the general mean death-rate of indentured immigrants shown by the same returns.

“Last” in this section means last published in the *Royal Gazette* pursuant to this Ordinance.

6. Where the mean death-rate of any plantation as shown by the death-rate returns is excessive, the Agent General of Immigrants shall not, unless under the authority of the Governor signified by writing under his hand, make in the year following the day up to which the returns are made any allotment of immigrants to such plantation, nor shall he in any subsequent year unless satisfied that an allotment may be made with due regard to the health of the allotted immigrants make any such allotment. Consequences of excessive death-rate.

Labour of Immigrants.

7. Subject to the provisions of the principal Ordinance and this Ordinance, the employer of any indentured immigrant may require such immigrant to perform any work for which he is not physically unfit, and shall on the assignment of the work inform such immigrant whether he is to be paid for the same by task or by day. Any employer who fails to assign work or to give information as in this section is directed Assignment of work.

shall be guilty of an offence against this Ordinance, and shall on conviction thereof forfeit any sum not exceeding two pounds.

Penalty for
not providing
work.

8. Subject to the provisions of the principal Ordinance and this Ordinance, the employer of any indentured immigrant shall provide such immigrant either with task-work or time-work sufficient for a full day's work for two hundred and eighty days in every year. Any employer who fails to provide work as in this section is directed shall be guilty of an offence against this Ordinance and shall on conviction forfeit any sum not exceeding two pounds for every day during which the immigrant is without a full day's work.

Hours of
time-work.

9. Every indentured immigrant employed on any plantation at time-work shall work for five days of nine hours in each week commencing on Monday except during the gathering in of the crop when such immigrant shall work for six consecutive days of nine hours each commencing on Monday. Every immigrant shall be allowed at least half an hour daily for the purpose of eating and resting when he has been at work for four hours and a half.

Payment for
time-work.

10. Every employer shall pay every immigrant employed at time-work at a rate of not less than one shilling and one halfpenny a day for every day on which such immigrant works with ordinary diligence for nine hours.

Quantity of
piece work.

11. Except as in this Ordinance is mentioned every indentured immigrant employed at piece-work shall perform five tasks weekly commencing on the Monday of each week except during the gathering in of the crop when such immigrant shall perform six tasks weekly commencing on Monday. No such immigrant shall be required to perform more than one task daily.

Payment for
piece work.

12. Every indentured immigrant employed at piece-work shall be paid at the same rate per task as is paid to unindentured labourers resident on the same plantation for the like task, or in case in the opinion of the Agent General of Immigrants there is not on such plantation a sufficient number of unindentured task labourers to form a standard, then at the same rate as is

paid to unindentured labourers on plantations in the neighbourhood.

13. Where an indentured immigrant is physically incapable of performing a task within seven hours and a half, it shall be lawful for such immigrant with the consent of his employer to classify himself for any period not exceeding three months as a half-task or three-quarter-task labourer according to the degree of his incapacity.

Allotment of half-tasks and three-quarter tasks.

It shall be lawful for the medical officer on the application of the employer or immigrant, and should he see fit to do so on medical grounds, to place any indentured immigrant on the list of half-task or three-quarter-task labourers for any period not exceeding one week.

Such immigrant so classified shall be entitled to receive one-half or three-fourths respectively of the wages payable for a task.

14. It shall not be lawful for any employer to employ any immigrant under indenture in or about the mill or buildings for more than fifteen hours in any one day.

Limitation of hours at work.

Every employer who employs any immigrant contrary to the provisions of this section shall be guilty of an offence against this Ordinance, and shall on conviction thereof forfeit any sum not exceeding two pounds.

Certificates.

15. The Agent General of Immigrants may, if he sees fit, give the certificate mentioned in the fiftieth section of the Principal Ordinance without demanding the sum of two pounds one shilling and eightpence mentioned in the said fiftieth section.

Power to Agent General to grant a substituted Certificate of Industrial Residence without payment.

16. Upon any allotment of immigrants, a certificate shall be made out in duplicate specifying the names of the immigrants and their numbers in the general register of immigrants, the name of the vessel by which and the time when they respectively arrived, the name of the plantation in respect of which they are indentured, and the days when their respective terms of service expire. One of such duplicates shall be signed by the

Certificate of Immigrants indentured.

Agent General of Immigrants and delivered to the employer or his manager, and the other duplicate shall be signed by the employer or his attorney or manager and retained by the Agent General of Immigrants. The signature of the Agent General of Immigrants shall, as to each immigrant specified in the certificate, have the same effect as if such Agent General had executed an indenture of service of such immigrant as required by Section 15 of the principal Ordinance, and the signature of the employer, his attorney or manager shall have the same effect as if such employer had executed such indenture of service. The certificate may be in the form contained in the second schedule to this Ordinance. The employer shall pay the same fees in respect of the certificate delivered to him as he would have to pay in case a separate indenture had been made out in respect of each immigrant specified in the certificate.

Offences by Immigrants.

Immigrants unlawfully at large. 17. Where any immigrant is found on a public highway or on any land or in any house not being the land or house of his employer, or in any ship, vessel or boat within the waters of this Island, any of the following persons, that is to say:

1. The Agent General of Immigrants or any person authorised in writing by him;
2. The Inspector of Immigrants or any person authorised in writing by him;
3. Any police constable or any sworn constable attached to the plantation to which the immigrant is under indenture, but not any other assistant constable; and
4. The employer of the immigrant or his manager or overseer,

may without warrant stop such immigrant, and in case he fails to produce a certificate of industrial residence or of exemption from labour or a ticket of leave may, arrest him and take him to the nearest police station, there to be detained until he can be taken before a Stipendiary Justice of the Peace.

If, upon such immigrant being brought before a Stipendiary Justice of the Peace, it appears in respect of what plantation his services are due, and he fails to prove that at the time of his being arrested he was absent from such plantation by virtue of a ticket of leave, the Stipendiary Justice, if he sees fit, may order such immigrant to be returned to the estate to which he is indentured or to be imprisoned with or without hard labour for any term not exceeding seven days; but if it does not appear in respect of what plantation the services of such immigrant are due, and such immigrant does not prove to the satisfaction of the Stipendiary Justice that he is not an immigrant within the meaning of the principal Ordinance or that he has completed his term of industrial residence, the Stipendiary Justice may if he sees fit make an order for the imprisonment of such immigrant with or without hard labour for any term not exceeding three months.

The Stipendiary Justice may from time to time remand any immigrant brought before him under this section, for such reasonable time as he sees fit, for the purpose of enquiry being made in respect of what plantation the services of such immigrant are due.

If it appears to the Stipendiary Justice that any employer, manager or overseer arrested an immigrant without reasonable or probable cause, the Stipendiary Justice may order the person making the arrest to pay to the immigrant by way of compensation any sum not exceeding twenty pounds, and any such order shall be a bar to any action for the same cause.

18. Where any indentured immigrant is without lawful excuse absent from work he shall be guilty of an offence against this Ordinance, and upon conviction before any Stipendiary Justice of the Peace, such Stipendiary Justice—

1. May order that the immigrant do, on the expiration of his indenture or of any extension thereof under the principal Ordinance or this Ordinance, work on the plantation to which he has been assigned for a number of days, to be ascertained as follows, —that is to say: for one day, for each day during which he was absent, including the days

during which he was before the Court in consequence of absence, and for one additional day; and also in addition to the last mentioned penalty, if he thinks fit.

2. May fine such immigrant in any sum not exceeding ten shillings; or,
3. If the immigrant be a male may order him to be imprisoned with or without hard labour for any term not exceeding seven days for a first offence, or one month for a second or other subsequent offence.

Every Stipendiary Justice or his Clerk of Court shall transmit to the Agent General of Immigrants any order made by him under this section by which an immigrant is ordered to work for any period after the expiration of his indenture or any extension thereof.

Indorsement
of last days in
case of
absence.

19. The Agent General of Immigrants shall endorse on the indenture of the immigrant or on the certificate mentioned in the sixteenth section of this Ordinance a note of the number of days mentioned in any order under the principal Ordinance or this Ordinance extending an indenture. The immigrant shall not be deemed to have completed his industrial residence until he has, after the expiration of his indenture and of any term previously endorsed, worked on the plantation or plantations in respect of which his services are due for the term mentioned in such endorsement.

Miscellaneous
offences.

20. Every indentured immigrant drunk while at work, or who uses to his employer or to any person placed by his employer in authority on the plantation any abusive, threatening or insulting language, or who by negligence, carelessness or improper conduct damages or causes to be damaged any property of his employer, or who through negligence, carelessness or improper conduct suffers the same to be damaged, or who persuades any indentured immigrant unlawfully to refuse to work or to absent himself from work may, on conviction before a Stipendiary Justice of the Peace for a first offence, be ordered to pay a fine not exceeding one pound, or be imprisoned with or without hard labour for any term not exceeding one month, and on

conviction for a second or any subsequent offence may be ordered to pay a fine not exceeding two pounds, or be imprisoned with or without hard labour for any term not exceeding two months.

21. Any indentured immigrant who, except from sickness or other lawful excuse, neglects or refuses to perform any work assigned to him under the provisions of the principal Ordinance or this Ordinance, or absents himself from such work when he ought to be employed thereon, or, if the same be time-work, does not show ordinary diligence in the performance of such work, shall be guilty of an offence against this Ordinance, and may on conviction for any such offence on the complaint of his employer before a Stipendiary Justice of the Peace be ordered to pay a fine not exceeding five shillings, and in default of payment be imprisoned with or without hard labour for seven days, and for a second or any subsequent offence of a like nature may be ordered to pay a fine not exceeding twenty shillings, and in default of payment be imprisoned with or without hard labour for any term not exceeding thirty days: Provided that the Stipendiary Justice of the Peace before whom any conviction for any of the offences mentioned in this section takes place may, if he sees fit, instead of inflicting the above-mentioned fine or imprisonment, order the immigrant convicted of any such offence to be returned by the police to the plantation on which he is serving under indenture.

Every complaint laid against any immigrant under the provisions of this section shall be laid within thirty days after the offence was committed.

22. Every indentured immigrant who after being sent to hospital is found beyond the limits of such hospital before he has been discharged by the proper medical officer, or who refuses or neglects to appear before such medical officer at any time when required by him so to do, or who resists any lawful order for his conveyance to hospital, or production before the medical officer, or who breaks any hospital rules or regulations authorised by the principal Ordinance or this Ordinance, or who behaves himself in a disorderly or refractory manner while in hospital, shall be guilty of an offence against

Refusing to
work.

Breach of
hospital
rules.

this Ordinance, and on conviction thereof before a Stipendiary Justice of the Peace may be ordered to pay any fine not exceeding one pound, or be imprisoned with or without hard labour for any term not exceeding fourteen days.

Days lost in
consequence
of offences.

23. Every indentured immigrant guilty of any offence shall be bound to serve in addition to the term of his indenture for any period during which he has been absent from work in consequence of being convicted before the Supreme Court or any Justice of the Peace of such offence. The length of such period shall be endorsed on the indenture by the Agent General of Immigrants and such endorsement shall be evidence of the liability to serve.

24. Any indentured immigrant who, having been refused a ticket of leave by his employer, absents himself from work in order on reasonable grounds to lay an information or make a complaint against his employer before a Stipendiary Justice of the Peace, or in order to make a complaint of his treatment to or ask counsel of the Agent General of Immigrants, shall be entitled to receive from such Stipendiary Justice or Agent General a certificate that his absence was for reasonable cause. No immigrant possessing such certificate shall be liable to conviction for absence from work upon the day on which such certificate was granted, or within such time before and after, as was reasonable for going and returning. Where such Stipendiary Justice or Agent-General is of opinion that such complaint is ill-founded or frivolous, he shall make order that the immigrant do work for one day in addition to the days during which he has been absent from the plantation for the purpose of making such complaint, and shall give notice in writing of such order having been made to the manager of the plantation.

No immigrant shall be convicted either for failing to show ordinary diligence at work or for non-performance of work assigned to him, in respect of any work for which he was physically unfit, or which was of such description or extent, or was assigned in such a manner, or for such a rate of wages, as to contravene any portion of the principal Ordinance or this Ordinance, or in

respect of work which has been unduly thrown out, or in respect of which any wages have been unlawfully withheld.

25. Notwithstanding anything in the principal Ordinance or this Ordinance no female immigrant convicted under the principal Ordinance or this Ordinance for absence from work, or for failing to show ordinary diligence when at work, or for non-performance of work, shall be sentenced to imprisonment except in default of payment of a fine, not exceeding on first conviction ten shillings, or on second or subsequent conviction two pounds.

Special Ex-
emptions of
females.

No female immigrant shall be convicted under this or any other Ordinance for refusal to work, absence from work, or failing to show ordinary diligence while at work, where it appears to the satisfaction of the Stipendiary Justice of the Peace before whom she is tried, that such refusal to work, absence from work, or want of ordinary diligence was caused by pregnancy or other physical cause peculiar to women.

No female immigrant convicted under the principal Ordinance or this Ordinance shall be sentenced to imprisonment with hard labour.

26. Every offence against this Ordinance punishable by fine or imprisonment and every offence against any regulation which may be made by the Governor under the authority of the thirtieth section of this Ordinance shall be an offence punishable on summary conviction within the meaning of the Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice." The provisions of Ordinance No. 1 of 1869, intituled "An Ordinance to improve the administration of the law so far as respects summary proceedings before Justices of the Peace," and of the Ordinance No. 17 of 1869, intituled "An Ordinance for regulating appeals from Summary Convictions and Orders" shall be applicable to proceedings in respect of offences under this Ordinance.

Procedure.

In the case of any offence against this Ordinance, where it is not in this Ordinance expressed by whom complaint may be made, the complaint may be made by the Agent General of Immigrants or by the Inspector of

Immigrants or by any immigrant or other person aggrieved.

Evidence. 27. The defendant may give his own evidence in any enquiry under or proceeding for an offence against this Ordinance.

Assaulting Immigrants.

Assaulting immigrants. 28. Where any indentured immigrant is assaulted or beaten the Agent General of Immigrants shall be deemed to be a party aggrieved within the meaning of Section 3 of Ordinance No. 6 for 1868 intituled "An Ordinance for rendering certain offences punishable on summary conviction."

Medical Treatment.

Conveyance of sick immigrants. 29. Where any employer, manager or overseer has reasonable grounds for believing that any immigrant indentured for service on his plantation is suffering from illness or any bodily injury he shall cause him to be suitably conveyed with all convenient speed to the hospital of the plantation or to some public hospital. Any employer, manager or overseer who fails to cause to be conveyed any immigrant pursuant to this section shall be guilty of an offence against this Ordinance, and if the immigrant is injured or dies in consequence of such failure, on conviction thereof shall forfeit any sum not exceeding ten pounds; but such forfeiture shall not bar or deprive any person of his right of action for such injury, and shall not be pleadable in bar to any indictment.

Rules.

Power to make regulations. 30. It shall be lawful for the Governor to make regulations respecting the lodging, medicine and medical aid, food and clothing to be provided for indentured immigrants, and respecting any other matters for carrying into effect the principal Ordinance or this Ordinance, and to fix such penalties not exceeding ten pounds for breach of any such regulation as he sees fit; and also to make regulations for enforcing the observance by immigrants of cleanliness in or about their dwelling-houses, and to fix any penalty not exceeding five shillings for the breach of any of the last mentioned regulations.

A copy of any regulations made under this section shall within one month after the making thereof be laid upon the table of the Legislative Council.

At the expiration of the period of two months from the time when such copy was laid upon the table of the Legislative Council, the regulations therein contained shall be valid to all intents and purposes, and shall not be questioned by any Court whatever.

Repeal of Enactments.

31. The enactments specified in the schedule to this Ordinance are hereby repealed: ^{Repeal of Enactments.} Provided that this repeal shall not affect any thing done before the passing of this Ordinance or any right or penalty, liability, forfeiture, or obligation incurred before the passing of this Ordinance or any remedy in respect of any such right, penalty, liability, forfeiture or obligation or any proceeding pending at the passing of this Ordinance.

Passed in Council this first day of May in the year of our Lord one thousand eight hundred and seventy-five.

A. C. ROSS,
Clerk of the Council.

THE FIRST SCHEDULE.

Ordinance.	Title of Ordinance.	Extent of Repeal.
No. 13 for 1870.	An Ordinance with regard to immigration.	Sections eleven, forty-one, fifty-nine, sixty and sixty-seven.
No. 5 for 1872.	An Ordinance to amend the Ordinance No. 13 for 1870, intituled an Ordinance with regard to immigration.	The whole.

SECOND SCHEDULE.

TRINIDAD.

I, H. M., Agent General of Immigrants, do hereby certify that A. B. of _____ is the employer of the several immigrants hereunder mentioned, and that the names of such immigrants, and their numbers in the general register of immigrants, and the names of the vessels by which they respectively arrived in this Colony, and the names of the several plantations in respect of which they have been respectively indentured, and the several days when their respective terms of service will expire, are those in the following schedule:—

Name of Plantation.	Name of Vessel.	Name of Immigrant.	Registered Number.	Date when service will expire.
<i>Bellevue.</i>	<i>Plantagenet.</i>	<i>Ram Sammie.</i>	565.	13th Oct., 1867.

Given under my hand at Port-of-Spain this _____ day of _____
in the year 18 _____

H. M.,
Agent General.

No. 10.—1875.

1st June.

AN ORDINANCE for the appointment of a Director of Public Works.

(L.S.) HENRY T. IRVING.

3rd June, 1875.

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

Short title. 1. This Ordinance may be cited for all purposes as "The Public Works Director Ordinance, 1875."

Appointment of Director of Public Works. 2. It shall be lawful for Her Majesty from time to time to appoint such person as she sees fit to be Director of Public Works, and every person so appointed shall hold office during the pleasure of Her Majesty. The Director of Public Works shall be paid such salary as the Governor,