

IMMIGRATION ORDINANCE, 1870.

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No. 13.—1870.

AN ORDINANCE with regard to Immigration.

[L. S.] ARTHUR GORDON.

21th June, 1870.

WHEREAS it is expedient that the Ordinances with regard to immigration should be amended and consolidated in one Ordinance: Be it enacted by His Excellency the Governor of Trinidad, with the advice and consent of the Legislative Council, as follows:—

REPEAL OF ORDINANCES.

1. The several Ordinances mentioned in the Schedule A to this Ordinance shall be, and the same are, hereby repealed, save and except so far as regards any appointment made under the said Ordinances or either of the same, and save also and except so far as regards all existing engagements to labour and the payment of any duties now due and owing to Her Majesty, and all fines and penalties incurred under the said Ordinances or either of the same, all which engagements to labour may be enforced, and all such duties, fines and penalties shall and may be sued for and recovered under this Ordinance.

Prior Ordinances relating to immigration repealed except as regards existing liabilities.

INTERPRETATION.

2. Throughout this Ordinance the following words and expressions shall have the meanings hereby assigned to them, if not inconsistent with the context or subject matter, that is to say:—

Interpretation of terms.

(a) Words importing one number or one gender shall mean respectively both numbers and both genders.

(b) The expression "Her Majesty" shall mean Her Majesty, her heirs and successors.

- (c) The expression "Agent General of Immigrants" shall include any Sub-agent or Inspector of Immigrants appointed or to be appointed by the Governor.
- (d) The expression "Emigration Agent" shall include any person appointed or to be appointed by the Governor to act as Emigration Agent or Sub-agents.
- (e) The word "Immigrant" shall mean all immigrants (not being liberated Africans) already introduced, or who may hereafter be introduced into this Colony at the expense of this Colony, or of the Imperial Government, or for whose introduction, although the same may be under private contract, the Colony may hereafter pay bounty.
- (f) The expression "Indian Immigrant" shall mean any immigrant who shall have been introduced from the British Possessions in the East Indies.
- (g) The words "Female Immigrants" shall include all female immigrants introduced since the 1st day of May, 1865, or who may be hereafter introduced into this Colony at the expense of this Colony, or of the Imperial Government, or for whose introduction, although the same may be under private contract, the Colony may pay bounty.
- (h) The word "Indenture" shall include all contracts of service declared to be valid by this Ordinance.
- (i) The expression "Indentured Immigrant" shall mean any immigrant now under indenture, or who may hereafter be indentured under this Ordinance, and who shall not have completed his industrial residence, or who, having completed his industrial residence, shall have been indentured for a further term of industrial residence.
- (j) The word "Employer" shall mean the proprietor or manager, or other person having the direction of or the chief authority upon any plantation or farm on which any immigrant shall be employed.
- (k) The word "Month" shall mean calendar month.
- (l) The word "Vessel" shall include all schooners, droghers, flats, punts, scows, boats, canoes, corials, rafts or other craft.
- (m) The word "Prison" shall include any lock-up

house, prison, cell, or other duly authorised place of detention.

- (n) The word "Keeper" shall mean the keeper or other officer having the charge of any such prison.

PART II.

GENERAL REGISTER OF IMMIGRANTS AND THEIR INSPECTION AND TREATMENT ON ARRIVAL.

3. All entries heretofore made in the general register of immigrants shall be valid, and all engagements to labour, assignments of services and certificates heretofore made and granted, and all matters and things done heretofore under or by virtue of any or either of the said Ordinances, shall be and continue in force in the same manner as if this Ordinance had not been passed.

Entries, indentures, &c., heretofore made to continue in force.

4. The Agent General of Immigrants shall continue to keep the general register of immigrants, and shall insert therein the names of all immigrants arriving in the Colony, and shall number each of such immigrants by a particular number, commencing from the last number already borne on such register, and proceeding by regular numerical progression, and shall distinguish therein under different heads the number, name, age, sex and country of every such immigrant, and the time when, and the place from which, and the vessel in which such immigrant shall have arrived, and the cost of the passage of such immigrant, and whether such immigrant is or is not entitled to a return passage, and the name of the employer or other person at whose expense such labourer shall have been introduced, and of the employer to whom he may be indentured on his arrival, and of the amount of moneys, if any, which may have been advanced to such immigrant previous to his arrival in the Colony.

Agent General to keep register of names, numbers, and other particulars of immigrants.

5. The Governor may from time to time by proclamation name the ports or places from which immigration on bounty into this Colony shall be permitted, and the rates of bounty payable on the immigrants, and the conditions under which such immigration may be carried on.

Governor may proclaim places whence immigration shall be permitted.

Immigrants to be inspected on arrival by a medical practitioner.

6. All immigrants brought into this Colony under the authority of this Ordinance shall be inspected at such place and by such medical practitioner as the Governor may from time to time appoint, and such medical practitioner shall set aside all such of the immigrants as, from their age or state of health, shall appear to him to be unfit to be indentured, and the immigrants so set aside shall be sent to the Colonial Hospital or otherwise provided for until they shall be fit to be indentured, or can be sent back to their own country; and the expense of maintaining and treating such immigrants at the Colonial Hospital, or otherwise providing for the same, and the charge of the medical practitioner for his inspection of such immigrants (such charge to be allowed by the Governor), shall be borne by and paid from the funds applicable to immigration.

Immigrants to be provided with food and lodging until remunerative employment be found for them.

7. If any immigrants shall not on their arrival be immediately provided with employment, the Agent General of Immigrants shall provide them with food and lodging until the means of earning their own subsistence can be procured for them, and shall in the meantime employ them in such manner as the Governor may from time to time direct, and the cost of such food and lodging shall be borne by and paid from the funds applicable to immigration.

Provision in regard to labourers arriving in this Colony from the places herein mentioned under contract to perform service.

8. If any labourer arriving in this Colony from Madeira, the Azores, the Canaries, or the Cape de Verd Islands, or from any part of Europe, or of the West Indies, or of the United States, or of the British Provinces of North America, or from any port or place from which immigration on bounty shall have been permitted by such proclamation as aforesaid, shall, before his arrival, have contracted with any person to perform service in this Colony, such contract shall, when approved and countersigned by the Agent General of Immigrants, and subject to such alterations as the said Agent General may, with the consent of the parties, have made therein, be valid in this Colony for the full period named in such contract, not exceeding five years; Provided that, except as hereinafter mentioned, no such contract shall be approved and countersigned unless the same shall pur-

port to have been signed with the names or marks of the contracting parties and attested by some notary public or British Consul, or by some other person approved by or acting under the authority of Her Majesty's Government, who shall declare that the parties entered into it voluntarily and with a full understanding of its meaning, nor unless the Agent General shall be satisfied that the immigration has been carried on in accordance with all existing regulations of the Imperial and of the Colonial Government.

9. The amount advanced to any indentured immigrant previous to his embarkation shall be paid from the funds applicable to immigration arising from fees on indentures and duties on exports. Advances to be paid out of funds raised for immigration.

PART III.

APPLICATION FOR IMMIGRANTS, THEIR ALLOTMENT, &c., &c.

10. The Governor may, by notice in the *Royal Gazette*, from time to time make regulations respecting the form in which application shall be made by persons desirous of having immigrants indentured to them, and a copy of such regulations shall be laid before the Legislative Council at its next meeting. Regulations to be made respecting applications for immigrants.

* * * * *

Section 11 repealed by Ordinance No. 9 of 1875.

12. All persons desirous of obtaining allotments of immigrants shall send in to the Agent General of Immigrants, on or before the first day of April in each year, a requisition in writing specifying the number of immigrants required and the name and situation of the plantation in respect of which the same are required; and every such requisition, if made in the name or on the behalf of any co-partnership by any person being a partner in the concern, shall be binding on all the persons constituting such co-partnership, and if any person making such requisition or being a partner of the co-partnership in the name or on the behalf of which such requisition shall be made, shall not afterwards accept Requisitions for immigrants to be made before April and to be binding on partnerships. The immigrants applied for to be accepted under penalty.

such immigrants as may be allotted in pursuance of such requisition, not exceeding the number of immigrants mentioned in such requisition, and pay the fees payable previously to the execution of the indentures of such immigrants, such person shall, on the information of the Agent General of Immigrants, forfeit the sum of one pound for every immigrant who may have been so allotted, and where any such requisition shall have been made in the name or on the behalf of any co-partnership, it shall be lawful for the Agent General of Immigrants to proceed against such one or more of the persons constituting the co-partnership at the time of such requisition being made, as he shall see fit.

Employers to be charged with the payment of certain yearly fees on the indentures of immigrants.

13. Every employer to whom any immigrant shall be indentured shall be charged with the payment to Her Majesty, her heirs and successors, of the sum of five pounds as fees on the indenture of such immigrant, of which sum one fifth part shall be paid previously to the execution of the indenture, or the endorsement by the Agent General of Immigrants of the contract of service, and a like fifth part shall be paid annually at the commencement of the second year and every subsequent year, and all such payments shall be made although such immigrant shall have died or become incapable to work, or shall have been absent from the plantation in respect of which he shall have been indentured; Provided always that when the indenture of any such immigrant shall be cancelled by the order of the Governor, or such immigrant shall, before the expiration of his term of service, obtain from the Agent General of Immigrants a certificate of industrial residence, such employer shall be discharged from any further payment in respect of such immigrant.

Penalty on non-payment of fees within appointed time.

14. Where any fees or other sums of money payable by any employer in respect of any indentured immigrant under this Ordinance shall remain unpaid for a period of one month after they shall have become due, the employer shall be subject to a penalty at the rate of ten per cent. on the amount of such fees or other sums of money, to be paid and recovered together with such fees or other sums of money.

PART IV.

INDENTURES WITHIN THE ISLAND.

15. In case any immigrant shall before embarkation have consented to enter into a contract of service in the Colony with any employer whom the Agent General of Immigrants may on his arrival select for a period not exceeding five years such consent being shown either by a certificate of the Government Immigration Agent at the port of embarkation or by an agreement signed by the immigrant and witnessed by some notary, consul, or other officer as aforesaid, the Agent General may assign such immigrant to any employer whom he may think fit for such period as aforesaid: Provided always that in making such assignment it shall not be lawful for the Agent General to separate husbands from wives nor children under the age of fifteen years from their parents or natural protectors: Provided also that no such assignment shall take effect until the employer and the Agent General of Immigrants on behalf of such immigrants shall have executed an indenture in the form annexed [Schedule B] or in such other form as may be approved by the Governor, nor until such employer shall have paid on such indenture the fee hereinbefore provided.

Agent General to assign immigrants to employers; but families not to be separated.

16. Every immigrant introduced into this Colony after the passing of this Ordinance shall be indentured by the Agent General of Immigrants for the term of five years from the day of his arrival in this Colony, and shall be assigned to such plantation as the Agent General of Immigrants shall see fit.

Immigrants to be indentured for five years.

17. Every indenture of service under this Ordinance may be according to the form contained in Schedule B of this Ordinance.

Form of indenture.

18. The Agent General of Immigrants shall, on the request of every employer to whom any immigrants may have already been or hereafter may be allotted, or the agent of such employer make out and deliver to such employer or his agent a certificate in writing under the hand of such Agent General specifying the names of

Certificate of names, &c., of immigrants allotted to be delivered to employer, and such certificate to be evidence.

all such immigrants and their numbers in the General Register of Immigrants the name of the vessel by which and the time when they shall have respectively arrived in the Colony, the name of the plantation in respect of which they shall have been indentured, and the several days when their respective terms of service will expire, and such certificate may be in the form in the Schedule C to this Ordinance and shall be evidence in all cases of the facts stated in such certificate, and it shall not be necessary in any proceeding against any indentured immigrant for breach of his contract or neglect of duty or for any offence against this Ordinance to produce in evidence the indenture of such immigrant.

Indenture fees to be a first charge and to be paid on the last day of the month.

Employer to make out return of fees payable.

19. All fees on indentures payable to Her Majesty under this Ordinance shall be a first charge on the plantation named in the indenture of the immigrant in respect of whom such moneys shall be payable and shall be paid by the person in possession of such plantation to the Receiver General on the last day of the month in which such fees shall be payable, and every employer or his agent shall make out and deliver to such Receiver General a return or list in duplicate showing the name of the plantation, and the names and distinguishing numbers of the immigrants in respect whereof any such fees of indenture shall be payable, and shall pay the amount of all such fees, and the Receiver General shall, at the foot of each such return certify the payment of such fees and shall deliver one such return so certified to the person paying such fees and shall deliver the other of such returns to the Agent General of immigrants to be kept by such Agent General.

Immigrants whose term of service has expired may be re-indentured.

20. When and so often as any immigrant who shall have already completed or shall hereafter complete an industrial residence of five years within this Colony shall be willing to enter into any engagement to labour for any employer, it shall be lawful for the Agent General of Immigrants from time to time, if he shall see fit, and on payment to such immigrant by such employer of such premium or bounty, if any, as may be agreed upon between such immigrant and such employer to indenture such immigrant to such employer for such time not exceeding twelve months as may be agreed upon between

such immigrant and such employer, and every such indenture may be according to the form in the Schedule D to this Ordinance; and the Agent-General of Immigrants shall keep a register of such immigrants and shall enter opposite the name of such immigrant the day on which and the time for which such indenture shall be made.

21. Any immigrant who at the time of his arrival in this Colony shall be under the age of ten years shall continue under the charge of his parents or friends without any indenture until he shall attain the age of ten years, and so soon as he shall attain that age shall be indentured without any fee to the employer of such parents or friends for such time as together with the time which he may have resided in the Colony before attaining the age of ten years shall be sufficient to make up a term of five years, and every year of residence in the Colony before attaining the age of ten years shall be deemed to be equivalent to a year's residence under indenture: and where the parent of any such child shall obtain a certificate of industrial residence under the Clause marked 72 of this Ordinance the indenture of such child shall determine upon and from the day on which such certificate shall bear date.

Immigrants under the age of ten years to be indentured when they attain that age.

22. The Agent General of Immigrants, or in case of his being prevented by illness or other cause to be allowed by the Governor, the Sub-agent of Immigrants or the Inspector of Immigrants shall once at least in every term of six months visit every plantation on which any indentured immigrants shall be employed and shall inspect the state and condition of the immigrants on such plantation and the labour-book kept on such plantation, and shall once in every six months make a report to the Governor specifying under the name of such plantation the several days and times when the same shall have been so visited by him, and the number of indentured immigrants employed on such plantation and the number of those indentured in respect of such plantation but absent from the same, and a copy of such report shall be laid before the Legislative Council at its next meeting.

Agent General to inspect immigrants half-yearly and to make report thereon.

Power to Agent General to cancel indenture for ill-treatment of immigrant or breach of contract by employer.

23. In case it shall appear to the Agent General of Immigrants that any immigrant has been illused by his employer, or in case of neglect of duty or breach of contract on the part of such employer, the Agent General of Immigrants may by notice in the *Royal Gazette* cancel the indenture of such immigrant, and no immigrant shall be allotted to such employer under any application previously made by him.

Indenture may be cancelled if proper accommodation be not provided, &c.

24. The Governor may by like notice cancel the indenture of any immigrant if the Agent General of Immigrants shall report that the accommodation provided for such immigrant is bad or insufficient, or that any immigrant requiring medical care and treatment has not been sent to hospital or received proper medical treatment, or if the Governor shall on any other ground consider it requisite so to do.

Immigrants whose indentures have been cancelled may be re-indentured.

25. Any immigrant whose indenture shall have been cancelled under any of the above provisions, may without his consent be re-indentured to some other employer by the Agent General of Immigrants for any period not exceeding the period of service remaining unexpired at the time of such indenture being cancelled.

PART V.

AS TO THE FEEDING OF IMMIGRANTS.

Immigrants to be fed by their employers during the first two years of their service under indenture.

26. Every employer of indentured immigrants who may since the first day of January, one thousand eight hundred and sixty-nine have been allotted or may hereafter be allotted to any plantation, shall provide and furnish daily and every day to every such immigrant during the first two years of the term of the industrial residence of such immigrant the following rations of food, that is to say, to every such indentured immigrant one pound of rice and four ounces of dhol, or such equivalent quantity of vegetable food as the Agent General of Immigrants may from time to time allow, one ounce of cocoanut oil or ghee and two ounces of sugar, and to every child of such indentured immigrant above the age of five years and under the age of ten years, one half of the above-mentioned rations.

Rations of food to be provided.

27. All such rations furnished to any indentured immigrant above the age of ten years shall be taken and allowed at the rate of four pence for every ration, and the value of all such rations supplied to any immigrant may be deducted and retained from time to time by the employer from the wages which may be earned by such immigrant, but no deduction shall be made by or allowed to any employer in respect to any ration supplied to any child under the age of ten years.

Value of rations so provided to be deducted from pay of immigrant.

Deductions not to be allowed in respect of rations supplied to children.

28. It shall be lawful for the Agent General or any Sub-agent or Inspector of Immigrants, on the application of any such indentured immigrant at any time after the expiration of twelve months from the time of the allotment of such immigrant, to make order in writing to be signed by such Agent General or Sub-agent or Inspector in the labour book of the plantation to which such immigrant shall be allotted, that the providing or furnishing of rations to such immigrant be discontinued, and from the day of such order being so made the issue of rations to such immigrant shall cease.

After first year of indentured service Agent General, &c., may on application of immigrant, order that the providing of rations to such immigrant be discontinued.

29. Any indentured immigrant who shall sell or barter to any person, whether an indentured immigrant or not, and any person whether an indentured immigrant or not, who shall purchase or take by way of barter or exchange from any indentured immigrant any ration, or any part of any ration furnished under this Ordinance to such immigrant, shall, on the complaint of the employer, and on conviction before any Stipendiary Justice, be imprisoned for any term not exceeding fourteen days.

Penalty on sale, exchange or purchase of rations furnished to any immigrant.

PART VI.

HOSPITAL FOR IMMIGRANTS AND THEIR TREATMENT IN HOSPITAL.

30. It shall not be lawful to assign any immigrant to any plantation upon or for which there shall not be a hospital or hospitals duly certified or hereafter to be certified under this Ordinance, and capable of accommodating at one and the same time one tenth part at the least of the total number of the indentured immigrants of such plantation.

Immigrants not to be assigned to plantations not possessing proper hospital accommodation.

Buildings to be inspected and certified as hospitals.

31. The owner, or any person having the charge of any plantation, may by notice under his hand to be delivered to the Agent General of Immigrants or Inspector of Immigrants, require any building to be inspected with the view to the same being certified as a hospital under this Ordinance, and the Agent General or the Inspector of Immigrants shall within a reasonable time after such notice shall have been given inspect such building, and if he shall find such building to be sufficiently ventilated and otherwise fit for the accommodation of patients shall ascertain the internal dimensions of such building, and the number of patients which such building is capable of accommodating in the proportion of one person to eight hundred cubic feet of the internal dimensions of such building, and shall thereupon grant a certificate under his hand that such building is fit to be used as a hospital, and shall state in such certificate the number of patients which such building is capable of accommodating, and every building so certified shall be deemed "a certified hospital" for the purposes of this Ordinance.

Certificate to be exhibited in hospital.

32. Every such certificate shall be kept in some public part in the hospital so certified open to the inspection of all persons visiting such hospital, and a duplicate of such certificate shall be returned to and kept in the office of the Agent General of Immigrants.

Power to Governor to appoint medical visitors of plantations.

33. It shall be lawful for the Governor from time to time to appoint such persons as he shall see fit, being members of the Medical Board of the Island to be medical visitors of plantations, and to assign to each of such visitors a district to comprise such part of the Island as the Governor may see fit, and the person so appointed shall hold office during the pleasure of the Governor, and any such medical visitor shall act as the medical attendant of the hospitals certified under this Ordinance within the district assigned to him. The Governor shall assign to every such medical visitor such salary in respect of every certified hospital within the district assigned to him as the Governor may see fit, which salary shall be paid from the funds applicable to immigration.

Salaries of medical visitors to be paid from funds applicable to immigration.

34. Every medical visitor shall visit every certified hospital within the district assigned to him at least twice in each and every week, and shall in a case book, according to the form in the Schedule F to this Ordinance to be kept at such certified hospital on each day on which he shall visit the same make an entry of such visit, and shall from time to time enter the name, nature of the disease, diet, and treatment of every patient admitted to such hospital, and the day of such admission, and of his removal to a public hospital, or discharge or death as the case may be; and such book shall be open at all times to the inspection of the Agent General or Inspector of Immigrants, and it shall be lawful for such Agent General or Inspector from time to time to take a copy of the entries in such book, or any part of the same.

Medical visitors to visit hospitals in their respective districts twice weekly, and to enter in a case-book particulars respecting patients treated therein.

35. If any number of patients shall be received and kept in any certified hospital exceeding at one and the same time the number of patients mentioned in the certificate granted in respect of such hospital, every employer using such hospital, shall, on the complaint of the Agent General or the Inspector of Immigrants before any Stipendiary Justice, forfeit for every such offence any sum not exceeding ten pounds.

Prohibition against the over-crowding of hospitals.

36. It shall be lawful for any employer to send any immigrant who, in the opinion of such employer may require medical care and treatment, to any certified hospital upon or for the plantation on which such immigrant shall be employed, and if any such immigrant being so sent to such hospital shall be found beyond the limits of such hospital before he shall have been discharged therefrom by his employer or the medical visitor of such hospital, such immigrant may be retaken and returned to such hospital by the employer or his servant.

Immigrants leaving hospital before being discharged may be sent back.

37. Every employer who shall neglect to send to the certified hospital of the plantation or to some public hospital any immigrant requiring medical care or treatment shall, on conviction thereof before any Stipendiary Justice on the complaint of the Agent General or Inspector of Immigrants or of such immigrant, forfeit

Employer failing to send immigrant requiring medical treatment to hospital to be liable to penalty.

any sum not exceeding ten pounds for every such offence.

Medical visitor, Agent General, &c., may order the removal of a patient to a public hospital

38. If at any time it shall appear to the medical visitor of any certified hospital or to the Agent General or Inspector of Immigrants that the removal of any patient from any such certified hospital to any public hospital would tend to the more speedy cure of such patient, such medical visitor, Agent General or Inspector shall, by an entry in writing in the case-book, order such patient to be removed, and if such patient shall not be removed to such public hospital within a time to be limited and appointed by such entry in writing, or forthwith, if no time be limited or appointed by such entry, the employer shall on conviction thereof before any Stipendiary Justice on the complaint of such Agent General or Inspector of Immigrants forfeit any sum not exceeding twenty pounds.

Power to Governor to order removal of immigrants from any plantation, on report of medical visitor that the certified hospital on such plantation is no longer fit to be used as a hospital.

39. If any medical visitor shall report in writing to the Governor that the certified hospital on any plantation within his district is no longer fit to be used as a hospital, it shall be lawful for the Governor to withdraw the certificate in respect of such hospital and thereupon such hospital shall cease to be a certified hospital within the meaning of this Ordinance, and the immigrants upon the plantation or plantations for which such hospital shall be used shall be removed and assigned to such other plantation or plantations as the Governor may see fit.

Quarterly return of cases admitted into hospital to be furnished by district visitor.

40. Every medical visitor shall, on or before the fifteenth day of the months of January, April, July and October in each year deliver or cause to be delivered to the Agent General of Immigrants a return in respect of every plantation to which such immigrants shall be indentured to be signed by such medical visitor, in which return shall be stated the name, age and sex, disease and treatment of every immigrant who shall have been admitted into the certified hospital of such plantation during the same quarter and the number of days during which every such immigrant shall have remained in such hospital and the day of the removal to any public hospital, discharge or death, as the case may be, of every

such immigrant and every such return shall be in such form as the Governor may from time to time direct, and such medical visitor shall from time to time make such reports to the Agent General of Immigrants and the Surgeon General of the Colony as the Governor may direct.

PART VII.

WITH RESPECT TO VAGRANT IMMIGRANTS.

* * * * *

Section 41 is repealed by Ordinance 9 of 1875.

42. In every such order to be made by any Stipendiary Justice for the imprisonment of any indentured immigrant the Stipendiary Justice shall make a further Order that such indentured immigrant on the expiration of such imprisonment be taken back by some constable of police to the plantation in respect of which the services of such immigrant shall be due, there to be given up to his employer.

Justice to make further order respecting immigrant's return to plantation at expiration of his imprisonment.

43. When any indentured immigrant shall be brought before any Justice of the Peace and it shall appear to such Justice of the Peace that such immigrant is in such a state of health as to require medical care and treatment, such Justice shall proceed to enquire whether there is a "certified hospital" upon or for the plantation in respect of which such immigrant shall be indentured, and if it shall appear that there is a "certified hospital" shall, except in cases where he shall be of opinion that such immigrant is in such a state of health as to render it expedient that he should be sent to a public hospital, make order that such immigrant be taken by some constable of police and admitted to such "certified hospital."

Vagrant immigrants requiring treatment to be sent to the certified hospital of their plantation.

PART VIII.

ADMISSION OF IMMIGRANTS INTO PUBLIC HOSPITALS.

44. Where an indentured immigrant shall be brought before any Justice of the Peace, and it shall appear to

Justice may order immigrant requir-

Penalty for false declaration made for the purpose of obtaining a substituted certificate.

51. If any such declaration to be made for the purpose of obtaining a substituted certificate under this Ordinance shall be wilfully false in any particular, the immigrant making such declaration shall on conviction thereof before a Stipendiary Justice of the Peace be imprisoned with hard labour for any term not exceeding three months.

No immigrants to leave the Colony without a passport; and persons aiding immigrants to depart without passports to be liable to a penalty.

52. No immigrant shall depart from this colony without a passport, and every master or other person in charge of any vessel who shall receive or harbour on board of such vessel any immigrant who shall not have duly obtained such passport with the intention of carrying him out of this colony, and every person who shall aid and abet the departure of any such immigrant, shall, on conviction thereof before a Justice of the Peace, forfeit any sum not exceeding twenty pounds for each and every such immigrant whom he shall have so received, harbored, aided or abetted, and one-half of such penalty shall be adjudged to the informer.

Penalty on masters of vessels receiving on board immigrants without passports or other proper authority.

53. Every master or other person in charge of any vessel who shall receive or harbour on board of such vessel any immigrant who shall not have previously exhibited to him a certificate of industrial residence or a written ticket of leave purporting to be signed by his employer, or who shall not be going to or returning from any Court of Justice on the subpoena or summons of such Court or of some Justice of the Peace, which he shall have exhibited to such master or person in charge, shall on conviction thereof before any Justice of the Peace forfeit any sum not exceeding twenty pounds for each and every such immigrant whom he shall have so received or harboured, or shall at the discretion of such Justice be imprisoned with or without hard labour for any term not exceeding three months.

No person to employ immigrants not indentured to him, unless such immigrants shall produce certificates of residence.

54. It shall not be lawful for any person to receive into his employment any immigrant not indentured to such person by the Agent General of Immigrants, unless such immigrant shall, before entering into such employment, produce his certificate of industrial residence to such person, who shall thereupon endorse his name and the day of the same being produced to him on

such certificate, and any person who shall receive into or continue in his employment, or harbour or conceal any immigrant being at the time under indenture or a written contract to labour for some other employer, shall on conviction thereof before any Justice of the Peace forfeit any sum not exceeding one pound for each day during which such immigrant shall have been so harboured or employed; and the information for any such offence may be laid by the Agent General of Immigrants, or by the employer of such immigrant, or by any informer, and the penalty shall be awarded to Her Majesty the Queen if the information be laid by the Agent General, or to the employer if the same be laid by the employer, and where such information shall be laid by such common informer one moiety of such penalty shall be awarded to the informer and the other moiety to Her Majesty, and upon every information for any offence under this Ordinance a certificate under the hand of the Agent General of Immigrants that the immigrant to whom such information shall refer is an indentured immigrant, and that no certificate of industrial residence had been granted to such immigrant shall be admitted in evidence as proof of the facts stated in such certificate.

55. It shall be lawful for any Justice of the Peace on its being made to appear to him by information on oath that there is reasonable cause to believe that any indentured immigrant is harboured or employed in any place not being the plantation in respect of which such immigrant is indentured, by warrant under his hand to authorise any police constable with or without the employer and with or without any servant of the employer, who may be named in such warrant to enter such place and search for such indentured immigrant, and it shall be lawful for any police constable acting in the execution of such warrant, having first demanded admission with such assistance as he may require for the purpose, to break open any house, and for such police constable and such employer and servant to enter such house in which such immigrant is supposed to be, for the purpose of searching for such immigrant, and for any police constable acting in the execution of such warrant to

Justice may issue warrant to break open houses for the purpose of searching for and apprehending indentured immigrant who may be harboured therein.

apprehend such immigrant and carry him back and deliver him to the employer or his servant to be taken back to the plantation in respect of which he shall be indentured, and any person who shall obstruct any police constable in the execution of such warrant shall on conviction thereof before any Justice of the Peace forfeit any sum not exceeding fifty pounds, or be confined in the Royal Gaol with or without hard labour for any term not exceeding three months.

PART X.

WORK TO BE PERFORMED BY IMMIGRANTS.

Immigrants to work 280 days in each year, and for nine hours each day.

56. In the absence of any agreement to the contrary, every indentured immigrant shall work upon or in the service of the plantation mentioned in his indenture for two hundred and eighty days in each term of twelve calendar months, and for nine hours in each of such days, and his employer shall be bound to pay wages to such immigrant at the same rate which may be at the time paid to the labourers not under a written agreement residing on the same plantation, or in the neighbourhood for every such day on which such immigrant shall work or be willing to work; and every such immigrant if unable to work on account of sickness, shall in the absence of any express agreement to the contrary receive such allowances as the state of his health may require, or as may be prescribed by any regulation issued or to be issued by the Governor.

Wages to be paid fortnightly in money.

57. All wages to indentured immigrants shall be paid once in every fortnight, and shall be paid in money, and may be recovered in a summary manner before any Stipendiary Justice of the Peace.

In case of death of employer, or alienation of plantation, the person in possession of the plantation to be entitled to services of immigrants.

58. If the employer of any indentured immigrant shall die, or if the plantation mentioned in the indenture of such immigrant shall be alienated or demised, the person who shall become entitled to such plantation shall be entitled to the services of such immigrant during the residue of the term of his indenture: Provided always that for the purpose of deciding any

dispute between an immigrant and his employer the person who is actually in possession of such plantation shall be deemed to be entitled thereto: But the services of any indentured immigrant may be transferred with his consent to any other plantation belonging to the same employer, provided that a memorandum of such transfer shall be endorsed on his indenture and signed by the Agent General of Immigrants.

PART XI.

ABSENCE.

* * * * *

Section 59 is repealed by Ordinance 9 of 1875.

* * * * *

Section 60 is repealed by Ordinance 9 of 1875.

61. No female immigrant shall be subject to any penalty for absenting herself from work where it shall be made to appear to the satisfaction of the Justice that such absence was caused by pregnancy or other physical cause peculiar to women.

Provision in favour of female immigrants absenting themselves from work during pregnancy, &c.

62. Provided that nothing herein contained shall prevent the Agent General of Immigrants from endorsing on the indenture of any female immigrant any number of days during which such immigrant shall have absented herself from work before the first day of December, one thousand eight hundred and sixty-nine.

Provision with regard to female immigrants who have absented themselves from work before date herein specified.

63. Every employer shall keep on the plantation in respect of which any immigrant shall be indentured a labour book and shall enter or cause to be entered in such book opposite to the name of every such indentured immigrant, the days of each week for which he shall have received wages, and such book shall be open at all times to the inspection of the Agent General of Immigrants, and shall be evidence in favour of such immigrant of his having worked on the several days on which he shall appear to have received wages.

Employer to keep labour-book.

Employers to make quarterly returns of immigrants; and Agent General to make yearly abstract thereof.

64. Every employer of immigrants shall within the first five days of the month of January, April, July and October in every year make and deliver to the Agent General of Immigrants a return in such form as the Governor may from time to time approve of all immigrants whether under indenture or not in his employ or residing on the plantation of such employer during the whole or any part of the preceding three months, and shall distinguish and set down opposite to the name of every such indentured immigrant the days on which he shall have worked, and the days on which he shall not have worked during the said term of three months and the cause of his not having worked so far as the same shall be known to such employer, and also the date and cause (as far as the same may be known) of all deaths and the number of births of the children of such immigrants, and the Agent General of Immigrants shall keep all such returns, and shall in the month of October of every year, make an abstract of all such returns, which abstract shall be laid before the Legislative Council.

Penalty for omission to make return, or for obstructing Agent General.

65. Every employer of immigrants who shall omit to make any return hereinbefore required, or who shall make any such return which shall be incorrect in any particular, and every person who shall by any act or omission obstruct the Agent General of Immigrants, Sub-agent, or Inspector of Immigrants from entering upon any plantation where he may reasonably suppose any indentured immigrant to be employed or enquiring into the state or condition of any indentured immigrant shall on conviction thereof before any justice of the peace forfeit any sum not exceeding ten pounds for every such offence.

Prohibition against the further allotment of immigrants to any plantation on which immigrants already under indenture to such plantation have not earned a cer-

66. Where it shall be shown by the returns to be made under the provisions of this Ordinance, or it shall be otherwise made to appear to the satisfaction of the Agent General of Immigrants, that fifteen per cent. of the adult male immigrants indentured to any plantation have during the twelve months ending on the thirty-first day of December of any year earned a less amount of wages than will give an average for each of such immigrants of six pence for every day during the twelve

months it shall not be lawful for the Agent General of Immigrants to make any further allotment to such plantation from the immigrants who may be introduced into this colony during the year next ensuing after such thirty-first day of December.

* * * * *

Section 67 is repealed by Ordinance 9 of 1875.

68. It shall not be lawful for any employer to grant to any immigrant a ticket of leave for more than twenty-six days in one and the same year, nor for more than seven days at one and the same time, except for some special cause or the performance of some special service to be stated in such ticket; and every such ticket shall be signed by the employer, and shall specify the day from which and the day unto which the same is to be enforced, and the special cause of service, if any, for which the same shall be granted, and any ticket of leave which shall not be signed by the employer or which may be granted for any greater time than seven days, except for some special cause or the performance of some special service to be stated in such ticket, shall be void.

Employer not to grant a ticket of leave to any immigrant for more than twenty-six days in any one year.

69. Every employer granting such ticket of leave shall cause a note of such ticket of leave, and the name of the immigrant to whom and the term for which and the special service or cause, if any, for which the same shall have been granted to be entered in the labour book of the plantation in respect of which the services of such immigrant shall be due.

Ticket of leave to be noted in labour book.

70. If any employer shall grant to any immigrant any ticket of leave for more than twenty-six days in one and the same year, or for more than seven days at a time, except for some special cause or the performance of some special service to be stated in such ticket, or if the cause or service stated in such ticket of leave shall be false, frivolous, or pretended, within the knowledge of such employer, such employer shall for every such offence, on conviction thereof before any stipendiary justice of the peace, forfeit to Her Majesty such sum

Ticket of leave not to be improperly granted under penalty.

not exceeding twenty pounds as to the convicting justice shall seem fit.

Employer to grant certificate to immigrant on expiration of term of service.

71. Every employer of any indentured immigrant shall on the expiration of the term of service of such immigrant deliver to such immigrant on his request a certificate under the hand of such employer that such immigrant has completed his term of service, and every employer who shall refuse or fail to deliver such certificate to any immigrant when lawfully required so to do shall on conviction thereof before any justice of the peace forfeit to such immigrant any sum not exceeding twenty pounds.

Immigrants may on expiration of third or fourth year of residence purchase remainder of term of industrial residence.

72. It shall be lawful for any immigrant who may be indentured for the term of five years on the completion of the third or fourth year of his residence, and on payment to the Agent General of Immigrants of the sum of five shillings for every month which may be wanting to make up an industrial residence of five years within the colony, and also a sum at the rate of two pence and one halfpenny for every working day endorsed by the Agent General of Immigrants on the indenture of such immigrant (such last-mentioned sum to be paid over by the Agent General of Immigrants to the employer of such immigrant) to demand from the Agent General of Immigrants a certificate of industrial residence, which certificate and a passport, if such passport shall be required by such immigrant, shall be signed by the Agent General and delivered to such immigrant without any fee or charge for the same.

Penalty for forging or altering certificate of industrial residence.

73. Any person who shall wilfully forge, counterfeit or alter any certificate of industrial residence or passport, or utter or produce in evidence any such certificate or passport knowing the same to be forged, counterfeited or altered shall be guilty of felony and shall on conviction thereof be liable at the discretion of the Court to be imprisoned with hard labour for any term not exceeding four years.

Penalty for fraudulently giving or using certificate.

74. Any immigrant or other person who shall give or lend or use any certificate, passport or ticket of leave for any fraudulent purpose shall on conviction thereof

before any Justice of the Peace be imprisoned with hard labour for such term not exceeding three months as the convicting Justice shall direct.

PART XII.

JURISDICTION AND MODE OF PROCEDURE.

75. All moneys payable as fees on indentures in respect of any immigrant indentured before the passing of this Ordinance, or who may be hereafter indentured under this Ordinance; and all penalties and forfeitures imposed by this Ordinance on any employer and payable to Her Majesty, her heirs and successors, may be sued for and recovered by the Agent General of Immigrants in a summary manner before any Stipendiary Justice of the Peace for the town of Port of Spain, and all moneys payable in respect of any immigrant admitted to any public hospital may be sued for and recovered with costs by the person in charge of such hospital in a summary manner before the Stipendiary Justice of the Peace having jurisdiction in the county, town, or place where such hospital may be situate, although the employer or other person liable to such penalties or forfeitures may be resident out of the jurisdiction of such Stipendiary Justice, and such Stipendiary Justice shall allow as part of such costs a reasonable fee to any solicitor prosecuting any such information on behalf of the Agent General of Immigrants or the person in charge of such hospital, and in any information for the recovery of any such moneys the person by whom such moneys may be payable or the person in possession of the plantation upon which the immigrant in respect of whom such moneys may be payable shall have been bound to serve may be made defendant, and the summons to be issued upon such information may be served upon the manager or other person having the direction of or chief authority upon such plantation, and such service shall be good service of such summons, and the payment of the moneys to be recovered on any such information may be enforced by distress, and sale of any goods and chattels of or belonging to such plantation.

As to the recovery of moneys payable under the provisions of this Ordinance.

Power to Agent General, &c., to enquire into offences against this Ordinance and to take evidence on oath &c.

76. The Agent General of Immigrants and every Sub-agent and Inspector of Immigrants shall have power to enter upon any plantation and to enquire into any breach of the peace or offence against this Ordinance which may have taken place on such plantation, and to administer on oath to any person able to give evidence touching any such matter, and to grant a warrant for the immediate arrest of any person, who, in such evidence, may appear to him to have been guilty of such breach of the peace or any offence against this Ordinance.

No fees payable in respect of proceedings between immigrants and their employers.

77. On all proceedings before any Justice of the Peace by any indentured immigrant against his employer for the recovery of wages, or for the recovery of any penalty under this Ordinance, or by any employer against any indentured immigrant for breach of his contract or any violation or neglect of duty no fees shall be demandable of or payable by such indentured immigrant or such employer in respect of any information, summons or other process to be had on such proceedings.

Not necessary to prove the hand-writing of parties to indentures and certificates.

78. On any proceeding before any Court or Justice of the Peace it shall not be necessary to prove the handwriting of the Agent General of Immigrants or any other party to any indenture purporting to be signed by such Agent General, but every such indenture or certificate shall be admitted in evidence without any proof of the execution of or signature of the same.

Limitation of informations.

79. All informations to be laid under this Ordinance may be laid at any time not more than six months next after the day of the offence being committed, save and except any information for any offence against the Clause marked 54 of this Ordinance which may be laid at any time not more than three months from the last day on which the immigrant mentioned in such information shall have been harboured or concealed.

No execution to be sued out against the person of an immigrant under indenture.

80. It shall not be lawful to sue out a writ of *Capias in Meditacione Fugæ*, or writ of *Capias ad Satisfaciendum*, or any execution against the person of any indentured immigrant who shall not have completed his industrial residence; and if any such indentured immi-

grant shall be arrested or committed to gaol on any such writ or execution against the person of such immigrant it shall be lawful for any of the Judges of the Supreme Civil Court in any case, or for the Commissioner, or the Stipendiary Justice of the Petty Civil Court, in which the judgment on which such writ or execution may have issued shall have been recovered on the production of a certificate under the hand of the Agent General of Immigrants, or on its being otherwise made to appear to him that such immigrant is an indentured immigrant and is not entitled to a certificate of industrial residence, to make order in a summary manner without any notice to the person at whose suit such writ or execution shall have been sued out for the immediate discharge of such immigrant, and such immigrant shall be forthwith discharged from custody under such writ or execution.

Passed in Council this thirteenth day of June in the year of our Lord one thousand eight hundred and seventy.

A. C. ROSS,
Clerk of the Council.

SCHEDULE A.

- No. 3 of 1865—With regard to immigration.
- No. 6 of 1866—For the apprehension of vagrant immigrants.
- No. 8 of 1866—For the establishment of hospitals for immigrants.
- No. 3 of 1867—For the treatment of immigrants in certified hospitals.
- No. 10 of 1868—With regard to immigrants.
- No. 3 of 1869—For the feeding of indentured immigrants.
- No. 26 of 1869—To amend the law with regard to female immigrants.
- No. 3 of 1870—For extending the time for the feeding of indentured immigrants.

SCHEDULE B.

This Indenture made the _____ day of 187
between (H. M.) Agent General of Immigrants of this colony, on
behalf of (A. B) immigrant labourer, &c., of the one part, and

(E. F.) of _____ in this colony _____ of the other part: Witnesseth that in virtue of the Ordinance No. _____ of 1870, and in consideration of the agreements on the part of the said (E. F.) hereinafter contained, he the said Agent General doth hereby bind and indent the said immigrant labourer to the said (E. F.) for the term of five years, to be computed from the date hereof, and doth hereby agree with the said (E. F.), his heirs and assigns, that the said immigrant labourer shall during the said term, or the continuance of these presents, truly and faithfully serve as a labourer on Plantation _____ according to the laws and regulations made or hereafter to be made concerning immigrant labourers in this colony: And the said (E. F.) doth hereby agree with the said Agent General that the said (E. F.), his heirs and assigns, shall during the said term, or the continuance of these presents, provide the said immigrant labourer with suitable and sufficient lodging, medicine and medical attendance, in conformity with the laws and regulations made or hereafter to be made concerning immigrant labourers in this colony, and also shall find work for the said immigrant labourer for two hundred and eighty days in each term of twelve calendar months of his service under this indenture, and pay wages to the said immigrant labourer at the same rate which may be at the time paid to the labourers not under a written agreement residing on the said plantation for every day on which he shall work on the said plantation, or on which he shall be willing to work, but work shall not be found for him.

In witness whereof the said parties have hereunto set their hands.

H. M.
E. F.

SCHEDULE C.

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.
Bellevue	Plantagenet	Ram Sammie	5865	13th Octr., 1867.

Given under my hand at Port-of-Spain, this _____ day of _____ in the year 1865.

H. M., Agent General.

SCHEDULE D.

TRINIDAD.

This indenture made the _____ day of _____ 18 ____ between H. M., Agent General of immigrants of this colony, on behalf of _____ Indian immigrant No. _____ who has completed an industrial residence of five years within this colony, of the one part, and _____ of _____ in this colony _____ of the other part: Witnesseth that in virtue of the _____ Clause of the Ordinance No. _____ of 1870, and in consideration of the agreement on the part of the said _____ hereinafter contained, he the said Agent General doth hereby bind and indenture the said immigrant to the said _____ for the term of one year to be computed from the date hereof, and doth hereby agree with the said _____ his heirs and assigns, that the said immigrant shall during the said term truly and faithfully serve as a labourer on plantation _____ according to the laws and regulations made or hereafter to be made concerning immigrant labourers in this colony: And the said _____ doth hereby agree with the said Agent General that he the said _____ his heirs and assigns shall during the said term provide the said immigrant with suitable and sufficient lodging, medicine and medical attendance in conformity with the laws and regulations made or hereafter to be made concerning immigrant labourers in this colony, and also will pay wages monthly to the said immigrant at the same rate which may be at the time paid to the labourers not under a written engagement residing on the said plantation.

In witness whereof the said parties have hereunto set their hands.

(Signed) H. M.
 „ E. F.

SCHEDULE E.

TRINIDAD.

I, _____ Agent General (or as the case may be) of immigrants, do hereby certify, that on the requisition of A. B., owner (or person in charge) of the plantation _____ in the ward of _____ I have inspected a building on the said plantation intended to be used as a hospital, and that the said building is well ventilated, and otherwise fit to be used as a hospital:

Length	feet
Breadth	feet
Height from floor to plate	feet
Height from floor to ridge	feet

and that the internal contents of the said building are _____ cubic feet, and that the said building is capable of accommodating _____ patients.

Given under my hand this _____ day of _____ 18 ____

SCHEDULE F.

Case-Book of the Hospital of the Plantation.

Date of Visit.	Date of Admission.	No. in.	Sex.	Age.	Disease.	Diet.	Treatment.	Removal to Public Hospital.	Date of Discharge	Death.

SCHEDULE G.

(Order under the Clause, where the Immigrant is imprisoned.)

To all Police Constables, and to the Keeper of
 A. B., an Indian (or as the case may be) immigrant, having
 been on this day of convicted before me, for
 that he the said immigrant was on the day of
 found on the high road (or other place) in the ward of
 in the county of ; and that he being required according to
 law by C. D., a policeman (or whoever the person may be),
 failed to produce any certificate of exemption from service or of
 industrial residence, or any ticket of leave signed by his em-
 ployer: I adjudge him for his said offence to be imprisoned for
 the term of months; and I hereby authorise and require
 you the said constables to convey the said immigrant to the
 and there deliver him to the keeper, whom I direct to
 imprison him for months; and on the expiration of the said
 term of months, command you the said keeper to
 deliver the said immigrant into the custody of some constable of
 police: And I do hereby require you the said constables, safely
 to convey the said immigrant to the principal dwelling-house on
 the plantation in the ward of being the plantation
 in respect whereof the services of the said immigrant are due, and
 to deliver up the said immigrant to the charge of the manager or
 other person having the chief authority on the said plantation.

A. B., Stipendiary Justice.

No. 14.—1870.

AN ORDINANCE for the Declaration of Titles to
 Land and to Facilitate its Transfer.

(L.S.) ARTHUR GORDON.

June 24th, 1870.

WHEREAS it is expedient to provide for the
 Declaration of Titles to Land and to facilitate