

TRINIDAD AND TOBAGO.

No. 26.—1916.

[L.S.]

I ASSENT,

J. R. CHANCELLOR,
Governor.

10th August, 1916.

AN ORDINANCE relating to Immigration.

[On Proclamation.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Immigration Short Title. Ordinance, 1916.

2. In this Ordinance, unless the context otherwise Interpretation. requires—

“The Protector of Immigrants” includes any Inspector or Assistant Inspector of Immigrants acting under the authority of the Protector of Immigrants;

“Protector of Immigrants” and “Protector” are synonymous;

“Inspector of Immigrants” and “Inspector” are synonymous;

“Medical Officer” means a Government or Supernumerary Medical Officer appointed under the Medical Service Ordinance (No. 195) to the district in which a plantation is situated;

“Employer” means the proprietor or lessee of a plantation to which immigrants are indentured, or the attorney of such proprietor, and includes the manager for the time being in charge of such plantation;

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

“Immigrant” means any person introduced into the Colony either wholly or in part at the expense of the Immigration Fund or Planters (Immigration) Fund, and his children while he is under indenture; but this definition shall not affect the special definition of the term contained in Part X;

“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 of Immigrants to be an adult, minor, or infant, as the case may be;

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

“Indenture” and “Indentured” mean a contract of service registered under this Ordinance and a person subject to such contract respectively;

“Plantation” means any sugar, cocoa, rubber, coconut, coffee, cotton, rice, lime or plantain estate in cultivation, or any two or more estates, if adjacent to each other and managed as one estate, or any other piece of land in cultivation under one management of the extent of at least five acres;

“Indian Training School” means any school established for the education and industrial training of the children of Indian immigrants and certified under the hand of the Governor to be efficient for its purpose ;

“Constable” means a member of the Constabulary Force.

3. This Ordinance is divided into parts as follows:— Division of Ordinance.
- Part I.—The Immigration Department—Sections 6-23.
 - Part II.—Fiscal Provisions—Sections 24-32.
 - Part III.—Arrival and Allotment—Sections 33-72.
 - Part IV.—Indenture—Sections 73-81.
 - Part V.—Dwellings—Sections 82-89.
 - Part VI.—Rations—Sections 90-92.
 - Part VII.—Hospitals—Sections 93-110.
 - Part VIII.—Labour and Wages—Sections 111-136.
 - Part IX.—Leave and Desertion—Sections 137-159.
 - Part X.—Marriage, Divorce, &c. — Sections 160-196.
 - Part XI.—Transfer and Determination of Indentures—Sections 197-211.
 - Part XII.—Certificates of Exemption from Labour—Sections 212-214.
 - Part XIII.—Passports, Return Passages, and Unlawful Enlistment—Sections 215-227.
 - Part XIV.—Registers, Returns, and Certificates—Sections 228-236.
 - Part XV.—Procedure—Sections 237-253.
 - Part XVI.—Miscellaneous Provisions — Sections 254-280.

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

(2.) The Governor in Executive Council may from time to time 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: Provided that every such form shall be first published in the *Royal Gazette*, and that copies thereof shall be sent by the Protector to all persons required under penalties by this Ordinance to fill up and use any form for which such new form may have been substituted.

Places of
emigration.

5. The Governor in Executive Council may by Proclamation name the ports or places from which emigration is permitted to this Colony under this Ordinance.

PART I.

THE IMMIGRATION DEPARTMENT.

The Protector of Immigrants.

Appointment
and salary of
Protector.

6.—(1.) His Majesty may appoint some fit and proper person to be Protector of Immigrants.

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

General duties
of Protector.

7.—(1.) The Protector shall be the head of the Immigration Department, and shall be responsible to the Governor for the efficient performance of its duties (but not of the duties of the Medical Officers) and for the proper carrying out of the provisions of this or any other Ordinance relating to Immigration.

(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 or any other Ordinance or as may be entrusted to him by the Governor.

General
powers of
Protector.

8.—(1.) The Protector may at any time enter into and upon any plantation on which indentured immigrants may be employed, and inspect the condition and general treatment of the immigrants and the condition of their dwellings, and of the yards and grounds about the same, and of the hospital accommodation, and may inquire into any complaint which the employer may have against any immigrant, or which any immigrant may have against the employer, or any other person, or which may be reported to him

by the Surgeon-General or be otherwise brought to his notice, and may require any immigrant to be brought before him on any such visit, and may, either before or after such inquiry, lay an information or make a complaint in his own name, on behalf of any such immigrant, against the employer or against any other person before the Magistrate or a Justice of the district, and may, if necessary, lay such information or make such complaint in any other Court of Justice in the Colony, other than that of the Magistrate of the district, having jurisdiction to hear, try and determine the offence or other matter charged against such employer or other person.

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

(3.) The Protector may also in any case in which an information is laid or complaint made against an immigrant assist him in conducting his case.

Inspectors.

9.—(1.) The Governor may appoint such and so many fit and proper persons to be Inspectors, Assistant Inspectors, 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.

Appointment,
duties, and
salaries of
Inspectors, &c.

(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.

Medical Officers.

Surgeon-
General may
visit planta-
tions, &c.

10.—(1.) The Surgeon-General may whenever he thinks fit personally visit or depute any Government or Supernumerary Medical Officer to visit any plantation on which there are immigrants, and inspect the dwellings of the immigrants, the yards and grounds about the same, and the hospital, and all books and registers kept in connection with the hospital.

(2.) The Surgeon-General shall receive for the services he is required to perform under this Ordinance a salary at the rate of One hundred Pounds per annum, and such salary shall be paid from the general revenue of the Colony.

Medical
Officers.

11.—(1.) The Medical Officer shall be the Medical Officer of all plantations within his district and he shall also be the Medical Attendant of all the hospitals certified under this Ordinance that are situated within his district.

(2.) Notwithstanding anything contained in the preceding sub-section, it shall be lawful for the Governor from time to time to assign to any Medical Officer the care of any plantation or certified hospital, although such plantation or certified hospital is situated outside such officer's district.

Requisition for
special visit of
Medical
Officer.

12. Whenever it appears to the Protector to be necessary to require, under the provisions of this Ordinance, that a special visit should be made to a plantation, or to require the presence and assistance of a Medical Officer in conducting any investigation under the provisions of this Ordinance on a plantation, the Protector may make a requisition to the Surgeon-General for the services of a Medical Officer for such purpose, and the Surgeon-General shall thereupon cause such services to be rendered.

Work of the Department.

Powers of
supervision,
&c., of the
Protector.

13.—(1.) Subject to the control of the Governor, the Protector shall have authority over the Inspectors, Assistant Inspectors, Clerks, Interpreters, and other persons employed in the Immigration Office, and shall subject to the provisions of the next succeeding section, assign to each his duties, and may delegate to any

Inspector the exercise or performance of any of his functions or duties, but without diminution of his own responsibility, and may also employ such persons as he may deem necessary as interpreters or judges of work under the provisions of this Ordinance, and may award any such person for his services a sum not exceeding one pound for each day on which he may be so employed.

(2.) All expenses so incurred by the Protector, or by any subordinate officer under his directions, shall be paid from the general revenue of the Colony.

14.—(1.) It shall be the duty of every Inspector, whenever so required by the Protector, upon some day of which he may give previous notice to the manager, to visit every plantation on which there are indentured immigrants; to enquire into all cases of unlawful absence from work, to receive and take cognizance of any complaints of immigrants, and thereupon to give advice, to conduct investigations, and to institute prosecutions, as the circumstances may require; and to assist the Magistrate, if required, in the estimation of wages. Visiting of plantations by Inspector.

(2.) The Protector or any Inspector may grant a warrant for the immediate arrest of any person who upon any such investigation may appear to him to have been guilty of any breach of the peace or of any offence against this Ordinance. Protector or Inspector may grant warrant of arrest.

15.—(1.) The Protector or any Inspector may summon any person as a witness whose evidence he considers necessary for the proper determination of any inquiry held by him under this Ordinance. Summoning of witnesses.

(2.) The summons shall be delivered by the Protector or Inspector to the Chief Officer of Constabulary of the district, who shall cause the same to be served in the same manner as a summons issued by a Magistrate is required to be served. Form No. 1.

(3.) Every person on whom any such summons has been duly served who, without any reasonable excuse, refuses or neglects to attend at the time and place mentioned in such summons shall be liable to a penalty not exceeding Five Pounds.

Oaths.

Forms Nos. 2
and 3.

16.—(1.) The Protector or Inspector may require every statement given by any person at an inquiry held by him under this Ordinance to be given upon oath, and for such purpose he is hereby authorised to administer to every such person an oath.

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

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

Taking of
evidence on
enquiry.

17.—(1.) The Protector or Inspector shall, when holding any inquiry under this Ordinance, take down in writing, if necessary, the material portions of the statements made by the employer, by the immigrant or by any witness, shall read over such statements to the deponents, and when the accuracy of such statements has been acknowledged by the deponents, may require each deponent to sign his own statement.

(2.) Every employer or witness or immigrant who refuses to sign, or, if he is unable to write, to put his mark to any such statement made by him, when required so to do by the Officer holding the enquiry, shall be deemed to have hindered such Officer in the execution of his duty, and shall be liable to be punished accordingly.

Production of
labour books.

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

(2.) If any such employer refuses or neglects so to do, when thereto required, he shall be deemed to have hindered the Protector in the execution of his duty, and shall be liable to be punished accordingly.

19. Every immigrant who refuses or neglects to obey any lawful and reasonable command of the Protector or of any Inspector, and every person who molests, hinders, or opposes any Officer acting under this Ordinance in the execution of his duty, or in the exercise of any of the powers or authorities conferred upon him by this Ordinance, shall be liable to a penalty not exceeding Twenty Pounds or to imprisonment, with or without hard labour, for any term not exceeding six months.

Refusing to obey or molesting officer.

20. All travelling expenses incurred by any Officer of the Immigration Department or by the Surgeon-General or by any Officer deputed by him 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.

Travelling expenses.

Emigration Agencies.

21.—(1.) The Governor may appoint some fit and proper person to be Emigration Agent to superintend the emigration of labourers from any port or place from which immigrants may be introduced into this Colony, and such person so appointed shall hold office during the Governor's pleasure.

Appointment and salary of Emigration Agent.

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

22.—(1.) The Governor may upon the recommendation of the Emigration Agent at any such port or place, appoint such and so many fit and proper persons as may be necessary as Clerks, Interpreters or otherwise, to be employed in the work of the Emigration Office of this Colony in such port or place.

Clerks, &c., to Emigration Agent.

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

23.—(1.) Every Emigration Agent shall transmit his accounts to the Protector, with proper vouchers, at such times as the Governor may direct.

Accounts and Expenses of Emigration Agent.

(2.) The amount of all necessary expenses incurred by any such Emigration Agent in the collection, maintenance, medical attendance and inspection of emigrants and for their conveyance to this Colony, and of all just and reasonable expenses incurred by him in or incidental to the sending back to their homes of any immigrants who may be rejected at the port of embarkation, or in or incidental to the sending back to the port from which they sailed of any emigrants entitled to free return passages under this Ordinance, which may be attested by proper vouchers, shall be paid from the Planters (Immigration) Fund; provided that the return passage of any immigrant introduced subsequently to the thirtieth day of September, 1902, who may be entitled to a free return passage, shall be charged to the Repatriation Fund.

PART II.

FISCAL PROVISIONS.

Establishment
of Planters
(Immigration)
Fund.

24. 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 Receiver-General.

Formation of
and charges
upon fund.

25. The Planters (Immigration) Fund shall be credited with all sums received on account of indenture fees, 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 Auditor-General 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 thirtieth day of September, 1902, which is not payable by such immigrants.

Indenture fee.

26. Every employer to whom any immigrant shall be indentured shall be charged with the payment to His Majesty His Heirs and Successors of such sum as fees

on the indenture of such immigrant and payable in such instalments as may from time to time be fixed by the Governor in Executive Council; and all such payments shall be made although such immigrant shall have died or become incapable of work, or shall have been absent from the plantation in respect of which he shall have been indentured.

Provided that the sum payable on the indenture of a minor immigrant shall be one-half the sum payable on the indenture of an adult immigrant:

Provided also that when the indenture of any such immigrant shall be cancelled by order of the Governor, or such immigrant shall before the expiration of his term of service obtain from the Protector a certificate of exemption from labour, such employer shall be discharged from any further payment in respect of such immigrant.

27.—(1.) Every employer to whom any immigrant is allotted shall be charged in addition to the indenture fees provided for in this Ordinance with the payment of the further sum of one pound eleven shillings and six pence, of which sum twelve shillings shall be paid on the execution of the indenture or the indorsement by the Protector of the contract of service, and the balance of nineteen shillings and six pence by four equal annual instalments of four shillings and ten pence half-penny at the commencement of the second year and every subsequent year of such indenture. All such payments shall be made although such immigrant shall have become incapable of work or shall have been absent from the plantation in respect of which he shall have been indentured. In case of commutation the annual instalments herein provided for shall be in addition to the commutation money provided for in Section 198 hereof.

Repatriation
Fund.

Provided always that such payments shall be kept apart from the General Revenue of the Colony and shall form a fund to be called the Repatriation Fund, and should such fund at any time in the opinion of the Governor, prove excessive, such excess shall be credited to the Planters (Immigration) Fund.

(2.) The cost of the return passages of Immigrants introduced subsequently to the thirtieth day of September, 1902, so far as the same is not payable by such immigrants, shall be charged to the Repatriation Fund.

Repatriation
Fund—Sus-
pension of
provisions
as to.

28. The provisions of the last preceding section shall in respect of immigrants introduced after the first day of April, 1913, be suspended until brought into operation by order of the Governor in Executive Council.

Provided that if at any time the total cost of return passages of immigrants chargeable on 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.

Payments
under S. 27.

29. The provisions of Sections 30 and 31 hereof shall apply to the payments to be made in pursuance of Section 27 of this Ordinance.

Penalty on
non-payment
of fees.

30. 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 centum on the amount of such fees or other sums of money for every month or part of a month during which the same remains unpaid, to be recovered together with such fees or other sums of money.

Indenture fees
to be a first
charge on
plantation.

31. All fees on indenture payable to His 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 employer 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 in duplicate showing the name of the plantation and the number of 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

Form No. 4.

certified to the person paying such fees and shall deliver the other such return to the Protector to be kept by such Protector.

32. The amount advanced to any indentured immigrant previous to his embarkation shall be paid from the Planters (Immigration) Fund. Advances to emigrants.

PART III.

ARRIVAL AND ALLOTMENT.

Application.

33. Every employer who desires to obtain an allotment of immigrants shall, on or before the first day of August, or such other day in each year as may be from time to time fixed by the Governor, send in to the Protector an application in writing in the Form No. 5 in the First Schedule hereto specifying the number of immigrants required, and the name and situation of the plantation to which he wishes such immigrants to be assigned; and the Protector shall register every such application in the Register of Applications for Immigrants. Application for immigrants.
Form No. 5.
Form No. 6.

34. No application shall be rendered invalid, or be in any way affected, by reason of the death, bankruptcy, or absence of the employer by whom such application was made, or by reason of the sale by private contract or in execution of the plantation in respect of which such application has been made, and no application duly made may be withdrawn without the permission of the Protector. Subsistence of application.

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

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

Number of
immigrants to
be introduced.

37. When the applications for immigrants have been completed in any year, a list of such applications shall be submitted by the Protector to the Governor, and the question how far and in what proportions they can be complied with shall thereupon be considered and determined by the Governor and Legislative Council.

Immigrants introduced at private expense.

Immigrants
introduced at
private
expense.

38. Whenever any person shall be desirous of having any immigrants introduced into the Colony for the particular service and at the expense of such person, it shall be lawful for the Governor on application in writing, by or on behalf of such person, and on security being given by or on behalf of such person to the satisfaction of the Governor, for the payment of the expenses to be incurred in the introduction of such immigrants, to make order for the introduction of such immigrants in addition to the number of immigrants to be introduced at the charge of the Planters' (Immigration) Fund.

Applicants to
pay cost.

39. Every person applying for any immigrants under the preceding section shall on the arrival of such immigrants pay into the Colonial Treasury the amount payable by the Government for the passage and gratuities of such immigrants including such children as shall accompany such immigrants, and also a further sum to cover the costs of agency and other expenses in the collection of such immigrants as shall have been embarked.

Immigrants so
introduced to
be indentured.

40. On such payments being made, the immigrants who shall have been so introduced shall be indentured to the employer for whose service they shall have been introduced, and in respect of such plantations as shall be appointed by or on behalf of such employer; and every such immigrant shall be deemed an immigrant within the meaning of this Ordinance, and shall be bound for a service of three years on the plantation in respect of which he shall be indentured; and the indenture of such immigrant shall at the expiration of the third year and again at the expiration of the fourth year be deemed to be extended for one year, unless such immigrant shall obtain a certificate of industrial residence or be re-indentured in the manner provided by this Ordinance.

41. No fee or other payment shall be payable in respect of the indenture of any such immigrant so long as he shall remain in service on the plantation in respect whereof he shall be so indentured.

No fee payable in respect of such immigrants.

42. In case any such immigrant shall before the expiration of an industrial residence of five years redeem by payment any portion of his industrial residence or be indentured to any other employer, the Protector shall hand over to the owner of the plantation in respect of which such immigrant shall have been originally indentured all sums of money which shall be paid to such Protector by such immigrant for the redemption of any portion of his industrial residence or on his being indentured to a new employer.

Redemption money to be paid to owner.

43. The Governor and the Protector respectively may by notice in the *Royal Gazette* cancel the indenture of any such immigrant for any cause which may be sufficient within the meaning of this Ordinance, and in every such case all sums of money which shall from time to time be paid by such immigrant or any new employer of such immigrant to the Protector shall from time to time be paid over by the Protector to the owner of the plantation in respect of which such immigrant shall have been originally indentured.

Governor may cancel indenture.

44. The introduction of immigrants from any place or places not within British India shall be conducted in the manner hereinafter provided, and no immigrant from any place or places aforesaid shall be introduced except in terms of the provisions of this Ordinance. The immigrants so introduced shall, under the conditions and in the manner hereinafter specified, be competent to enter into contracts of service for any period not exceeding five years.

Immigrants from places other than British India

45. Any person desirous of introducing into the Colony such immigrants shall, previous to the departure of the vessel from the Colony—if such vessel be chartered in the Colony—apply to the Governor for a license authorising such introduction; and the Governor shall have power, if he thinks fit, to grant the same under such conditions as to him may seem proper.

License for introduction of immigrants.

46. In case the vessel by which it is desired to introduce such immigrants shall be chartered at any place without the Colony, such license may be granted by any British

License in certain other cases.

Consul, Agent or Emigration Agent at or near such place whom the Governor shall authorise to grant the same ; but no license shall be valid unless granted under such conditions as the Governor of this Colony may direct.

Licence limited.

47. Every licence to be granted under the provisions hereof shall be limited to the vessel and to the place or places which shall be specified therein, and shall require to be renewed upon every successive voyage.

Master to provide immigrant with food.

48. No license shall be granted to the master of any ship to carry immigrants to this Colony unless he enters into a bond to provide for and furnish to every such immigrant such quantity of good and wholesome food as may from time to time be specified by the Governor of this Colony for his daily maintenance during such voyage, and during the space of forty-eight hours next after the arrival of such ship or vessel in this Colony.

Arrival.

Inspection of ship on arrival.

49. On the arrival at Port-of-Spain of any ship having immigrants on board, the Protector, assisted by a Government or Supernumerary Medical Officer, shall inspect the ship and immigrants, and ascertain whether the provisions of the following Acts of Parliament, namely, the Chinese Passengers Act, 1855, and Part III of the Merchant Shipping Act, 1894, and of any other statute in that behalf now or hereafter in force, so far as they may be applicable, have been complied with, and shall report to the Governor the condition of such ship and immigrants, and shall transmit with such report the Surgeon-Superintendent's return of deaths and births and certificate of performance by the owners of the covenants and conditions of the charter-party, and also a certificate from the Protector of the amount due for freight to such owner, and shall likewise require and transmit the report of the Medical Officer who has assisted him in the inspection.

Medical examination of immigrants.

50.—(1.) All Immigrants shall, on arrival of the ship, be landed and taken to the Immigration Depot, where they shall be carefully and individually examined by a Board of Government Medical Officers.

(2.) Any immigrant who after such examination is certified by the Board to be permanently unfit for agricultural labour shall, according as a Government Medical Officer directs, either be detained at the Depôt or sent to the Colonial Hospital until repatriated under the provisions of the next succeeding section.

(3.) Any immigrant who is not permanently unfit for work but is certified by the Board to be ill or otherwise unfit to be put to agricultural labour at once shall, according as the Board directs, either be detained at the Depôt or sent to the Colonial Hospital, and shall not be allotted until certified by a Medical Officer in charge to be fit for work.

(4.) The Board shall send a list to the Surgeon-General of all immigrants examined by him and ordered to be sent to the Colonial Hospital, in which shall be stated the name, sex, age, disease or nature of unfitness, and length of time under treatment on board ship of every immigrant so sent, and the number by which he was designated on board ship.

51. Every immigrant arriving in the Colony shall, subject to the provisions of the preceding section, be provided with food and lodging in the Immigration depôt, until he is allotted and delivered to an employer: Provided that if an immigrant is certified under the provisions of the preceding section to be permanently unfit, the Protector shall cause him to be returned as soon as is conveniently possible to the port or place from whence he came.

Board and
lodging on
arrival.

Immigrants elsewhere than from British India.

52. If any immigrant arriving in this Colony from any port or place other than British India from which Immigration shall have been permitted by Proclamation by the Governor, shall before his arrival have contracted with any person to perform service in the Colony, such contract shall when approved and countersigned by the Protector and subject to such alterations as the said Protector 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 purport to have been signed with the names

Contract with
immigrant not
from British
India.

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 His Majesty's Government, who shall declare that the parties entered into it voluntarily and with a full understanding of its meaning, nor unless the Protector shall be satisfied that the immigration has been carried on in accordance with all existing regulations of the Imperial and the Colonial Government.

Protector to
keep register.
Form No. 7.

53. The Protector shall keep a separate Register in the Form No. 7 in the First schedule to this Ordinance, for the immigrants introduced from elsewhere than British India. A certificate shall also be given to each of such immigrants in the Form No. 8 in the said schedule, in which shall be specified the period for which the said immigrant is competent to engage.

Form No. 8.

Protector not
to issue certi-
ficate
in certain
cases.

54. It shall not be lawful for the Protector to issue any certificate to any such immigrant, unless proof shall have previously been given to him that the person desiring to engage such immigrant has paid or satisfied the owner, agent or master of the vessel in which the said immigrant was brought, for the passage money and all other expenses due in respect of such immigrant, as the same shall be fixed in the manner herein provided, or unless the said master, owner or agent shall consent to such certificate being issued. But provided that the said Protector shall be entitled, and on application therefor shall be bound to issue a certificate authorising an engagement for any period not exceeding one year to any immigrant who shall have been allowed to land or to remain in the Colony, or who shall have been under the charge of the said Protector as aforesaid for any period longer than fourteen days without having been engaged in terms of this Ordinance.

Engagement of
immigrant by
any person
other than one
arranging for
introduction.

55. In case any person shall have made arrangements with the master, owner, or agent of any vessel for the introduction of such immigrants, with a view to their engagement with himself in terms of this Ordinance, and in case any of the immigrants introduced in consequence of such arrangements shall be induced to engage with another person, such other person shall in addition to the passage money and all other expenses payable as aforesaid on account

of the immigrants so to be engaged by him, and previous to the issuing of a certificate as hereinbefore provided, pay to the Protector twenty-five per centum on the amount thereof, which twenty-five per centum shall be paid by the Protector to the person by whom such arrangements for the introduction of the said immigrants shall have been made. Provided that previous to the departure of the vessel from the Colony for the purpose of bringing such immigrants, if the vessel shall be chartered there, or from any other place where she shall be chartered for such a purpose, such person shall have transmitted to the Protector a certificate signed by himself and by the master, owner or agent of the vessel as nearly as may be in Form 9 in the First Schedule to this Ordinance; Form No. 9. and also provided that the said Protector shall be satisfied from entries in the ship's books, or any other evidence, that the immigrants in respect of whom the said twenty-five per centum shall be claimed, were embarked under the said arrangement on account of the person claiming the same.

56. The master of any ship or vessel by which immigrants shall have been brought to this Colony from any port or place as aforesaid who shall not have furnished to any such immigrant, during the voyage, a sufficient quantity of good and wholesome provisions and water, or who shall in any way ill-treat any such immigrant while on board his vessel, shall incur a penalty not exceeding One Hundred Pounds, and in default of payment shall be imprisoned for a period not exceeding twelve months. Ill-treatment during voyage.

57. The passage money and the expenses of introduction shall be in no case a debt recoverable from such immigrant, but shall be paid by the employer with whom any such immigrant may first enter into a written contract of service. Passage money to be paid by first employer.

58. The provisions of this Ordinance relating to forfeiture of wages, rations, and penalties incurred for unlawful absences from work, and any law relating to the recovery of wages and arrears of wages, the providing of rations and medical treatment, and the annulling or cancelling of contracts of service, are hereby extended to immigrants engaged and introduced from any port or place other than British India. Application of Ordinance.

*Allotment.*Order of
allotment.

59. Allotment shall in the first place be made to the head of any department of the Public Service of such immigrants as he may have applied for, and afterwards to the several employers who have made application, in such order as the Governor may from time to time direct, and in such manner as the Protector may determine.

Domestic
service.

60. The Protector may allot immigrants under this Ordinance for domestic or other service when all the approved applications for immigrants have been complied with, or when any particular immigrants are, in his opinion, by their physical condition or previous occupation, more fitted for employment in domestic or other service than for agricultural labour: Provided that no such allotment shall be made without the consent of the immigrant proposed to be so allotted.

Conditions of
allotment.

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

(2.) Before making an allotment the Protector may direct an applicant for immigrants to furnish such information as may be required by the Protector with regard to the dwellings proposed to be assigned to the immigrants.

Mode of
indenture.

Form No. 10.

62.—(1.) On the completion of every allotment or other disposition of immigrants on introduction, the Protector shall register every immigrant included in such allotment or disposition in the General Register of Immigrants introduced into the Colony, distinguishing to the best of his ability, such as are adults, minors, and infants respectively, and shall number therein each of such immigrants by a particular number, commencing from the last number borne on such register and proceeding by regular numerical progression, and shall deliver to the employer an Indenture List, signed by himself, and a duplicate of such list shall be signed and delivered by the employer to the Protector.

Form No. 11.

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

(3.) The Protector shall also transmit to the Receiver-General a return showing the number of immigrants included in such allotment, and the sums payable by way of indenture fees or otherwise in respect of such immigrants.

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

Detention at
Depôt after
allotment.

64. If any immigrants shall not on their arrival be immediately allotted to any employer, the Protector shall provide them with food and lodging until the means of earning their own subsistence 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 Planters (Immigration) Fund.

Immigrant not
allotted to be
provided for.

65. The Protector of Immigrants may from time to time with the sanction of the Governor retain unallotted such of the immigrants as appear to him to be required for service connected with the supervision and control of and attendance upon immigrants arriving by any immigrant ship, for such time as he may deem necessary, not in any case exceeding six months except with their own consent. On the expiration of such time, the immigrants so retained shall be allotted, and in each such case an apportioned part of the indenture fee shall be deducted from the first year's payment to be made by the employer in respect of the allotment of such immigrants.

Retention for
service at
Depôt.

List of ships
and
allotments.

66. The Protector shall, as soon as possible after the first day of April in every year, publish in the *Royal Gazette* a list of all ships which have arrived with immigrants, and a statement of the allotment and distribution of such immigrants during the preceding season.

Purchase of
discharge.

67. The Protector may at the request of any immigrant and on his paying to the Protector all the expenses which, in the opinion of the Protector, have been incurred in respect of his introduction into the Colony, not allot any such immigrant to any plantation, and such immigrant shall thereupon be entitled to a certificate of exemption from labour.

Form No. 12.

No allotment
in certain other
cases.

68. 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 Protector, that thirty per centum of the adult male immigrants indentured to any plantation have during the twelve months ending on the thirtieth day of June of any year earned a less amount of wages than will give an average for each of such immigrants of sixpence for every day during the twelve months, it shall not be lawful for the Protector to accept any applications for immigrants in respect of such plantation during the year next ensuing after such thirtieth day of June.

Provided that in computing for the purposes of this section the number of immigrants indentured and the number earning such less amount, there shall be excluded all immigrants so indentured who are at the time :—

- (a.) Dead;
- (b.) Blind or otherwise totally disabled from permanent ill-health, accident, or physical infirmity, including any person to whom a certificate of exemption has been granted under the provisions of Section 214; or
- (c.) On the invalid list referred to in Section 115;
- (d.) Unlawfully absent from work, or absent without leave from the plantation, or deserters;

- (e.) In prison awaiting trial for any offence punishable with imprisonment with hard labour for six months or any longer period, or after conviction for any such offence.

Provided also that it shall be lawful for the Governor to relieve any plantation from the operation of this section when good reason is shown to his satisfaction for a larger proportion of the adult male indentured immigrants on such plantation earning during the said period a less amount of wages than will give such sixpence a day.

Death rate.

69. The Protector shall, as soon as may be after the thirtieth day of June 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 June, and also the mean death-rate, ascertained as in this Ordinance is mentioned, of such plantation. Annual return of death-rate.

The Protector shall also make a return certifying for the period of five years ending on the last preceding thirtieth day of June the general mean death-rate among indentured immigrants throughout the Colony. Form No. 13.

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.

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

- (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 indentured 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 indentured 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 indentured immigrants.

Provided that the Protector shall exclude from the computation of the mean death-rate, deaths arising from the sentence of the law, murder, suicide, manslaughter, and, if he sees fit, from unavoidable accident or epidemic disease.

Excessive
death-rate.

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

- (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 centum ; 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 exceeds by one per centum 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.

Consequences
of excessive
death-rate.

72. Where the mean death-rate of any plantation as shown by the death-rate returns is excessive, it shall not be lawful for the Protector, unless under the authority of the Governor signified by writing under his hand, to accept any application for immigrants in respect of such plantation for the year following the day up to which the returns are made, 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.

PART IV.

INDENTURE.

Right of immi-
grant to
enforce pre-
vious contract.

73. If any immigrant is introduced into the Colony under a previous contract entered into with any Emigration Agent or other officer of the Emigration Office of this Colony in

the country from which he may have emigrated, or with any employer or agent of an employer, such contract shall be valid and enforceable in every respect as against the Colony or the employer, as the case may be, and, in so far as the rights of such immigrant may exceed or vary from the rights which he would have enjoyed under this Ordinance if he had not entered into such contract, he shall be entitled to the benefit of such contract.

74. Except by permission of His Majesty's Government previously had and obtained, no previous contract entered into with any immigrant from any part of India shall be valid as against such immigrant. Previous contract made with Indian immigrant.

75. The indenture of any immigrant arriving in the Colony from any part of His Majesty's Dominions in the East Indies, and, in the absence of any previous contract made out of the Colony in that behalf, of any immigrant arriving in the Colony from any other port or place from which immigration shall have been permitted, shall be for the term of five years from the date of the arrival of the ship in which he came to the Colony. Provided that, for the purposes of labour under Part VIII., the indenture of a female immigrant shall be for the term of three years only from the date of her allotment, and in their application to such immigrant the provisions of this Ordinance shall be subject to this enactment. Term of indenture.

76. Upon the indenture of any immigrant introduced under any previous contract, a copy of such contract shall be preserved in the Immigration Office, and other copies of such contracts shall be appended to the indenture list given to the employer; and the indenture shall be subject to such contract in so far as such contract is enforceable under this Ordinance. Previous contracts.

77. No minor or infant immigrant shall be bound by any such previous contract, whether the same is alleged to have been entered into by himself or on his behalf. Previous contract with minor.

78.—(1.) No infant immigrant shall be indentured or shall be compelled to perform any service whatever upon any plantation: Provided that where any immigrant is Exemption of infant from indenture.

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

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

When minor
to become
adult.

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

Rights and
obligations of
minor, etc.,
residing on
plantation.

80. Every minor or infant immigrant residing on a plantation shall be entitled to the same rights, privileges and immunities and be liable to the same obligations as immigrants under indenture are entitled or liable to under this Ordinance.

Re-indenture
on expiration
of term of
service.

81. When and so often as any immigrant who shall have already completed or shall hereafter complete a service under indenture 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 Protector 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 No. 14 in the First Schedule to this Ordinance; and the Protector 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.

Form No. 14.

PART V.

DWELLINGS.

82. Every employer shall at all times provide an immigrant under indenture upon his plantation with a suitable dwelling and keep such dwelling in sufficient repair and the roofs of the same water-tight, and shall keep the yard and grounds for a sufficient space round about such dwelling well drained, and the drains clean and in good order, and the yard and grounds clear, except as hereinafter provided.

Providing of
suitable
dwellings.

83. Such employer shall also whenever required by the Medical Officer provide and maintain on the estate a suitable nursery or nurseries to be approved by such Medical Officer, for the infants of the immigrants indentured to such estate; and he shall also employ such nurse or nurses as the Medical Officer may require to take proper care of such infants, and shall supply such quantities of milk and other food for the use of such infants as the Medical Officer may order.

Nurseries for
infants.

84. No dwelling which is, in the opinion of the Surgeon-General, unfit for habitation shall be assigned to any indentured immigrant; and no greater number of immigrants shall be assigned to any dwelling or separate apartment, except with the special permission of the Surgeon-General, than at the rate of one adult to every fifty feet of superficial space, or of three single men, or of one man and one woman with not more than two children, to every one apartment of not less than one hundred and twenty feet of superficial space.

Assignment
and superficial
capacity of
dwellings.

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

Register of
dwellings.

(2.) Such register shall be at all times open to the inspection of the Protector, of the Surgeon-General, and of the Medical Officer.

(3.) Every manager shall also keep a requisition book in which the Medical Officer shall enter such requisitions as he may deem necessary for ensuring the sanitary fitness of such dwellings, of the yards and grounds surrounding them and of the latrines used by persons occupying them. Every such requisition shall be complied with by the employer, and it shall be the duty of the Protector to see that such requisitions are complied with.

Provided that if the employer considers any such requisition unreasonable, he may make such representation as is hereinafter provided in the case of requisitions in the Case and Hospital register.

Regulations as to dwellings.

86.—(1.) The Governor in Executive Council may make such regulations as may seem necessary for the proper construction, arrangement and drainage of the dwellings of indentured immigrants, with the yards and grounds about the same, and for the supervision thereof.

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

Default of employer in respect of dwelling.

87.—(1.) If any employer fails to provide any immigrant indentured to him with a suitable dwelling, it shall be lawful for the Protector with the approval of the Governor, to remove any such indentured immigrant from such plantation, and to transfer him for the unexpired remainder of his term of service to any other employer selected by the Governor whose name is entered in the register of applications for immigrants. Such last named employer shall be liable to pay such portion of the indenture fees remaining unpaid at the time of such transfer.

(2.) And every employer who in any respect refuses or neglects to comply with the provisions of this Ordinance, or with the regulations made thereunder, in respect of the repair, occupation, arrangement, and drainage of such dwellings, or in respect of the register of dwellings, shall be liable, on the complaint of any immigrant thereby aggrieved or of the Protector, to a penalty not exceeding five pounds.

88. On complaint by an employer, the Protector may, after enquiry held by him under this Ordinance, make order that any indentured immigrant who—

Offences by
immigrant.

- (1.) Refuses or neglects to keep the yard and the drain, if any, at the front and the back of his dwelling, for a space not exceeding twenty feet on either side, free from bush and from weeds and rubbish of every description; or
- (2.) Keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health; or
- (3.) Refuses or neglects within a reasonable time after being thereto required by the manager, to remove any nuisance or substance injurious to health from his dwelling, or to remove any such nuisance or substance which he may have caused or placed in the immediate proximity of his own or of any other dwelling; or
- (4.) Commits any nuisance on any dam or common thoroughfare of the plantation or in the vicinity of any dwelling on the plantation; or
- (5.) Wilfully causes any obstruction to any drain or trench on the plantation; or
- (6.) Wilfully fouls any fresh water pond or trench of the plantation,

shall pay to his employer as damages for such action, refusal or neglect, any sum not exceeding one pound, to be deducted from his wages in such manner as the Protector by order in writing may direct.

89. It shall be lawful for the Governor in Executive Council to make regulations for ensuring the proper sanitary condition of all plantations whereon immigrants are employed, and particularly:

Provision of
Latrines on
Estates.

- (a.) for the erection of latrines by owners of plantations in such numbers and of such a kind as to the Governor shall seem proper, and for laying down the time within which such latrines are to be provided;

- (b.) for ensuring that such latrines shall be kept in a proper sanitary state and that proper steps are taken for the removal and destruction or other dealing with of all sewage matter therein ;
- (c.) for ensuring the use thereof by persons employed on such plantations ;
- (d.) for preventing the committing of nuisances within distances to be prescribed by such regulations from houses, barracks or buildings on such plantations ;

and to attach to the breach of such regulations a penalty on summary conviction before a Magistrate, not exceeding ten pounds or imprisonment for two weeks with or without hard labour for each such breach.

PART VI.

RATIONS.

Providing of rations for twelve months after allotment.

Form No. 15.

90. Every employer to whom any immigrants may be allotted shall provide and distribute twice in every week to every such immigrant, being an adult or minor, rations of food at the rate per day specified in Form No. 15 in the First Schedule to this Ordinance, or at such varied or other rate as may be from time to time put forth by the Protector, with the sanction of the Governor in Executive Council, and to every such immigrant, being an infant, one-third of such rations, and may week by week, or every fortnight deduct the cost of his rations for the week or fortnight from any wages earned by such immigrant during the week or fortnight, in the case of an adult or minor at the rate of six cents for every day's rations; but no deduction shall be made by or allowed to any employer in respect of rations supplied to an infant immigrant or in respect of rations furnished in any previous week or fortnight; Provided always that the Protector may, if he thinks any alternative arrangement is in the interests of such immigrants, or of any particular individual or class amongst such immigrants, of which interests the Protector shall be the sole and final judge, either altogether or for such periods as he may from time to time decide upon, release such employer from such obligation.

91. Notwithstanding anything in the preceding section, the Protector may, or, in any case of emergency, the Government Medical Officer may, subject to the approval of the Protector, direct any indentured immigrant to be placed in the receipt of daily rations, or of such daily diet in excess of or deficiency from such daily rations as such Medical Officer may consider necessary in the circumstances of any particular case, either for a certain period or until further direction: Provided that no such immigrant shall remain so treated beyond the space of six months without a fresh order: Provided also that every such immigrant, while he is so treated shall be considered other than an able-bodied immigrant.

Placing of
other immi-
grant on
rations.

92. Every person who takes by way of purchase or barter, from any immigrant rationed under this Ordinance any such ration or part of a ration, shall be liable to a penalty not exceeding five pounds or to imprisonment for any term not exceeding one month, or to both such penalty and imprisonment.

Purchase or
barter of
rations.

PART VII.

HOSPITALS.

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

Hospital
to be provided
on plantation.

(2.) No joint hospital for two or more plantations, and no hospital which is not situated upon the plantation for which it is intended shall be allowed without a certificate in its favour from the Medical Officer, and no such certificate shall be given without special permission from the Surgeon-General.

Provided always that it shall be lawful for the Governor by writing under his hand to permit an immigrant to be allotted to any estate for which there shall not be a duly certified hospital, if he shall be satisfied that adequate provision exists for the reception of such immigrant in a public hospital situate at a convenient distance from where such immigrant shall be located in the event of such immigrant requiring hospital treatment.

Certifying of
Hospital.

94.—(1.) The Surgeon-General shall, on the request of any employer, inspect the site and examine the plans for any building proposed to be erected or altered as a certified hospital under this Ordinance, and shall direct to be made therein such changes and alterations as may, in his opinion be necessary for ensuring the proper construction, ventilation and drainage of such hospital and shall certify in the Form No. 16 in the First Schedule to this Ordinance any building erected in compliance with such directions and with the provisions of this Ordinance, or which has been altered so as to comply with the same, as a certified hospital for the purposes of this Ordinance, and shall state in such certificate the number of patients which such hospital is capable of accommodating.

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

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

Right of lessee
in certified
Hospital.

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

*will 17/1919
added words*

Form No. 16

*will 12/1919
added words*

96.—(1.) If at any time the accommodation afforded in any certified hospital falls short of that required by this Ordinance as aforesaid, or if any certified hospital appears to the Medical Officer to be for any reason unfitted for the purpose of, and improper to be used as, a certified hospital, the Medical Officer shall make a report in writing of the matter to the Surgeon-General, and the Surgeon-General shall visit the hospital and examine into the matter, and, after conferring thereupon with the employer and with the Medical Officer, shall make such report to the Governor as may, in his opinion, be necessary and proper.

Withdrawal of
certificate of
hospital.

vide 12/19/19
added words

(2.) If the Surgeon-General reports that such hospital ought not to continue any longer to be a certified hospital, the Governor may withdraw the certificate of such hospital; and if the employer does not, within three months after the withdrawal of such certificate or within such further period as the Governor may allow, provide some other building proper to be certified as a hospital under this Ordinance, it shall be lawful for the Protector to remove all or any of the indentured immigrants from such plantation, and to transfer any such immigrants for the unexpired remainder of their terms of service to any other employer selected by the Governor whose name is entered in the register of applications for immigrants; and such last named employer shall be liable to pay such portion of the indenture fees as remain unpaid at the time of such transfer: Provided that any hospital from which the certificate has been so withdrawn shall, notwithstanding such withdrawal, continue to be regarded as a certified hospital with respect to all matters connected with the maintenance of discipline and the enforcement of the hospital regulations under this Ordinance.

vide 12/19/19
added words

97.—(1.) The Governor in Executive Council may make such regulations as he may think fit for the proper arrangement and management of certified hospitals, and shall specify therein the furniture, medicines, clothing and appliances, and the quantities of each, which are to be kept supplied in each hospital for the use of the same, and the dietary which is to be used in such hospitals. Such regulations may prescribe the keeping, and specify the type of ambulance vehicle to be used for the conveyance of patients to or from any such hospital.

Hospital
regulations
dietary and
ambulances.

(2.) Provided that in the case of a hospital certified under Section 94 to be capable of accommodating less than ten patients, the Governor in Executive Council may make special regulations for the supply of such furniture, medicines, clothing and appliances and the quantities of each as shall be deemed by him to be sufficient for such hospital.

(3.) All such regulations and every such dietary shall be published in the *Royal Gazette*, and copies of the same, with translations thereof or such parts thereof affecting the rights and obligations of Immigrants as the Governor in Executive Council may direct, into the several languages of the immigrants residing in the Colony, shall be transmitted by the Protector to the manager of each plantation on which there may be a certified hospital, and shall be at all times kept suspended within such hospital in such place and manner as to be generally legible.

Furniture,
etc., of hos-
pital.

Form No. 17.

98.—(1.) The employer shall at all times keep the hospital properly furnished with such bedding, clothing, utensils and other furniture, and the dispensary thereof supplied with such medicines, medical stores and surgical appliances, as may be required by the hospital regulations, and shall provide for the continual supply to the hospital in sufficient quantities of all articles of food comprised in the dietary, and also of such extras as may be specially prescribed by the Medical Officer, and shall also provide a case and hospital register to be kept in the hospital, and shall record in such register any failure of the Medical Officer to visit the hospital at the times and in the manner directed by this Ordinance.

(2.) Such case and hospital register shall be at all times open to the inspection of the Protector, of the Surgeon-General, and of the Medical Officer, and shall be produced in any court, if the presiding Judge or Magistrate so requires, in any proceeding taken under this Ordinance by or against any immigrant; and entries in any such register shall be taken as evidence of the facts therein mentioned.

Employment
of dispenser
and assistants
for hospital.

99.—(1.) The employer shall employ in the hospital and pay at least one licensed druggist or assistant druggist

or trained nurse, and shall also, if and whenever the Medical Officer so requires, employ such additional assistants as may be necessary for the proper care of the patients in the hospital.

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

(3.) No dispenser or trained nurse or other nurse shall while acting as such be employed or be engaged in any other occupation.

(4.) No person shall be employed as trained nurse unless able to read and write English.

Provided that in the case of a hospital certified under Section 94 to be capable of accommodating less than ten patients, the Surgeon-General may when he thinks fit dispense with the requirements of Sub-sections (3) and (4) of this section.

100. The dispenser or trained nurse shall at all times reside on the premises of the hospital, and shall have charge of all furniture, clothing, medicines, stores and appliances belonging thereto, and shall draw upon and account to the employer for all stores supplied to the patients by way of diet or otherwise, and shall in all matters affecting the health or comfort of the patients be subject to the orders of the Medical Officer and shall, subject to such orders, attend the patients, make up and administer the medicines, and serve out the diets as the Medical Officer may direct, and shall report to him any defect in the quality or quantity of such furniture, clothing, medicines, stores and appliances.

Duties of
dispenser or
trained nurse

Visits of
Medical
Officer.

101. The Medical Officer shall visit each plantation in his district upon which there may be any indentured immigrants and the hospital maintained in respect of every such plantation at least thrice in every week at intervals of not less than two days, and oftener in cases of emergency, or if specially summoned by the manager in any such case, or if specially required by the Surgeon-General, and shall, on every such visit, sign his name, with the date and hour of such signature, in the case and hospital register; and shall, at least once a month and oftener if so directed by the Surgeon-General, visit and inspect carefully the dwellings of the immigrants and the yards and grounds surrounding them and the latrines used by persons occupying such dwellings, and shall order every indentured immigrant on the plantation whom he may consider to require medical treatment to be treated either as an in or out-patient, as the case may require, and shall report to the Surgeon-General every case of neglect on the part of the manager to send to hospital or to produce before him any indentured immigrant who should be so sent or produced.

Provided that it shall be lawful for the Governor by order in writing in the case of any plantation to be mentioned in such order, to direct the visits to be made to such plantation at such less frequent intervals than two days, as in such order shall be prescribed.

Treatment
of patients
by Medical
Officer.

102. The Medical Officer shall keep such hospital records as the Governor may prescribe, and shall inform every patient whether he is treated as an in or out-patient, and shall inform every in-patient of the diet prescribed for him, and whether stimulants and other extras are to be given with such diet; and, in case of complaint, shall ascertain whether such diet and extras have been duly given.

Responsi-
bility of
Medical
Officer for
hospital.

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

(2.) He shall note in the case and hospital register any defect in the quality or quantity of the furniture, clothing, medicines, stores and appliances of the hospital and any other neglect or violation of the provisions of this Part of this Ordinance, or of the hospital regulations and dietary, on the part of the employer or of any officer or servant of the plantation, and any omission or delinquency on the part of the hospital dispenser or trained nurse, not amounting to ground for his dismissal, and shall require the employer to provide such remedy for the evil or to take such precautions against it as may, in his opinion, be necessary.

104. The Medical Officer, or the Protector in his absence, may require the manager, by an entry made in the case and hospital register, to remove to any public hospital any immigrant patient in a certified hospital whose case may seem to him to require such removal, and the employer of any indentured immigrant who may be admitted into any public hospital, either upon the requisition of the Medical Officer or when sent thither by the Protector or otherwise, shall pay to the Receiver-General the sum of one shilling for each day that such indentured immigrant remains in such hospital, and also in case such immigrant dies in such hospital, the expense of the burial of such Immigrant: Provided that the Governor may at any time, upon the recommendation of the Surgeon-General, by notice in the *Royal Gazette* suspend the operation of this section as regards any such hospitals for such term as may be necessary: Provided also that if the Medical Officer of such public hospital certifies, as to any such immigrant patient, that he is labouring under incurable insanity or leprosy, or if such immigrant is detained in such public hospital for a period of more than six months, the liability of the employer under this section shall, in respect of such immigrant, absolutely cease and determine.

Removal
of patient to
public
hospital.

105.—(1.) The Medical Officer shall make in the case and hospital register such requisitions as he may deem necessary in relation to the hospital.

Requisitions
by Medical
Officer.

(2.) Every such requisition shall be complied with by the employer, and the Medical Officer shall report

every case of non-compliance or of unnecessary delay in complying with any such requisition, to the Surgeon-General.

Appeal against requisition of Medical Officer.

106.—(1.) If any employer represents to the Surgeon-General that any requisition made by the Medical Officer is unreasonable, or that the course of treatment pursued by the Medical Officer is in any respect injudicious or extravagant, or that he has any other just cause of complaint against the Medical Officer in respect of the management of the hospital or the treatment of the patients, the Surgeon-General shall cause full inquiry to be made into the matter, and may require the Medical Officer to annul such requisition, or may give such other directions or instructions in the matter to the Medical Officer as he may think necessary.

(2.) Every employer and every Medical Officer shall be bound by the decision of the Surgeon-General, subject to the approval of the Governor on appeal.

Default of employer in respect of hospital.

107. Every employer who in any respect refuses or neglects to comply with the provisions of this Ordinance, or of the hospital regulations and dietary, in respect of the arrangement and management of any certified hospital, or of the treatment of patients, or with any requisition made in pursuance thereof by the Surgeon-General or by the Medical Officer, which has been entered by the Medical Officer in the case and hospital register, shall be liable, on the complaint of the Protector, to a penalty not exceeding Ten Pounds.

Default of employer in respect of sick Immigrant.

108. Every employer who—

- (1.) Refuses, neglects or omits to send to hospital any indentured immigrant on the plantation who is in need of medical care or treatment in hospital : or
- (2.) Fails, at any visit of the Medical Officer, to produce before him any such immigrant who may require medical care or treatment ; or

- (3.) Refuses, neglects or omits to provide any such immigrant with the medicines, medical comforts and diet which may be ordered for him while under treatment by the Government Medical Officer

shall be liable, on the complaint of such immigrant, the Protector, or the Medical Officer, to a penalty not exceeding Five Pounds.

109.—(1) Every indentured immigrant who—

Misconduct of
immigrant in
respect of
hospital.

- (a.) Refuses or neglects to go to the hospital when ordered by his employer so to do : or
- (b.) Refuses or neglects to appear at any time when required so to do before the Government Medical Officer ; or
- (c.) Resists any lawful order for his conveyance to the hospital or his production before the Government Medical Officer ; or
- (d.) Contravenes any of the hospital regulations ; or
- (e.) Behaves himself in a disorderly or refractory manner while in the hospital;

shall be liable for a first offence to a penalty not exceeding five shillings, and for a second or subsequent offence to a penalty not exceeding ten shillings.

(2.) A Medical Officer, dispenser or nurse may use or cause to be used such force as may be necessary to maintain order or discipline in a hospital, and particularly may use or cause to be used such force as may be necessary to prevent a patient from leaving a hospital or its immediate precincts.

(3.) Any indentured immigrant who while under treatment in hospital is found by the Medical Officer on his visit to be a malingeringer, shall be liable for a first offence to a penalty not exceeding five shillings and for a second or subsequent offence to a penalty not exceeding ten shillings.

Obligation of hospital regulations on other than indentured immigrant.

110. Every person who is admitted into the hospital of a plantation for treatment on his own request or with his own consent, or without such consent in case of inability to express consent, shall be bound by the hospital regulations in the same manner as an indentured immigrant.

PART VIII.

LABOUR AND WAGES.

Provisions with regard to Indentured Immigrants.

Providing of work and payment of wages.

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

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

Assignment of work.

112. The employer may require any indentured immigrant to perform, by way either of task work or of time work (at the option of the immigrant) any work for which he is not physically unfit, and shall inform him of the rate of wages to be paid for the task or time work as the case may be.

Duration of time work and of task work.

113. Subject to the provisions for leave of absence from the plantation hereinafter contained, every indentured immigrant shall be present at the work assigned to him on every day (except Sundays and authorized holidays) for nine hours: Provided that no immigrant employed in field labour who has been present at the work assigned to him for forty-five hours or has earned five shillings and two-and-a-half pence wages during the week, shall be compelled to be again present at work during that week, except during the reaping of the crop, when he shall work six days in the week:

Provided that 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, such half hour to be included in the aforesaid nine hours.

114. No task shall be of greater extent than having regard to his individual competence or physical capacity can be performed by the particular immigrant to whom it is assigned within one working day of seven hours without extraordinary exertion. Limit of task per diem.

115.—(1.) The employer shall pay to every indentured immigrant employed in time work, day wages at the rate, for each day during which such immigrant has been present at work and has worked with ordinary diligence for the full time prescribed by this Ordinance, of not less than one shilling and one half-penny: Provided that if any indentured immigrant is, in the opinion of the Medical Officer, physically incapable of earning the minimum amount at the ordinary rates of wages, the Medical Officer may direct that his name be placed for a definite period from time to time on a list to be called the "Invalid List," and any immigrant whose name is entered on this list shall receive daily rations or such daily diet as is mentioned in Section 91 of this Ordinance, and be given work suitable to his condition and be paid such wages proportionate to the work as may be approved by the Protector, or the Protector may, if he thinks fit and with the consent of the employer, cancel the indenture of any such immigrant and provide him, if he so desires, with a return passage to the port or place from whence he came. Rate of wages for time work. Invalid List.

(2.) The employer shall keep a pay list or labour book in the form No. 18 in the First schedule to this Ordinance of all wages paid to indentured immigrants on his plantation. Form No. 18.

116.—(1.) The rate of wages for any description of task work performed shall not be less than that ordinarily paid for the same description of work to the creole and other unindentured labourers working on the same plantation; and if there are no such labourers, or if they are paid less than the average rate paid for the same description of work to such labourers on neighbouring plantations, then not less Rate of wages for task work.

than such average rate; and if there are no such labourers performing the same description of work on neighbouring plantations, then it shall not be less than that ordinarily paid for the same description of work to indentured labourers upon neighbouring plantations: Provided that the money wage agreed upon for a task shall in no case be less than the minimum amount of day money wage payable for time work.

(2.) In the computation of the average rate of wages payable for task work for the purpose of the preceding subsection, there shall be taken into account the value of free quarters for and medical attendance on immigrants during their terms of service, upon such scale as may be fixed from time to time by the Governor in Executive Council.

Complaint by immigrants as to rate or amount of wages.

117.—(1.) If any indentured immigrant is dissatisfied:—

- (a.) with the rate of wages in respect of any task work assigned to him by his employer; or
- (b.) with the amount of wages tendered to him for any time or task work assigned to him by his employer;

he may, after the performance of the work in question, report the matter to the Protector or any Inspector.

(2.) The Protector or such Inspector shall thereupon investigate the matter and shall forthwith communicate his decision in writing to the employer and to the immigrant; and every employer and every immigrant shall be bound by such decision, subject to the approval of the Governor on appeal.

Investigation of such complaints.

118. (1.)—With the object of arriving at such a decision as in the last preceding section mentioned, the Protector or Inspector shall, if necessary, hold an investigation upon the spot of the circumstances material to the question, and shall have regard in the first place to the rule hereinbefore laid down for determining the rate of task wages, and in the second place to the rates paid to indentured immigrants on neighbouring plantations for the description of work most nearly similar to that in question, and it shall be lawful for him to summon witnesses skilled in the valuation of labour

and to allow such witnesses their travelling expenses and payment for their time at a rate not exceeding one pound a day for a manager, two shillings a day for a labourer and eight shillings a day for any other person.

(2.) In the decision in the last preceding section mentioned, the Protector or such Inspector, may direct by whom and in what proportions the costs, if any, of the investigation in this section mentioned shall be borne.

119.—(1.) If any employer or indentured immigrant refuses to pay any amount found to be due by the decision of the Protector or an Inspector under the provisions of the two last preceding sections, the Protector or such Inspector in case such amount is due to an indentured immigrant, and the employer, if the amount is due to such employer, may apply in a summary manner to any Magistrate for an order directing the payment of such amount.

Enforcing
decision of
Protector as
to amount
found due.

(2.) Every such order shall be enforceable and every payment directed thereby shall, subject to the express provisions of this Ordinance, be recoverable and enforceable in the same manner as in the case of any order made under the provisions of the Summary Conviction Offences (Procedure) Ordinance (No. 1); and every such order shall be final and without appeal.

120.—(1.) If any person assaults or in any way ill-uses an indentured immigrant, he shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment with or without hard labour, for any term not exceeding two months, or to both such penalty and imprisonment.

Assault on
indentured
immigrant.

(2.) In respect of any such assault or ill-usage the Protector shall be deemed to be a party aggrieved within the meaning of Section 4 of Ordinance No. 5.

121.—(1.) If any employer, manager, or officer of a plantation unlawfully withholds or causes to be withheld any wages earned by an indentured immigrant, he shall be liable to a penalty not exceeding Ten Pounds.

Unlawful
withholding
of wages.

(2.) The Magistrate shall order any such wages to be paid, and shall report every conviction under this or the last preceding section, together with such circumstances of aggravation or extenuation as to him may seem noteworthy, to the Protector.

Stoppage of wages and payment in kind.

122.—(1.) Subject to the provisions of this Ordinance, all wages duly earned by an indentured immigrant shall be paid in money, without any deduction; and every stoppage of wages duly earned by any such immigrant, and every postponement of payment of such wages beyond the next pay-day after such wages are due, and any payment of wages in kind, shall be taken to be an unlawful withholding of wages.

(2.) No employer, manager, or officer of a plantation who supplies goods on credit to his indentured immigrants, or in any manner whatsoever assists, or affords facilities to, any other person in supplying goods on credit to any such immigrants, shall be entitled to stop the price thereof out of any wages which may be thereafter earned by such immigrants.

Refusal or neglect to amend work improperly performed.

123. Every indentured immigrant who without reasonable excuse, refuses or neglects to amend any work duly thrown out for an improper performance, shall, on the first conviction, be liable to a penalty not exceeding ten shillings and on a second or any subsequent conviction, to a penalty not exceeding One Pound, and shall further forfeit any such portion of the wages which may be due for such work as the Magistrate may think proper, and the manager may suspend the payment of any such wages, pending any proceedings which he may have taken against such immigrant for such refusal or neglect: Provided that no work shall be taken to have been duly thrown out for improper performance, unless the manager has taken down the work on the spot the same day or the next day after such work has been done, or unless the manager has informed the immigrant upon the spot that his work is thrown out, or, in case he is absent, so soon after as is possible and has specified the ground or matter of his objection to the work done, and has required him to amend the same.

124.—(1.) An indentured immigrant may, by agreement with his employer, work extra time in the field: Agreement for extra time. Provided that the description of work to be assigned to him during such extra time shall be expressly stipulated beforehand.

(2.) An indentured immigrant may, by agreement with his employer, work extra time in the buildings, and the employer may assign to him during such extra time any work in the buildings which he is physically competent to perform.

125. All extra time work shall be paid for by the hour, at not less than one and a half times the rate at which ordinary time work is paid for, for each hour or part of an hour during which such work continues; provided that payment at such extra rate shall not be made in any week unless the immigrant has performed forty-five hours' work during that week; provided also that if in any week an indentured immigrant has not performed forty-five hours' work, he shall receive payment for any extra time he may work at a rate not less than that at which ordinary time work is paid for; and the same provisions, remedies and penalties in respect of the due performance of work and payment of wages shall apply to service as a watchman and to extra time work, whether under agreement or otherwise, as are contained in this Part of this Ordinance with reference to ordinary work. Payment for extra time work.

126. It shall not be lawful for any employer to employ any immigrant under indenture for more than fifteen hours in any one day, and no immigrant shall be compelled to work for more than nine hours. Limit of extra time 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.

127.—(1.) No indentured immigrant shall be bound to serve as a watchman, but he may bind himself by an agreement with his employer, made in the presence of two witnesses, to serve as a watchman on the plantation for any term not longer than one month or from month to month, and unless he gives notice of his wish not to serve Service as watchman.

any longer as a watchman at least seven days before the expiration of any month's service, he may be compelled to serve for the next month.

Form No. 19.

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

(a.) Unlawfully neglects his duty as such watchman; or

(b.) Unlawfully neglects to serve as a watchman during the period for which he has agreed to serve or for which he is bound to serve

shall for a first offence be liable to a penalty not exceeding ten shillings, and for a second or subsequent offence to a penalty not exceeding one pound.

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

Absence from work or refusal to work.

128.—(1.) Every indentured immigrant who—

(a.) Without lawful excuse absents himself from work, or

(b.) Having been directed by some duly authorised person to attend at a specified time and place for the performance of any particular work, refuses or neglects so to attend, or

(c.) Refuses or neglects to begin or to finish any particular work which he has been directed by some duly authorised person to perform,

Form No. 55. shall on complaint in the form No. 55 in the First Schedule to this Ordinance be liable to a penalty not exceeding ten shillings.

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

Exemption from penalty for absence from or refusal to work in certain cases.

(3.) No immigrant shall be convicted under this section if he was at the time physically unfitted to perform work or to perform the work assigned to him, or if the work assigned to him was of such description or extent, or was assigned in

such a manner or for such a rate of wages, as to be contrary to any provision of this Ordinance, or if the work has been unduly thrown out, or if any wages due on account of the work have been unlawfully withheld, or if he is entitled to the benefit of the first proviso to Section 113 of this Ordinance.

129. Every indentured immigrant who—

Minor offences.

- (1.) Is drunk in or about the buildings of the plantation, or while employed on any work; or
- (2.) Is drunk during any time in which he is required to be at work; or Form No. 20.
- (3.) Is guilty of any fraud or wilful deception in the performance of his work; or
- (4.) Uses to his employer, or to any person placed by him in authority on the plantation, any abusive or insulting word or gesture; or
- (5.) Is guilty of wilful disobedience to any lawful and reasonable order;

shall be liable to a penalty not exceeding ten shillings.

130. Every indentured immigrant who—

More serious offences.

- (1.) Uses to his employer, or to any person placed by him in authority on the plantation, any threatening word or gesture; or Form No. 21.
- (2.) By negligence, carelessness, or other improper conduct, endangers, damages, or causes or suffers to be endangered or damaged, or sells any property of his employer; (and in any proceeding for a breach of this provision it shall not be necessary to state or prove the name of such employer); or
- (3.) Hinders or molests any other immigrant in the performance of his work;

shall be liable to a penalty not exceeding Five Pounds.

131. Every manager of a plantation on which there are indentured immigrants shall keep a register of all cases under this Ordinance in which he is concerned before the Magistrate. Register of cases before Magistrate. Form No. 22.

Shop on
or near
plantation.

132.—(1.) No shop shall be kept by any employer, manager, overseer, driver, ranger, or other person employed on the plantation, either upon such plantation or within five miles thereof.

(2.) If any shop is so kept by or for the profit of any such employer or manager or by or for the profit of any of his subordinate officers with his permission, connivance or knowledge, such employer or manager shall be liable on the complaint of the Protector, to a penalty not exceeding twenty pounds; and every person, other than an employer or manager, who actually keeps a shop in contravention of this section shall be liable to a penalty not exceeding Ten Pounds.

Returns.

Forms Nos. 23,
23a and 23b.

133. Every employer of indentured immigrants shall within the first five days of the months of January, April, July and October in every year make and deliver to the Protector returns in the Forms No. 23, 23a and 23b in the First Schedule to this Ordinance. And the Protector shall keep all such returns, and shall as early as possible in every year make an abstract of all such returns for the preceding year, which abstract shall be laid before the Legislative Council.

Penalty for
false return.

134. Every employer of indentured immigrants who shall omit to make any return hereinbefore required or who shall make any such return which shall be wilfully incorrect in any particular, shall on conviction thereof forfeit any sum not exceeding ten pounds for every such offence.

Provisions with regard to immigrants not under indenture.

Duties of
manager of
plantation
on which are
employed
unindentured
immigrants.

135.—(1.) Every manager of a plantation on which there are indentured immigrants shall be bound to enter in a book to be kept by him the name and description of every immigrant not under indenture employed on such plantation, and the amount of wages earned by each such immigrant in each week, and shall pay to each such immigrant the wages due to such immigrant for the work performed by him on such plantation. Every such book shall be open to the inspection of the Protector.

(2.) Every manager of a plantation who contravenes this section, and every manager of a plantation on which any immigrant not under indenture performs any work for the benefit of the proprietor of the plantation before the name and description of such immigrant have been entered in such book, shall be liable to a penalty not exceeding five pounds for each such immigrant who so performs any work.

136. The hiring, whether oral or in writing, of any immigrant possessed of or entitled to a certificate of exemption from labour shall be subject to and governed by the provisions of any Ordinance now or hereafter to be in force regulating the hirings of servants in husbandry and other labourers, not being immigrants within the meaning of this Ordinance: Provided that no contract of any such immigrant shall be taken to be an indenture within the meaning of this Ordinance; Provided also that no hiring or contract for service of any such immigrant shall be taken to be a contract for more than one month certain from the time of entering into service, any express or implied agreement to the contrary notwithstanding.

PART IX.

LEAVE AND DESERTION.

Leave.

137. Every indentured immigrant shall unless authorised expressly in writing by the Protector to reside elsewhere, be bound to reside on the plantation whereon he is under indenture.

138.—(1.) Where any indentured 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 the Colony, any of the following persons, that is to say:

- (1.) The Protector or any person authorised in writing by him :
- (2.) Any estate constable attached to the plantation to which the immigrant is under indenture ; and
- (3.) The employer of the immigrant or his manager or overseer,

may without warrant stop such immigrant, and in case he fails to produce a free pass or such authority as in the last preceding section is mentioned, may arrest him and take him to the nearest Police station, there to be detained until he can be taken before a Magistrate or to the estate to which such immigrant is indentured.

(2.) If upon such immigrant being brought before a Magistrate 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 free pass or written authority as aforesaid, the Magistrate shall order such immigrant to be returned to the estate to which he is indentured.

(3.) The Magistrate 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.

(4.) If it appears to the Magistrate that any employer, manager or overseer has arrested an immigrant without reasonable or probable cause, the Magistrate 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.

Search
warrant.

139. Where information is made on oath and in writing by the Protector or any Inspector before any Magistrate or Justice that in fact or according to reasonable suspicion, stating the grounds thereof, there is any immigrant on any plantation who has without leave absented himself for seven days from the plantation whereon he is under indenture, such Magistrate or Justice may issue a

search warrant authorising the Protector or any officer of the Immigration Department deputed in writing by the Protector to search the plantation named in the warrant, and if any immigrant or immigrants suspected on reasonable grounds to be a deserter or deserters is or are found on such plantation, then to bring him or them before a Magistrate or Justice to be dealt with according to law.

140. The warrant shall be executed by the Protector or person deputed as in the last preceding section mentioned, but he may be accompanied by any person necessary to assist him. Execution of warrant.

141. Every person hindering or obstructing the execution of a search warrant issued under the provisions of Section 139 hereof or assaulting or molesting any person engaged in executing the same, is liable on summary conviction before a Magistrate to a fine not exceeding twenty-five pounds or to imprisonment with or without hard labour for any term not exceeding two months. Obstructing execution of warrant.

142. Every indentured immigrant who—

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

(2.) Absents himself without leave from the plantation in such manner or for such time as to constitute a breach of the obligation of residence, Unlawful absence from plantation. Form No. 24.

shall be liable for a first offence to pay a fine not exceeding five shillings and for a second or subsequent offence to a fine not exceeding ten shillings.

143.—(1.) Every indentured immigrant who has earned wages at the rate of at least five shillings and two and a half pence per week during two consecutive weeks, shall be entitled to leave of absence from the plantation at the rate of one day and night for every such undivided period of two weeks, and the employer shall, on the request of such immigrant, furnish him with a free pass accordingly for as many days as he may require and be entitled to have leave of absence for: Provided that no immigrant shall be Right of immigrant to leave of absence after certain amount of work done.

ntitled to leave of absence, and no employer, except for special cause to be stated in the pass, shall be entitled to give leave to any indentured immigrant for more than seven days at any one time, or for more than twenty-six days in any one year; and no pass extended for special cause shall be given for more than twenty-six days at any one time, or more than once to the same immigrant in any one year.

(2.) Every employer who—

- (a.) Refuses a pass to which any immigrant is entitled; or
- (b.) Gives a pass in excess of the limits allowed by this Ordinance; or
- (c.) States in any pass extended as aforesaid a false, frivolous, or pretended cause for such extension,

shall be liable, on the complaint of the Protector, to pay a fine not exceeding five pounds.

Leaving plantation for purpose of making complaint.

Form No. 25.

144.—(1.) Any indentured immigrant who, having been refused a pass by his employer, absents himself from his plantation in order, on reasonable grounds, to lay an information or make a complaint against the employer or manager before the Magistrate or a Justice or to make any reasonable complaint of his treatment and to ask counsel of the Protector or an Inspector, shall be entitled to receive from such Magistrate, Justice, Protector or Inspector, a certificate that such absence was for reasonable cause: Provided that no such certificate shall be given, or, if given, shall be valid, if the immigrant—

- (a.) Has absented himself from the plantation with any weapon or any agricultural implement; or
- (b.) Has absented himself from the plantation in company with more than five other immigrants.

(2.) No immigrant who possesses such a certificate, and who on his return to the plantation produces the same to his employer, shall be liable to be convicted under Section 142 hereof in respect of the day on which such certificate was granted, or in respect of such time before and after as may be necessary to allow of his free going and returning.

(3.) Where the Magistrate, Justice, Protector or Inspector is of opinion that such complaint is ill-founded or frivolous, he shall so certify in writing to the employer.

Desertion.

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

Desertion.

Form No. 26.

Form No. 27.

Form No. 28.

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

(3.) A copy of such warrant shall be forwarded by the Magistrate or Justice to the Inspector-General of Constabulary within three days from the day on which such charge is made, and any copy thereof, certified under the hand of such Inspector-General, shall be executable in the same manner as the original warrant.

146. Within two days of an immigrant becoming a deserter, the manager shall inform the Protector thereof and shall further offer a reward of not less than one dollar for the apprehension of such deserter.

Reward for
apprehending
deserter.

rule § 27 19/1918 for added words

147. Every indentured immigrant who deserts from his plantation shall be liable for a first offence to a penalty not exceeding ten shillings and for a second or subsequent offence to a penalty not exceeding one pound.

Punishment of
deserter.

Supplemental Provisions.

148. If the original charge for desertion made against an indentured immigrant is lost or mislaid, the Magistrate may proceed to deal with the case on the original warrant or on any copy thereof certified by the Inspector-General of Constabulary.

Loss of original
charge for
desertion.

149.—(1.) The manager of a plantation on which there are indentured immigrants shall keep a Register of Absences on Leave, and shall enter therein every pass granted by him to an indentured immigrant.

Registers of
Absences on
Leave and
Desertions.

Form No. 29.

Form No. 30. (2.) He shall also keep a register of desertions, and shall enter therein every desertion of an indentured immigrant from the plantation.

Immigrant dying or leaving Colony. 150. Whenever it may appear to the satisfaction of the Protector that any immigrant against whom a warrant has been granted, is dead, or has left the Colony, the Protector may order that the name of the immigrant may be struck off the books of the estate to which he is indentured.

Absence without leave from the Depôt. 151. If any indentured immigrant, while an inmate of the Immigration Depôt, without leave absents himself therefrom for seven days, he shall be taken to be a deserter, and the Protector may thereupon prefer a charge against him in that behalf before the Magistrate and apply for a warrant for his apprehension. Such warrant shall be granted in the same manner as is hereinbefore provided with respect to a deserter from a plantation.

Employment of indentured immigrant by person not entitled to his services. 152.—(1.) Every person who, not being entitled to the services of such immigrant under this Ordinance,—

(a.) Employs or knowingly harbours any indentured immigrant; or

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

shall be liable to pay a fine not exceeding Fifty Pounds, and in the case of employment, in addition to such fine, to pay to the employer entitled to the services of such immigrant, by way of damages, at the rate of four shillings for every day on which such immigrant may have been so employed.

(2.) If the person charged is the owner or manager of a plantation, or a contractor within the meaning of the Agricultural Contracts Ordinance, (No. 67) it shall be sufficient to support a conviction under this section to prove that such immigrant has been employed thereon in the service of such owner, manager or contractor.

Disposal of indentured immigrant on release from custody.

153. When any indentured immigrant who has been arrested by a constable, or imprisoned, is entitled to be discharged from custody or from prison, he shall without

delay be conveyed by a constable to the plantation whereon he is under indenture, and every such immigrant may be kept in custody while he is being so conveyed and until he can be so taken to the plantation: Provided that, if required by the Protector or any Inspector, he may be taken to the Immigration Office or to the office of any Inspector.

154.—(1.) When any indentured immigrant is brought to the plantation whereon he is under indenture by any constable, the manager of the plantation shall be bound to give to the constable a certificate, stating the time when such immigrant was so brought.

Certificate as to immigrant brought in custody to plantation.

Form No. 31.

(2.) Every manager who refuses or neglects to give such certificate shall be liable, on the complaint of the Inspector-General or an Inspector of Constabulary, to pay a fine not exceeding One Pound.

155.—(1.) When any indentured immigrant who has deserted from the plantation whereon he is under indenture voluntarily returns to the plantation, the manager of the plantation shall report the fact to the Inspector of the Division in which such plantation is situated, and to the member of the Constabulary Force in charge of the Constabulary Station nearest to the plantation.

Reporting of immigrant voluntarily returning to plantation.

(2.) Every manager who neglects so to do for three days after such return shall be liable, on the complaint of the Protector, the Inspector-General or an Inspector of Constabulary, to pay a fine not exceeding One Pound.

156. The Superintendent of Prisons shall report in writing to the Protector when any immigrant who was under indenture at the time of his arrest for the crime or offence of which he has been convicted is discharged from any cause before the time at which his sentence would have expired, or when any such immigrant is imprisoned for a longer period of time than the time that was mentioned in his sentence, and such Superintendent shall forward such report as soon after the event as may be practicable.

Reporting of indentured immigrant on release from prison.

157.—(1.) The Protector or the Inspector in each district shall keep a separate Register of Defaulters for each plantation whereon there are any indentured immigrants.

Register of Defaulters.

Form No. 32.

(2.) The name and description of every indentured immigrant on the plantation who is sentenced to imprisonment, or who is convicted of desertion, or of having been unlawfully absent from work or absent without leave from the plantation shall be entered in such register.

Entries in
Register of
Defaulters.

158. Whenever any employer alleges that an indentured immigrant has been imprisoned or has deserted, or has been unlawfully absent from work or absent without leave from the plantation, and produces to the Protector or to an Inspector a certificate, signed by the Magistrate or other proper Officer, that such immigrant has been sentenced to imprisonment or has been convicted of desertion or of having been unlawfully absent from work or absent without leave from the plantation, then (but in no other case), the Protector or an Inspector shall make an entry in the Register of Defaulters of the facts stated in such certificate, and shall date such entry with the date when the same was made by him, and shall sign or initial the same, and shall also so date and sign or initial the certificate so produced, and thereafter return it to the employer: Provided that the Protector or an Inspector may, before making any such entry, require proof as to the identity of the immigrant referred to in such certificate.

Correction of
the Register of
Defaulters.

159. The Protector or an Inspector shall, from time to time and as often as may be necessary, correct the entries in the Register of Defaulters, so that such entries shall accurately state all the periods to be excluded in reckoning the term of service of each immigrant under indenture: Provided that the Protector or Inspector shall not obliterate any previous entry made in the Register of Defaulters, either by himself or any other person, and shall date every entry with the date when the same was made and shall sign or initial the same.

PART X.

MARRIAGE, DIVORCE, &c.

Interpreta-
tion.

160. In this Part—

The term "Immigrant" means:—

- (1.) Any Indian immigrant introduced into this Colony, British Guiana or any British West Indian Colony for the purpose of being indentured; and

(2.) Any descendant of an Indian immigrant so introduced.

The terms "Registrar of Marriages" and "District Registrar" have the same meanings as in the Marriage Ordinance, No. 59.

The term "Chief Registrar" means the Registrar of Marriages appointed under the said Ordinance.

The term "Registrar" includes the Chief Registrar and any District Registrar.

The term "under age" means under the age of twenty-one years.

161.—(1.) Part X of this Ordinance shall apply to all marriages and divorces between immigrants contracted, effected or registered between the first day 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 Part X of this Ordinance, except those which relate to marriage and divorce, shall apply to all immigrants of whatever religion: Provided also 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, No. 59. Application of this Part.

(2.) Where under the provisions of the Marriage Ordinance, No. 59, 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 the consent. Protector to be guardian of infants for purposes of Ordinance No. 59.

162. For the purposes of Part X of this Ordinance the Chief Registrar shall keep a Colonial Register of Indian Immigrants' Marriages and a Colonial Register of Indian Registers. Forms Nos. 33 and 34.

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 and the Inspectors shall each of them keep a Register of Indian Immigrants' Marriages and a Register of Indian Immigrants' Divorces.

Christian
immigrants.

163.—(1.) An immigrant who at the time of his arrival in this Colony professes Christianity shall, immediately upon such arrival, and

(2.) An immigrant who at any time after his arrival in this 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

164. 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 or of any proceeding for the recovery of damages under Section 196 of this Ordinance, 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.

165. Every application for the registration under this Ordinance of any marriage, not being a Christian marriage, must 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 or an Inspector, by both parties to such 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 must 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 or an Inspector 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 or an Inspector 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 or an Inspector 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 shewn 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 or an Inspector 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.

Application to
Register
marriage.

Divorce.

166. 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,

Divorce of
non-christian
immigrants.

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.

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

Registration.

Conditions of
registration.

168. On application being made to a Registrar or to the Protector or an Inspector to register under this Ordinance any marriage or divorce, the Registrar or Protector or Inspector, as the case may be, 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 or Inspector as the case may be 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 kept by the Protector or such Inspector ;
- (b.) Of a divorce, in the District Register of Indian Immigrants' Divorces or in the Register of Indian Immigrants' Divorces kept by the Protector or such Inspector ;

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.

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

Mode of registering marriage.

- (1.) An entry according to Form 33 in the First Schedule to this Ordinance shall be made in the District Register of Indian Immigrants' Marriages or in the Register of Indian Immigrants' Marriages kept by the Protector or by the Inspector to whom application to register is made; and
- (2.) Such entry shall be signed—
- (a.) By the Registrar, Protector or such Inspector, 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.

Form No. 33.

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

Mode of registering divorce.

- (1.) An entry according to Form 34 in the First Schedule to this Ordinance shall be made in the District Register of Indian Immigrants' Divorces or in the Register of Indian Immigrants' Divorces kept by the Protector or by the Inspector to whom application to register is made; and
- (2.) Such entry shall be signed—
- (a.) By the Registrar, Protector or such Inspector, 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; or
- (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

Form No. 34.

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 Registrar, Protector or such Inspector as aforesaid, made and signed a declaration according to Form No. 35 in the First Schedule to this Ordinance.

Form No. 35.

Limit of
time for
registration.

171.—(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 sub-sections 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.

Registration of
marriages upon
arrival of
immigrants.

172. Upon the arrival of any ship having immigrants on board, the Protector shall inquire whether any of such immigrants stand in the relation of husband and wife. The declaration of a male and female immigrant that they stand in this relation shall, if uncontradicted by other evidence, be admitted by the Protector as evidence of such relation.

Such declaration may be according to Form 36 in the First Form No. 36. Schedule to this Ordinance.

The Protector, if after such inquiry it appears to him that a male and female immigrant stand in the relation of husband and wife, shall make entry of such marriage in his Register of Indian Immigrants' Marriages.

173. Where, upon an application to register under this Ordinance any marriage or divorce, a Registrar or the Protector, or an Inspector, as the case may be, 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 or such Inspector to make such registration, and may make such order as to costs as seems just.

Appeal where registration refused.

174. 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, or an Inspector as the case may be, to cancel such registration, and may make such order as to costs as seems just.

Cancelling registration.

175. 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'

Entries in Colonial Register.

Divorces and of every copy of an entry of a divorce transmitted to him by any other Registrar pursuant to this Ordinance.

Marriages registered by Protector.

176. A copy of every entry of a marriage made in the Protector's or an Inspector'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 or such Inspector 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, distinguishing such entry as made upon the information of the Protector or such Inspector as aforesaid.

Protector and Inspectors to have powers, etc., of District Registrar of Marriages.

177. For the purposes of the Marriage Ordinance (No. 59) and with respect only to the marriages of immigrants, the Protector and each Inspector shall have and exercise throughout the Colony all the powers and shall perform all duties which under or by virtue of the said Ordinance are given or allotted to a District Registrar within the district of such Registrar.

Procedure.

Procedure.

178. 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 before a Petty Civil Court shall be in accordance with the Petty Civil Courts Ordinance, 1911, and the procedure in applications to a Magistrate shall be according to the Summary Conviction Offences (Procedure) Ordinance, (No. 1) 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.

179. 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*.

180. An entry, whether purporting to be an original entry or not, in any register directed by this Ordinance or by "The Immigrants' Marriage and Divorce Ordinance 1881" or by the Immigration Ordinance (No. 161) 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 164 of this Ordinance, 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 (No. 59) or other general law of the Colony relating to Marriage, shall be admissible in any proceedings whether criminal or civil.

Proof of marriage or divorce. (6-1881).

181.—(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.

Proof of entries in registers and certificates.

(2.) Where any certificate is by this Ordinance required or authorized 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.

Right to search
Registers.

182. 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 or any Inspector's Register of Indian Immigrants' Marriages and in the Colonial or any District Register or the Protector's or any Inspector'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:—

For every search ... One Shilling,

For every certified copy ... One Shilling,

which fees shall be paid into the Colonial Treasury.

Offences.

Signing false
declaration or
certificate.

183. 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 misdemeanour, and on conviction thereof may be imprisoned with or without hard labour for any term not exceeding five years.

Forgery of
certificates.

184. 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 misdemeanour, and on conviction thereof may be imprisoned with or without hard labour for any term not exceeding five years.

Offences by
Protector of
Immigrants.

185. If the Protector or any Inspector:

- (1.) Fails to enter forthwith in the Protector's or such Inspector's Register of Indian Immigrants' Marriages or Register of Indian Immigrants' Divorces any marriage or divorce which he is required to enter therein; or

- (2.) Fails to transmit to the Chief Registrar a copy of an entry of marriage or divorce made in the Protector's or such Inspector's Register of Indian Immigrants' Marriages or Register of Indian Immigrants' Divorces within one week after the entry was made; or
- (3.) 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;

the Protector or such Inspector, as the case may be, shall be guilty of an offence against this Ordinance, and be liable to a penalty not exceeding Ten Pounds.

186. The Chief Registrar :

Offences
by Chief
Registrar.

- (1.) If he fails to enter in the Colonial Register of Indian Immigrants' Marriages—
 - (a.) a copy of any entry of a marriage made in his District Register of Indian Immigrants' Marriages immediately after such entry was made, or
 - (b.) 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
- (2.) If he fails to enter in the Colonial Register of Indian Immigrants' Divorces—
 - (a.) a copy of any entry of a divorce made in his District Register of Indian Immigrants' Divorces immediately after such entry is made, or
 - (b.) 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,

shall be guilty of an offence against this Ordinance and be liable to a penalty not exceeding Ten Pounds.

Offences by Registrars.

187. Any Registrar :—

- (1.) Who fails to register forthwith any marriage or divorce which he is by this Ordinance required to register; or
- (2.) Who 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
- (3.) Who 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;

shall be guilty of an offence against this Ordinance, and be liable to a penalty not exceeding Ten Pounds.

Protection of wives of Immigrants.

Procedure where immigrant threatens violence to his wife, &c.

188.—(1.) Where any male immigrant threatens to murder, wound, beat or ill-treat his wife or any woman with whom he may have cohabited or seek or desire to cohabit, a Magistrate on being informed thereof, and being satisfied that there is reason to apprehend that bodily injury may be inflicted on any such woman, shall forthwith issue his warrant for the apprehension of the immigrant alleged to have used such threats.

(2.) Any immigrant who uses any such threats may be arrested and detained by any constable until a warrant can be obtained.

(3.) Every immigrant using any such threats shall be guilty of an offence against this Ordinance, and on conviction shall be liable to be imprisoned with or without hard labour for any term not exceeding one month.

Transfer of immigrants in certain cases.

189.—(1.) Where it is proved to the satisfaction of a Magistrate that there is reason to apprehend that an immigrant on a plantation may inflict bodily injury on any woman, and that it is expedient to remove from any plantation any immigrant under indenture on such plantation, it shall be lawful for such Magistrate to direct

that such last mentioned immigrant shall be removed to some other plantation, and that the indenture shall be transferred.

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

190. Where a Magistrate is informed or where in any proceeding whatever it appears to a Magistrate that there is reason to apprehend that any immigrant may inflict bodily injury on any woman, the Magistrate shall make full investigation as to the circumstances, and shall examine on oath such witnesses as may be necessary, and shall forward a copy of the proceedings to the Protector, who shall act as the circumstances may require; and the Magistrate may order any immigrant to be detained in custody until the Protector can take such action as may be necessary; Provided that no immigrant shall be detained under the provisions of this section for more than fourteen days.

Magistrate
to enquire
when violence
apprehended.

191.—(1.) Every person who entices away or cohabits or commits adultery with the wife of an immigrant, or who unlawfully harbours the wife of an immigrant who has left her husband without just cause, shall be guilty of an offence punishable on summary conviction, and on conviction shall be liable to a penalty not exceeding Twenty Pounds, or to imprisonment with hard labour for any term not exceeding six months or both, and on a second or subsequent conviction shall be deemed guilty of a misdemeanour, and on conviction thereof before the Supreme Court shall be liable to a fine not exceeding One Hundred Pounds or to imprisonment with or without hard labour for any term not exceeding two years:

Enticing
away wife of
immigrant or
cohabiting or
committing
adultery with
her.

Provided that no person shall be convicted under this section for cohabiting or committing adultery with the wife of an immigrant if he establishes to the satisfaction of the Magistrate or Court before whom he is tried that the wife was deserted by her husband, or that the husband compelled her to leave his house, or that such cohabitation or adultery was with the knowledge and consent of the husband. No proceeding under this section shall be taken before any Magistrate or Court except with the consent of

the husband of the female immigrant or of the person having the care of such female immigrant on behalf of her husband.

(2.) No person shall be convicted of an offence under this section upon the evidence of one witness only unless such witness is corroborated in some material particular by other evidence implicating the accused.

Separation
order after
assault.

192. If a husband being an immigrant shall be convicted summarily of an aggravated assault within the meaning of Section 5 of the Summary Convictions (Offences) Ordinance (No. 5), upon his wife, the Magistrate or Court before whom he shall be so convicted may, if satisfied that the future safety of the wife is in peril, order that the wife shall be no longer bound to cohabit with her husband; and such order may further provide,

- (1.) That the husband shall pay to his wife such weekly sum as the Magistrate or Court may consider to be in accordance with his means, and with any means which the wife may have for her support and for the support of such children, if any, of the marriage the legal custody of whom shall have been given to the wife by such order, and the Magistrate or Court by whom any such order for payment of money shall be made shall have power from time to time to vary the same on the application of either the husband or the wife, upon proof that the means of the husband or wife have been altered in amount since the original order fixing such weekly sum shall have been made;
- (2.) That the legal custody of any children of the marriage under the age of ten years shall, in the discretion of the Magistrate or Court, be given to the wife.

Provided always, that no order for payment of money by the husband, or for the custody of children by the wife shall be made in favour of a wife who shall be proved to have committed adultery, unless such adultery has been condoned; and that any order for payment of

money or for the custody of children may be discharged by the Magistrate or Court by whom such order was made upon proof that the wife has, since the making thereof, been guilty of adultery: And provided also that all orders made under this section shall be subject to appeal in the form and manner prescribed by the Summary Conviction Offences (Procedure) Ordinance, (No. 1).

193. In every case of such order being made, the wife shall, from the date of the sentence and whilst the separation shall continue, be considered as a *feme sole* with respect to property of every description which she may acquire or which may come to or devolve upon her; and such property may be disposed of by her in all respects as a *feme sole*, and on her decease the same shall, in case she shall die intestate, go as the same would have gone if her husband had been then dead: Provided that if any such wife should again cohabit with her husband, all such property as she may be entitled to when such cohabitation shall be resumed shall be held to her separate use, subject however, to any agreement in writing made between herself and her husband whilst separate.

In case of order made the wife to be considered a *feme sole* with respect to property she may acquire, &c.

194. In every case of such order being made, the wife shall, whilst so separated, be considered as a *feme sole* for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding; and her husband shall not be liable in respect of any engagement or contract she may have entered into, or for any costs she may incur as plaintiff or defendant: Provided that where upon any such order being made a weekly sum has been ordered to be paid to the wife, and the same shall not be duly paid by the husband, he shall be liable for necessaries supplied for her use: Provided also, that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

Also, for purposes of contract and suing.

195. 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

Recovery of betrothal gifts.

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 and whether made or paid before or after the commencement of this Ordinance, any law, Ordinance, rule of law or custom to the contrary notwithstanding: Provided always that where the value of such gifts and the amount of such money do not together exceed £50, the proceedings shall be by plaint 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.

Action for
criminal con-
versation.

196. Any husband being an immigrant may on complaint to the Judge of any Petty Civil Court, claim and recover damages not exceeding £50 from any person on the ground of such person having committed adultery with the wife of such complainant and whether such adultery took place before or after the commencement of this Ordinance, and the claim made by such complainant in such case shall be heard and tried on the same principles as actions for Criminal Conversation were wont to be tried and decided in Courts of Common Law in England, and every such Judge is hereby empowered and required to entertain and adjudicate upon any claim brought before him under this section, any law or Ordinance to the contrary notwithstanding.

PART XI.

TRANSFER AND DETERMINATION OF INDENTURES.

Declaring of
indenture void
in case of death
or disability
within three
months after
allotment.

197. If within three months after the allotment of any indentured immigrant, he dies, or it appears that he has any such disease or other disability as may render him permanently unable to perform service under indenture, and if the employer sends to the Protector a certificate of the death, disease, or disability of such immigrant under the hand of the Medical Officer of the District, specifying the particulars of such death, disease, or disability, the Protector may declare the indenture of such immigrant

void; and the indenture fees paid in respect of such immigrant shall thereupon become repayable to the employer out of the Planters (Immigration) Fund.

198.—(1.) The commutation money payable under this Ordinance on the determination or transfer of the indenture of any immigrant shall be computed at the rate of six shillings and eight pence, or at such other rate as the Governor in Executive Council may from time to time decide, for every month or part of a month which may be wanting to make up a service of five years under indenture in the Colony and of two-and-a-half pence for every working day endorsed by the Protector on the indenture of such immigrant.

Computation
of commuta-
tion money.

(2.) All amounts received from an immigrant in respect of working days shall be paid to his employer by the Protector.

199.—(1.) An indentured immigrant may at any time during the period of his service under indenture determine his indenture by giving one month's notice to his employer and by paying commutation money at the rate and subject to the conditions mentioned in the last preceding section, and as from the end of such notice and upon payment of the commutation money his indenture shall cease and determine. Provided that not more than ten per centum of the indentured immigrants on any estate may so determine their indenture in any period of twelve months except with the consent of the employer.

Commutation
at any time

(2.) Any indentured immigrant who is married to a wife or husband indentured on another plantation shall be entitled, upon giving one month's notice to the employer, to determine his or her own indenture on payment of the commutation money; and if the employer of such wife or husband, on the request of the commuting immigrant, advances such commutation money, the commuting immigrant may be re-indentured to such employer for a period equal to the unexpired remainder of the indenture so commuted.

Commutation
by husband
or wife.

(3.) If any employer has paid any indenture fee or any part of such fee in respect of any indenture determined under the provisions of this section, the Protector shall, out of

any sum paid as commutation money, repay to such employer an amount proportionate to the unreserved portion of the period of indenture covered by such fee or part of such fee.

Commutation
by mother
of minor.

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

Determination
of indenture
by the
Protector.

201. The Protector may, with the sanction in writing of the Governor, at any time determine the indenture of any immigrant: Provided that the Protector may, with the like sanction, indenture the immigrant to any other employer selected by the Governor whose name is entered in the register of applications for immigrants for a term equal to the period of time of the previous indenture remaining unexpired at the time of its determination. And such last named employer shall be liable to pay such portion of the indenture fees as remains unpaid at the time of such determination.

Transfer of;
Immigrants.

202.—(1.) If at any time it appears to the Governor, on sufficient ground shown to his satisfaction, that all or any of the immigrants indentured on any plantation should be removed therefrom, it shall be lawful for him to transfer the indentures of such immigrants for the remainder of their respective terms of service to any other employer or employers selected by the Governor whose name or names is or are entered in the register of applications for immigrants; provided always that no larger number of immigrants shall be transferred to any such employer or employers than he or they have applied for as aforesaid; and it shall be lawful for the Protector, pending the

determination of the Governor, temporarily to transfer any immigrant to any other employer, provided that in each case he forthwith reports to the Governor any such transfer, and his reasons for the same; and any immigrant so transferred shall remain in the service of the employer to whom he has been transferred pending the decision of the Governor, and pending such decision he shall be deemed to be in all respects subject to the provisions hereof as if he had been indentured to such employer.

(2.) In the event of any immigrant or immigrants being transferred under this section by the Governor, the employer or employers shall be liable to pay such portions of the indenture fees remaining unpaid at the time of such transfer in respect of each immigrant so transferred to him or them, as the case may be.

203. Every lessee of a plantation whose term of lease expires before the termination of the indenture of any immigrant indentured to him on such plantation shall be entitled to have such immigrant transferred for the unexpired remainder of his term of service to any employer, approved of by the Protector, who may be willing to accept his services and to pay the remaining indenture fees: Provided that of any such employers the first option of having such transfers made to him shall lie with the lessor of the plantation.

Transfer on
determination
of lease.

204.—(1.) In the event of any plantation on which an immigrant is under indenture being sold, either by private contract, or on execution, or being leased, or devolving by inheritance, devise, or otherwise, such immigrant shall render the same service to the purchaser, lessee, devisee, heir, or other new employer, his heirs, executors, administrators, or assigns, and for the same term, as he would have been bound to render to his original employer.

Transfer on
sale, etc., of
plantation.

(2.) In any proceeding under this Ordinance in which it is necessary to prove the sale, lease or devolution by inheritance or otherwise of any plantation, proof that such plantation is in the possession of any person shall be *prima facie* evidence that the ownership of such plantation is vested in such person by sale, lease or devolution by inheritance or otherwise.

Other provisions as to transfer.

205. Other provisions relating to the transfer of immigrants are contained in Part VII and Part X.

Removal, temporary transfer, and determination.

206. The Protector may,—

- (1.) On the request of any employer, allow all or any of the immigrants indentured to such employer on any plantation to be removed to any other plantation in the possession or under the management of the same employer ; or
- (2.) Allow any such immigrant to be temporarily transferred for any term, not exceeding twelve months, to any plantation the owner of which may be willing to employ him, and during such term such immigrant shall be deemed to be indentured to such other employer for all the purposes of this Ordinance ; or
- (3.) On the joint request of any employer and his indentured immigrant, allow the indenture of such immigrant to be determined, with or without the payment of commutation money ;

Provided that no such removal, transfer, or determination shall in any manner affect any lien of the Colony upon the original plantation, or the pecuniary liability of any employer to the Planters (Immigration) Fund.

Determination of indenture for ill-treatment.

207. Upon report made by any Magistrate of the conviction by him under this Ordinance of any employer for ill-usage of an indentured immigrant or for the unlawful withholding of the wages of an indentured immigrant, the Governor shall have power to declare the indenture of such immigrant determined, and may thereupon direct the Protector to re-indenture such immigrant for the remainder of his term of service to any other employer selected by the Governor whose name is entered in the register of applications for immigrants ; and such last named employer shall be liable to pay such portion of the indenture fees as remain unpaid at the time of such re-indenture.

Computation of duration of indenture.

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

(2.) Every indenture of an immigrant, although it may purport to be for a fixed period of time, is hereby declared to be for a term of actual service equal in duration to the period of time for which the immigrant has become bound to serve under the indenture, and every such indenture shall continue in force until the immigrant has performed service thereunder for such term.

(3.) Provided that when an indentured immigrant shall as shown by the books of the plantation have earned the sum of seventy-two pounds eighteen shillings and four pence his indenture shall cease and determine and he shall be entitled to receive from the Protector free of charge a certificate of exemption from labour, notwithstanding any provisions to the contrary contained in this Ordinance.

209. In reckoning the term of service of any immigrant under indenture for the purpose of ascertaining the time when such indenture determines, all periods of time shall be excluded during which the immigrant has been absent from his work for any of the following causes, that is to say,—

Exclusion of certain periods in computation of term of indenture.

- (1.) Imprisonment: Provided that imprisonment shall not for the purpose of this section, include detention in respect of any proceeding which results in the acquittal or discharge of the prisoner, whether from want of prosecution or from any other cause;
- (2.) Desertion; and
- (3.) Unlawful absence from work or absence without leave from the plantation;

Provided that no indentured immigrant shall be deemed to have been absent from his work, within the meaning of this section, on account of any desertion, unless such immigrant has been duly convicted of such desertion: Provided also that this section shall not apply to any imprisonment, desertion or unlawful absence from work or absence without leave from the plantation which is not duly recorded in the Register of Defaulters: Provided also that this section shall not apply to periods of absence which, in the opinion of the Protector, were due to the conditions of employment on the particular estate on which such immigrant was indentured or to which such conditions materially contributed.

Prohibition
of other
transfers, etc.

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

Recording of
transfers and
determina-
tions.

211. The Protector shall record every transfer, other than a temporary transfer, and every determination of an indenture in the General Register of Immigrants introduced into the Colony, and shall deliver to the employer to whom any immigrant is transferred a new Indenture List, and such employer and immigrant shall thereupon be and be taken to be bound by such indenture accordingly.

PART XII.

CERTIFICATES OF EXEMPTION FROM LABOUR.

Granting of
certificate of
exemption
from labour.

212.—(1.) Every immigrant who may have completed or who may hereafter complete 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.

Form No. 37.

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

Manager to
give notice to
Protector of
completion of
indenture.

213. The Manager of every plantation shall give notice to the Protector in the Form No. 38 in the First Schedule to this Ordinance of every immigrant who has completed his term of service under indenture within fourteen days of such completion, and upon the receipt thereof the Protector shall deliver to such immigrant a certificate of exemption from labour.

Form No. 38.

Certificate to
disabled
immigrant.

214.—(1.) The Protector may grant to any immigrant who is at any time, in his opinion, permanently disabled and unfit to perform service under indenture, and who is certified to be so by the Medical Officer, a certificate of exemption from labour in the Form 38a in the First Schedule to this Ordinance.

Form No. 38a.

(2.) In every such case the cause of disability shall be specified in the certificate of the Medical Officer.

PART XIII.

PASSPORTS, RETURN PASSAGES, AND UNLAWFUL ENLISTMENT.

215. Every immigrant who has obtained or become entitled to a certificate of exemption from labour, and who is desirous of quitting the Colony, shall apply to the Protector for a passport; and the Protector shall within one week from the date of such application, deliver to him free of charge, a passport available for fourteen days from the date thereof, and shall register such passport in the Register of Passports, and the certificate of exemption from labour of such immigrant or his right to receive such certificate, as the case may be, shall thereupon be suspended.

Granting of passport.
Form No. 39.
Form No. 40.

216.—(1.) No immigrant shall quit or attempt to quit the Colony unless he has previously obtained a passport from the Protector.

Quitting the Colony without passport.

(2.) Every immigrant who contravenes this section shall be liable to a penalty not exceeding Five Pounds.

217. No passport shall be granted to any indentured immigrant, and no passport, except with the special permission of the Governor, shall be granted to any immigrant introduced into the Colony at the expense, either wholly or in part, of the Colony or of the Immigration Fund, or of the Planters' (Immigration) Fund, who has not resided in the Colony for at least five years after his introduction, unless such immigrant pays to the Protector a sum equal to the entire cost of his introduction, and such sum shall be ascertained and determined by the Protector.

Limitation of right to passport.

218.—(1.) Every owner, master, or person in charge of any ship who receives or harbours on board such ship or elsewhere any immigrant who has not obtained a passport or whose passport has expired, with intent to carry such immigrant out of the Colony, shall be liable to a penalty not exceeding Twenty Pounds for each such immigrant whom he may have so received or harboured, and in default of payment of such penalty to imprisonment, with or without hard labour, for any term not exceeding six months.

Receiving on ship immigrant without passport.

(2.) Such ship shall be liable for the amount of the penalty imposed by the Magistrate on such owner, master or person in charge, and such amount and costs may be recovered and realized by the seizure and sale of such ship, her tackle, apparel and furniture by order of the Supreme Court.

(3.) Such order shall be made on a summons issued by the Supreme Court calling on the person convicted and the owners of such ship, without naming such owners, to show cause why the amount of penalty and costs should not be paid. On the return of such summons the Judge may make order for the seizure and sale of such ship, her tackle, apparel and furniture at such time and in such manner as he may deem expedient.

(4.) The Rules of Procedure of the Supreme Court with respect to summonses in Chambers shall apply to summonses under this section.

Form No. 41. (5.) The complaint for any offence under this section may be preferred by any person within two years after the commission of the offence.

Aiding departure of immigrant without passport.

219. Every person who aids, abets, counsels or persuades the departure or attempted departure from the Colony of any immigrant who has not obtained a passport, or whose passport has expired, shall be liable to a penalty not exceeding Twenty Pounds for each such immigrant whose departure or attempted departure he has so aided, abetted, counselled or persuaded, and, in default of payment of such penalty, to imprisonment, with or without hard labour, for any term not exceeding six months.

Enlisting labourers for foreign parts.

220. Subject to the proviso contained in this section, no person shall by threat, promise, representation or any other means induce or attempt to induce any immigrant to agree to leave this Colony with intent to induce or compel such immigrant to do any work, labour or service in any place beyond the limits of this Colony: Provided that the prohibition of this section shall not apply to any person who in pursuance of a licence under the hand of the Governor induces or attempts to induce immigrants to leave the Colony in order to do work, labour or service in a place beyond the limits of this Colony to which immigration from British India is permitted.

Any person contravening this section shall be guilty of a misdemeanour, and on conviction thereof may be fined in any sum not exceeding Five Hundred Pounds, and in lieu of any such fine may be imprisoned with or without hard labour for any term not exceeding two years.

221. Any person who removes or aids or assists in removing from this Colony any immigrant contrary to the will of such immigrant, shall be guilty of a misdemeanour, and on conviction thereof may be imprisoned with or without hard labour for any term not exceeding five years.

Forcibly
removing
immigrants
from Colony.

222. When any immigrant has agreed to leave this Colony having been induced to enter into such agreement contrary to the prohibition of this Ordinance, any person who removes or aids, abets or assists in removing from this Colony or enables or aids, abets or assists in enabling to leave this Colony any such immigrant, knowing or having reasonable grounds to believe that such immigrant has been induced to agree as aforesaid contrary to the prohibition of this Ordinance, shall be guilty of a misdemeanour, and on conviction thereof may be fined in any sum not exceeding One Hundred Pounds, and in lieu of any such fine may be imprisoned with or without hard labour for any term not exceeding two years.

Enabling
illegally
enlisted
labourers
to leave the
Colony.

223. The term "immigrant" in the three last preceding sections means any Asiatic immigrant and any descendant of any Asiatic immigrant.

"Immigrant."

224. Every immigrant who arrived in this Colony before the fifth day 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 this 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 fifth day 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

Right of
immigrant to
return passage

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:—

- (1.) Every such immigrant who is destitute or disabled shall be entitled to a free passage.
- (2.) 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 this 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.
- (3.) 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.
- (4.) If the child of any immigrant is under indenture upon which any indenture fee has been paid, such immigrant shall pay the commutation money.
- (5.) Every immigrant who at any time quits or attempts to quit the Colony without a passport shall thereby forfeit all claim to a return passage, whether wholly or partly at the expense of the Colony, notwithstanding he may have resided ten years in the Colony.

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.

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.

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 provisoes of this section.

225. The Protector may order any Immigrant who has received a certificate of exemption from labour under Section 214 of this Ordinance, as well as his wife and such of his children as were not adults at the time of his arrival in the Colony, to be provided if he so desires, at the expense of the Planters (Immigration) Fund, with a return passage or passages to the port whence he sailed for this Colony; provided that the return passages of immigrants introduced subsequently to the 30th day of September, 1902, who may be entitled to free passages, shall be paid from the Repatriation Fund.

Return
passage to
disabled
immigrant.

226. Before the departure of any ship chartered at the expense of the Colony having return immigrants on board, the Protector, assisted by a Government or Supernumerary Medical Officer, 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.

Inspection,
etc., of ship
with return
immigrants.

227. 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.

Report of
inspection to
be sent to
Governor.

PART XIV.

REGISTERS, RETURNS AND CERTIFICATES.

Returns of
deaths
in Public
Institutions.

228. The superintendent, keeper, or other officer in charge of any prison, hospital or other public institution of the Colony shall, on or before the first day of January and the first day of July in every year make out and transmit to the Protector a return of all immigrants who may have died while inmates of such public institution during the six months previous to such months of January and July respectively, and shall transmit therewith any certificate given under this Ordinance which may be found in the possession of any such immigrant.

Registers to
be kept on
plantation.

229.—(1.) Every manager of a plantation on which any immigrant may be under indenture or contract of service shall keep a register book or register books.

(2.) Such book or books shall be at all times open to the inspection of the Protector, of an Inspector, of the Surgeon-General and of the Medical Officer, and shall be produced in Court, if the presiding Judge or Magistrate so requires, in all proceedings taken under this Ordinance by or against any immigrant under indenture or contract of service on such plantation, and any entry in such books shall be evidence of the facts therein recorded.

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

Form No. 11.

(a.) The several indenture lists received by the manager on allotment of immigrants, or any copies of such indenture lists which have been certified by the Protector;

(b.) An indenture list of immigrants allotted to the estate together with a Register of dwellings;

Form No. 29.

(c.) A Register of Absences on Leave;

Form No. 30.

(d.) A Register of Desertions;

Form No. 42.

(e.) A Register of Births of Immigrants occurring on such plantation; and

(f.) A Register of Deaths of Immigrants occurring on such plantation; Form No. 43.

(g.) A Case and Hospital Register; Form No. 17.

(h.) A Register of Cases before the Magistrate. Form No. 22

230. Every manager who—

(1.) Wilfully makes any false entry in any register or return required to be kept or made by him under this Ordinance; or

False entry in register, etc., by manager.

(2.) Neglects to keep any such register carefully noted up; or

(3.) Neglects to make out and send in any such returns within the time limited in that behalf;

shall be liable, on the complaint of the Protector, to a penalty not exceeding Five Pounds.

231.—(1.) Every manager shall keep a Roll of all immigrants who have been allotted to the plantation within the then next preceding twelve months, and every immigrant whose name is therein inscribed shall be produced by the manager once in every month for examination into his state of health and sanitary condition by the Medical Officer at such times as the Medical Officer may require.

Muster roll.

(2.) Every manager shall cause every such immigrant to be weighed at intervals of not more than one month and an entry of his weight at each such weighing to be made opposite his name where it appears on the Roll in the preceding sub-section mentioned.

232. Every Medical Officer shall, within one month after the end of each quarter, transmit to the Surgeon-General a return on a form to be prescribed by the Governor in Executive Council, of all the cases entered in the Case and Hospital Register within his district, and the Surgeon-General shall in the month of January in every year, make out a statistical abstract of all such returns for the preceding year, with a report thereon, and a duplicate copy of such abstract and report shall be transmitted by the

Medical returns, etc.

Surgeon-General to the Protector, to be laid by him, together with his own report, before the Governor and Legislative Council.

Loss of certificate of exemption from labour, etc.

233.—(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 one shilling, to receive a duplicate of such certificate.

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

(3.) Every employer and every immigrant shall be entitled to receive a certified extract from any register kept by the Protector, on payment of one shilling for every such extract.

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

234. If any immigrant uses or attempts to use any certificate of exemption from labour or any pass signed by an employer, not being the immigrant to whom such certificate or pass was granted, he shall be liable to a penalty not exceeding Five Pounds or to imprisonment, with or without hard labour, for any term not exceeding two months, or to both such penalty and imprisonment.

Forgery of certificate of exemption from labour.

235. 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 indorsement provided by this Ordinance to be made thereon, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Forgery of passport or pass.

236. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any passport or pass mentioned in this Ordinance, with intent to defraud, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding one year.

PART XV.

PROCEDURE.

237.—(1.) Subject to the express provisions of this Ordinance, every information laid and 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, be that provided by the Summary Conviction Offences (Procedure) Ordinance (No. 1), or according to any future Ordinance regulating the summary administration of justice, and shall be subject to appeal to the Supreme Court; Provided that no such information or complaint shall be laid or made by his employer against an indentured immigrant unless the consent in writing of the Protector or an Inspector has been obtained to the laying or making of any such information or complaint: Provided that any such information or complaint against an indentured immigrant shall be laid or made within one month from the date of the offence or cause of complaint: Provided also that if the Protector, on behalf of any indentured immigrant wishes to bring any summary conviction or order or other adjudication of any Magistrate in any case of summary jurisdiction under this Ordinance on appeal before the Supreme Court, he may do so in the manner prescribed by the Summary Conviction Offences (Procedure) Ordinance (No. 1) in that behalf.

(2.) 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.

238. Every person who aids, abets, counsels or procures the commission of any offence punishable under this Ordinance on summary conviction is liable to be tried and punished as a principal.

Protector may act for immigrant.

239. 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.

240. 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 authorize any officer of the Immigration Department to appear on his behalf.

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

241. 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.

Fines imposed on immigrants, when payable by deductions from wages.

242.—(1.) When any fine or penalty is imposed upon an immigrant under the provisions of this Ordinance, the Magistrate may order that such fine or penalty shall be paid by weekly instalments of an amount to be specified in the order, which shall be deducted by the employer from the wages that may thereafter become due to such immigrant and shall be transmitted by the employer to the Magistrate.

(2.) Notwithstanding anything to the contrary contained in the Summary Conviction Offences (Procedure) Ordinance (No. 1) no immigrant shall be liable to imprisonment for default of payment of any fine or penalty imposed under the provisions of Sections 109, 123, 127, 128, 129, 130, 142 or 147 of this Ordinance.

Evidence of defendant.

243. 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.

Statement of ownership of property.

244. In any proceeding taken by or against an employer in which it may be necessary to state the ownership of any property belonging to or in the possession of the proprietors of any plantation, it shall be sufficient to name any one of

such proprietors, or the attorney of such proprietors, and to state such property to belong to the person so named and another or others, as the case may be.

245. In any proceeding taken by or against an immigrant, any indenture list or certificate of exemption from labour, and any duplicate thereof signed by the Protector, and every certified extract from any register kept by the Protector, and every entry by a Medical Officer in a Case and Hospital register that an indentured immigrant is a malingerer within the meaning of Section 109 (3) hereof, and every certificate to the like effect signed by any such Medical Officer, and every written consent to prosecute signed by the Protector or an Inspector, shall be received in evidence of any fact therein recorded without further proof.

246.—(1.) Whenever, in any proceeding before a Magistrate against an indentured immigrant, it appears to the Magistrate that such immigrant requires medical care or to be medically examined, the Magistrate may order such immigrant to be taken to the hospital of the plantation on which such immigrant is indentured, or to the nearest Public Hospital, and thereupon such immigrant shall be conveyed by a Constable and admitted to such hospital.

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

(3.) When any such order is made the proceedings may be adjourned to any time mentioned or until after such immigrant is discharged from the hospital; and in this latter case the Magistrate, before continuing the proceedings, shall cause proper intimation to be given to the parties of the time and place at which the proceedings will be continued.

247. Any Magistrate who orders any indentured immigrant to be imprisoned by virtue of any conviction under this Ordinance may order such immigrant to be imprisoned either with or without hard labour.

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

Form No. 44.

248.—(1.) Whenever any indentured immigrant is sentenced to be imprisoned under any summary conviction or order by a Magistrate for any alleged offence under the provisions of this Ordinance, and the Protector appeals to the Supreme Court, the Magistrate shall thereupon admit such immigrant to bail in his own recognizance, in a sum not exceeding Twenty pounds, to render himself to prison according to the adjudication in case the adjudication is affirmed, and the adjudication if affirmed shall be enforced in the manner provided by the Summary Conviction Offences (Procedure) Ordinance (No. 1), or according to any future Ordinance regulating the summary administration of Justice.

(2.) If the immigrant has been committed to prison before the Protector has appealed, then and in every such case the Superintendent of the prison wherein the immigrant is imprisoned shall admit the immigrant to bail as aforesaid on receiving notice in writing from the Protector that he has appealed.

Certified copy
of proceeding
before Magis-
trate.

249.—(1.) Every Magistrate shall, on application made to him, furnish to the Protector, free of cost, a certified copy of any summary proceedings taken or had by such Magistrate in respect of any matter arising out of the provisions of this Ordinance in which any immigrant is concerned, and such copy shall include a certified copy of the information or complaint, the evidence, and the conviction or order.

(2.) The Magistrate shall furnish such copy within seven days from the day on which he receives the application of the Protector for the same.

Copy of
warrant of
commitment.

250. The Keeper of every prison shall, on application made to him, furnish to the Protector, free of cost, a copy of the warrant of commitment or other authority by virtue whereof such Keeper detains in custody any immigrant under the provisions of this Ordinance.

Notification
by Magistrate
on conviction.

251.—(1.) When any indentured immigrant is convicted of any offence committed by him and is sentenced by any Magistrate to pay a fine or penalty, or to be imprisoned with or without hard labour, the Magistrate shall state on the

face of the warrant of commitment, if the immigrant is committed to prison, that the person therein named is an indentured immigrant, if the fact is known to him, and shall forward to the Protector within seven days a certificate, signed by himself, stating that such immigrant has been so convicted and sentenced, and the time if any, during which the immigrant was detained in custody while awaiting his trial before he was so convicted. Form No. 45.

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

252. When any indentured immigrant is charged with any offence and is committed by a Magistrate for trial at the Supreme Court, the Magistrate shall attach to the depositions taken by him in such matter, and transmit therewith, a certificate stating the time during which the immigrant has been in custody in respect of such charge before he was committed for trial, and whether or not the immigrant has been admitted to bail. Notification by Magistrate on committal for trial. Form No. 46.

253. When any indentured immigrant is convicted before the Supreme Court of any crime or offence committed by him and is sentenced to be imprisoned, the Registrar of the Supreme Court shall give to the employer of such immigrant on his application, the certificate forwarded by the Magistrate with the depositions, and shall furnish to the Protector and to the employer, free of cost, a certificate stating that the immigrant mentioned in the certificate of the Magistrate was so convicted and sentenced, and shall state therein if the immigrant was admitted to bail, either before or after his trial, by any Judge of the Supreme Court. Certificate of conviction before Supreme Court. Form No. 47.

PART XVI.

MISCELLANEOUS PROVISIONS.

Property of deceased indentured immigrants.

254.—(1.) Every Inspector shall collect and take possession of all the property of any indentured immigrant who dies in his district, and, with the sanction of the Protector, shall deliver or pay the same to any person who establishes Dealing with property of deceased immigrant.

a right thereto, or, in the absence of any such person, shall convert the same into money and pay over the amount realised to the Receiver-General to be remitted to the persons abroad who may be entitled to the same.

Form No. 48. (2.) The Protector shall keep a book in which shall be recorded the particulars of any dealings with any such property.

(3.) The Receiver-General shall in the month of January in each year prepare a list of all balances appertaining to the estates of immigrants and shall cause such list to be published in the *Royal Gazette*.

(4.) The Protector shall forward a copy of every such list to the Emigration Agent in India, who shall ascertain with as little delay as possible the heirs of such immigrants.

Saving of
Protector,
etc., in
relation to
property.

255. No appeal to any Court shall lie from any decision of the Protector in respect of any claim made to or against the estate of any deceased indentured immigrant, and no action shall lie against the Protector or against any Inspector for any act done or omission made by him in the administration of the estate of any such deceased immigrant under the provisions of this Ordinance.

Duty of
manager on
death of
immigrant.

256. Every manager of a plantation shall without delay, notify in writing to the Inspector of the district the decease of any indentured immigrant, and shall also, with the notification of his decease, transmit a short inventory of all the goods, chattels, personal effects, wages and other assets which belonged or were due to such deceased immigrant.

Care of Orphans.

Appointment
of guardian of
orphan.

257. 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.

Interference
with guardian
etc.

258. Every person who—

- (1.) Wilfully interferes with a guardian in any of the duties of his guardianship; or

- (2.) Unlawfully removes or entices, or attempts to remove or entice, an orphan from the care and custody of his guardian ;

shall be liable, on the complaint of the Protector, to a penalty not exceeding Ten Pounds or to imprisonment, with or without hard labour, for any term not exceeding three months.

Training Schools.

259. It shall be lawful for the Governor upon application made to him by the person establishing, or the directors or managers of, any Indian training school, to direct the Protector and the Inspector of Reformatory and Industrial Schools or either of them to examine and report to him upon its condition and regulations, and any such school as shall appear to the satisfaction of the Governor and shall be certified under his hand to be efficient for its purpose shall be held to be "An Indian Training School" under the provisions of this Ordinance. Indian training schools. Form No. 49.

260. It shall be lawful for the Protector and the Inspector of Reformatory and Industrial Schools to visit from time to time any school which shall have been so certified, and if upon the report of either of them the Governor shall think proper to withdraw such certificate, and certify such withdrawal under his hand to the Director and Managers of the said school, the same shall forthwith cease to be an Indian Training School within the meaning of this Ordinance. Withdrawal of certificate of School.

261. It shall be lawful for the Protector to direct any child or other descendant of any Indian Immigrant introduced into this Colony at the public expense, with the consent of the father, if living, and resident in this Colony, or any such child being an orphan or abandoned by his parents, to be sent to such Indian Training School ; provided that no such child shall be so sent who shall be above the age of thirteen years and that no child who shall be so sent to any such Indian Training School shall be liable to be retained at such school after he shall have attained the age of fifteen years except with his consent. Protector may send children to training school.

Enticing or
harbouring
children
absconding
from school.

Form No. 50.

262. Any person who shall knowingly entice any such child to abscond, or shall knowingly harbour any such child who may have absconded from any such school to which he shall have been sent by the Protector, shall on conviction thereof before any Magistrate forfeit and pay for every such offence any sum not exceeding ten pounds as to the convicting Magistrate shall seem fit.

Warrant to
issue for
harbouring
children.

Form No. 51.

263. It shall be lawful for any Magistrate, on complaint made that there is reasonable cause to believe that any such child is detained or harboured by any person, to order that a warrant do issue to search for such child, and it shall be lawful for the constable to whom such warrant shall be directed or any other person acting in his aid to enter any house or other premises where such child may reasonably be suspected to be, and to deliver such child, if found, into the charge of the director or master of such training school.

Costs of
maintenance.

264. It shall be lawful for the Governor to defray out of the general revenue of the Colony, for the cost of the maintenance and clothing of any child who may be sent to any such training school by order of the Protector, during the time that he may remain at such school, such sum not exceeding ten pounds per annum for every such child as to the Governor shall seem fit.

Governor may
apprentice
children from
Training
Schools.

Form No. 52.

265. It shall be lawful for the Governor to apprentice any child who may have been trained at any Indian Training School, on such child leaving such school, as a household servant, or as a servant in husbandry or gardening, or to any trade, craft, art or mystery for any term not more than five years, determinable in every case upon such child attaining the age of eighteen years, or in the case of a female upon her being married, upon such terms and conditions to be contained in the indenture of apprenticeship as to the Governor shall seem fit; and every such indenture shall be as binding on such child as if he or she being of full age had by deed of covenant bound himself or herself.

Offences by
apprentice.

266.—(1.) If any child apprenticed under the last preceding section or under any Ordinance repealed by this Ordinance wilfully neglects or refuses to conform to the terms of his apprenticeship or quits his master's service

without the leave of such master, he shall be guilty of an offence, and on summary conviction thereof may be ordered by a Magistrate to return to his Master or be sent to a Reformatory School, there to be detained during a period equal to so much of his term of apprenticeship as remains unexpired at the time of committing the offence.

(2.) Every apprentice absent without leave from his master's service may be arrested without a warrant by a constable.

267. Every master of any such apprentice who shall wilfully neglect or refuse to perform any of the terms or conditions contained in such indenture to be performed by such master shall, on summary conviction thereof, forfeit such sum not exceeding twenty pounds as to the convicting Magistrate shall seem fit.

268.—(1.) It shall be lawful for the master of any such apprentice, with the consent of the Governor in writing to be endorsed on such indenture, to assign such apprentice during the residue of his or her apprenticeship to any person willing to take such apprentice, and who may be approved of by the Governor.

(2.) In case of the death of the master of any such apprentice during the term of such apprenticeship it shall be lawful for the Governor to assign such apprentice for the residue of his term of apprenticeship to such person as the Governor shall see fit.

(3.) It shall be lawful for the Governor in any case where he shall see fit to cancel the indenture of such apprenticeship, and thereupon to bind such apprentice to some other person for a term equal to the unexpired term of his or her original service.

269. The Protector shall keep a Register of Orphans for the purposes of Sections 257 and 258, and also a Register of children in training schools and of apprentices under Sections 261, 265 and 268 of this Ordinance.

Breach of indenture.

Transfer of apprenticeship.

Register of Orphans.
Form No. 53.
Form No. 54.

Regulation of Festivals.

Regulations
for govern-
ment of
festivals.

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

271. 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.

272. Every person who contravenes any such regulation shall be liable to a penalty not exceeding twenty pounds or to imprisonment, with or without hard labour, for any term not exceeding 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 contraven-
tion.

273. 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.

274. 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.

Contraven-
tions of Ordi-
nance not
provided for.

275. 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 penalty not exceeding five pounds.

Repeal and Temporary Provisions.

Repeal.

276. The Ordinances mentioned in the Second Schedule hereto are to the extent set forth in the third column thereof hereby repealed.

277. Every immigrant who may be under indenture at the commencement of this Ordinance, or who may be then liable to have his indenture prolonged, shall be bound to perform service under such indenture for a term equal in duration to the period of time for which the indenture may then remain unexpired or for which the indenture may have been or may be lawfully prolonged, and the indenture of every such immigrant shall determine when the immigrant has performed such service.

278. Each and every register of whatever description heretofore kept by the Protector under any Ordinance relating to immigration and every indenture list made under any such Ordinance shall, subject to the provisions of this Ordinance, be taken to be registers and indenture lists kept and made under this Ordinance, and shall have and shall be taken to have the same force and effect as if they had originally been required to be kept and made and had been kept and made under the provisions of this Ordinance.

279. All indentures entered into on or before the commencement of this Ordinance and recorded in any of the said registers and indenture lists shall, subject to the provisions of this Ordinance, be deemed to be indentures entered into and registered under this Ordinance.

280. This Ordinance shall commence on a day to be proclaimed by the Governor by notice in the *Royal Gazette*.

Passed in Council this Fourteenth day of July in the year of Our Lord one thousand nine hundred and sixteen.

J. M. FARFAN,
Acting Clerk of the Council.

Completion of
existing
indentures.

Existing
registers, &c.

Existing
indentures.

Commence-
ment.

25-8-16

pro. 72/1916

FIRST SCHEDULE.

FORMS.

TABLE OF FORMS.

- No. 1. Summons on Inquiry.
 „ 2. Oath on Inquiry.
 „ 3. Affirmation on Inquiry.
 „ 4. Return of Immigration Fees payable.
 „ 5. Application for Immigrants.
 „ 6. Register of Applications for Immigrants.
 „ 7. Register of Immigrants introduced from elsewhere than British India
 (same as Form No. 10).
 „ 8. Ticket for Immigrant (same as Verification Paper),
 „ 9 Certificate by owner or Master of Vessel.
 „ 10. General Register of Immigrants introduced into the Colony.
 „ 11. Indenture List.
 „ 12. Certificate of Exemption from Labour on Arrival.
 „ 13. Death Rate Return.
 „ 14. Re-indenture of Immigrants.
 „ 15. Scale of Rations.
 „ 16. Certificate of Hospital.
 „ 17. Case and Hospital Register of Plantation.
 „ 18. Pay List.
 „ 19. Complaint for an Offence by a Watchman.
 „ 20. Complaint for being Drunk, &c.
 „ 21. Complaint for using Threatening Words, &c.
 „ 22. Register of Cases before the Magistrate.
 „ 23. Quarterly Returns by Employers.
 „ 23a. Return of Labourers and of Work and Wages.
 „ 23b. Quarterly Return shewing the number of Indentured Immigrants.
 „ 24. Complaint for being Absent without Leave.
 „ 25. Certificate that Absence was for reasonable cause or the contrary.
 „ 26. Complaint against a Deserter.
 „ 27. Warrant for Apprehension of a Deserter.
 „ 28. Particulars of Immigrant Absconded.
 „ 29. Register of Absences on Leave.
 „ 30. Register of Desertions.
 „ 31. Certificate of Return of Indentured Immigrant to Plantation.
 „ 32. Register of Defaulters.
 „ 33. Register of Marriages.
 „ 34. Register of Divorces.
 „ 35. Declaration of Witnesses to a Divorce.
 „ 36. Declaration of Marriage on arrival by two Immigrants.
 „ 37. Certificate of Exemption from Labour.
 „ 38. Notice of Completion of Term of Service by Immigrant.
 „ 39. Passport.
 „ 40. Register of Passports.
 „ 41. Complaint against Owner, &c. of Ship for receiving Immigrant who had
 no Passport.
 „ 42. Register of Births on Plantation.
 „ 43. Register of Deaths on Plantation.
 „ 44. Recognizance in case of Appeal.
 „ 45. Certificate of Conviction of Indentured Immigrant by the Magistrate.
 „ 46. Certificate of Reference of Indentured Immigrant for Trial.
 „ 47. Certificate of Conviction of Indentured Immigrant by the Supreme Court.
 „ 48. Register of Property of Deceased Immigrants.
 „ 49. Certificate of Training School.
 „ 50. Complaint for Enticing or Harboursing Children from Training School.

TABLE OF FORMS.—CONTINUED.

- No. 51. Warrant for Search of Absconding Child.
 No. 52. Indenture of Apprenticeship.
 No. 53. Register of Orphans.
 No. 54. Register of Children in Training Schools and Apprenticed.
 No. 55. Complaint for Absence from work.

Form No. 1.

Section 15.

SUMMONS ON INQUIRY.

To _____ of _____

Take notice that, under the provisions of the Immigration Ordinance 1916 you are required to attend before me at _____ in the County of _____ on _____ day, the _____ day of _____ 19 _____ at _____ o'clock, m., then and there to give evidence touching the matter of a certain inquiry, to be then and there lawfully held by me, on pain as the law directs.

Dated this _____ day of _____ 19 _____

(Signed.)

Protector of Immigrants.
 or
Inspector of Immigrants.

Form No. 2.

Section 16.

OATH ON ENQUIRY.

The evidence which you shall give before me touching the matter now in question shall be the truth, the whole truth, and nothing but the truth:
So help you God.

Form No. 3.

Section 16.

AFFIRMATION ON INQUIRY.

I _____ do solemnly affirm that the taking of any oath is according to my religious belief unlawful, and I do solemnly affirm that the evidence which I shall give touching the matter now in question shall be the truth, the whole truth, and nothing but the truth.

Form No. 4.

Section 31.

Return of Indenture Fees payable by

| Plantation. | No. of Immigrants. | Ex Ship. | Date when due. | Amount of Fees. |
|-------------|--------------------|----------|----------------|-----------------|
| | | | | |

Section 33.

Form No. 5.

TRINIDAD.

Application for Immigrants for the Season 191

SIR,

We beg to make application for Indian Immigrants, to arrive during the ensuing season, to be located on the undermentioned Plantations, situated in the following Wards:—

| Plantation. | Ward. | Number of Immigrants (including females.) |
|-------------|-------|---|
| | | |

As of above plantations, we hereby bind ourselves to accept and receive all or any of such immigrants as may be allotted to us and to pay all charges and expenses due in respect of the introduction of the same and to observe all Laws, Rules and Regulations regarding Indentured Immigrants that at present exist as well as such others as the Governor may from time to time establish.

We are, &c.,

The Hon'ble

THE PROTECTOR OF IMMIGRANTS.

Section 33.

Form No. 6.

Register of applications for Immigrants for the Season 19.....

| Number of Application. | Date of Application. | Name of Applicant. | Description of Applicant, whether Proprietor, Attorney, or Lessee. | Name of Plantation to which Immigrants are to be allotted. | Consents or Objections, as of Lessor, Mortgagor, etc. | Number and Description of Immigrants applied for. | | | | Total. | Remarks. | |
|------------------------|----------------------|--------------------|--|--|---|---|----------|----------------|----------|--------|----------|---------|
| | | | | | | Calcutta | Indians. | Madras Ind'ns. | Chinese. | | | Others. |
| | | | | | | | | | | | | |

Section 53.

Form No. 7.

(Same as Form No. 19)

Form No. 10.—CONTINUED.

| Amount of Fee charged on partially Non-effective Immigrant. | Number in Marriage Register. | Indenture Fee Refunded. | | Plantation to which transferred. | Committed. | Certificate of Exemption. | | Sent to Eleemosynary Institution. | No. in Obituary Register. | | No. and Name of ship in which returned to India. | Year of Departure. | Remarks. |
|---|------------------------------|-------------------------|------|----------------------------------|------------|---------------------------|-------|-----------------------------------|---------------------------|-------|--|--------------------|----------|
| | | Amount. | | | | No. | Year. | | No. | Year. | | | |
| | | ₹ | cts. | | | | | | | | | | |
| | | | | | | | | | | | | | |

Section 62.

Form No. 11.

Indenture List of Immigrants ex Ship allotted to Plantation

, 19 .

| Register No. | Name. | Caste. | Sex. | Age. | Height. | Bodily Marks. | Date of Indenture. | Amount of Fee. | No. of Wife, Husband, or Parents. | Remarks. |
|--------------|-------|--------|------|------|---------|---------------|--------------------|----------------|-----------------------------------|----------|
| | | | | | | | | | | |

This indenture witnesseth that from this date _____ the Immigrants scheduled above have been duly indentured by the Protector of Immigrants to serve as labourers and reside on Plantation _____ for five years, subject in all respects to the Immigration Ordinance 1916 or any Ordinance amending or replacing the same.

Dated this _____ day of _____, 19.....

(Signed).

Witness :

Protector of Immigrants.
Proprietor, [or as the case may be.]

Form No. 12.

Section 67.

TRINIDAD.

IMMIGRATION OFFICE,
19 .

I certify that the Indian Immigrant
No. _____ who arrived in this Colony on the _____ day
of _____ 191_____ in the Ship _____ has paid into the
Colonial Treasury the sum of _____ Pounds _____ Shillings
and _____ Pence Sterling, in consideration whereof I hereby order the
said _____ to be discharged from all liability to service under
Indenture.

HEIGHT. BODILY MARKS.
Feet. Inches.

Protector of Immigrants.

Form No. 13.

Section 69.

Return of Mortality for five years, 19 _____ to 19 _____

| Names of Estates. | Districts. | Year ending 30th June, 19 . | | Year ending 30th June, 19 . | | Year ending 30th June, 19 . | | Year ending 30th June, 19 . | | Mean Death-rate. |
|-------------------|------------|-----------------------------|----------------------------|-----------------------------|----------------------------|-----------------------------|----------------------------|-----------------------------|----------------------------|------------------|
| | | Indentured Died. | Percentage. Indentured. | Indentured. Died. | Percentage. Indentured. | Indentured. Died. | Percentage. Indentured. | Indentured. Died. | Percentage. Indentured. | |
| | | | | | | | | | | |

Form No. 14.

Section 81.

Ship's Name

TRINIDAD.

No.

This Indenture made the _____ day of _____ 19 _____, between the Honourable the Protector of Immigrants of this Colony, on behalf of Indian Immigrant, No. _____, who has completed a service under Indenture of Five Years within this Colony, of the one part, and _____ of _____ in this Colony, employer, of the other part: Witnesseth that in virtue of the provisions of the Immigration Ordinance, 1916 and in consideration of the agreement on the part of the said employer hereinafter contained: He the said Protector of Immigrants doth hereby bind and indent the said Immigrant to the said employer for the term of _____ to be computed from the date hereof; and doth hereby agree with the said employer, his heirs and assigns, that the said Immigrant shall during the said term truly and faithfully serve the said employer, his heirs and assigns, 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 employer doth hereby agree with the said Protector of Immigrants that the said employer, his heirs and assigns, shall, during the said term, provide the said immigrant with suitable and sufficient Lodging, Medicine, Medical Attendance and Allowances 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 We have }
hereunto set our Hands }

Protector of Immigrants.

RECEIVED from _____ *the sum of*
Pounds _____ *Shillings and* _____ *Pence Sterling as Bounty*
Money for _____ *Indenture from date.*

Witness :

His

MARK

It having been made to appear to me that the Indentured Immigrant No. _____ has been absent without lawful excuse from the service of the _____ estate for _____ days during the term of the present indenture.

I hereby make order that the said _____ shall work for _____ days additional before this indenture shall be deemed to be completed.

Protector of Immigrants.

Section 90.

Form No. 15.

SCALE OF RATIONS.

- 1½ Pound Rice.
- 4 Ounces Dal or Pease.*
- 1 Ounce Ghi or Coconut Oil.
- 2 Ounces Salt.

Section 94.

Form No. 16.

TRINIDAD.

I, _____ Surgeon-General, do hereby certify, that on the request of _____ 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 and that the dimensions of the said building are as follows :—

| | |
|----------------------------|------|
| Length | feet |
| Breadth | feet |
| Height from floor to plate | feet |
| Height from plate 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 _____, 191_____.

*Or any such equivalent quantity of vegetable food as the Protector may from time to time allow.

No. 18.

Two weeks ending the

19

| Occupation. | Monday. |
|-------------------|------------|
| Amount. | |
| Occupation. | Tuesday. |
| Amount. | |
| Occupation. | Wednesday. |
| Amount. | |
| Occupation. | Thursday. |
| Amount. | |
| Occupation. | Friday. |
| Amount. | |
| Occupation. | Saturday. |
| Amount. | |
| Amount this week. | |
| Amount last week. | |
| Totals. | |
| Dr. | |
| Cr. | |
| To whom paid. | |

Section 127.

Form No. 19.

COMPLAINT FOR AN OFFENCE BY A WATCHMAN.

TRINIDAD.

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

(Signed)

Manager of Plantation.

Taken [and sworn] before me this _____ day
 of _____ 19 at _____

Magistrate (or Justice.)

Section 129.

Form No. 20.

COMPLAINT FOR BEING DRUNK, &c.

TRINIDAD.

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

(Signed.)

Manager of Plantation.

Taken [and sworn] before me this _____ day of _____ 19 at _____

(Signed)

Magistrate (or Justice.)

TRINIDAD.

COMPLAINT FOR USING THREATENING WORDS, ETC.

The complaint of _____ the _____ Manager of plantation
 in the _____ district in the County of _____ taken [on oath] before me, the
 undersigned Magistrate or Justice for the said district, who saith that the
 Immigrant _____ male, _____ years on arrival, No. _____ ex _____ 19 being
 then under indenture on the said plantation, on the _____ day of _____ 19
 at _____ did use to _____ his employer, [or a person by his employer
 then placed in authority on the said plantation as Overseer or as Foreman]
 threatening words [or gestures], _____ [or did by negligence (or carelessness
 or improper conduct) endanger (or damage, or cause to be endangered or damaged,
 or suffer to be endangered or damaged) certain property of his employer, the
 proprietor of the said plantation, namely (here describe the property)], [or did
 sell certain property of his employer, the proprietor of the said plantation [(here
 describe the property)] _____ [or did hinder (or molest) one _____ an
 Immigrant, in the performance of his work] _____ contrary to the form
 of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [and sworn] before me this _____ day _____ of _____ 19 _____ at _____

(Signed.)

Magistrate (or Justice)

Form 23—Section 133.

Return of Labourers and of Work and Wages of Indentured Male Immigrants on Estate in the Ward of for the Quarter ending 19 day of Estate Name of Proprietor.

Table with 3 columns: M., W., B., G. for reporting various categories of laborers.

It is particularly requested that these columns regarding the free Indian and Creole Labourers be accurately and carefully filled in.

Total number of free Indian Labourers resident on Estate during Quarter ... Total number of free Indian Labourers working on but not resident on Estate during Quarter ...

Table with 3 columns: M., W., B., G. for reporting various categories of laborers.

Total number of Creole Labourers resident on Estate during Quarter ... Total number of Creole Labourers working on but not resident on Estate during Quarter ...

Main data table with multiple columns: Number of Male Indentured grants employed during Quarter, Total number of Male Indentured to Estate at end of Quarter, Total number of Working days in Quarter, etc.

NOTE.—Only Immigrants who have been Indentured to the Estate during the whole Quarter are to be included in this Return. Certified as correct

Dated this day of 191 Signature of Manager.

Form 23b—Section 133.

Quarterly Return showing the Number of indentured immigrants and of Deaths and Births among all Indentured Immigrants on the Ward of _____ for the Quarter ending _____ day of _____ 19 _____

R

| Classification. | Name of Ship and Date of Arrival. | No. of Immigrants Indentured on first day of Quarter. | | | Number of Deaths. | | | No. of Immigrants released from Indenture from all causes. | | | No. of Immigrants (New) arriving on Estate during Quarter including transfers from other Estates. | | | Estate in | | | |
|------------------------|-----------------------------------|---|------|-------|-------------------|------|-------|--|------|-------|---|------|-------|-----------|-------|--------|--------|
| | | Men. | Wom. | Boys. | Men. | Wom. | Boys. | Men. | Wom. | Boys. | Men. | Wom. | Boys. | Girls. | Boys. | Girls. | Total. |
| First year Immigrants | S.S. | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 |
| Second year Immigrants | " | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 |
| Third year Immigrants | " | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 |
| Fourth year Immigrants | " | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 |
| Fifth year Immigrants | " | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 |
| TOTALS | | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 | 19 |

Signature of District Medical Officer.

Certified as correct.

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Signature of Manager.

Dated this _____ day of _____

Section 142.

Form No. 24.

COMPLAINT FOR BEING ABSENT WITHOUT LEAVE.

TRINIDAD.

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

(Signed).

*Manager of Plantation.*Taken [*and sworn*] before me this _____ day of _____ 19 at _____

(Signed).

Magistrate or Justice.

**N.B.—This number cannot be more than six, for if the Immigrant has been so absent for more than six days in addition to the day specified he becomes a deserter.*

Form No. 25.

Section 144.

CERTIFICATE THAT ABSENCE WAS FOR REASONABLE CAUSE
OR THE CONTRARY.

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

Dated this _____ day of _____ 19 .

(Signed).

*Protector of Immigrants or
 Inspector of Immigrants
 or Magistrate or Justice.*

TRINIDAD.

No. plantation,

The complaint of the Manager of plantation [on oath] before me, the undersigned Magistrate or Justice for the said district, who saith that the Immigrant male, years on arrival, No. ex in height, bodily marks being then under indenture on the said plantation, did, on the day of 19 without leave absent himself from the said plantation, and did continue so to absent himself from the said plantation for the period of seven days then next following, by means whereof he the said then became and now is a deserter from the said plantation, contrary to the form of the Ordinance in such case made and provided; and thereupon the said makes application that the said and dealt with according to law.

COMPLAINT AGAINST A DESERTER.

Form No. 26.

Section 14b.

(Signed).

Manager of Plantation.

Taken [and sworn] before me this day of 19 at

(Signed)

Magistrate or Justice.

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

Form No. 27.

Section 14b.

WARRANT FOR APPREHENSION OF A DESERTER.

TRINIDAD.

To all Constables of the Colony.

No. 19

Whereas a complaint in writing has this day been made before me the undersigned Magistrate or Justice for this Colony, within the district in the County of Manager of Plantation district [on oath] for that the Immigrant male, years on arrival, No. ex in height, bodily marks, being then under indenture on the said plantation, did, without leave on,

R 2

the _____ day of _____ 19 absent himself from the said plantation and did continue so to absent himself from the said plantation for the period of seven days then next following, by means whereof he then became and now is a deserter from the said plantation contrary to the form of the Ordinance in such cases made and provided: These are therefore to command you, or either or any of you, forthwith to apprehend the said _____ and bring him before the said—(Here insert the name of the Magistrate who granted the warrant or if the warrant was granted by a Justice, then of the Magistrate before whom the immigrant is to be brought) the said _____ or the then Acting Stipendiary Magistrate for the said district, to be further dealt with according to law.

Dated this _____ day of _____ 19 at _____

(Signed).

Magistrate or Justice.

N.B.—Warrants for deserters are to be numbered consecutively in each district in each year from the 1st January to the 31st December.

Section 145.

Form No. 28.

Estate,
19 .

PARTICULARS OF INDENTURED IMMIGRANT ABSCONDED.

| Name. | Registered No. | Sex. | Ship. | Date Indentur'd | Age. | Height. | Caste. | Marks of Identificati'n | Date of absconding. | General Remarks. |
|-------|----------------|------|-------|-----------------|------|---------|--------|-------------------------|---------------------|------------------|
| | | | | | | | | | | |

Manager,

To the Protector of Immigrants,
Port-of-Spain.

Section 149

Form No. 29.

REGISTER OF ABSENCES ON LEAVE:

No..... § No. _____ plantation. 19 .
 Name..... § The _____ Immigrant
 Sex..... § male, No. _____ ex _____ 19 indentured
 No., Ship, and Year of Arrival.... § to plantation has this day been granted
 Number of day's leave..... § leave of absence for _____ day
 § (Signed.)

Manager.

FORM No. 33.—SECTIONS 162 AND 169

THE IMMIGRATION ORDINANCE, 1916.

MARRIAGES REGISTERED UNDER THE ORDINANCE.

Entry of Marriage.

| 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.

Section 170.

Form No. 35.

THE IMMIGRATION ORDINANCE, 1916.

[Declaration of Witnesses to a Divorce.]

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

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

2. We were present on the _____ day of _____ 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 _____

Section 172.

Form No. 36.

THE IMMIGRATION ORDINANCE, 1916.

[Declaration of Marriage by two Immigrants on arrival.]

We, *A.B.* and *C.D.*, declare that:—

1. We profess the [*Hindu*] religion and were before our embarkation duly married in manner sanctioned by that religion at [Agra in British India] [*or*, and were during our voyage to this Colony duly married in manner sanctioned by that religion].

2. We are aware that if any statement made by us respectively in this declaration is false, and if in making such statement we either know or believe it to be false, or do not believe it to be true we are liable to imprisonment.

*A.B.**C.D.*

Before me,

H.M.

Protector of Immigrants.

Form No. 37.

Section 212.

CERTIFICATE OF EXEMPTION FROM LABOUR.

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 Ordinance, 1916.

| | | |
|--------------------------------|-----|-------|
| 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. 38.

Section 213.

NOTICE OF COMPLETION OF TERM OF SERVICE OF AN IMMIGRANT.

TRINIDAD.

ESTATE,
19

I certify that the Immigrant No. who was indentured
to this estate on the day of 19 ex the ship
has completed term of service.

Employer or Manager.

Section 214

Form No. 38a.

CERTIFICATE OF EXEMPTION FROM LABOUR OWING
TO DISABILITY.

TRINIDAD

I hereby certify that the undermentioned Immigrant under indenture on plantation _____ has been certified by _____ Government Medical Officer in medical charge of Immigrants on such plantation to be permanently disabled and unfit to perform service under indenture, that in my opinion he is so disabled and unfit, and that he is exempt from labour under the provisions of the Immigration Ordinance, 1916.

| | | |
|------------------------------------|-----|-------|
| 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. 43.

Section 229.

Register of Deaths on Plantation.

| Name of Deceased. | Sex. | Age at time of Death. | Country. | No., Ship, and Year of Arrival. | Date of Death. | Cause of Death. | Remarks. |
|-------------------|------|-----------------------|----------|---------------------------------|----------------|-----------------|----------|
| | | | | | | | |

Form No. 44.

Section 248

RECOGNIZANCE IN CASE OF APPEAL.

TRINIDAD.

Be it remembered that on the day of in the year of our Lord one thousand hundred and the immigrant male, No. ex 19 came before the undersigned one of His Majesty's Magistrates for in the said Colony, and acknowledged himself to owe to our Sovereign Lord the King the sum of , to be made and levied of his movable and immovable property, to the use of our said Lord the King, his heirs and successors, if he the said fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned.

(Signed).

Magistrate.

CONDITION.

The condition of the within written recognizance is such that whereas the said was convicted before

he for that and was thereupon sentenced by the said to be and whereas the Protector having, on behalf of the said made application for an appeal from the said conviction, the said is entitled to be released pending the determination of such application; if therefore the said conviction shall be confirmed and the said shall surrender himself into the custody of the keeper at the Gaol at in the County of and thereafter suffer the said imprisonment for his said offence, then this recognizance to be void or else to stand in full force.

Section 251.

Form No. 45.

CERTIFICATE OF CONVICTION OF INDENTURED IMMIGRANT BY
THE MAGISTRATE.

TRINIDAD.

This is to certify that the Immigrant male,
No. ex 19 under indenture on
plantation in the district
in the County of was on the day of 19
convicted of and was thereupon sentenced to

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

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

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

Dated this day of 19 .
(Signed).

Magistrate.

*N.B.—Where the Immigrant at once pays the fine imposed, there is no necessity for his
certificate, unless he has been detained in custody awaiting his trial or is a deserter.*

Section 252

Form No. 46.

CERTIFICATE OF COMMITTAL OF INDENTURED IMMIGRANT
FOR TRIAL.

TRINIDAD

This is to certify that the Immigrant male,
No. ex 19 under indenture on plantation
in the County of accused of
was on the day of 19 committed for
trial at the Session of the Supreme Court to be held on the day of
and that the said Immigrant has been in custody in respect of the said charge for
days [or, and that he was admitted to bail on

the day of 19 as the case may be].
Dated this day of 19 .

(Signed).

Magistrate.

Section 253.

Form No. 47.

CERTIFICATE OF CONVICTION OF INDENTURED IMMIGRANT BY
THE SUPREME COURT.

TRINIDAD.

This is to certify that male, the person mentioned and described
in the certificate of Esquire, Magistrate, dated the
day of 19 as the Immigrant male, No. ex
19 under indenture on plantation in the County of was on
the day of 19 convicted by the Supreme Court, and sentenced

to be imprisoned with (or without) hard labour for [and if admitted
to bail for any cause, add], and that the said was on bail from
the day of 19 to the day of 19
Dated this day of 19 .

(Signed).

Registrar [or Clerk of Court].

Form No. 48.

Section 254.

REGISTER OF PROPERTY OF DECEASED IMMIGRANTS.

| L. R. No. | Description of Deceased. | | | | | | Description of | | |
|-------------------------|--------------------------|----------------------------------|------|---------------------------------------|-------------------|--------------------|------------------|---------------------------------------|--|
| | Name. | Sex. | Age. | No., Ship, and Year of Arrival. | Date of Death. | Place of Death. | Name. | No., ship, and Year of Arrival. | |
| | | | | | | | | | |
| Heirs. | | Nature of Property and Value. | | | | How realized. | How disposed of. | | |
| Rela- tion- ship. | Residence. | | | | | | | | |

Form No. 49.

Section 259.

CERTIFICATE OF TRAINING SCHOOL.

I Governor of the Colony of Trinidad and Tobago, in pursuance of
the provisions of the Immigration Ordinance, do hereby certify that the school
known as and situate at for the education and industrial
training of the children of Indian Immigrants, is efficient for its purposes.

Dated this day of 19 .

(Signed).

Governor.

Section 262.

Form No 50.

COMPLAINT OF ENTICING OR HARBOURING CHILD FROM TRAINING SCHOOL.

TRINIDAD.

The Complaint of _____ taken (on oath) before me the undersigned Magistrate or Justice for the _____ district in the County of _____ who saith that _____ of _____ did on _____ the _____ day of _____ knowingly entice to abscond from the _____ Training School one _____ [or knowingly harbour one _____ who had absconded from the _____ Training School] contrary to the form of the Ordinance in such case made and provided.

(Signed)

Taken [and sworn] before me this _____ day of _____ at _____

(Signed)

Magistrate or Justice.

Section 263.

Form No. 51.

WARRANT TO SEARCH FOR ABSCONDING CHILD.

TRINIDAD.

COUNTY OF _____

To A. B., Police Constable.

Whereas it has been made to appear to me that one _____ being a child liable to be retained at the _____ Training School is detained or harboured by one _____ of _____

Now I, _____ Magistrate or Justice, do hereby direct you and all other persons acting in your aid to enter into the premises situate at _____ (where such child is suspected to be) and deliver such child to the Manager of the _____ Training School, and for so doing this shall be your warrant.

Given under my Hand at _____ this _____ day of _____ 19 .

(Signed) X. Y.,

Magistrate or Justice.

Section 265.

Form No. 52.

INDENTURE OF APPRENTICESHIP.

TRINIDAD.

KNOW ALL MEN by these presents, that I _____ Governor of this Colony, by virtue of the power in me vested by the Immigration Ordinance, 19 _____ do by these presents apprentice _____ a child of Indian immigrants who has _____ been trained at the Indian Tacarigua School called "The Tacarigua Orphan Home" unto _____ as a _____ for the term of _____ years from this day, determinable on the _____ day of _____ when the said _____ will attain the age of eighteen years or upon her marriage under that age. The said _____ is to provide the said _____ with good and sufficient lodging, food and clothing and Medical care and attendance when ill, and with Religious Instruction in the Faith in which the said _____ has been brought up.

Dated at _____ this _____ day of _____ in the year A.D. 19 .

(Signed.)

A.B.,

Governor.

Form No. 53.

Section 269.

REGISTER OF ORPHANS.

| No. | Name. | Sex. | Age. | No., Ship, and Year of Arrival. | | Father. | | REMARKS. |
|---------|---------------------------------|------|-------|---------------------------------|--|-------------------|---------------------------------|----------|
| | | | | | | Name. | No., Ship, and Year of Arrival. | |
| Mother. | | | | Guardian. | | Date of Adoption. | REMARKS. | |
| Name. | No., Ship, and Year of Arrival. | | Name. | Residence. | | | | |
| | | | | | | | | |
| | | | | | | | | |

Form No. 54.

Section 269.

REGISTER OF CHILDREN IN TRAINING SCHOOLS AND APPRENTICED.

| No | Name. | Sex. | Age. | No., Ship, and Year of Arrival. | Father. | | Mother. | | Training School or name of person to whom apprenticed. | Date of order or of indenture. | Remarks. |
|----|-------|------|------|---------------------------------|---------|---------------------------------|---------|---------------------------------|--|--------------------------------|----------|
| | | | | | Name. | No., Ship, and Year of Arrival. | Name. | No., Ship, and Year of Arrival. | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |

Section 128.

Form No. 55.

COMPLAINT FOR ABSENCE FROM WORK, &c.

TRINIDAD.

DISTRICT.

The Complaint of _____ the _____ Manager of
 Plantation _____, in the Ward of _____, in
 the County of _____ taken (upon oath) before me, the undersigned
 Magistrate or Justice for the District, who saith that the Immigrant
 male, _____ years on arrival, No. _____, ex
 19 _____, being then under indenture on the said plantation on the _____ day
 of _____, 19 _____, at the said plantation, did without lawful excuse, absent
 himself from work, namely, (*here describe the work*)
 _____ (or after having been directed by _____ being a
 duly authorized person, namely, (*here state the capacity of the person*) on the
 said plantation, to attend at (*here state the time*) at (*here state the place*) for the
 performance of certain work, namely (*here describe the particular work, as for
 instance, weeding one opening in Field No. 6 on the said plantation*) refuse
 or neglect) to so attend _____ or refuse to begin or refuse to finish, or
 neglect to begin, or neglect to finish (as the circumstances of the case may
 require) certain work, namely, (*here describe the particular work*) which said
 work the said _____ had been directed by _____ being
 a duly authorized person, namely, (*here state the capacity of the person*) on the
 said plantation to perform _____ contrary to the form of the Ordinance in such case
 made and provided.

(Signed.)

Manager of Plantation.

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

(Signed.)

Magistrate or Justice.

THE SECOND SCHEDULE.

REPEAL.

| Number or Number and Date. | Short Title. | Extent of Repeal. |
|----------------------------|---|----------------------|
| No. 161 | ... The Immigration Ordinance ... | The whole Ordinance. |
| No. 22 of 1905 | ... The Immigration (Amendment) Ordinance, 1905 ... | The whole Ordinance. |
| No. 15 of 1908 | ... The Immigration Ordinance, 1908 ... | The whole Ordinance. |
| No. 3 of 1909 | ... The Immigration (Amendment) Ordinance, 1909 ... | The whole Ordinance. |
| No. 56 of 1912 | ... The Immigration Ordinance, 1912 ... | The whole Ordinance. |
| No. 2 of 1913 | ... The Immigration (Amendment) Ordinance, 1913 ... | The whole Ordinance. |
| No. 4 of 1913 | ... The Immigration (Amendment No. 2) Ordinance, 1913 ... | The whole Ordinance. |