

NATIVE EMIGRANTS ACT, 1837

ACT NO. V. OF 1837

(Rep., by Act 14 of 1839)

[1st May, 1837.]

*Passed by the Right Hon'ble the Governor General of India in Council, on the 1st May 1837.*

I. It is hereby enacted, that from the 1st day of June next, no Native of India, except as hereinafter excepted, who makes a Contract of Service to be performed without the said Territories, shall be received in pursuance of such Contract, on board of any Vessel at any place within the Territories subject to the Presidency of Fort William in Bengal, without an order from the Governor of the said Presidency, or a Permit from an Officer authorized by the Governor of the said Presidency, to act in that behalf.

II. And it is hereby enacted, that before any such Permit shall be granted by any such Officer, such Native, and also the person with whom such Native has contracted, or an authorized Agent of that person, shall personally appear before that Officer, and shall exhibit a Memorandum of the Contract (written both in English and in the mother tongue of such Native, or in some language understood by such Native) which Memorandum shall specify the nature, the term, and the wages of the service as settled by the Contract.

III. And it is hereby enacted, that no such Permit shall be granted unless the Contract of service shall be made determinable on the expiration of one term of not more than five years, to be reckoned from the date of the Contract, or of successive terms, none of which shall exceed five years, and unless such Contract shall contain a stipulation that such Native shall be conveyed back to the Port at which he is embarked free of charge to himself at the expiration of his service.

IV. And it is hereby enacted, that it shall be lawful for the said Officer to examine the said Native and the person with whom that Native has contracted, or the Agent of that person, touching the terms of the Contract, and shall cause those terms to be distinctly explained to the said Native.

V. And it is hereby enacted, that if the said Officer shall be satisfied that the said Native fully understands the terms of the Contract and is desirous to fulfil the same, the said Officer shall make and sign on the back of the written Memorandum aforesaid, a note to the effect, that the said written Memorandum has been inspected by him the said Officer; and such note shall be a Permit authorizing the said Native to embark, and the Memorandum of Contract with the Permit so written thereupon, shall be delivered to the Native to be kept by him during his service.

VI. And it is hereby enacted, that if application is made for Permits authorizing more than twenty Natives to embark on board of any one Vessel, it shall be lawful for the Officer aforesaid, to summon the person in charge of that Vessel, and to examine that person as to the accommodations, food, and Medical attendance provided for such Native on board of that Vessel, and to inspect that Vessel, or by an order under his hand, to depute any other person to inspect the same.

VII. And it is hereby enacted, that the Officer aforesaid shall not grant Permits authorizing a greater number of Native than twenty to embark on board of any one Vessel, unless he is satisfied that the accommodations, food, and Medical attendance provided for such Natives on board of that Vessel, will be sufficient for their health.

VIII. And it is hereby enacted, that the Officer aforesaid shall keep a Register of all Natives to whom he shall grant such Permits as aforesaid, which Register shall specify their names, the periods of the Contracts, the dates of the Permits, the places of their destination, and the Vessel on board of which they were permitted to embark.

IX. And it is hereby enacted, that for every such Permit it shall be lawful for the Officer aforesaid to require that a fee not exceeding One Rupee shall be paid by the person with whom the Native to whom the Permit relates has contracted, or by the authorized Agent of that person.

X. And it is hereby enacted, that whoever being in charge of any Vessel at any place within the Territories subject to the Presidency of Fort William in Bengal, shall knowingly suffer any such Native as is aforesaid to embark on board of that Vessel in pursuance of any such Contract as is aforesaid, without either an order from the Governor of the said Presidency, or such a Permit as is aforesaid, being produced to him by the Native so embarking, shall on conviction thereof before a Magistrate, be punished with a fine not exceeding 200 Rupees for every Native so suffered to embark, and in default of payment of such fine, with imprisonment for a term not exceeding thirty days for every Native so suffered to embark.

XI. Provided always, that nothing in this Act contained shall be taken to apply to any Native Seaman who shall embark on board of any Vessel in pursuance of a Contract to navigate that Vessel, or to any person who shall embark as a Manial Servant.