

ACT No. XXXI OF 1855.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor General on the 14th November 1855.)*

AN ACT relating to the Emigration of Native Laborers to the British Colonies of Saint Lucia and Grenada.

WHEREAS it is expedient to render lawful the emigration of laborers, being Native inhabitants of the Territories in the possession and under the Government of the East India Company, to the British Colonies of Saint Lucia and Grenada, and to provide regulations for ships carrying Native Emigrants from the said Territories to either of the said Colonies: It is enacted as follows:—

I. Act No. XIV<sup>a</sup> of 1839, in so far as it renders liable to penalties every person who shall make with any Native of India any contract for labor to be performed in the British Colonies of Saint Lucia and Grenada, or who shall knowingly aid or abet any Native of India in emigrating from the Ports of Calcutta, Madras, and Bombay, respectively, to the said Colonies, is repealed.

II. After the passing of this Act, Native inhabitants of the said Territories shall be allowed to pass and to be conveyed as Emigrant laborers to Saint Lucia and Grenada, respectively, from the Ports of Calcutta, Madras, and Bombay, respectively, but not otherwise.

Natives may emigrate from Calcutta, Madras, and Bombay to Saint Lucia and Grenada.

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III. At

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III. At each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency or place within which the Port is situated, to authorize such person or persons as may be nominated by the Governments of Saint Lucia and Grenada, respectively, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act; and every such Emigration Agent shall make monthly reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. The Protector of Emigrants at each of the three Ports aforesaid shall act as protector of laborers emigrating under the provisions of this Act from the aforesaid Ports respectively.

V. It shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in either of the said Colonies from any of the Ports aforesaid in any ship or vessel, unless a license be obtained for carrying Emigrants in any such ship or vessel from the Government of the Presidency or place in which the Port is situated. A fee, not exceeding one Rupee per Emigrant, as may be regulated from time to time by the Local Government, shall be demandable in respect of every such license, which fee shall be carried to the credit of the said Government, and the granting or withholding any such license shall be entirely discretionary with the Government; and in consideration of such license, the Master of every ship conveying, or destined to convey, Emigrants from India, shall execute a Bond, binding himself and his owners in a penal sum of 10,000 Rupees, to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate, that it may be put in suit either at the place of execution or in the Colony to which the Emigrants are to be conveyed, and one copy shall be forwarded to the Government of such Colony, to be dealt with as the case may require. And every ship or vessel in which any such Emigrant shall be conveyed, without a license being obtained as aforesaid, shall be liable to be forfeited, and the Master thereof shall be liable, as for a misdemeanor,

misdemeanor, to a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

VI. It shall not be lawful for the Master of any vessel licensed as above-mentioned to receive on board any Emigrant laborer, as above provided, unless such laborer shall have in his possession and show a certificate or pass, to be given to him by the Emigration Agent of the Port, countersigned by the Protector of Emigrants, stating his name, and the name of his father, and his age, and certifying that, having appeared before such Agent, he has declared his willingness to proceed to work for hire in the Colony to which such vessel is bound, and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

Master of vessel not to receive on board any Emigrants without a certificate.

Certificate what to state, &c.

VII. Before any ship or vessel, so licensed to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for either of the said Colonies, it shall be necessary for the Master of such ship or vessel, provided any Emigrant of the description aforesaid shall embark therein, to obtain from the Emigration Agent, so nominated and authorized at such Port as aforesaid, a certificate, under the hand of such Agent, to the effect following, that is to say—

Before Port-clearance, Master of ship to obtain certificate from Emigration Agent stating—

*First.*—That such Agent has, by personal communication, done what is required on the part of such Agent by the third Article of the Schedule hereunto annexed; provided always, that every such Agent shall make the enquiries specified in such Schedule in an open Court or public Office, to which all persons shall have admission.

That the third Article in the Schedule has been complied with.

Proviso. Inquiries therein specified to be public.

*Second.*—That all the directions contained in the fourth, fifth, sixth, and seventh Articles of the said Schedule, for ensuring the health and safety of passengers, have been duly complied with.

That the directions in the Schedule, as to health, &c., have been complied with.

*Third.*—That (in addition to the directions contained in the said Schedule) such Rules have been complied with as the Governor General in Council shall from time to time frame, touching

That the Government Rules touching

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medical attendance, clothing, &c., have been complied with. ing the medical attendance and medical stores, and the proper clothing to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VIII. The probable lengths of the voyages to Saint Lucia and Gren-  
da, from the Ports aforesaid, respectively, shall, for the pur-  
poses of this Act, be deemed to be—  
Probable lengths of voyage.

From the Port of Calcutta, twenty weeks.

From the Port of Madras, nineteen weeks.

From the Port of Bombay, nineteen weeks ; and that no ship or vessel  
Time of sailing. carrying Emigrant laborers to Saint Lucia or Grenada  
shall sail from Calcutta, Madras, or Bombay at any other  
time than between the 31st day of August and the 1st day of March next  
thereafter ensuing.

IX. Before any ship or vessel shall be cleared out from any of the  
aforesaid Ports for Saint Lucia or Grenada, it shall be  
Master to deliver list necessary for the Master thereof to deliver to the Emi-  
to Emigration Agent. gration Agent, so nominated and authorized at such Port as aforesaid, the  
list specified in Article 10 of the said Schedule, and to obtain such duplicate  
thereof as is required by the said Article.

X. If the Master of any ship or vessel shall, at any of the Ports afore-  
said, take on board such ship or vessel any Emigrant la-  
borer of the description aforesaid, and shall clear such  
Penalty for clearing ship without comply- ship or vessel for Saint Lucia or Grenada without having  
ing with Rules. fully complied with every particular herein required previously to clearance,  
he shall be liable, on conviction before any Magistrate or Justice of the Peace,  
to a penalty not exceeding two hundred Rupees for every Emigrant laborer  
so taken on board his ship or vessel.

XI. If

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XI. If the Master of any ship or vessel shall, after having cleared such ship or vessel at any such Port as aforesaid for Saint Lucia or Grenada, take on board any such Emigrant laborer as aforesaid, without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant prior to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, to a penalty not exceeding five hundred Rupees for every Emigrant so taken on board his ship or vessel.

Penalty for taking on board, after clearance, Emigrants not entered in list.

XII. If any Master of any ship or vessel cleared for Saint Lucia or Grenada as aforesaid shall, after having obtained such certificate as aforesaid, fraudulently do, or suffer to be done, any act or thing whereby such certificate shall become inapplicable to the altered state of the ship or vessel, its passengers or other matters to which such certificate relates, such Master shall be liable, on conviction, to a penalty not exceeding five thousand Rupees, beside incurring a forfeiture of any Bond executed in consideration of any license obtained for the vessel as originally described.

Penalty for fraudulent acts, whereby certificate becomes inapplicable to the altered state of the vessel.

XIII. All the powers vested by Law in the Officers of Customs in regard, to the searching and detention of ships or vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board ships or vessels bound for Saint Lucia or Grenada, and of other offences against this Act; and all Pilots in the Service of the East India Company shall be invested with the same powers, and be charged with the same duties as Preventive Officers of Customs in this behalf.

Custom House Officers and Pilots to exercise, for the purposes of this Act, certain powers vested in the former for the prevention of smuggling.

XIV. Whenever a vessel shall clear from Calcutta for Saint Lucia or Grenada with Emigrant laborers duly embarked thereon, the Customs Officer on board such vessel shall countersign the pass or certificate brought on board such vessel by every such Emigrant laborer, and shall keep a register

Custom House Officers and Pilots at Calcutta to countersign papers.

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of every such Emigrant laborer as may come on board. And such Customs

To muster crew and passengers and Emigrants.

Officer shall remain on board such vessel until she shall arrive in Saugor Roads, and shall not come away until a muster of the crew and passengers and Emigrant laborers has been made in his presence, and in that of the Pilot in charge of the vessel; and after the Customs Officer has taken muster and quitted the vessel, the Pilot shall continue to exercise the duties indicated in Section XIII of this Act; and it shall be lawful for him, if he shall deem it necessary, to require the Master or Commander to take a general muster of the crew and passengers and Emigrant laborers on board, and to sign a muster

Report of Emigrants on board.

roll so taken. And every such Custom House Officer and Pilot shall make a complete Report of the Emigrant laborers on board of any ship at the time of his quitting the same, and such Report shall contain a declaration that, to the best of the declarant's belief, no additional Emigrant laborers have been received on board since obtaining the certificate, and that nothing else has been done or omitted to be done in the ship or vessel contrary to the provisions of this Act; and every such report or muster, if any, shall be transmitted without delay to the Emigration Agent

Penalty.

of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous, or incomplete report of the Emigrant laborers on board of any ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers, shall be liable, besides dismissal, to a fine of five hundred Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XV. If any person shall forge, or shall use, knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

Punishment for forgery of document required by this Act.

XVI. All the several penalties to which the Masters of ships or vessels are liable by this Act, shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent or of any Officer appointed for the purpose by the Government

Penalties how to be enforced.

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Government of the Presidency or place, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the license granted to the ship.

XVII. This Act shall take effect as to the said Colonies respectively from the day when the Governor General of India in Council, or in his absence the President in Council, shall notify in the *Calcutta Gazette*, that such Regulations have been provided, and such measures taken, as he may deem necessary for the protection of such Emigrants during their residence in such Colony, and in respect of their return to India.

SCHEDULE.

1. The Governors of Saint Lucia and Grenada may, from time to time, Appointment of Emigration Agent. nominate such persons as they shall see fit to act as Emigration Agents at Calcutta, Madras, and Bombay.
2. The remuneration to be given to any such Agent in India shall not Remuneration. depend upon or be regulated by the number of Emigrants sent by him, but shall be in the nature of an annual salary.
3. Every such Emigration Agent shall ascertain, by personal communication with every Emigrant previously to his or her Duty. embarkation from the port or place for which such Agent shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud, false or unreasonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate from the place where he or she is about to embark, and such Agent shall explain the real advantages likely to be derived by such Emigrant from a removal to such Colony, at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health and not incapacitated from labor by old age, bodily infirmity, or disease.
4. It shall not be lawful to ship on board of any ship or vessel carrying Number of passengers. Emigrants from India to either of the Colonies aforesaid, any number of passengers exceeding the proportion of  
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of one person for every two tons of the registered burthen of such ship or vessel ; and no such ship or vessel carrying Emigrants, and having more than one deck, shall have less than the height of six feet at the least between decks ; and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck, and in such manner as to afford a space of the height of six feet at the least, and such platform shall not be so laid as that the lower beams shall project above the same ; and no such ship or vessel shall have more than two tiers of berths ; and no such ship or vessel shall carry passengers on any such voyage to any of the Colonies aforesaid, unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier, throughout the whole extent thereof ; and whatever may be the tonnage of the ship or vessel, no greater number of passengers shall be taken on board of such ship or vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform, unoccupied by goods or stores not being the personal luggage of such person.

5. In the computation of the number of passengers within the meaning of these Regulations, two children under the age of ten years shall be considered as equal to, and shall be reckoned as, one person only.

Children.

6. There shall be actually laden on board of every ship or vessel conveying Emigrants into either of the Colonies aforesaid, at the time of departure of such ship or vessel from the port at which such laborers shall be embarked, good and wholesome provisions for the use and consumption of the said passengers, over and above the victualling of the crew, to the amount or in the proportion following : that is to say, a supply of water to the amount of five gallons for every week of the computed voyage for every passenger on board such ship or vessel, such water being carried in tanks or sweet casks ; and a supply of rice, bread, biscuit, flour, oatmeal, or bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger. Provided always that, when any such ship or vessel shall be destined to call at a port or place in the course of her voyage, for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every

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every week of an average voyage to such port or place of calling shall be deemed to be a compliance with this Regulation ; and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear that, by the special authority of the Governor General of India in Council, any other articles of food were substituted for the articles above enumerated, as being, in his judgment, equivalent thereto.

7. Before any such ship or vessel shall be cleared out on any such voyage, the Emigration Agent appointed for the port or place from which such ship or vessel shall be cleared out shall survey, or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same, there is on board an ample supply of water and stores for the victualling of the crew of the ship or vessel, and shall also ascertain that such ship or vessel is generally reputed sea-worthy, and that the directions hereinbefore contained for ensuring the health and safety of the passengers have been complied with, and shall grant a certificate thereof, under his hand, to the Master of such ship or vessel.

8. The Master of every ship or vessel conveying Emigrants to Saint Lucia or Grenada shall be bound to provide for and furnish to every such Emigrant, and his wife and children, a sufficient quantity of good and wholesome provisions for his, her, and their daily maintenance during such voyage, and during the space of forty-eight hours next after the arrival of such ship or vessel at the place of destination.

9. Two copies of these Regulations, and two copies of a translation thereof in the Bengalee language, or such other language as the Government may direct, authenticated by the signature of the Emigration Agent at the port or place at which such Emigrants shall embark, shall be delivered to the Master by such Agent, at the time of clearance, and shall be kept on board of every ship or vessel carrying such Emigrants as aforesaid, during the whole voyage, and one of such

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copies or translations shall, upon request made at reasonable times to the Master of the ship or vessel, be produced to any passenger for his perusal.

10. The Master of every ship or vessel carrying Emigrants from India to either of the Colonies aforesaid shall, before clearing out such ship or vessel, deliver to such Emigration Agent, at the port or place from which such vessel is cleared out, a list in writing, together with a duplicate of the same, specifying, as accurately as may be, the names, ages, and occupations of all and every the Emigrants on board such ship or vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such list signed by such Agent; and the said Master shall, on the arrival of such ship or vessel at the place of destination, and previous to the disembarkation of any such Emigrants, give notice of the arrival of such ship or vessel, and deliver the said counterpart of such list to the Protector of Emigrants appointed, or to be appointed, at the Colony at which the said ship or vessel may have arrived.

11. Provided always that nothing in these Regulations contained shall apply to any ship or vessel in the service of the Rules not applicable to ships of war. Lords Commissioners of the Admiralty or to any of Her Majesty's Ships of War.

